

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
MONDAY, MAY 7, 2018**

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| 1. CALL TO ORDER: | 6:30 PM |
| MEMBERS PRESENT: | Trombly, Kandell, Honold, Clifford, Gurley |
| ATTORNEY PRESENT: | Steven Joppich |
| RESIDENTS AND GUESTS PRESENT: | 9 |

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING AGENDA

Motion by Clifford supported by Gurley to approve the meeting Agenda as written. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion by Gurley supported by Honold to approve the minutes of April 2, 2018, April 4, 2018, and April 18, 2018. All Ayes. Motion passes.

5. PUBLIC ANNOUNCEMENTS

Trustee Clifford announced that the Village of New Haven Memorial Day Parade has been scheduled for Monday, May 28, 2018 beginning at 10:00 AM from the Community Center. Organizations interested in being a part of this event can contact him.

6. PUBLIC COMMENT

No Public Comments were heard at this time.

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 Report, l. Treasurer Report, m. Orders and Bills, n. Trustees Report, o. Clerk Report.

Clerk Kandell explained that Invoices paid were \$295,230.06, Prepaid Invoices are \$237,429.74, bringing the total from April 10, 2018 to May 8, 2018 to \$532,659.80.

Motion by Kandell supported by Honold to approve the Orders and Bills in the amount of \$532,659.80 as presented.

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

Motion by Kandell supported by Honold to approve the Consent Agenda as presented.

Roll Call Vote: Kandell- Aye, Honold- Aye, Clifford- Aye, Gurley- 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

There was no Unfinished Business at this meeting.

10. NEW BUSINESS

Fire Chief Denny Fouchia detailed a recent 24-hour trench rescue operations class, that included members from the Lenox Township Fire Department, Armada Township Fire Department, Washington Township Fire Department, Ray Township and Richmond Lenox EMS. The entire Lenox Township Fire Department is now certified by the State of Michigan through this program.

a. FIRE DEPARTMENT WASHER AND DRYER PURCHASE PROPOSAL

Fire Chief Denny Fouchia explained that this proposal is included in the current budget, with \$16,400 set aside for this project. Fouchia was quoted \$16,973, which included a firefighter discount of \$3,567.00. Universal is the only Michigan company that currently sells this type of equipment. The existing washer and dryer would be relocated to Station II.

Motion by Clifford supported by Honold to allow the purchase of the washer and dryer equipment requested by the Fire Chief in the amount of \$16,973.00. All Ayes. Motion passes.

b. FIRE DEPARTMENT 2015 FIRE CODE ADOPTION REQUEST

Fire Chief Den Fouchia recalled that the Building Department adopted the 2015 Michigan Building Code in April 2017, however, the companion code to that is the International Fire Code, which was not adopted at the same time.

Motion by Honold supported by Gurley to adopt the Fire Code Ordinance of Lenox Township, the 2015 Edition of the International Fire Code, including all its amendments and references.

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

c. DPW SEASONAL PERSONNEL HIRE REQUEST

DPW Superintendent Cam Trombly reported that three applications were submitted for the Seasonal Maintenance Position. Regretfully, one of the applicants withdrew their interest in the position. The person chosen would be employed as soon as possible until November, depending on their availability. Compensation would be \$10.00 per hour, no benefits, and with the same duties as in past years. He recommended Kurtis Kaltz for the position under the perimeters that have been laid out.

Motion by Kandell supported by Gurley to approve the hiring of Kurtis Kaltz at the rate of \$10.00 per hour for the Seasonal DPW position. All Ayes. Motion passes.

d. VILLAGE OF NEW HAVEN AND LENOX TOWNSHIP FIREWORKS REQUEST

Village of New Haven President Chris Dilbert remembered that last year, the Village Council budgeted \$5,000, with actual costs coming in at \$4,000. There is not a fixed cost at this time, but they have been in contact with the vendor. The Village Council allowed up to \$5,000 for 2018. The fireworks date is July 21, 2018.

Motion by Clifford supported by Trombly to join with the Village of New Haven and allow up to \$5,000 for the Joint Fireworks Proposal.

