

Charte Township of Canton Board Proceedings – February 9, 2016

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, February 9, 2016 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, Sneiderman, Williams, Yack Members Absent: McLaughlin Staff Present: Director Bilbrey-Honsowetz, Director Faas, Director Trumbull, Deputy Chief Hilden Staff Absent: Director Mutchler **Adoption of Agenda** Motion by Anthony, supported by Sneiderman 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 January 26, 2016 as presented. Motion carried by all members present. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, commented about a barking dog complaint from July 2015. Mr. Miller asked who is responsible for checking the Leachate System drainage system. Director Faas explained there are two regulatory authorities – YUCA and Great Lakes Water Authority responsible for the monitoring and both have professional staff that perform regular testing of the Leachate System. Wendy Lukianoff, 2430 Brookfield, disagreed with the proposal to install a fence 3 foot inside a property line when neighboring property owners do not agree. Director Faas explained the proposed amendment would require 3 feet from each owner. He offered to do a 12-month follow up on this new ordinance for possible reconsideration. Supervisor LaJoy explained the overall goal is to have neighbors cooperate, however if they do not, the ordinance would allow for proper property maintenance. Trustee Sneiderman explained the current ordinance only allows for a 3 foot separation, the new ordinance would expand this to 6 ft. in the future. **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. Reappointments to the CDBG Advisory Council. (FBD)** Motion by Bennett, supported by Yack to reappoint Mary Jane Weidenbach, Sylvester Noetzel, John Spencer and Phyllis Redfern to the CDBG Advisory Council for a two year term, effective January 1, 2016 and expiring on December 31, 2017. Motion carried by all members present. **Item C-2. Consider Approval of Application for MLCC Special Liquor Licenses. (CLS)** Motion by Bennett, supported by Yack to approve the agreement and authorize the sale and consumption of alcohol at The Celtic Celebration on Saturday, June 11, 2016, and adopt the following resolution. Motion carried by all members present. That the Canton Soccer Club, through its duly elected officers, make application to the MLCC for a Special License for the sale of alcohol for consumption on the premises to be in effect on Saturday, June 11, 2016 at Independence Park located on Denton Road in Canton, Michigan, County of Wayne. Motion by Bennett, supported by Yack to approve the agreement and authorize the sale and consumption of alcohol at Liberty Fest on June 16 through 18, 2016 and furthermore; and adopt the following resolution. Motion carried by all members present. That the Canton Rotary, through its duly elected officers, make application to the MLCC for a Special License for the sale of alcohol for consumption on the premises to be in effect on June 16-18, 2016 during Liberty Festival at Heritage Park located at 1010 Canton Center Rd, Canton, Michigan, County of Wayne. Motion by Bennett, supported by Yack to approve the agreement and authorize the sale and consumption of alcohol at The Canton Historical Society's "Brew, Brats & Bands at the Barn" fundraiser on Saturday, September 10, 2016; and furthermore; and adopt the following resolution. Motion carried by all members present. That the Charter Township of Canton, through its duly elected officers, make application to the MLCC for a Special License for the sale of alcohol for consumption on the premises to be in effect on Saturday, September 10, 2016 at the Cady-Boyer Barn in Preservation Park located at 500 N. Ridge Road in Canton, Michigan, County of Wayne and that the Township Supervisor and Clerk be authorized to sign and submit this application. **Item C-3. Consider Second Reading of Code of Ordinance Amendments to Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article V Entitled "Fences, Walls and Borders", Sections 78-123 to 78-131. (MSD)** Motion by Bennett, supported by Yack to remove from the table the first reading of an amendment to the Township Code of Ordinance which amends, Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article V entitled "Fences, Walls and Borders", Sections 78-123 to 78-131. 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 V entitled "Fences, Walls and Borders", Sections 78-123 to 78-131. Motion carried by all members present. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 78 THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE Sec. 78-123. - Penalty.** Any person who fails to comply with any of the provisions of this article, or any of the regulations adopted in pursuance thereof, shall be responsible for a civil infraction. **Sec. 78-127. - Nonconforming fences.** Nonconforming fences shall not be modified, unless any proposed modification brings the fence into compliance with this article. **Sec. 78-128. - Permit.** (c) *Standards for issuance.* The building official or their agents shall grant and issue the fence permit if: (1) The proposed fence or wall conforms with the requirements of this article and the zoning ordinance. (2) The proposed fence or wall will not unreasonably interfere with or detract from the public health, welfare and safety. (3) The subject lot or parcel has a grade approved by the building and inspection services division. (4) The applicant tenders a fee in the amount prescribed by the township board prior to the consideration of the application. (d) *Deed restrictions or other covenants.* The issuance of a fence permit under this section ~~is~~ does not, nor should it be construed to, supersede or abrogate the requirements of any restrictions applicable to applicant's property through a declaration of covenants and restrictions, master deed and bylaws, or other similar document. The township shall not be liable for issuing a fence permit that would be prohibited by applicant's homeowners' association. **Sec. 78-129. - General construction standards; prohibited fences; maintenance.** (f) *Maintenance.* All borders, fences and walls shall be maintained in good structural condition at all times. Rotten or broken components shall be replaced, repaired, or removed. All fences and walls shall be kept neatly painted, stained, similar treatment, and any paint, stain or treatment shall be uniform in color for the entire fence. (g) *Location generally.* All borders, fences, or walls shall be constructed on the property line; provided, however, that if the applicant is unable to obtain the written, notarized consent of the adjacent property owner to construct the fence on the property line, the fence shall be constructed three feet inside the applicant's property line. (j) *Orientation.* All fences shall be constructed so as to have a finished appearance when viewed from either side. **Sec. 78-131. - Zoning district restrictions.