

**Charter Township of Canton Board
Proceedings – August 27, 2019**

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, August 27, 2019 at 1150 Canton Center S. Canton, Michigan. Supervisor Williams called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

Members Present: Anthony, Foster, Graham-Hudak, Siegrist, Slavens, Sneideman,
Williams
Members Absent: None
Staff Present: Director Hohenberger, Director – Public Safety – Meier, Director Trumbull,
Director Smith

Adoption of Agenda

Motion by Anthony supported by Slavens to adopt the agenda as presented. Motion unanimously approved.

Approval of Minutes

Motion by Siegrist supported by Slavens to approve the proposed August 13 & 20, 2019 minutes. Motion unanimously approved.

Public comment was held.

Payment of the Bills:

Motion by Slavens, supported by Anthony, to approve payment of the bills as presented. Motion unanimously approved.

CHARTER TOWNSHIP OF CANTON EXPENDITURE RECAP FOR THE TOWNSHIP BOARD MEETING OF August 27, 2019		
101	GENERAL FUND	704,453.97
204	ROADS FUND	716,731.69
206	FIRE FUND	190,991.02
207	POLICE FUND	266,367.82
208	SUMMIT OPERATING (General)	43,733.08
219	STREET LIGHTING	21,767.83
230	CABLE TV FUND	10,972.41
245	PUBLIC IMPROVEMENT	0.00
246	TWP (COMMUNITY) IMPROVEMENT	19,477.09
248	DDA – CANTON	13,592.89
261	E-911 UTILITY	0.00
265	ORGANIZED CRIME - DRUG ENFORCEMENT	0.00
274	CDBG	6,000.00
275	ARRA GRANTS FUND	0.00

276	NSP GRANTS FUND	0.00
401	CAP PROJ - ENERGY PROJECT	0.00
402	CAP PROJ - SUMMIT CONSTR	0.00
403	CAP PROJ - ROAD PAVING	0.00
584	GOLF FUND	55,236.32
592	WATER & SEWER FUND	200,133.68
596	SOLID WASTE	8,873.01
661	FLEET	38,177.53
701	TRUST & AGENCY FUND	13,919.20
702	CONSTRUCTION ESCROW	3,475.50
736	POST EMPLOYMENT BENEFITS	170,862.26
852	SPECIAL ASSESSMENT DEBT	0.00
TOTAL - ALL FUNDS		2,484,765.30

Recognition:

- 1) Promotion recognition and swearing in of Sergeant Roberson. Motion by Siegrist, support by Slavens to adopt the Certificate of Oath in to the minutes. Motion unanimously approved.

Consent Calendar:

Item C-1. Consider approval the resolution establishing authorized signatories for MERS contracts and service credit purchases.

Motion by Siegrist, supported by Sneideman to adopt the attached Resolution establishing the Finance and Budget Director, Township Supervisor, and Human Resource Manager as authorized signatories for MERS Contracts and Service Credit Approvals. Motion unanimously approved.

**Resolution Establishing Authorized Signatories for MERS
Contracts and Service Credit Purchase Approvals**



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

This Resolution is entered into under the provisions of 1996 PA 220 and the Municipal Employees' Retirement System of Michigan ("MERS") Plan Document, as each may be amended.

This resolution applies to reporting unit(s) # 8233-01 of the participating municipality listed below.

WHEREAS, Charter Township of Canton ("Employer") is a participating municipality with the Municipal Employees' Retirement System of Michigan ("MERS") and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. Finance & Budget Director

Optional additional job positions:

2. Township Supervisor
3. Human Resources Manager

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Adopted at a regular/special meeting of the Governing Body on _____, 20_____.

Authorized signature (must be currently in a position named above): _____

Name: _____

Title: _____

Witness signature: _____

Witness name: _____

Witness title: _____

Item C-2. Consider adoption second reading of an ordinance to amend Chapter 46, Article IV of the Canton Code of Ordinances to update the Fireworks Ordinance to comply with the changes to state law.

STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON

CHAPTER 46

AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE IV, OF THE CANTON CODE OF ORDINANCES ENTITLED “OFFENSES INVOLVING PUBLIC SAFETY,” DIVISION 3 ENTITLED “FIREWORKS” TO REVISE TO BRING IT INTO COMPLIANCE WITH PUBLIC ACT NO. 635 of 2018.

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

SECTION 1. AMENDMENT TO CODE.

