

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
JANUARY 3, 2023**

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| 1. CALL TO ORDER: | 6:30 PM |
| MEMBERS PRESENT: | Reeder, Kandell, Honold, Clifford, Gurley |
| ATTORNEY PRESENT: | Albert Addis |
| RESIDENTS AND GUESTS PRESENT: | 8 |
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING AGENDA**

Clerk Kandell reported that there were three items to be added to the Agenda, being; under Unfinished Business, **B.** Parks and Recreation Master Plan, under New Business, **h.** Set Community Development Block Grant Public Hearing Date, **i.** 2023 Michigan Township Association 2023 Conference.

Motion: Kandell Support: Honold

Motion to approve the Agenda as amended. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion: Honold Support: Gurley

Motion to approve the minutes from the Regular Meeting of December 5, 2022 as presented. All Ayes. Motion passes.

5. PUBLIC ANNOUNCEMENTS

There were no Public Announcements at this time.

6. PUBLIC COMMENT

There were no Comments from the Public 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. Public Safety Report, b. EMS Report, c. DPW Report, d. Code Enforcement Report, e. Assessing Department Report, f. Engineer Report, g. Planner Report, h. Library Report, i. Senior Center Report, j. Supervisor's Report, k. Treasurer's Report, l. Orders and Bills, m. Trustees Report, n. Clerk's Report.

Clerk Kandell explained that because of the Christmas Holiday, several invoices were paid before the meeting to ensure that obligations were met. There was \$560,466.61 in invoices that were paid during the month and \$1,043.71 in invoices to be paid, which totals \$561,510.32.

Motion: Honold Support: Gurley

Motion to approve the Consent Agenda with the Orders and Bills in the amount of \$561,510.32 as presented.

8. ITEMS REMOVED FROM CONSENT AGENDA

Supervisor's Report

2021-2022 UHY, LLC. Audit Presentation

Karen Shafik, representing UHY, LLC., briefly explained the 2021-2022 Audit that was recently completed for the Township. The Township received an unmodified opinion in accordance with Generally Accepted Accounting Principles (GAAP), which is what the Township and the Auditing firm strive for.

10. UNFINISHED BUSINESS

A. FOOD TRUCK LICENSING ORDINANCE PROPOSAL

Planner Cassin explained that there have been a few revisions to this Draft; he suggested that a moratorium be adopted in order to have extra time to gather information and discuss possible ramifications of a food truck licensing ordinance.

Clerk Kandell read the following Resolution 2023-01 aloud:

At a regular meeting of the Township Board of Lenox Township, Macomb County, Michigan, held at the Township Hall in said Township on the 3rd day of January, 2023, at 6:30 p.m.

WHEREAS, the Township General Ordinance Statute, Michigan Public Act 246 of 1945, as amended, authorizes the Township Board to adopt ordinances regulating the public health, safety and general welfare of persons and property; and,

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2016 ("MZEA"), the Township has the authority to establish reasonable land use regulations to protect the public health, safety and welfare and in a manner consistent with applicable Michigan law; and,

WHEREAS, the Township of Lenox does not currently have in place a specific food truck ordinance; and,

WHEREAS, the Township of Lenox has experienced increased interest in Food Truck operations; and,

WHEREAS it is therefore in the best interest of the Lenox Township Board to study the need, feasibility, and any safety issues inherent in food truck operation; and,

WHEREAS, the Township of Lenox is committed to protecting the health safety and welfare of its residents as well as the prosperity of businesses located in our community; and,

*WHEREAS, the State of Michigan, through the Michigan Food Law and the Michigan Modified FDA Food Code, requires licensing for **temporary** food service establishment, **mobile** food service establishment and special transitory food unit, to protect health and safety; and,*

WHEREAS, the Township desires to consider the best way to address permitting and/or regulating Food Trucks consistent with Michigan law to protect the public health, safety, and welfare of Township residents as well as the current Township food service establishments; and,

WHEREAS, imposing a moratorium, on a limited temporary basis (30 days), is reasonable and necessary to allow time for the development of an appropriate ordinance.

