

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
MONDAY, FEBRUARY 5, 2018**

- 1. CALL TO ORDER:** 6:30 PM
MEMBERS PRESENT: Trombly, Kandell, Honold, Clifford, Gurley
ATTORNEY PRESENT: Steven Joppich
RESIDENTS AND GUESTS PRESENT: 18

- 2. PLEDGE OF ALLEGIANCE**
3. APPROVAL OF MEETING AGENDA

Motion by Kandell supported by Honold to approve the meeting agenda as presented. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion by Clifford supported by Gurley to approve the minutes of January 10 and January 22, 2018. All Ayes. Motion passes.

5. PUBLIC ANNOUNCEMENTS

Clerk Kandell reported that there has been a Township wide election scheduled for May 8, 2018 for a Macomb Community College Operating Millage Proposal.

6. PUBLIC COMMENT

Supervisor Trombly expressed gratitude and appreciation from his family and his brother Cam, for the support and comfort shown to them in the recent passing of their Mother.

7. CONSENT AGENDA

All items listed under this Consent Agenda are considered routine by the Township Board and will be enacted by one motion. According to established Township meeting rules, there will be no separate discussion of these items, unless a member of the Board or public so requests at or prior to the meeting, in which event the chair of the meeting may remove such item(s) from the Consent Agenda for discussion and consideration under Agenda Item No. 8, below. Approval of the Consent Agenda shall be by a majority roll call vote of those present and voting. Under the Consent Agenda are items a. Sheriff Report, b. Fire Department Report, c. EMS Report, d. DPW Report, e. Code Enforcement Report, f. Assessing Department Report, g. Engineer Report, h. Planner Report, i. Library Report, j. Senior Center Report, k. Supervisor's Report, l. Treasurer's Report, m. Orders and Bills, n. Trustees Report, o. Clerk's Report.

Clerk Kandell reported that the Bills List consists of bills to be paid \$172,017.91, and invoices paid during the month of January, \$127,603.18, for a total bill approval request of \$299,621.09.

Motion by Honold supported by Gurley to accept the Consent Agenda with the Orders and Bills totaling \$299,621.09.

Roll Call: Honold- Aye, Gurley- Aye, Kandell- Aye, Clifford- Aye, Trombly- Aye. Motion passes.

8. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda at this meeting.

9. UNFINISHED BUSINESS

A. ZONING BOARD OF APPEALS APPOINTMENT

Supervisor Trombly explained that he would like to appoint Chuck Geisler for another term on the Zoning Board of Appeals, as he is still interested in continuing his position.

Motion by Clifford supported by Gurley to accept the Supervisor's recommendation and re-appoint Chuck Geisler to the Zoning Board of Appeals. All Ayes. Motion passes.

10. NEW BUSINESS

a. MEDICAL MARIHUANA ZONING ORDINANCE TEXT AMENDMENT

Township Attorney Steven Joppich detailed that this proposed Medical Marihuana Ordinance Text Amendment is to address an issue with timing between a Site Plan Review, a Special Land Use Request, Variance Requests, or the Medical Marihuana Licensing process that might be necessary on the zoning end of parcels proposed to be used for Medical Marihuana. Petitioners may apply for these approvals, however, they could not be approved until the Medical Marihuana Facility Provisional Certificates are in place. The Planning Commission held a Public Hearing before this meeting to discuss this Amendment and they recommended adoption.

Motion by Kandell supported by Honold to approve the Medical Marihuana Zoning Ordinance Text Amendment as presented. Roll Call Vote: Kandell- Aye, Honold- Aye, Gurley- Aye, Trombly- Aye, Clifford- Aye. Motion passes.

b. MCLAREN MACOMB MEDICAL OUTREACH CLINIC LEASE RENEWAL

Fire Chief Denny Fouchia reported that this is an Amendment to the current Lease Agreement with McLaren Macomb that is housed at Station II. The present rate would remain the same, as they have been good tenants for the Fire Department.

Motion by Clifford supported by Gurley to approve the Amended Lease Agreement as written for McLaren Macomb.

Roll Call Vote: Clifford- Aye, Gurley- Aye, Kandell- Aye, Honold- Aye, Trombly- Aye. Motion passes.

Fouchia remarked that the Department had 630 calls in 2017, which was a record, and an increase of 13.3% over 2016.

c. PINE TREE ACRES HOURS OF OPERATION ADJUSTMENT

David Rogers, District Manager for Pine Tree Acres Landfill, stated that the landfill is proposing an Amendment to the Host Community Agreement, changing the normal operating hours from 7:00 AM to 7:00 PM Monday through Friday, to 6:00 AM until 6:00 PM Monday through Friday, Saturday would remain unchanged 7:00 AM until 3:00 PM. The thought behind this change is to ease congestion on 29 Mile Road and Gratiot Avenue, enhancing public safety and to allow for more efficient operation for the landfill. In December of 2017, the Department of Transportation started electronic log books, so the truck drivers are required to log in electronically, if there is a big rush to get off-loaded, their meters are still running during the wait. Supervisor Trombly reported that the hours were amended temporarily due to an emergency situation and no complaints were documented.

