

Charter Township of Canton Board Proceedings – August 9, 2016

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, August 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, McLaughlin, Sneiderman (arrived 7:03 p.m.), Williams (arrived 7:07 p.m.) Members Absent: Yack Staff Present: Director Bilibrey-Honsowetz, Director Faas, Director Meier, Director Trumbull, Kristin Kolb

Adoption of Agenda Motion by Bennett, supported by Anthony to amend the agenda to add Item G-6 Consider Waving the Purchasing Policy and Approve the Emergency Replacement of Patrol Car #1326 and Approval of a Budget Amendment. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Anthony to approve the Board Minutes of July 26, 2016 as presented. Motion carried by all members present. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, stated he would like the Public Safety Grievance form to be changed to a complaint form. Mr. Miller stated he would like the township to require residents obtain a permit to hold Garage Sales. **Payment of Bills** Motion by McLaughlin, supported by Bennett to approve payment of the bills as presented. Motion carried by all members present. **CONSENT CALENDAR: Item C-1. Resolution Ovarian Cancer Awareness Month. (Supv)** Motion by Bennett, supported by McLaughlin to adopt the following resolution. Motion carried by all members present. **Resolution Declaring September 2016 as Ovarian Cancer Awareness Month** Whereas, ovarian cancer is the fifth leading cause of cancer deaths among women; and Whereas, each year, 22,000 women are diagnosed with ovarian cancer and 15,000 die from the disease; and Whereas, historically, ovarian cancer has been called a “silent killer” because symptoms were not thought to develop until the chance for a cure was poor; and Whereas, studies have actually shown that ovarian cancer is not a silent killer and that the symptoms are often present very early in the disease; and Whereas, there is no routine, reliable test for early detection of ovarian cancer; and Whereas, it is through education and awareness that the 85% late stage diagnosis number can start to decrease. **NOW, THEREFORE, BE IT RESOLVED**, that the Canton Board of Trustees does hereby declare September 2016 as “National Ovarian Cancer Awareness Month” and recognizes the need to raise awareness of the impact of Ovarian Cancer on public health. Philip J. LaJoy, Canton Supervisor Date 8-9-2016 Ellen Kessler and Kathy Story, members of the Michigan Ovarian Cancer Alliance, addressed the board regarding their personal experiences with ovarian cancer. **Item C-2. Consider Second Reading for Amendments to Part I, Chapter 34 Entitled “Environment”, Article III Entitled “Noxious Weeds”, Sections 34-61 to 34-67. (MSD)** Motion by Bennett, supported by McLaughlin to remove from the table the first reading of an ordinance which amends the Township Code of Ordinance, Part I, Chapter 34 Entitled “Environment”, Article III Entitled “Noxious Weeds”, Sections 34-61 to 34-67. Motion carried by all members present. Motion by Bennett, supported by McLaughlin to hold the second reading and amend the Township Code of Ordinance, Part I, Chapter 34 Entitled “Environment” Article III Entitled “Noxious Weeds”, Sections 34-61 to 34-67 with a publication and effective date of August 18, 2016 **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 34 AN ORDINANCE TO AMEND CHAPTER 34 OF THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES TO REVISE SECTIONS 34-61 THROUGH 34-67 TO ADD LANGUAGE REGARDING LAWN GRASS HEIGHT. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Chapter 34 “Environment,” Article III “Noxious Weeds,” of the Charter Township of Canton Code of Ordinances is hereby amended to read as follows: **ARTICLE III. – NOXIOUS WEEDS AND LAWN GRASS HEIGHT. Sec. 34-61. – Noxious Weeds and lawn grass defined; exclusions.** For the purpose of this article, noxious weeds shall include Canada thistle, doddars, mustards, wild carrot, bindweeds, perennial sow thistle, hoary alyssum, ragweed, poison ivy, goldenrod, quack-grass, crabgrass, poison sumac, or any other plants which are recognized as inducing hay fever, rose fever, or other diseases, or as being in any way deleterious to the health or comfort of the community. This article does not apply to weeds in fields devoted to growing any small grain crop such as soybeans, wheat, oats, barley, or rye. For the purpose of this article, lawn grass means any type and variety of grass(es) which is typically established as a ground cover for any occupied or unoccupied residential, industrial, business or commercial property. **Sec. 34-62. – Violations; penalty.** It shall be the duty of the township to prosecute or to complain to the proper authorities of any person who may violate any terms of this article. Any person who shall violate or fail to comply with any of the provisions of this article or any of the regulations adopted in pursuance thereof shall be guilty of a municipal civil infraction and may be fined not more than \$150.00 **Sec. 34-63. – Areas subject to article.