

Charter Township of Canton Board Proceedings – May 26, 2015

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, May 26, 2015 at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, LaJoy, Williams, Yack Members Absent: McLaughlin, Sneiderman Staff Present: Director Bilbrey-Honsowetz, Director Faas, Director Mutchler, Director Trumbull, Kristin Kolb **Adoption of Agenda** Motion by Yack, supported by Anthony to approve the agenda as presented. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Williams to approve the Board Minutes of May 12, 2015 as presented. Motion carried by all members present. Last week HB 4052 passed the house. This legislation could possible invalidate some local ordinances. **Citizen's Non-Agenda Item Comments:** State Representative, Kristy Pagan gave an update on various items in State Government. The House is looking into alternate funding plans for Michigan roads. The State Budget is in process and working its way through the House and the Senate. The Senate recently passed Senate Bills 1, 2, and 3 dealing with the prevailing wage laws. Stephanie Johnson of Capital Services, the multi-client lobby firm in Lansing which represents Canton Township introduced herself to the Board. **Payment of Bills** Motion by Bennett, supported by Williams to approve payment of the bills as presented. Motion carried by all members present. **CONSENT CALENDAR; Item C-1. Consider Second Reading of Code of Ordinances Amendments to Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article IV Entitled "Exterior Concrete", Sections 78-91 to 78-96 (MSD)** Motion by Bennett, supported by Yack to remove from the table the first reading of an ordinance which amends the Township Code of Ordinance, Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article IV Entitled "Exterior Concrete", Sections 78-91 to 78-96. Motion carried by all members present. Motion by Bennett, supported by Yack to hold the second reading and amend the Township Code of Ordinance, Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article IV Entitled "Exterior Concrete", Sections 78-91 to 78-96 with a publication and effective date of June 4, 2015. Motion carried by all members present. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 78 AN ORDINANCE TO AMEND THE TOWNSHIP CODE OF ORDINANCE - CHAPTER 78 "BUILDINGS AND BUILDING REGULATIONS", ARTICLE IV "EXTERIOR CONCRETE", SECTIONS 78-91 TO 78-96 TO PROVIDE FOR LANGUAGE RELATED TO ASPHALT PARKING LOTS AND DRIVEWAYS THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE Chapter 78, Article IV of the Charter Township of Canton Code of Ordinances, "Exterior Concrete" is hereby amended to read as follows: **ARTICLE IV. - EXTERIOR CONCRETE AND ASPHALT PAVING, Sec. 78-91. - Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Asphalt paving means horizontal asphalt or bituminous paving, including, but not limited to, parking lots, driveways, and private roads. Building official* means the township building official or their duly authorized representative or agent. *Exterior concrete* means any horizontal concrete on the exterior of a building, including, but not limited to, porches, patios, sidewalks, driveways and aprons which are on private property. *Township engineer* means the township engineering services manager or their duly authorized representative. **Sec. 78-92. - Interpretation; conflicts with other ordinances.** The provisions of this article shall be construed, if possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the township and all amendments thereto; provided, however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail. If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provisions while retaining the intent in such appealed instance. **Sec. 78-93. - Administration and enforcement. Administration generally.** The building official and township engineer shall administer the requirements of this article so as to protect the health and safety of the public and other persons. *Permit required.* All work regulated by this article shall, prior to any work beginning, require a compliance permit issued in accordance with the state construction codes. *Permit fees.* The township board shall, from time to time, by resolution, establish fees for permits required by this article. A permit shall not be issued until the fee as prescribed by the resolution of the township board is paid. *Stop work orders.* Construction work that is being done contrary to the provisions of this article shall be immediately stopped upon notice from the building official. *Inspections.* No concrete or asphalt paving shall be placed prior to an inspection and approval by the building official and township engineer. *Conformance with state construction code.* All work shall be in accordance with the state construction code. **Sec. 78-94. - Specifications. Subgrade.** Subgrades for exterior concrete and asphalt paving shall be prepared in accordance with accepted good engineering practices. Exposed roots and vegetation shall be removed and replaced with sand. All fill sand shall be compacted to 95 percent of total compaction. Concrete shall not be placed on disturbed soil unless other acceptable means are provided to support the concrete. *Forms.* Forms for concrete shall extend the full thickness of the work and be held securely in place by the use of stakes or other bracing. *(c) Placement of concrete.* Concrete for exterior work shall contain not less than six bags of concrete per cubic yard. No concrete shall be placed having a slump greater than six inches. All concrete shall consist of a single course, tamped and spaded into place. As soon as concrete is poured and after spading, a straight edge template is to be used as a strike-off across the forms to ensure a true surface. The work is to be finished using a bull float to compact the concrete where necessary. The edges of the concrete flags shall be turned down with an edger having a radius not exceeding one-quarter inch. *(d) Expansion joints.