Chapter 46 of the Charter Township of Canton Code Ordinance, Article IV, entitled “*Offenses Involving Public Safety*,” Sections 46-261, 46-264, 46-266 and 46-269 are hereby amended to read as follows:

DIVISION 3. - FIREWORKS

Sec. 46-261. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act 256 shall mean Act 256 of the Public Acts of 2011, being MCL 28.451.

Articles pyrotechnic shall mean pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction, but are not intended for consumer use, that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Consumer fireworks shall mean firework devices that are designed to provide visible effects by combustion, that are required to comply with the construction chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

Consumer fireworks certificate or certificate shall mean a certificate issued under Section 28.467a of Act 256.

Department shall mean the Michigan Department of Licensing and Regulatory Affairs.

Display fireworks shall mean large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Fireworks shall mean any composition or device, except for a starting pistol, a flare gun, or a flare designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks shall mean ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Novelties shall mean the term defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

Person shall include an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated association, or any other legal or commercial entity.

Special effects shall mean a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

Sec. 46-264. - Discharge of novelties, low-impact fireworks and consumer fireworks.

(a) Except in the case of a permit issued by the township under section 46-266, consumer fireworks shall not be ignited, discharged, or used by any person at any time, except after 11:00 a.m. on the following dates and times:

- (1) December 31 until 1:00 a.m. on January 1.

- (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (3) June 29 to July 4 until 11:45 p.m. on each of those days.
- (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(b) – (e) [Unchanged.]

Sec. 46-266. - Permit for discharge of consumer fireworks.

(a) Persons wishing to discharge consumer fireworks on a day and time other than those listed in §46-264(a) may do so only after paying a fee and obtaining a permit from the township.

(b) Application for a permit to discharge consumer fireworks under this section shall be made on forms available from the township clerk.

(c) – (f) [Unchanged.]

Sec. 46-269. - Penalty.

A violation of this ordinance shall be a municipal civil infraction, punishable by a civil fine of \$1,000. In accordance with MCL §28.457(3), \$500 of this fine is payable directly to the township.

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 be 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 be effective upon publication as required by law.

Motion by Siegrist, supported by Sneiderman to remove from the table, hold the second reading and adopt an amendment to Canton Code of Ordinances, which amends Chapter 46, Article IV of the Canton Code of Ordinances, to be published and become effective on September 05, 2019. Motion unanimously approved.

Item C-3. Consider adoption second reading of an ordinance to amend Chapter 46, Article VIII of the Canton Code of Ordinances to update the Ordinance Prohibiting Minors from Using Alternative Nicotine Products to comply with the changes to state law.

STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON

CHAPTER 46

AN ORDINANCE TO AMEND CHAPTER 46,
ARTICLE VIII, DIVISION 1, OF THE CANTON
CODE OF ORDINANCES ENTITLED
“OFFENSES INVOLVING UNDERAGE
PERSONS” TO REVISE SECTION 46-505 AND
46-506.

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

SECTION 1. AMENDMENT TO CODE.

Chapter 46 of the Charter Township of Canton Code Ordinance, Article VIII, entitled “OFFENSES INVOLVING UNDERAGE PERSONS,” Division 1, entitled “GENERALLY,” Sections 46-505 and 46-506, are hereby amended to read as follows:

Sec. 46-505. - Sale of tobacco products, vapor products or alternative nicotine products to persons under 18 years of age.

(a) A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form or vapor products or alternative nicotine products to a person under

18 years of age including but not limited to, through a vending machine. A person who violates this subsection or subsection (h) of this Ordinance is guilty of a misdemeanor punishable by a fine as follows:

- (i) For a first offense, not more than \$100.00.
- (ii) For a second offense, not more than \$500.00.
- (iii) For a third or subsequent offense, not more than \$2,500.00.

(b) A person who sells tobacco products, vapor products, or alternative nicotine products at retail shall post a sign as required by section 1 of Public Act No. 31 of 1915 (MCL 722.641), furnished by the state department of public health, that includes the following statement:

The purchase of tobacco products or vapor products or alternative nicotine products by a minor under 18 years of age and the provision of tobacco products or vapor products or alternative nicotine products to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco products, vapor product or alternative nicotine product is subject to criminal penalties.

(c) It is an affirmative defense to a charge pursuant to subsection (a) of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products, vapor products or alternative nicotine products, as applicable, to persons under 18 years of age, and that the defendant enforced and continues to enforce the policy. A defendant which proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the township attorney. The notice shall be served not less than 14 days before the date set for trial.