** The provisions of this article shall apply only to lots or parcels of land within the township which are within or adjacent to residential areas, in any subdivision where construction has begun on 60 percent of the lots and in shopping areas, facilities or other areas where large numbers of persons can be found or congregate. The weeds shall be cut to a distance of at least ten rods (160 feet) from the areas mentioned in this section, or the depth of the lot, whichever is less. The provisions of this article shall not apply to any area designated by the township as a “natural feature.” **Sec. 34-64. – Notice to cut weeds and lawn grass.** It shall be the duty of the township to post notices in not less than three conspicuous places within the township and to publish a copy of such notice at least once in a newspaper of general circulation within the township, not less than ten days prior to the time when such weeds must be cut. The notice shall be in substantially the following form: NOTICE TO CUT NOXIOUS WEEDS TO the owner or occupant or any person or persons, firm or corporation having charge of any land in the Township of Canton: Notice is hereby given that all noxious weeds growing on any land in the Charter Township of Canton, Wayne County, Michigan, must be cut and destroyed on or before the _____ day of _____, A.D., _____. And every owner, occupant, or person having charge of any such land must notify the Township that such weeds have been destroyed within three days of such cutting. Any person failing to comply with this notice on or before the date mentioned shall be liable to the imposition of the penalties set forth in Ordinance Number 64, of the Charter Township of Canton, Wayne County, Michigan, and shall be liable for all expenses incurred by the Township in destroying said noxious weeds, which expenses, if unpaid by the owner or to the occupant, shall be spread against the property on the next County and School Tax Roll or the next General Township Tax Roll and/or the Township may place a lien upon the property to secure the collection of such expense. The township may notify by certified mail, with return receipt requested, the owner, agent, or occupant, as shown on the current county and school tax roll, of any lands on which such noxious weeds are found growing. Such notice shall contain methods of treating and eradicating such noxious weeds and a summary of the provisions of this section. Failure of the township to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided in this article or any debt created under this article. **NOTICE TO CUT LAWN GRASS IN EXCESS OF FIVE (5) INCHES** The township shall notify the violator of excessive lawn grass in the same manner as provided for in Ord. No. 78-2(c). **Sec. 34-65. – Noxious weeds and lawn grass in excess of five (5) inches prohibited.** It shall be unlawful for the owner or occupant or any person in charge of any lot or parcel of land within the township to permit or allow to grow thereon any noxious weeds in any length or lawn grass in excess of five (5) inches. Presence of such weeds in any height or lawn grass in excess of five (5) inches upon any such lot or parcel of land within the township is hereby declared to be a public nuisance and inimicable to public health and safety. **Sec. 34-66. – Duty to remove.** It shall be the duty of every owner, occupant or person having charge of any land within the township to cut down or cause to be cut down and destroyed all noxious weeds described in section 34-61 prior to May 1, June 1, July 1, August 1, and September 1 in each year and/or as needed and as often as may be necessary to prevent such noxious weeds from going to seed. **Sec. 34-67. – Removal by township.** If any owner, agent or occupant shall refuse to destroy noxious weeds or cause the noxious weeds to be destroyed or maintain lawn grass at five (5) inches or below from ground height pursuant to this article, it shall be the duty of the township to enter upon such lands and to destroy such noxious weeds or cause the noxious weeds to be destroyed or to cut the lawn grass below five (5) inches, and such entering upon such lands the township shall not be deemed as trespassing. Express power to so enter upon such lands and destroy such noxious weeds or cut the lawn grass is hereby conferred upon the township. If the owner, agent or occupant has failed, after ten days’ notice as provided in this article, to destroy such weeds or cause the weeds to be destroyed or cut lawn grass, then the township or any other officer or agent authorized by the township may enter upon such lands or lots and destroy by cutting with or without mechanical equipment which will not damage the property or the sidewalk adjacent thereto any such weeds or cut the lawn grass, and all such expenses