* All concrete, when placed next to a wall or structure, must be separated by an expansion joint. Expansion joints shall consist of a non-extruding bituminous material one-half inch thick. *(e) Protection of concrete; curing.* All freshly laid concrete shall be protected against damage by erection of suitable barricades and lights from dusk to dawn. The concrete shall be protected against adverse weather for not less than three days. In no case shall the permit holder permit anyone to walk on or deface the surface before the concrete is thoroughly set. *(f) Removal of forms; backfilling.* After the concrete has set, the forms and stakes shall be removed without damaging the concrete. The spaces on both sides shall be backfilled, compacted, and graded to meet established grades. Excess materials shall be removed from the job site. Where grading has not been approved, all concrete shall be backfilled to prevent undercutting and erosion. *(g) Placement of asphalt paving.* Placement of asphalt paving shall occur in compliance with the established Canton Township Engineering Standards for Private Roads and Parking Lots. *(h) Supervision of work; inspections.* The building official and township engineer shall, at all times, have access to any work. A responsible representative shall be in charge of the work on the site at all times and shall have the necessary qualifications and authority to execute, adhere to and carry out the requirements of the specifications. All work shall be done to the satisfaction of the building official and township engineer. *(i) Correction of defects.* Defects appearing within 12 months of installation and determined by the building official or township engineer to be hazardous or unsightly and caused by settlement, defects, or damages in any portion of the work due to travel, rain, storm, snow, ice, frost, freezing, improper curing or finishing or other causes shall be repaired or replaced to the satisfaction of the building official or township engineer. Repairs shall be made at the expense of the permit holder. **Sec. 78-95. - Driveway paving required.** Any proposed driveway which abuts a public right-of-way in which the road or street is paved shall also be required to be paved. The building official shall have the authority to waive this requirement if the driveway is in a rural area and driveways in the general vicinity are not paved. **Sec. 78-96. - Sidewalks in right-of-way.** This article does not cover and shall not apply to any and all sidewalks found within the right-of-way of the county road commission or any other state subdivision. **SECTION 2. VIOLATION AND PENALTY** Any person or entity that violates any provision of this Ordinance may, upon conviction, be responsible for a civil infraction and may be fined not more than Five Hundred (\$500.00) Dollars. **SECTION 3. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. **SECTION 4. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance is conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 5. SAVINGS CLAUSE** All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 6. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 7. EFFECTIVE DATE** This Ordinance, as amended, shall take full force and effect upon publication as required by law. **CERTIFICATION** The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 26<sup>th</sup> day of May, 2015, and was ordered to be given publication in the manner required by law. Terry G. Bennett, Clerk. Introduced: May 12, 2015 Adopted: May 26, 2015 Published: June 4, 2015 Effective: June 4, 2015 Copies of the complete text of this Ordinance are available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. **Item C-2. Consider Request to Approve Purchase Order to Election Systems & Software, LLC, for May 5, 2015 Election Coding (Clerk)** Motion by Bennett, supported by Yack to approve the payment of \$6,577.25 to Election Systems & Software LLC, 6055 Paysphere Circle, Chicago, IL 60674 for the coding of the May 5, 2015 Special Statewide Election. Motion carried by all members present. **GENERAL CALENDAR; Item G-1. Consider Approval Of An Intergovernmental Agreement Between Wayne County And Canton Township For Improvements To Patriot Park.** (CLS) Motion by Bennett, supported by Williams to authorize the Township Supervisor and Clerk to sign the Intergovernmental Agreement between Wayne County and Canton Township for Improvements to Patriot Park and to authorize the Finance Department to make necessary budget adjustments to record the Wayne County contribution. Motion carried by all members present. Motion by Bennett, supported by Williams to approve a budget amendment to increase Revenue Account #246-750.58, Contributions from Local Units by \$112,377 and to increase Expense Account #246- 750.801\_0050, Professional Services by \$112,377. Motion carried by all members present. **Item G-2. Consider Increase Of Summit On The Park Design & Build Purchase Order.** (CLS) Motion by Bennett, supported by Williams to increase the PO with Heaney General Contracting for the Design and Build Restoration Project for the Summit on the Park to an amount not to exceed \$695,000 to be paid from account 208-757-50.970\_0020. Motion carried by all members present. Motion by Bennett, supported by Yack to approve the following budget amendments: 101-969.999\_2080 Transfers Out Community Center increase \$200,000 101-000.695 Fund Balance Appropriation increase \$200,000 208-757-50.970\_0020 Capital Outlay Buildings & Improv increase \$200,000 208-757-50.699\_1010 Transfers In General increase \$200,000 Motion carried by all members present. **Item G-3. Consider Approval of Emergency Purchase Order for Replacement of Summit Roof Top Unit Compressors.