Rogers detailed that in December 2017, a third-party landfill tipper failed and flopped over, luckily no one was injured. Replacement of that tipper took some time, as they are constructed in Oregon. The new tipper was put in service on Saturday. Attorney Joppich remarked that there may be some technical adjustments to the language before it gets signed.

Rogers explained that since the accident, there has been 15 to 20 trucks running over the scales between 6:00 AM and 7:00 AM, and they were also forced to divert waste to other landfills to counter the effects of the tipper failure.

Trombly noted that a decrease in volume means less revenue for the Township.

Motion by Clifford supported by Gurley to accept Waste Management's proposed hour change pending the Township Attorney's approval.

Roll Call Vote: Clifford- Aye, Gurley- Aye, Honold- Aye, Trombly- Aye, Kandell- Aye. Motion passes.

d. HAUNTED FARM OF TERROR / LONE WOLF PAINTBALL PROPOSAL

Charles Alongi with the Haunted Farm of Terror, detailed a proposal that he brought forward to the Planner last week. Township Planner Steve Cassin recommended that Alongi come in front of the Board of Trustees for direction on whether to allow Cassin to begin work on an amendment to the Special Land Use that is currently in place, which would require a Public Hearing in front of the Planning Commission. Alongi would like approval to allow Lone Wolf Paintball to utilize the Zombie Assault paintball fields that were approved last year on the Haunted Farm of Terror site. This attraction consists of vehicles equipped with paintball guns driven through fields as customers shoot at zombies with paintball guns. Alongi was approached by Lone Wolf Paintball as they are no longer able to use the courses at Gibraltar Trade Center since its closure. Lone Wolf has an indoor facility at Hall Road and Groesbeck, however they need additional outdoor space. Alongi would like to accommodate Lone Wolf at the Haunted Farm of Terror site from April through November, Saturdays and Sundays from 11:00 AM until 6:00 PM, Monday through Friday would be by appointment only. Lone Wolf has been in business for over 20 years without any problems whatsoever.

Motion by Kandell to direct Steve Cassin to take this proposal to the Planning Commission for review. Supported by Clifford.

Roll Call Vote: Kandell- Aye, Clifford- Aye, Gurley- Aye, Trombly- Aye, Honold- Aye. Motion passes.

e. 2018 POVERTY APPLICATION AND GUIDELINE APPROVAL REQUEST

Motion by Kandell supported by Honold to approve the 2018 Poverty Exemption Application and Guidelines as presented. All Ayes. Motion passes.

f. SHORETEL TELEPHONE CONTRACT RENEWAL

Clerk Kandell reported that this is a contract renewal for the ShoreTel telephone system, if anything were to go wrong with the telephone hardware, it would be covered, and the Township would not be billed. In 2016 and 2017, Lenox paid \$1,499 for a year's service, this year the cost has decreased to \$1,080.

Motion by Kandell supported by Clifford to approve the ShoreTel Telephone Contract Renewal. All Ayes. Motion passes.

g. HOLIDAY CLOSURE REQUEST

Treasurer Honold explained that July 4 falls on a Wednesday in 2018, this request is to close the building on Thursday as well to allow for an extra-long weekend. While on the subject of closing the building, Christmas falls on a Tuesday and common practice is to close the offices that entire week. Approving this now would allow the employees to consider saving three days of their vacation time if they choose to use paid time off for the days that the building would be closed.

Motion by Honold supported by Kandell to close the Township Office on Thursday, July 5, 2018, Wednesday, December 26, and Thursday, December 27, 2018. All Ayes. Motion passes.

12. PUBLIC COMMENT

There were no Public Comments heard at this time.

13. CLOSED SESSION

A. FOR PURPOSES OF DISCUSSING CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS FROM THE TOWNSHIP ATTORNEY

Motion by Clifford supported by Gurley to go into Closed Session at 6:56 PM.

Roll Call Vote: Clifford- Aye, Gurley- Aye, Kandell- Aye, Trombly- Aye, Honold- Aye. Motion passes.

Motion by Gurley supported by Kandell to return to Open Session at 7:10 PM.

Roll Call Vote: Gurley- Aye, Kandell- Aye, Clifford- Aye, Trombly- Aye, Honold- Aye. Motion passes.

13. ADJOURNMENT

Motion by Gurley supported by Clifford to adjourn the meeting at 7:11 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

LuAnne Kandell, Clerk

Carol A. Swantek, Recording Secretary