incurred in such lands shall be paid by the owner of such lands. If any owner billed for such services by mail has not paid for such services after 30 days from billing, the township shall have the right to spread such expense against the property of such owner on the county and school tax roll of the general township tax roll and/or place a lien upon the property to secure the collection of such expense. The township treasurer shall, subject to the approval of the township board, set up such billing procedures as may be required to accomplish the purpose of this article. **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 in 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 August, 2016, and was ordered to be given publication in the manner required by law. Terry G. Bennett, Clerk Introduced: July 26, 2016 Adopted: August 9, 2016 Published: August 18, 2016 Effective: August 18, 2016 A copy of the complete text of this Ordinance 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. **Item C-3. Consideration Of Second Reading And Adoption Of An Ordinance To Amend Chapter 46, Article V, Offenses Involving Public Peace And Order, Division 1, Entitled “Generally” By Amending Sections 46-291, 46-292, 46- 296, And Division 2, Entitled “Noise” By Amending Section 46-323. (PSD)** Motion by Bennett, supported by McLaughlin to remove from the table the first reading of an ordinance which amends the Township Code of Ordinance, Chapter 46, Article V, Offenses Involving Public Peace And Order, Division 1, Entitled “Generally” By Amending Sections 46-291, 46-292, 46-296, And Division 2, Entitled “Noise” By Amending Section 46-323. Motion carried by all members present. Motion by Bennett, supported by McLaughlin to hold the second reading and amend the Township Code of Ordinance, Chapter 46, Article V, Offenses Involving Public Peace And Order, Division 1, Entitled “Generally” By Amending Sections 46-291, 46-292, 46-296, And Division 2, Entitled “Noise” By Amending Section 46-323. with a publication and effective date of August 18, 2016 **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 46 AN ORDINANCE TO AMEND CHAPTER 46 OF THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES TO REVISE SECTIONS 46-291, 46-292, 46- 296, AND 46-323 TO BRING THEM INTO COMPLIANCE WITH STATE CONSTITUTIONAL LAW STANDARDS. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Chapter 46, Sec. 46-291 of the Charter Township of Canton Code of Ordinances is hereby amended to read as follows: **Sec. 46-291. – Causing disturbance at gathering or meeting.** It shall be unlawful for any person within the township to willfully and unreasonably make or excite any disturbance or contention in any tavern, dancehall, beer garden, store or grocery, or manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, ground or parlor, or at any election or other public meeting in the township where any persons are peaceable and lawfully assembled. Chapter 46, Sec. 46-292 of the Charter Township of Canton Code of Ordinances is hereby amended to read as follows: **Sec. 46-292. – Loitering; disturbing religious worship.** Any person found loitering in or frequenting a house of ill fame or prostitution, or in a place where prostitution or lewdness is practice, encouraged, or allowed, or in a place where gaming of any nature is being illegally conducted, encouraged, or allowed, if such person is present with intent to patronize a prostitute, gamble or aid or abet prostitution or gambling, shall be guilty of a misdemeanor. Any person who shall loiter in or about any police station, police headquarters building, court building, or place without any lawful purpose, including the soliciting of employment of legal service or the services of sureties upon criminal recognizances, and refuses to leave after being instructed to do so, shall be guilty of a misdemeanor. Any person who shall willfully and unreasonably interrupt or disturb any assembly of people meeting for religious worship, in or near the place of assembly, shall be guilty of a misdemeanor. (d) Any person who loiters about hindering, obstructing, impeding, or blocking the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any hall, stairway, doorway, vestibule or passageway to any store, office, courtroom, public hall, or building or any other place in the township, and refuses to leave after once being instructed to do so, shall be guilty of a misdemeanor. Chapter 46, Sec. 46-296 of the Charter Township of Canton Code of Ordinances is hereby amended to read as follows: **Sec. 46-296. – Public intoxication.** Any person who is publicly intoxicated in a public place, and who is either endangering the safety of another person or of property or is acting in a manner that unreasonably creates a public disturbance, shall be guilty of a misdemeanor. Chapter 46, Sec. 46-323 of the Charter Township of Canton Code of Ordinances is hereby amended to read as follows: **Sec. 46-323. – Muffling of internal combustion engines.