** (CLS) Motion by Bennett, supported by Williams to approve the purchase order to Building Automated Systems and Services, 6260 18-1/2 Mile Road, Sterling Heights, Michigan 48314 for emergency repair of mechanical rooftop unit #14 at the Summit on the Park in the amount of \$12,000 from account # 246-750-970-0020 Community Improvement – Miscellaneous Mechanical Repairs/Replacements. Motion carried by all members present. **Item G-4. Consider Approval Of Resolution To Amend Municipal Employees' Retirement System (MERS) Pension Plan, POAM Division Per The POAM Collective Bargaining Agreement.** (FBD) Motion by Bennett, supported by Anthony to approve the MERS Defined Benefit Plan Adoption Agreement for the POAM group, effective retroactively to January 1, 2015. Motion carried by all members present. **Item G-5. Consider Approval Of Resolution To Amend Municipal Employees' Retirement System (MERS) Pension Plan And Create A New Command Division Per The POLC Collective Bargaining Agreement.** (FBD) Motion by Bennett, supported by Williams to approve the MERS Defined Benefit Plan Adoption Agreement for a new division of command employees, POLC – Entering Union after 1/1/13. Motion carried by all members present. **Item G-6. Consider Approval Of Modifications Of Contracts With Two Homeowner Associations For The Wayne County Township Roads Initiative.** (MSD) Motion by Bennett, supported by Anthony to approve the modified contracts with Willow Homes HOA and Glengarry #1 HOA for the Wayne County Township Residential Road Initiative. Motion carried by all members present. **Item G-7. Consider First Reading of Code of Ordinance Amendments to Part II, Chapter 110 Entitled "Subdivisions and Other Divisions of Land", Article III Entitled "Design Standards and Required Improvements", Section 110-150.** (MSD) Motion by Bennett, supported by Anthony to introduce and hold the first reading of the proposed Ordinance Amendments to Part II, Chapter 110 Entitled "Subdivisions and Other Divisions of Land", Article III Entitled "Design Standards and Required Improvements", Section 110-150. Motion carried by all members present. Motion by Bennett, supported by Williams to table consideration of the amendment for a second reading on June 9, 2015. Motion carried by all members present. **Item G-8. Consider Approval Of A Budget Amendment To The Stormwater Drains Program And Approve Payment To Wayne County For The 2013 & 2014 Drain Assessments.** (MSD) Motion by Bennett, supported by Williams to approve a \$40,000 budget amendment to the water and sewer fund account #592-445.930\_0050 (Maintenance & Repair of Infrastructure) as follows: a. Decrease Expenditure: #592-536.990 Transfer to Fund Balance b. Increase Expenditures: #592-445.930\_0050 Maintenance & Repair of Infrastructure. Motion carried by all members present. Motion by Bennett, supported by Williams to approve payment to Wayne County for the 2013 and 2014 drain assessments totaling \$46,505.91. Motion carried by all members present. **Item G-9. Consider Approval Of An Intergovernmental Agreement With Wayne County For The Local Partnering Initiative For Township Roads.** (MSD) Motion by Bennett, supported by Yack to approve the intergovernmental agreement with Wayne County for the Local Partnering Initiative for Township Roads as provided in the model resolution. Motion carried by all members present. **RESOLUTION OF BOARD OF TRUSTEES CHARTER TOWNSHIP OF CANTON** Motion by Bennett, Support by Yack, that **Whereas**, the Canton Township believes quality roads are a vital part of any community, and **Whereas**, certain improvements are necessary to County Local Roads to increase traffic safety, and **Whereas**, the County of Wayne has committed to Canton Township to assist financially during FY 14-15 and FY 15-16 in the improvements to local roads within the township limits, and **Whereas**, Wayne County will provide payment to the Canton Township up to 80% or the capped amount of \$ 1,500,000 per year as the COUNTY's participation of the total Project Costs; and **Whereas**, upon execution of this Agreement by the COUNTY, the COUNTY will provide a Working Capital Advance to the TOWNSHIP in the amount of \$375,000 as twenty five percent (25%) of the COUNTY's participation of the FY 14-15 total Project Cost; and **Now, therefore be it resolved**, that the Charter Township of Canton Board of Trustees does hereby approve the proposed Agreement between Canton Township and County of Wayne for the improvements of Local County Roads within the Township and **Be it further resolved**, that the Supervisor and Clerk are authorized to execute the Agreement on behalf of the Charter Township of Canton. YEAS: 5 NAYS: 0 ABSENT: 2 ABSTAIN: 0 I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the board of Trustees of the Charter Township of Canton, County of Wayne, Michigan, at a meeting held on May 26, 2015. Terry G. Bennett, Township Clerk **ADDITIONAL PUBLIC COMMENT:** None **OTHER:** Director Bilbrey-Honsowetz encouraged residents to take advantage of the wonderful weather by participating in the outdoor activities available in Canton. Trustee Yack asked how here we are on the engineering of Lotz Road. Director Faas explained they have had the 90% design meeting and should be in the bid process in either June or early July. He is expecting the Water Main work to be before the board in the next few weeks. **ADJOURN:** Motion by Bennett, supported by Anthony to adjourn at 7:45 p.m. Motion carried by all members present. **Terry G. Bennett, Clerk****