

Charter Township of Canton Board Proceedings – May 27, 2014

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, May 27, 2014 at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:00 p.m. **7:00 P.M.: CLOSED SESSION - FOR DISCUSSION OF PENDING LEGAL LITIGATION** Motion by Bennett, supported by Anthony to move from open session to closed session at 7:01 p.m., for the purpose of discussing pending legal litigation. Motion carried unanimously. **Roll Call** Members Present: Anthony, Bennett, LaJoy, McLaughlin, Sneiderman, Williams, Yack; Members Absent: None; Staff Present: Director Faas, Director Mutchler, Kristin Kolb, Carol Rosati; Attorney - Johnson, Rosati, Schultz & Joppich PC Motion by Bennett, supported by Williams to move from closed session to open session at 8:10 p.m. Motion carried unanimously. Supervisor LaJoy reconvened the open meeting at 8:10 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, LaJoy, McLaughlin, Sneiderman, Williams, Yack; Members Absent: None; Staff Present: Director Faas, Director Mutchler, Kristin Kolb **Adoption of Agenda** Motion by Bennett, supported by Williams to approve the agenda as presented. Motion carried unanimously. Motion carried unanimously. **Citizen's Non-Agenda Item Comments:** Dana Reader, resident at 43813 Fredricksburg addressed the board to show his support of the proposed amendment to the Code of Ordinances - Chapter 36 - Equal Rights Amendment, proposed by Trustee Sneiderman. Supervisor LaJoy explained the township is in the process of amending this ordinance. The next step is the second reading at the Public Hearing during the June 10 Board Meeting. George Miller, 1946 Briarfield, presented the Board with a petition signed by 70 residents, as well as approximately 10 residents from Van Buren Township, requesting the suspension of target shooting at the Public Safety Gun Range on Sundays and Legal Holidays **GENERAL CALENDAR: Item 1.Consideration of Adoption of a Moratorium on New Smoking Lounges and Facilities to Allow for Study and Development of Standards for Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges And Bars, and Other Smoking Facilities.** (MSD) Motion by Bennett, supported by Anthony to adopt the proposed Resolution Adopting a Moratorium on Smoking Lounges and Facilities. Motion carried unanimously. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON Resolution Adopting A Moratorium On Smoking Lounges And Facilities R E C I T A T I O N S:** The Board of Trustees for the Charter Township of Canton has determined that a need has emerged to study and develop regulations for public health, safety and welfare applicable to establishments that operate smoking lounges and facilities commonly described as Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name. While the state of Michigan issues the Tobacco Retail Special Shop exemptions from the Dr. Ron Davis Smoke Free Air Law, there are little to no other laws regulating these businesses. Accordingly, the Board of Trustees for the Charter Township of Canton finds that it is necessary to research the possibility of developing consistent, cohesive, and objective land use, development, and regulatory standards applicable to facilities and establishments commonly described as Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name, that may desire to operate within the Township. Further, the Board of Trustees for the Charter Township of Canton finds that it would be counterproductive to approve the operation of these establishments within the Township while the Township studies and develops and adopts applicable, consistent regulations. NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: **1.**The Township Administration and Township Board shall study the need for regulation and develop consistent, cohesive and objective land use, development and regulatory standards for the operation of Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name. **2.** During the course of study and deliberations as to the appropriate zoning and regulatory ordinance regulations for Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name, a moratorium is hereby declared effective immediately for a period of 180 days from the date hereof. Effective May 27, 2014, Township review and approval of all applications, related to Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name, shall be deferred. **3.** During the period of this moratorium, there shall be no consideration or action taken by the Township, any elected or appointed official, or any employee on any request to operate a Tobacco Retail Specialty Shop, Cigar Bar, 0% Nicotine Establishment, Hookah Lounge or Bar, or any other Smoking Facilities whether a new operation or a license location transfer, including an application for a certificate of occupancy. **4.** During this period of a moratorium, an aggrieved property owner or business petitioner may request and be entitled to a hearing before the Township Board for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of State or Federal law. A hearing shall be requested in a written submittal to the Township Clerk that describes the grounds for the request and will be scheduled for the next regular Township Board meeting. Upon concluding the hearing, the Township Board shall determine whether the petitioner has made the required demonstration, and if so, shall grant relief from the moratorium to the extent necessary to cure that effect or violation. **5.** This moratorium shall expire automatically upon adoption of an ordinance regulating Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges or Bars, or other Smoking Facilities. **CERTIFICATION** I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Board of Trustees of the Charter Township of Canton, County of Wayne, State of Michigan, at a regular meeting held on the 27th day of May, 2014 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will or have been made available as required by said Act. Terry G. Bennett, Clerk Dated: May 27, 2014 Supervisor LaJoy explained during the time it takes to complete the study and establish a set of regulations and ordinances, the board would request a moratorium on allowing more of these establishments to operate in Canton Township. Director Mutchler commented since 2012 Public Safety has had 38 calls for service at the Hookah Lounge located near Cherry Hill and Canton Center. They have also received numerous complaints from surrounding businesses related to litter and illegible substance use, as well as residents complaints regarding noise during and after business hours. Trustee Yack asked would it be reasonable to apply a time limit on the moratorium. Kristin Kolb explained the resolution has a 6 month time limit and an appeal process in it. Trustee Williams asked would the existing Hookah Lounge be grandfathered Ms. Kolb explained if a new ordinance requires a license, the existing lounge would be required to obtain one. But, outside of licensing, the existing lounge would be exempt from the other regulations. Ms. Kolb stated as of 4:30 p.m. today, the proposed Goldengate site had not received their state exemption. Therefore, this site would be subject to this moratorium. Trustee Yack asked if a license could be revoked if there are complaints/Public Safety issues with a particular establishment. Ms. Kolb explained this could be covered by an ordinance. Trustee Sneiderman asked if there are cigar bars in Canton. Ms. Kolb replied there is one on Ford Road. Trustee Sneiderman asked if the rules would be varied based on the type of establishment. Ms. Kolb replied all establishments covered by the Dr. Ron Davis Smoke-Free Air Law would be treated equally. **ADDITIONAL PUBLIC COMMENT:** None **OTHER:** Trustee Anthony commented, "Great Job!" on the 32nd Canton Cup Soccer Tournament which took place over Memorial Day Weekend. The entire event came off without a single hitch. Director Mutchler agreed there were no issues and the weather cooperated beautifully! Trustee Anthony congratulated Supervisor LaJoy on his upcoming birthday on Wednesday May 28. **ADJOURN:** Motion by Sneiderman, supported by Anthony to adjourn at 8:23 p.m. Motion carried by all members present. – Philip LaJoy, Supervisor – Terry G. Bennett, Clerk –

Copies of the complete text of the Board Minutes are available at the Clerk's office of the Charter Township of Canton, 1150 S. Canton Center Rd, Canton, MI 48188, 734-394-5120, during regular business hours and can also be accessed through our web site www.canton-mi.org after Board Approval. Publish: June 5, 2014

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