(d) A township attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) of this section shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than 7 days before the date set for trial, and shall contain the name and address of each rebuttal witness.

(e) Subsection (a) does not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.

(f) Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product, or alternative nicotine product to an individual, a person shall verify that the individual is at least 18 years of age by doing 1 of the following:

(i) If the person appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least 18 years of age.

(ii) For sales made by the internet or other remote sales method, performing an age

verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is 18 years of age or older.

Sec. 46-506. - Possession or use of tobacco, vapor products or alternative nicotine products.

(a) Definitions. As used in this section, the following definitions shall apply:

Chewing tobacco means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked.

Minor means an individual who is less than 18 years of age.

Person who sells vapor products or alternative nicotine products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products or alternative nicotine products.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

Public place means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business.

Tobacco product means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422, and a cigar.

Tobacco snuff means shredded, powdered or pulverized tobacco which may be inhaled through the nostrils, chewed or placed against the gums.

Vapor Product or Alternative Nicotine Products means a noncombustible product containing nicotine or not that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, that can be used to produce vapor from nicotine or not in a solution or other form. Vapor Product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form than is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor Product does not include a product regulated as a drug or device by the United States Food and Drug Administration (“FDA”) under subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360FFF-7.

(b) *Possession or use in public place prohibited.* A person under 18 years of age shall not possess or smoke cigarettes or cigars, or possess or chew, suck, or inhale

chewing tobacco or tobacco snuff, or possess or use tobacco in any other form, or possess or smoke vapor product or alternative nicotine products on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement, or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

(c) *Penalty.* A person who violates subsection (b) of this section shall be responsible for a state civil infraction or misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates subsection (b) of this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a person who violates this section is subject to the following:

(1) For the first violation the court may order the person to do one of the following:

- a. Perform not more than 16 hours of community service in a hospice, nursing home or long term care facility.
- b. Participate in a health promotion and risk reduction program, as described in this subsection.

(2) For a second violation, in addition to participation in a health promotion risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long term care facility.

(3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long term care facility.

(d) A person who is ordered to participate in a health promotion and risk reduction assessment program under subsection (c) is responsible for the costs of participating in the program.

(e) Subsections (b) and (c) do not apply to a minor participating in any of the following:

(i) An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(e) An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous

purchase or receipt of the tobacco product, vapor product, or alternative nicotine product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation. Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance use disorder coordinating agency and with the prior approval of the state police or a local police agency.

(f) This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsection (b) or (c).

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 be effective 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 ___ day of _____, 2019, and was ordered to be given publication in the manner required by law.

Motion by Siegrist, supported by Sneiderman to remove from the table, hold the second reading and

adopt an amendment to Canton Code of Ordinances, which amends Chapter 46, Article VIII of the Canton Code of Ordinances, to be published and become effective on September 05, 2019. Motion unanimously approved.

General Calendar:

Item G-1. Consider approval of the Preliminary Site Plan for Anand Village Site Condominium.

RESOLUTION OF
BOARD OF TRUSTEES
CHARTER TOWNSHIP OF CANTON, MICHIGAN
Preliminary Site Plan Approval for Anand Village Detached Condominium

WHEREAS, the Project Sponsor has requested approval of the preliminary site plan for Anand Village Detached Condominium Site Condominium, located on the southeast corner of Geddes and Denton Roads on tax parcel #126-99-0008-701; and,

WHEREAS, the Planning Commission reviewed the site plan and made a recommendation to approve the request for site plan approval;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the request of the petitioner to approve the preliminary site plan for Anand Village Detached Condominium on tax parcel # 126-99-0008-701, subject to any and all applicable state and local development regulations.

Motion by Siegrist supported by Slavens approve to adopt the resolution: Preliminary Site Plan approval for Anand Village detached condominium. Motion unanimously approved.

Item G-2. Consider approval of the Special Land Use for McMahon Helicopter Services.

RESOLUTION OF
BOARD OF TRUSTEES
CHARTER TOWNSHIP OF CANTON, MICHIGAN
**Approval of the Special Land Use for an
Airport-Related Business for McMahon Helicopter Service**

WHEREAS, the Project Sponsor has requested special land use approval for an airport-related business for McMahon Helicopter Service on property located on the west side of Lilley Road north of Warren Road; and,

WHEREAS, the Planning Commission reviewed the request and special land use criteria and voted 7-0 to recommend approval;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the request for an airport-related business for McMahon

Helicopter Service on tax parcel nos. 005-99-0006-000 and 005-99-0007-000, subject to all applicable local and state requirements.