** No person shall operate any internal combustion engine without an adequate muffling device to effectively eliminate all unreasonable, unnecessary, or excessive exhaust noise. **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 in 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 effect upon publication. **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 August, 2016, and was ordered to be given publication in the manner required by law. Terry G. Bennett, Clerk Introduced: July 26, 2016 Adopted: August 9, 2016 Published: August 18, 2016 Effective: August 18, 2016 A copy of the complete text of this Ordinance 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. **Item C-4. Consideration of Approval of Ballot Language for a Referendum to Amend Chapter 2, Article III, Division 2, entitled “Merit System.” (Clerk)** Motion by Bennett, supported by McLaughlin to approve the following summary ballot language for a referendum to amend Chapter 2, Article III, Division 2, entitled “Merit System” of the Canton Township Code of Ordinances; to be placed on the ballot of the November 8, 2016 General Election, as follows. Motion carried by all members present. Charter Township of Canton Referendum to Consider Approval of Changes to the Merit Ordinance A proposal to amend Chapter 2, Article III, Division 2, of the Canton Code of Ordinances entitled “Merit System” as follows: *Update name title from “Merit System Commission” to “Merit Commission.” *Update title of “Personnel Director” to “Human Resources Manager.” *Add definitions. *Clarify Employee Groups covered under Ordinance. *Update Hiring and Termination Procedures. *Update Protected Classes to comply with the law. *Change required meetings to a minimum quarterly date. Shall the above changes be adopted? YES NO I hereby certify that the foregoing is a true and correct copy of the ballot language approved by the Board of Trustees of the Charter Township of Canton, County of Wayne, Michigan, at a meeting held on Tuesday, August 9, 2016. Terry G. Bennett, Clerk Dated: August 10, 2016 **GENERAL CALENDAR: Item G-1. Consider Increasing the Blanket Purchase Order for Dominic’s Cement Works in the Amount of \$20,000 for Concrete Repairs for Water & Sewer Utility Work. (MSD)** Motion by Bennett, supported by Sneiderman to increase the Blanket Purchase Order amount for Dominic’s Cement Works in the amount of \$20,000. Motion carried by all members present. **Item G-2. Consider Approval of WinCan CCTV Software Upgrade. (MSD)** Motion by Bennett, supported by Williams to approve a purchase order to WinCan LLC for the purchase of VX Expert Software upgrade in the amount of \$12,038, and further authorize the Township Supervisor to accept the proposal on behalf of Canton Township. Motion carried by all members present. **Item G-3. Consider Increase of Purchase Order for the Discover Brochure (CLS)** Motion by Bennett, supported by McLaughlin to increase the Woodward Printing Services P.O. by \$1,692 for a total of \$23,642 for printing of the Discover Brochure. Motion carried by all members present. **Item G-4. Consider Approval to Create Deputy Director Positions for Police and Fire. (PSD)** Motion by Bennett, supported by Williams to approve the creation of a Deputy Director position for the Fire Department and a Deputy Director position for the Police Department, both classified at Grade 12 of the Non-Union Classified Employee Grade System. Motion carried by all members present. **Item G-5. Consideration of Approval of Maintenance Agreement with the Canton Public Library to Share in the Cost of Maintaining Civic Center Boulevard. (FBD)** Motion by Bennett, supported by Sneiderman to approve the Road Maintenance Agreement with the Canton Public Library, and authorize the Township Supervisor to sign the agreement on behalf of the Township. Motion carried by all members present. **Item G-6. Consider Waving the Purchasing Policy and Approve the Emergency Replacement of Patrol Car #1326 and Approval of a Budget Amendment. (MSD)** Motion by Bennett, supported by McLaughlin to approve a budget amendment in the amount of \$25,923, for the replacement of Patrol Car #1326 as follows: **Increase Fund balance Appropriation: #207-000.695 (Fund Balance Appropriation by \$25,923 Increase Expenditure: #207-301-50.970_0040 (Capital Outlay – Vehicle by \$25,923** Motion carried by all members present. Motion by Bennett, supported by Sneiderman to approve the purchase of the 2017 Ford Explorer from Signature Ford, 3924 W. Lansing Rd, Perry, MI 48872 (via the Macomb County Bid #12-07 MY2016) in the amount of \$25,923 funded by Police Account #207-301-50.970_0040 Capital Outlay Vehicles. Motion carried by all members present. **ADDITIONAL PUBLIC COMMENT: None OTHER: None** **ADJOURN:** Motion by Anthony, supported by Williams to adjourn at 7:39 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.