



CHARTER TOWNSHIP OF CANTON

Board of Trustees Meeting

1150 S. Canton Center Road

Canton, MI 48188

April 17, 2018

5:30 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

SNEIDEMAN & WILLIAMS

ADOPTION OF AGENDA

SPECIAL HEARING:

1. Appeal by Cloudz Hookah Lounge for denial of a business license

CONSENT CALENDAR:

1. Consider Second Reading of Code of Ordinance Amendments to Part I, Chapter 74 Entitled "Utilities", Article II, Division 2, Subdivision II Entitled "Schedule of Rates and Charges", Section 74-83 (MSD)

STUDY SESSION:

1. Roads Task Force Final Recommendation

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: April 17, 2018

AGENDA ITEM #SH-1

**ITEM SH-1: Petition to Appeal Smoking Lounge Business License Denial; Chapter 18
Article VII Section 18-604; for Cloudz Hookah Lounge, Inc 44942 Ford
Road, Canton, MI 48187.**

PRESENTER: Michael A. Siegrist

INDIVIDUALS IN ATTENDANCE: Charles Ankouny, owner of Cloudz Hookah Lounge, Inc; Marco Bisbikis Esq, Council for Cloudz Hookah Lounge, Inc.

EXECUTIVE SUMMARY: On February 12, 2018 the Clerk's Office received an application for Smoking Lounge Business License from Chalres Ankouny, for Cloudz Hookah Lounge, Inc at 44942 Ford Road, Canton, MI 48187. These license applications are subject to inspection and approval by the Building Department and Public Safety. These approvals have failed as of February 13, 2018 and subsequently the Clerk's Office has denied the licensing of a Smoking Lounge by the applicant for a 2018 license.

BACKGROUND: On February 12, 2018 Mr. Ankouny, owner of Cloudz Hookah Lounge, Inc. submitted an application for a 2018 Smoking Lounge License for the purposes of re-establishing a smoking lounge at 44942 Ford Road, Canton, MI 48187. Cloudz Hookah Lounge, Inc. has been licensed as a smoking lounge in Canton, on and off, since receiving a temporary license on May 4, 2016- that license expiring on June 29, 2016- and obtaining a full license on July 25, 2016.

The Clerk's office staff forwarded the application for inspection and approval by Building Services and Public Safety. On February 13, 2018 Public Safety recommended denial of the application due to Section 18-501 "a person shall not operate a smoking lounge in the township without first obtaining a smoking lounge business license issued pursuant to the provisions of this article," and Section 18-503(c)(8) "*Previous revocation/non-renewal.* An applicant has had a smoking exemption revoked, or not renewed for cause, in the last two years under this article or a comparable township or township ordinance or state law, whether in the state or otherwise."

On February 27, 2018, Clerk Siegrist sent a certified letter indicating concurrence with Public Safety's recommendation for sections 18-501 and 18-503(c)(8), and adding Section 18-503(c)(9)(b) "*Prior nuisance.* Any business in which the applicant has had an influential interest, has, in the previous seven years, and at the time during which the applicant had the influential interest: Been subject to an order of closure or padlocking."

On September 14, 2017 the Clerk's Office was notified by Blaine Cressman, Policy Specialist

from the Michigan Department of Health and Human Services that the 2017 Notice of Decision for Cloudz Hookah Lounge, Inc. was denied on May 8, 2017 and that Mr. Ankouny was notified by certified letter on May 17, 2017. During this period the Township was not notified by Mr. Ankouny nor the State of Michigan that Cloudz Hookah Lounge, Inc. had lost its exemption from the indoor ban on smoking for the 2017 calendar year.

On December 4, 2017 the Clerk's Office sent a 2018 license renewal letter to every Smoking Lounge in the township, including Cloudz Hookah Lounge, Inc. On January 8, 2018 Mr. Ankouny contacted the Clerk's Office indicating he had misplaced in Notice of Decision for 2017, which is required for license renewal for 2018. The township followed up with the State of Michigan to determine if they had a copy of the Notice of Decision, and was notified that the N.O.D. was not granted for 2017.

The Building Official posted a notice of order for non-occupancy on the front door of Cloudz Hookah Lounge, Inc. on January 8, 2018 because the business did not meet the requirements of the Smoking Lounge License for which its Certificate of Occupancy had been issued. On January 9, 2017 a Township employee drove past the establishment and noticed individuals inside and that the notice was not on the door. On January 12, 2018 a Canton Township Sergeant on patrol noticed a piece of paper obstructing the No Occupancy Order from the Building Official. Issuing Case Report #180001909, Sergeant Eyl indicated there were between 4-6 patrons inside the establishment. Mr. Ankouny was ordered to shut down operations and complied, turning off TVs, lights, and asking the individuals to leave.