Motion by Siegrist supported by Slavens approve to adopt the resolution: Special Land Use for McMahon Helicopter Services. Motion unanimously approved.

Item G-3. Consider final approval of the site plan for Park Creek Condominiums and approval of a Long-Term Maintenance Agreement for the Pedestrian Bridge.

RESOLUTION OF
BOARD OF TRUSTEES
CHARTER TOWNSHIP OF CANTON, MICHIGAN

**Approval of the Final Site Plan for
Park Creek of Canton Site and Detached Condominiums**

WHEREAS, the Project Sponsor has requested approval of the final site plan for Park Creek of Canton Site and Detached Condominiums on property located on the northwest corner of Beck and Geddes Roads; and,

WHEREAS, the Planning Commission reviewed the final site plan for Park Creek of Canton and voted 7-0 to recommend approval of the request as it meets all site design guidelines of the zoning and condominium ordinances and is consistent with the planned Development Agreement;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Charter Township of Canton, Michigan does hereby grant preliminary approval of the site plan for Park Creek of Canton Site and Detached Condominiums on parcel nos. 116-99-0002-710 and 116-99-0002-711, as proposed, subject to any and all applicable state and local development regulations.

Motion by Siegrist supported by Slavens to approve to adopt the resolution: Park Creek Condominiums. Motion unanimously approved.

AND:

**Approval of Agreement for Long-Term Maintenance of the Pedestrian
Bridge for the Park Creek of Canton Condominium**

WHEREAS, The Developer has applied to the Wayne County Department of Public Services for installation of a pedestrian bridge within the Beck Road right-of-way with respect to Park Creek of Canton Condominium(the Project);

WHEREAS, Developers application for right-of-way and storm water construction approval has been assigned Wayne County Review Number: R 19-306

WHEREAS, Developer has entered into a Planned Development District agreement with the Charter Township of Canton which includes the requirement for the developer to provide long-term maintenance of the pedestrian bridge at the Project, which Plan has been tentatively approved by the County pending issuance of this agreement and has been accepted by the Charter Township of Canton; and

WHEREAS, Charter Township of Canton has agreed to assume jurisdiction and accept responsibility for long-term maintenance of the pedestrian bridge at the Project in perpetuity;

NOW THEREFORE, Charter Township of Canton assumes jurisdiction over and accepts responsibility for long term maintenance of the pedestrian bridge in the Beck Road right-of-way at the Project pursuant to the Wayne County review letter, the Plan, and the right-of-way construction approval issued by Wayne County; and

To the extent allowed by law, the Charter Township of Canton hereby agrees to indemnify, save harmless, and defend Wayne County, its Department of Public Services, its officials and employees, against any and all law claims, suits, and judgments of every name and description arising out of the construction of the proposed pedestrian bridge in the Beck Road right-of-way adjacent at the Project. This agreement to indemnify, hold harmless and defend must not be construed as a waiver of any governmental immunity by Wayne County or the Charter Township of Canton, including each entities elected and appointed officials, and their respective employees, as provided by statute or court decision. FURTHER, that approval has been granted by the Township Board of Trustees, authorizing Township Supervisor to execute, on behalf of Charter Township of Canton, the permits for maintenance of the pedestrian bridge within the Beck Road right-of-way issued by Wayne County.

Motion by Siegrist supported by Slavens to approve the resolution: a Long-Term Maintenance Agreement for the Pedestrian Bridge. Motion unanimously approved.

Item G-4. Consider first reading of an amendment to Appendix A – Zoning of the Code of Ordinances for the Redwood/Marketplace of America Conditional Rezoning.

Motion by Siegrist supported by Slavens to introduce and hold the first reading of the proposed conditional zoning amendment to Appendix A-Zoning of the Code of Ordinances of the Charter Township of Canton as provided in the attached ordinance. Motion unanimously approved.

Motion by Siegrist supported by Anthony to table consideration of the conditional zoning amendment for a second reading on September 10, 2019. Motion unanimously approved.

