



CHARTER TOWNSHIP OF CANTON

Board of Trustees Meeting

1150 S. Canton Center Road

Canton, MI 48188

March 21, 2017

5:30 P.M. – CLOSED SESSION TO DISCUSS CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGE COMMUNICATION

6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: ANTHONY, FOSTER, GRAHAM-HUDAK, SIEGRIST, SLAVENS,

SNEIDEMAN & WILLIAMS

ADOPTION OF AGENDA

SPECIAL HEARINGS:

1. APPEAL BY MULAN MASSAGE CENTER LLC FOR DENIAL OF A MASSAGE BUSINESS LICENSE
2. APPEAL BY REBALANCE WELLNESS FOR DENIAL OF A MASSAGE BUSINESS LICENSE

7:00 P.M. – STUDY SESSION:

1. WATER & SEWER RATES
2. WATER DISTRIBUTION ASSET MANAGEMENT PLAN – LEVEL OF SERVICE

PUBLIC COMMENT

OTHER

ADJOURN

ACCESS TO PUBLIC MEETINGS

In accordance with the Americans with Disabilities Act, individuals with disabilities who require special accommodations, auxiliary aids or services to attend or participate at the meeting/hearing should contact Kerreen Conley, Human Resources Manager, at 734-394-5260. Reasonable accommodations can be made with advance notice.

**CANTON COMMUNITY
REQUEST FOR BOARD ACTION**

MEETING DATE: March 21, 2017

AGENDA ITEM #SH-1

**ITEM SH-1: Petition to Appeal Massage Establishment License Denial; Chapter 18
Article III Section 18-88; for Mulan Massage CTR LLC, 45470 Ford Road,
Canton, MI 48187.**

PRESENTER: Michael A. Siegrist

INDIVIDUALS IN ATTENDANCE: Xu Liu, President, and Yajing Huang, Vice President
of Mulan Massage

EXECUTIVE SUMMARY: On January 12, 2017 the Clerk's Office received an application for Massage Establishment License from Xi Liu, for Mulan Massage CTR LLC at 45470 Ford Road, Canton, MI 48187. These license applications are subject to inspection and approval by the Building Department and Public Safety. These inspections have failed and subsequently the Clerk's Office has denied the licensing of a Massage Establishment by the applicant.

BACKGROUND: On January 12, 2017 Ms. Huang, Vice President of Mulan Massage, submitted an incomplete application for a 2017 Massage Establishment License for the purposes of continuing as a massage establishment at 45470 Ford Road, Canton, MI 48187. Mulan Massage has been licensed as a Massage Establishment in Canton since March 25, 2015.

The Clerk's office staff reviewed the application and discovered discrepancies between the 2017 application and the applications of 2016 and 2015. Staff alerted Ms. Huang that, as a corporation, all officers' names must be submitted with application. On January 13, 2017 Ms. Huang returned with the updated application with the list of officers. The Certificate of Zoning Compliance had been obtained through the Planning Department on January 15, 2015. The business had a final Building inspection and received a Certificate of Occupancy on March 25, 2015.

On January 24, 2017 Sergeant Traylor of the Canton Public Safety Department notified the Clerk's Office that the establishment was under investigation and he would be contacting the Building Department to alert them, as well. The Clerk's office received a phone call from the Oakland County Task Force verifying the investigation and their communication with Sergeant Traylor.

On January 26, 2017 a Notice of Interim Suspension was sent to the President, Vice President, and the Ford Road business address by Supervisor Williams for violation of Section 18-91 of the Canton Charter Township MI Code of Ordinances.

On January 31, 2017 the Clerk's office received a letter from the Oakland County Sheriff about the joint operation with the Department of Homeland Security and Canton Township regarding Mulan Massage. The establishment had been under investigation for a year and as a result of the investigation it was determined that females were habitually residing at the business location. Upon execution of a search warrant, they found women living on the premises. They were not licensed by that State Department of Licensing and Regulatory Affairs. Additionally, the letter indicated that the investigation was ongoing.