Township Attorney Joppich confirmed that the Memorandum of Understanding is the same memo that was used last year and would be finalized when the exact amount is known and signed by the Supervisor.

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

e. CONSIDERATION OF APPROVAL OF FIRST AMENDMENT TO MARINO-SCAREFEST CONSENT JUDGEMENT

Township Attorney Joppich explained that this matter dates back to a court case in 2008 involving Scarefest Screampark. Much of the event is covered by a Consent Order that was entered by a judge however, several matters continue to be not in compliance.

1. Temporary camping was not a part of the consent order, and instead of requesting permission from the Board every year, the thought was to update the consent order to allow temporary camping annually as long as there is compliance with state laws and county laws regarding temporary camping.

2. There were issues regarding the obscuring of the castle building that is used as part of the operations there; in order to resolve that dispute, it has been agreed that fencing would be increased another two feet in height.

3. Questions about temporary signage has been raised over the years, as there were no provisions in the consent order governing signage. A status quo provision has been added to the consent order, what has been used would now be what is permitted, with the addition of one additional sign over the entrance and to possibly change the direction of the signage.

Trustee Clifford inquired if the Planner had been involved in the process in order to follow Township Sign Regulations.

Joppich explained that the amount of signage requested is higher than what is permitted in the Township Sign Regulations, however, it is consistent with what has been put up at the site in the past. Sponsorship signs, charity banners, and advertising signs must be removed within one week after the last day that activities are open to the public.

Clerk Kandell remarked that she did not see specific dates of when signs could go up and must be removed.

Joppich stated that dates are governed by other parts of the consent order.

Kandell detailed that the signage accumulates to 218 square feet of signage, she does not believe other seasonal businesses would be allowed that much signage.

Clifford asked if the number of signs conforms to the consent order.

Joppich explained that the consent order did not have provisions regarding signage in it. Through the course of discussions, there were comments made about other activities in the Township where some fairly large signage exists and stays up for extended periods of time.

Supervisor Trombly interjected that extremely large signs stay up year-round.

Joppich continued that negotiations have been ongoing comparing what was going on in the community, resolved tentatively by bringing it to the Board of Trustees for approval.

Trombly stated that this can continue to be negotiated, or the Township could spend thousands of dollars and go back to court and let the court system figure it out. This amendment has taken nearly two years to get to this point, it should be done once and for all.

Trustee Gurley remarked that the signs and banners are usually on the fences and are not able to be seen from Gratiot.

Trombly detailed that there is over one-half mile of frontage alone, square footage adds up quickly.

Motion by Clifford supported by Gurley to approve the Proposed Amendment to the Consent Order in the case of Marino V. Lenox Township, Case No. 08-4057-CK, as provided under the Township Attorney's letter dated April 12, 2018, and to authorize the Township Supervisor and Township Attorney to sign the Consent Order Amendment on behalf of the Township and have it entered with the Court.

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

f. REZONING REQUEST: LENOX INDUSTRIAL PARK, LLC, 19-06-13-300-002, VACANT FROM AGRICULTURAL TO COMMERCIAL GENERAL AND INDUSTRIAL RESTRICTED

Township Planner Stephen Cassin explained that this request is to rezone a parcel located on the north side of 29 Mile Road between Gratiot Avenue and County Line, with 53.33 acres, with the frontage rezoned Commercial General and the rear to be rezoned to Industrial Restricted. This request is consistent with the Master Plan Goals and the Planning Commission voted to recommend approval to the Board of Trustees. Motion by Kandell supported by Honold to approve the Rezoning Request from Agricultural to Commercial General and Industrial Restricted for a property north of 29 Mile Road, east of Gratiot, with the parcel identification of 19-06-13-300-002 as requested.

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

g. REZONING REQUEST: JAMES LAHOOD-SARKIS, 19-06-14-400-020, VACANT FROM COMMUNITY COMMERCIAL TO COMMERCIAL GENERAL AND INDUSTRIAL RESTRICTED

Township Planner Stephen Cassin reported that this request is to rezone a parcel located on the west side of Gratiot, north side of 29 Mile Road, currently zoned Community Commercial, the front 300 feet would be changed to Commercial General and the remainder would be changed to Industrial Restricted. This request is consistent with the Master Plan Goals and the Planning Commission recommended approval to the Board of Trustees.