** All fences and walls shall conform to the following location and height requirements: * * * (4) *All other zoning districts. Partition fences and walls.* All fences and walls constructed or installed between lots shall not exceed a height of six feet above the average grade of the two adjoining lots and shall not extend closer to the front lot line than the rear building line of the building thereon, or to the rear building line of the adjoining lots. Fences or walls constructed or installed between lots may be extended up to, but not into, the required front yard area provided they do not exceed four feet above the average grade of the two adjoining lots. Except as otherwise provided in this article, fences are to be constructed on the property line, subject to the applicant obtaining the consent of any adjacent property owners. **SECTION 2. 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 3. 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 4. 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 5. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 6. 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 9th day of February, 2016 and was ordered to be given publication in the manner required by law. Terry G. Bennett, Clerk Introduced: January 26, 2016. Adopted: February 9, 2016 Published: February 18, 2016 Effective: February 18, 2016 **Item C-4. Consider Second Reading of Code of Ordinance Amendments to Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article IV Entitled "Exterior Concrete", Sections 78-91 to 78-94. (MSD)** Motion by Bennett, supported by Yack to remove from the table the first reading of an amendment to the Township Code of Ordinance which amends, Part II, Chapter 78 Entitled "Buildings and Building Regulations", Article IV Entitled "Exterior Concrete", Sections 78-91 to 78-94. 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 78-94. Motion carried by all members present. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 78 AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE IV, EXTERIOR CONCRETE AND ASPHALT PAVING, TO ADD A REQUIREMENT FOR INSTALLATION OF A RAT WALL FOR STRUCTURES WITH CONCRETE FOUNDATIONS THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Chapter 78, Article IV, Section 78-91, entitled "Definitions" is hereby amended to read as follows: **Sec. 78-91. -Definitions.** * * * *Exterior Concrete* means any horizontal concrete on the exterior of a building or structure, including, but not limited to, porches, patios, shed floors, sidewalks, driveways, and aprons which are on private property. * * * Chapter 78, Article IV, Section 78-94(b), entitled "Specifications" is hereby amended to read as follows: **Sec. 78-94. -Specifications.** [Unchanged.] *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. For sheds, garages and covered porches or patios where foundations are not required under the then-current building code, a 24" deep (from grade) by 4" wide rat wall shall be required. – (i) [Unchanged.] **SECTION 2. 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 3. 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 4. 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 5. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 6. 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 9th day of February, 2016 and was ordered to be given publication in the manner required by law. Terry G. Bennett, Clerk Introduced: January 26, 2016. Adopted: February 9, 2016 Published: February 18, 2016 Effective: February 18, 2016 A copy of the complete text of these Ordinances is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org. **GENERAL CALENDAR: Item G-1. Request to Create the Position and Establish Wages for Super-Chair Precinct Inspectors. (Clerks)** Motion by Bennett, supported by Sneiderman create the position of Super-Chairperson Precinct Inspector at the wage of \$380.00 per Election Day. Motion carried by all members present. **Item G-2. Consider Authorization for Purchase of (2) Park Mowers for the Parks Division. (CLS)** Motion by Bennett, supported by Williams to authorize the purchase of two walk behind mowers in the amount of \$11,918.00 from Weingartz, 39050 Grand River Ave., Farmington Hills, MI 48335 with budgeted funds coming from Account 101-270-50.970_0030 Capital Outlay Machinery and Equipment. Motion carried by all members present. **Item G-3. Consider Approval of a Budget Amendment and a Minor Reorganization in Building & Inspection Services. (MSD)** Motion by Bennett, supported by Sneiderman to approve a budget amendment in the General Fund for the transfer of the Permit & Plan Reviewer position as follows: Increase Revenues: Account #101-477 (Permit Building) by \$78,831 Account #101-633 (Building Plan Code) by \$30,000 Increase Expenses: Account #101-371.705_0010 (FT Salaries) by \$68,825 Account #101-371.720 (Various Fringe Accounts) by \$32,006. Motion carried by all members present. Motion by Bennett, supported by Williams to create and fill the two positions of Residential Rental Program Inspector I and delete the Residential Rental Inspector II position in the Building & Inspection Services Division of the Municipal Services Department. Motion carried by all members present. **Item G-4. Consider Approval of a Budget Amendment and Award of a Contract Award to Spalding DeDecker for the Lotz Road Water Main Construction Engineering. (MSD)** Motion by Bennett, supported by Sneiderman to approve a budget amendment in the amount of \$46,530, for the water main construction engineering services provided by Spalding DeDecker on the Lotz Road Project as follows: Increase Fund balance Appropriation: #592-000.695 (Fund Balance Appropriation) by \$46,530 Increase Expenditure: #592-536.970_0050 (Capital Outlay – Infrastructure) by \$46,530. Motion carried by all members present. Motion by Bennett, supported by Williams to award a contract in the amount of \$42,300, plus a contingency of 10% (\$4,230), for a total amendment of \$46,530 for the construction engineering and inspection for the Lotz Road water main installation, and also authorize the Township Supervisor to sign the proposal on behalf of Canton Township. Motion carried by all members present. **Item G-5. Consider Approval of a Regional Stormwater System Maintenance Agreement for the Hamlet Regional Detention Pond. (MSD)** Motion by Bennett, supported by Sneiderman to approve the Regional Stormwater System Maintenance Agreement for the Hamlet Regional Detention Pond; and, further authorize the Township Supervisor to sign the agreement on behalf of Canton Township. Motion carried by all members present. **ADDITIONAL PUBLIC COMMENT:** None **OTHER:** None **ADJOURN:** Motion by Anthony, supported by Williams to adjourn at 7:43 p.m. Motion carried by all members present. **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.

EC021816-1268 2.5 x 16.75