On February 15, 2017 Ryan Xiao, spouse of the Vice President, came to the Clerk's office to inquire about the status of the license. We explained that we would call the business owners when the inspections were completed.

On February 16, 2017 Building Official Robert Creamer revoked the Certificate of Occupancy for the establishment due to a lack of compliance with Canton Township Ordinances.

On February 17, 2017 Clerk Siegrist spoke with Deputy Chief Craig Wilsher about the situation, and informed Mr. Liu that it was the position of Public Safety to deny the license due to the ongoing investigation.

On February 21, 2017 Public Safety denied the application and a notification was sent out February 22, 2017 by Clerk Siegrist to the President, Vice President, and the business address due to conduct that violates state or local laws or ordinances at the place of business in the conduct of business.

The purpose of this appeal process is to allow the applicant to present his reasons for requesting the appeal in a public forum. The applicant shall have the right to appear and submit evidence on his behalf. Following the hearing, the board shall submit to the applicant a written statement of its findings and determinations. The Boards determination shall be based upon competent, material and substantial evidence to show satisfactory compliance with the requirements of Section 18-86 of Chapter 18, Article III, License application procedures of the Charter Township of Canton Code of Ordinances.

STRATEGIC PLAN/GOALS: Meets the requirements of the Township Ordinance Chapter 18, Article III, Section 18-88 Approval or denial of application

ACTION REQUESTED: Hear appeal of applicant and for the Board to render an appeal determination.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: The Clerk's Office will follow up with a written statement of determination to the applicant as required by township ordinance.

DIRECTOR'S RECOMMENDATION: Determination to be made by the Board of Trustees.

FINANCE AND BUDGET DIRECTOR'S RECOMMENDATION: N/A

***MODEL RESOLUTION:**

1. I move to open the appeals hearing to hear the appeal of Mr. Xu Liu, regarding denial of a Massage Establishment License for Mulan Massage CTR LLC at 45470 Ford Road, Canton, MI 48187.
2. I move to close the appeals hearing to hear the appeal of Mr. Xu Liu, regarding denial of a Massage Establishment License for Mulan Massage CTR LLC, 45470 Ford Road, Canton, MI 48187.
3. One of the following choices:

Option 1: I move that the determination of the Board of Trustees, upon hearing all the evidence submitted and reviewing the application documents is deny the appeal. The applicant may re-apply January of 2018.

Option 2: I move to grant the appeal contingent upon the receipt of a complete and accurate application for the 2017 year.

ATTACHMENTS:

Copy of the 2017 Application for Massage Establishment License as submitted
January 26, 2017-Notice of Interim Suspension mailed to Business address
January 26, 2017-Notice of Interim Suspension mailed to Xu Liu, President
January 26, 2017-Notice of Interim Suspension mailed to Yajing Huang, Vice President
January 31, 2017-Notification from Oakland County Task Force Investigation
February 22, 2017-Application Denial letter mailed to Business address
February 22, 2017-Application Denial letter mailed to Xu Liu, President
February 22, 2017-Application Denial letter mailed to Yajing Huang, Vice President
March 2, 2017-Appeal request letter from applicant
March 16, 2017-Appeal Procedure Notification letter

**CANTON COMMUNITY
REQUEST FOR BOARD ACTION**

MEETING DATE: March 21, 2017

AGENDA ITEM # SH-2

**ITEM SH-2: Petition to Appeal Massage Establishment License Denial; Chapter 18
Article III Section 18-88; for Rebalance Wellness, 5820 Lilley Road, Suite 4,
Canton, MI 48187.**

PRESENTER: Michael A. Siegrist

INDIVIDUALS IN ATTENDANCE: Zixuan Wan

EXECUTIVE SUMMARY: On December 20, 2016 the Clerk's Office received an application for Massage Establishment License from Zixuan Wan , for Rebalance Wellness located at 5820 Lilley Road Suite #4, Canton, MI 48187. These license applications are subject to inspection and approval by the Building Department and Public Safety. These inspections have failed and subsequently the Clerk's Office has denied the licensing of a Massage Establishment by the applicant.