Item G-5. Consider approval to enter into contracts with subdivision HOAs for the 2020 & 2021 Residential Road Millage Program. Listed as follows:

- | | |
|----------------------|---------------------|
| Royal Pointe | Willow Homes |
| Hidden River Estates | Wilshire Estates |
| Huntington Place II | Century Farms |
| Savannah Pointe | Glengarry Village I |
| Stonegate | Central Park II |
| Canton Country Acres | Nowland Estates |
| Kimberly Meadows | Pheasant Woods |
| Windsor Park | Salem Manor |
| Northwoods Place | Central Park I |

Fairways West
Franklin-Palmer
Forestbrook
Fifth Brookside
Sunflower Village
Pickwick Village
Buckingham Place

Mayfair Village
Cobblestone Ridge
Woodwind Estates
Cherry Knoll

Motion by Siegrist supported by Slavens to approve Canton Township entering into Contracts with Subdivision HOAs for the 2020 & 2021 Residential Road Millage Program. Motion unanimously approved.

Item G-6. Consider approval of a change order to the contract with Great Lakes Contracting Solutions, LLC. for the Major Road, Minor Concrete Projects for the 2019 Road Improvement Program and authorize a Budget Amendment.

Motion by Siegrist supported by Slavens to approve the budget amendment. Increase Expenditures: Roads, Major – Capital Outlay #204-446-11.970_0050 \$46,172. Decrease Expenditures: Roads, Major – Professional Services, Engineering #204-446-11.801_0040 \$46,172. Motion unanimously approved.

Motion by Siegrist supported by Anthony to approve a change order to the contract with Great Lakes Contracting Solutions, LLC. for the 2019 Major Road-Minor Concrete Projects construction in the amount of \$46,171.94. Motion unanimously approved.

Item G-7. Consider approval of award of a change order to the contract with Great Lakes Contracting Solutions, LLC. for the Major Road, Major Concrete Projects for the 2019 Road Improvement Program and authorize a budget amendment.

Motion by Siegrist supported by Sneiderman to approve Increase Expenditures: Roads, Major – Capital Outlay #204-446-11.970_0050 \$4,038. Decrease Expenditures: Roads, Major – Professional Services, Engineering #204-446-11.801_0040 \$4,038. Motion unanimously approved.

Motion by Siegrist supported by Slavens to approve a purchase order and contract with Great Lakes Contracting Solutions, LLC. for the 2019 Major Road-Major Concrete Projects construction in the amount \$4,037.26. Motion unanimously approved.

Item G-8. Consider approval of 2019 Budget Adjustments.

Motion by Siegrist supported by Slavens to approve the attached listing of budget adjustments to the 2019 budget. Motion unanimously approved.

Item G-9. Consider approval to award bid for Village Theater curtain cleaning and fireproofing.

Motion by Siegrist supported by Slavens to award On-Site Services, 35246 US Hwy 19 N, Unit #141, Palm Harbor, FL. 34684 for the cleaning and fireproofing of the Village Theater curtains in

the amount of \$25,105 to be taken from Account #101-761-56.930_0030. Motion unanimously approved.

Item G-10 Consider approval of sale of Canton property and authorize Supervisor Williams to sign all documents necessary to close on the sale.

Motion by Siegrist supported by Slavens to approve that Canton accept the Letter of Intent from Gumesindo Pineda and authorize Supervisor Williams to sign the formal Purchase Agreement and any other documents necessary to complete the sale of the parcel located east of Willard Street and to the west of the ITC corridor. Motion unanimously approved.

Item G-11. Consider approval a request for new flooring at Fire Station No. 1 and Associated Fire Budget Amendment.

Motion by Siegrist supported by Slavens to approve the request for Pro Tech Concrete Coatings to replace fire station flooring in the amount of \$61,145 with a \$3,000 contingency, totaling \$64,145. Motion unanimously approved.

Motion by Siegrist supported by Slavens to approve a 2019 Fire Budget amendment to reduce the Transfer to Fund Balance Account by \$64,145 and increase the Capital Outlay Buildings Account by the same amount. Motion unanimously approved.

Item G-12. Consider Approving a Request to Purchase an Outdoor Gun Range Target System.

Motion by Siegrist supported by Slavens to approve the purchase of an outdoor gun range target system from Action Target, in the amount of \$103,900 with a \$1,100 contingency, for a total of \$105,000, using funds budgeted in the 2019 Police Capital Outlay Buildings Account. Motion unanimously approved.

Additional Public comment was held.

Other: None

Adjourn: Motion by Anthony, supported by Sneiderman to adjourn at 8:08 p.m. Motion unanimously.

Michael A. Siegrist, Clerk

Pat Williams, Supervisor