Motion by Clifford supported by Honold to approve the Rezoning Request of James LaHood-Sarkis, parcel identification number 19-06-14-400-020, vacant from Community Commercial to Commercial General and Industrial Restricted.

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

h. ORDINANCE AMENDMENT, ARTICLE 6 RESIDENTIAL LOW DENSITY (ONE FAMILY) DISTRICT, SECTION 601, SPECIAL LAND USES

Township Planner Stephen Cassin explained that this request came from St. Augustine Church, who maintain St. Michael's Cemetery, in Richmond, they also own property in Lenox, that is in the Residential Low Density District, and wish to expand the cemetery onto the Township property. Church representatives requested that Lenox allow Cemeteries in Single Family and Multiple Family Residential Districts. The Planning Commission reviewed this request and a Public Hearing was held without objection from the public or the Planning Commission and the Commission recommended Board of Trustee approval.

Motion by Kandell supported by Gurley to approve the proposed Zoning Amendment, allowing Cemeteries in Residential Low Density and Residential Medium Density Districts, as presented by the Planning Commission, Section 601, Section 701, and Section 1802.

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

i. ORDINANCE AMENDMENT, ARTICLE 18 SPECIAL LAND USE APPROVAL REQUIREMENTS, SECTION 1839

Township Planner Stephen Cassin detailed that Section 1839 deals with Seasonal Businesses. Seasonal Businesses are required to go through the Special Land Use Process and a Public Hearing annually, which is time consuming and expensive for the petitioner as well as the Township. It was necessary to clarify issues, which include:

1. when a Seasonal Attraction comes back to the Township for approval the second, third, fourth year, if they are making no changes, to make an application to the Clerk's Office. The Planner could allow continuance, if upon review has been ensured that the plan did not change from previous years.

2. There is an Ordinance provision that allows four 30 day periods in which the attraction could be operated, requiring the petitioner to go dormant for 15 days in between. The Planner recommended that provision be modified to allow a maximum of 180 days per year.

These amendments require petitioners to complete the same Planning Commission procedure; the changes would permit them to not go through the Special Land Use process every year if there are no changes to the site plan.

Motion by Clifford supported by Honold to approve the Ordinance Amendment, Article 18, Special Land Use Approval Requirements, and the changes made to Section 1839.

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

11. PUBLIC COMMENT

J. Hartway, Lenox Township Resident, inquired about the First Amendment for Marino's Scarefest, such as signage and past compliance.

Attorney Joppich explained the Township Ordinances regarding permitted signage; the Marino Property has a Consent Judgement that overlays and overrides the Township Ordinance.

J. Stevens, 9338 St. Clair Highway, Chairman of the St. Michael's Cemetery Committee, thanked the Township Board for approving the text change to allow Cemeteries as a Special Land Use. There are approximately 20 years of gravesites left, and St. Michael's has been serving the community for 130 years as a final resting spot for the deceased.

12. CLOSED SESSION

A. CLOSED SESSION TO DISCUSS CONFIDENTIAL AND PRIVILEGED ATTORNEY CLIENT CORRESPONDENCE FROM THE TOWNSHIP ATTORNEY

Motion by Kandell supported by Gurley to go into Closed Session at 7:12 PM to discuss Confidential and Privileged Attorney Client Correspondence from the Township Attorney.

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

Motion by Kandell supported by Gurley to return to Open Session at 7:25 PM.

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

Motion by Clifford supported by Gurley to ratify and approve the agreement attached to the Township Attorney's Correspondence to the Township Board dated April 23, 2018. All Ayes. Motion passes.

13. ADJOURNMENT

Motion by Kandell supported by Clifford to adjourn the meeting at 7:25:30 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

LuAnne Kandell, Clerk

Carol A. Swantek, Recording Secretary