BACKGROUND: On December 21, 2016 the Clerk's office received an application for a Massage Establishment License for the purposes of opening a new massage establishment in 2017 for Rebalance Wellness at 5820 Lilley Road Suite #4, Canton, MI 48187 from Paul Katterman II, the spouse of the establishment owner Zixuan Wan. The licensing process requires the business have a current Zoning Certificate of Compliance. It also requires the business pass inspections by the Building Department, to verify the Certificate of Occupancy is current, and an inspection by the Ordinance Division of Canton Public Safety Department.

The Zoning Certificate of Compliance was obtained December, 20 2016 from the Planning Department. The premises were inspected by Building and Fire on February 10, 2017. The Certificate of Occupancy was issued on February 23, 2017 by the Building Department.

Public Safety determined that the establishment failed to comply with Article 6.02 of the Charter Township of Canton Zoning Ordinance. Rebalance Wellness is located within 1,000 feet of another massage establishment, in violation of that portion of the ordinance, resulting in failure of the inspection on February, 21 2017.

On February 27, 2017 Ms. Wan, Mr. Katterman and Ms. Naccarato (representing the landlord) came to the Clerk's Office after speaking with Township Planner Jeff Goulet about the denial. Clerk Siegrist explained that Public Safety failed the inspection due to a lack of compliance with the Zoning Ordinance. Clerk Siegrist escorted them to the Supervisor's office in an attempt to

further understand the information in the ordinance from Zoning and Public Safety.

On February 27, 2017 Township Attorney Kristin Kolb met with Ms. Naccarato and advised her the appeal process would be the timeliest resolution to this matter.

On March 2, 2017 Mr. Katterman and Ms. Naccarato met with Supervisor Williams and Clerk Siegrist to appeal for assistance in navigating the licensing process and overcoming the denial. Both Clerk Siegrist and Supervisor Williams explained that the process required a formal appeal to the denial. Clerk Siegrist crafted the denial letter that day and handed it to Ms. Wan, who was waiting in the vehicle. To comply with the official denial process, Clerk Siegrist also mailed a copy of this letter to the business address.

Ms. Wan indicated that Mr. Katterman, her husband, was acting as her representative in this process due to a language barrier. As a result of this meeting additional discrepancies on the application were revealed:

- a) The application requires the listed names, addresses and license numbers of massage therapists currently employed, or in the future, at the location. However, the application listed one therapist: Zixuan Wan; 18365 University Park Drive, Livonia MI 48152 – License #7501002791. During this conversation Mr. Katterman stated, due to the delay in licensing, the business had lost multiple massage therapists, however there were no other therapists listed on the application as required by Section 18-85(h) of the Township Ordinance.
- b) The application process requires 3 written statements which demonstrate the applicant operates the business with “good moral character”. The statements must include name and permanent address of the writer. Both the Ordinance and Application state these may not be relatives or business associates. Mr. Katterman submitted a letter of recommendation using an address of 34751 Fairfax Drive, Livonia, MI 48152 as required by Section 18-85(k).

On March 6, 2017 the Clerk’s office received a letter requesting a formal hearing by the township board. After discussing the discrepancies in the verbal communication by Mr. Katterman and the application submitted by Ms. Wan with Township Attorney Kolb, it was recommend that Clerk Siegrist issue a letter notifying Ms. Wan of the public hearing for the appeal. On March 7, 2017 Clerk Siegrist drafted the notification, adding the misrepresentation of facts and statements on the application under the township Massage Ordinance.

The purpose of this appeal process is to allow the applicant to present his reasons for requesting the appeal in a public forum. The applicant shall have the right to appear and submit evidence on his behalf. Following the hearing, the board shall submit to the applicant a written statement of its findings and determinations. The Boards determination shall be based upon competent, material and substantial evidence to show satisfactory compliance with the requirements of Section 18-86 of Chapter 18, Article III, License application procedures of the Charter Township of Canton Code of Ordinances.