On January 12, 2018 The Clerk's office issued a letter indicating that the 2017 license was suspended due to the lack of the 2017 Notice of Decision from the State of Michigan. On February 5, 2018, a letter of revocation for the 2017 license was issued in accordance with the Township Code of Ordinances.

The purpose of this appeal process is to allow the applicant to present their reasons for requesting the appeal in a public forum. The applicant shall have the right to appear and submit evidence on their 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 18-604 of Chapter 18, Article VII, appeal hearing procedures of the Charter Township of Canton Code of Ordinances.

STRATEGIC PLAN/GOALS: Meets the requirements of the Township Ordinance Chapter 18, Article VII, Section 18-603 Revocation; non-renewal.

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. Charles Ankouny, regarding denial of a Smoking Lounge License for Cloudz Hookah Lounge, Inc. at 44942 Ford Road, Canton, MI 48187.
2. I move to close the appeals hearing to hear the appeal of Mr. Charles Ankouny, regarding denial of a Smoking Lounge License for Cloudz Hookah Lounge, Inc. at 44942 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 2019.

Option 2: I move to grant the appeal for the 2018 year.

ATTACHMENTS:

Copy of the 2018 Application for Smoking Lounge License as submitted
2017-Notice of Decision Denial by State of Michigan
Case Report #180001909
January 12, 2018-Notice of Interim Suspension mailed to Charles Ankouny
February 5, 2018-Notice of Revocation mailed to Charles Ankouny
February 27, 2018-Notification of Application Denial
March 16, 2018-Request for Appeal Hearing
March 22, 2018-Notification of Appeal Hearing
March 6, 2018-35th District Case No: 18C00665B Plea

**CANTON COMMUNITY
REQUEST FOR BOARD ACTION**

MEETING DATE: April 17, 2018

AGENDA ITEM #C-1

ITEM: Consider Second Reading of Code of Ordinance Amendments to Part I, Chapter 74 Entitled “Utilities”, Article II, Division 2, Subdivision II Entitled “Schedule of Rates and Charges”, Section 74-83

PRESENTER: Tim Faas, Municipal Services Director

INDIVIDUALS IN ATTENDANCE: None Anticipated

EXECUTIVE SUMMARY: Each year staff prepares a comprehensive analysis of proposed rates and charges for water and sewer services based on the true cost-of-service. The Board has adopted those recommendations and it is now necessary to amend the Township’s Utilities Ordinance to reflect the changes being proposed.

In order to satisfy the revenue requirements for the 2018 fiscal year, the attached rate changes are recommended for adoption by the Board of Trustees. The new rates would take effect on all customers’ bills starting on May 1, 2018 and represent an average reduction of 6.35%.

STRATEGIC PLAN/GOALS: N/A

ACTION REQUESTED: Remove from table for consideration and hold the second reading of the changes to the Township Code of Ordinances.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: The amended ordinance will be published on April 17, 2018 and become effective on May 1, 2018.

DIRECTOR’S RECOMMENDATION: Approval

FINANCE AND BUDGET DIRECTOR’S RECOMMENDATION: Approval

SUPERVISOR’S RECOMMENDATION: Approval

MODEL RESOLUTION: I move to remove from the table, adopt and publish the Second Reading of the Code of Ordinance, Part I, Chapter 74 Entitled “UTILITIES”, Article II, Division 2, Subdivision II entitled “SCHEDULE OF RATES AND CHARGES”, Section 74-83 with a publication date of April 27, 2018 and effective date of May 1, 2018.

ATTACHMENTS:

1. Legal Summary
2. Marked Up Ordinance Amendment
3. Clean Copy Ordinance Amendment

CANTON TOWNSHIP STUDY SESSION

TOPIC #1 - SUMMARY

DATE OF MEETING: 4/17/2018

TOPIC: Roads Taskforce Final Recommendation

PRESENTER: Sommer Foster; Board Representative, Roads Task Force
Jim Kosteva; Chairperson, Roads Task Force

ADDITIONAL PRESENTERS: Tim Faas, Municipal Services Director
Wendy Trumbull, Finance and Budget Director
Bill Serchak, Engineering Services Manager

BRIEF SYNOPSIS OF OUTLINE OF DISCUSSION: The Board will be provided with a presentation outlining the work done since the Board established the advisory task force on July 25, 2017 to determine the extent of the infrastructure gap, identify alternative methods for funding, and include a roads assessment or long-range plan in the form of a final recommendation.

DESIRED SESSION OUTCOME: For the Task Force to present a final recommendation to the Board of Trustees. For staff to solicit feedback from the Board on the information presented in advance of finalizing a policy direction.

ATTACHMENTS:

1. PowerPoint Presentation