STRATEGIC PLAN/GOALS: Meets the requirements of the Township Ordinance Chapter 18, Article III, Section 18-88 Approval or denial of application

ACTION REQUESTED: Hear appeal of applicant and for the Board to render an appeal determination.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: The Clerk's Office will follow up with a written statement of determination required by township ordinance.

DIRECTOR'S RECOMMENDATION: Determination to be made by the Board of Trustees.

FINANCE AND BUDGET DIRECTOR'S RECOMMENDATION: N/A

MODEL RESOLUTION:

1. I move to open the appeals hearing to hear the appeal of Ms. Zixuan Wan regarding denial of a Massage Establishment License for Rebalance Wellness at 5820 Lilley Road, Suite 4, Canton, MI 48187.
2. I move to close the appeals hearing to hear the appeal of Ms. Zixuan Wan regarding denial of a Massage Establishment License for Rebalance Wellness at 5820 Lilley Road, Suite 4, Canton, MI 48187.
3. One of the following choices:

Option 1: I move that the determination of the Board of Trustees, upon hearing all the evidence submitted and reviewing the application documents is deny the appeal. The applicant can re-apply January of 2018.

Option 2: I move to grant the appeal contingent upon the receipt of a fully complete and accurate application for the 2017 year.

ATTACHMENTS:

December 20, 2016 - Certificate of Zoning Compliance – Rebalance Wellness
Copy of the Application of Massage Establishment License as submitted
March 2, 2017-Application Denial Letter mailed to Zixuan Wan – residence address

March 2, 2017-Application Denial Letter mailed to Business address
March, 6 2017-Appeal request letter from Zixuan Wan
March 16, 2017-Appeal Procedure Notification letter

CANTON TOWNSHIP STUDY SESSION

TOPIC #1 - SUMMARY

DATE OF MEETING: 3/21/2017

TOPIC: 2017 Water & Sewer Rates

PRESENTER: Tim Faas, Municipal Services Director
Wendy Trumbull, Finance & Budget Director

ADDITIONAL PRESENTERS: Bob Belair, Public Works Manager

BRIEF SYNOPSIS OF OUTLINE OF DISCUSSION: The Board will be provided with an explanation of the proposed 2017 water and sewer rates including a discussion on the assumptions and inputs that factor into setting the rates each year. Staff have updated the case reserve analysis and will explain it in detail at the meeting.

DESIRED SESSION OUTCOME: To receive the updated water and sewer rate study and additional supporting materials and to solicit Board input on the proposed rates as developed by the staff.

ATTACHMENTS:

1. Draft Recommended Water & Sewer Rate Spreadsheets for 2017
2. Operating Cash Reserve Policy
3. 2017 Minimum & Target Cash Requirements
4. Cash & Investment Balances

CANTON TOWNSHIP STUDY SESSION

TOPIC #2 - SUMMARY

DATE OF MEETING: 3/21/2017

TOPIC: Water Distribution System Asset Management Program – Levels of Service (LOS)

PRESENTER: Tim Faas, Municipal Services Director

ADDITIONAL PRESENTERS: Bob Belair, Public Works Manager

BRIEF SYNOPSIS OF OUTLINE OF DISCUSSION: The Board will be provided with an explanation of the latest requirements of the Michigan Department of Environmental Quality with regards to Asset Management Programs (AMP). The third bullet on the list of requirements is “a statement on the level of service goals” for the water distribution system.

The prior Township Board adopted the following LOS goals for the water distribution system as part of the 2016 MSD Strategic Plan.

- Operate & maintain the water distribution system in accordance with the Michigan Safe Drinking Water Act – PA 399.
- Provide for the desired volumes of water at a minimum operating pressure of 35 psi at the residence, or business, during maximum daily customer demands.
- Respond on-site to water distribution main breaks within 3 hours.

Staff will present an update to these LOS goals at the meeting.

DESIRED SESSION OUTCOME: To receive the updated Levels of Service Goals for the water distribution system and to solicit Board input on same.

ATTACHMENTS:

1. MDEQ Asset Management Program Rules