NOW, THEREFORE, the Township of Lenox adopts the following resolution:

The Township hereby places a Moratorium on the Issuance of Permits, Licenses, or Approvals for Certain Uses of Property Related to Food Trucks as defined above until February 6, 2023.

Motion: Kandell Support: Honold

Motion to approve a moratorium identified as 2023-01 on the issuance of permits, licenses, and approvals for Food Trucks until February 6, 2023, as recommended.

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

B. RECREATION MASTER PLAN ADOPTION

Planner Cassin reported that Recreation Master Plan has been prepared in compliance with the Michigan Department of Natural Resources (MDNR) Guidelines for Recreation Plans, which is required prior to applying for any MDNR grants. The requirements for adopting a new Master Plan have been completed.

Clerk Kandell read the following Resolution 2023-02 aloud:

WHEREAS, Lenox Township has undertaken a Five-Year Parks and Recreation Plan which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the period from 2023 through 2027, and

WHEREAS, the draft 2023-2027 Parks and Recreation Plan was posted to the Township Website on October 4, 2022

WHEREAS, a notice of a public hearing to be held December 5, 2022 was given one publication in the Voice Newspaper on October 19,

2022, and

WHEREAS, a public hearing was conducted by the Lenox Township Board of Trustees on December 5, 2022 at the Lenox Township Municipal Offices to provide an opportunity for citizens to officially comment on the draft 2023-2027 Recreation Plan, and WHEREAS, the Township Planner with the Board of Trustees have developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreation needs of the community, and WHEREAS, the Lenox Township Board of Trustees voted to adopt the 2023-2027 Recreation Plan at the regular meeting held on January 3, 2023.

NOW, THEREFORE BE IT RESOLVED the Lenox Township Board of Trustees hereby adopts the 2023-2027 Lenox Township Recreation Plan as a guide for improving recreation for the residents of Lenox Township.

Motion: Kandell Support: Gurley

Motion to approve the adoption of the Recreation Master Plan with Resolution 2023-02.

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

11. NEW BUSINESS

a. ZONING ORDINANCE AMENDMENT, SECTION 1815, UTILITY STRUCTURES, UTILITY TRANSMISSION SYSTEMS, WIRELESS TRANSMISSION / RECEPTION / RELAY TOWERS

Planner Cassin explained that the International Transmission Company (ITC), which is a regulated utility under the Public Service Commission, contacted Lenox Township pointing out that Section 1815 was contradictory. Essential Services such as ITC are exempt from zoning controls and the like. This amendment clarified inconsistencies within the Ordinance; Planning Commissioners have recommended Board of Trustees approval.

Motion: Kandell Support: Clifford

Motion to approve the Zoning Ordinance Amendment to Section 1815, Utility Structures, Utility Transmission Systems, Wireless Transmission / Reception / Relay Towers as presented.

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

b. CODE OF ORDINANCE CODIFICATION

Planner Cassin stated that the Township Ordinances have been organized, formatted and retyped by section. This project was a combined effort by many staff members as well as the Clerk's Office to create an organized Ordinance that will be much easier to insert amendments when necessary.

Motion: Kandell Support: Honold

Motion to approve the Code of Ordinances Codification as presented by the Township Planner Steve Cassin.

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

c. FIRE DEPARTMENT STAFF PHYSICALS PROPOSAL

Public Safety Director Jeff White explained that firefighter physicals were postponed during the pandemic; it has been budgeted to begin the physicals this year. Bio-Care out of Holt, Michigan, brings a motor coach onsite that has been fitted to perform the entire physical onboard. It costs approximately \$670.00 per person to provide a complete physical; there are currently 15 firefighters employed by Lenox Fire Department. White requested that the motion specify not to exceed \$670.00 per person, in case more firefighters are hired before the appointment date.

Motion: Kandell Support: Clifford

Motion to approve Fire Department Staff physicals through Bio-Care in the amount not to exceed \$670.00 per firefighter.

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

d. FIRE DEPARTMENT PAY STRUCTURE MODIFICATION PROPOSAL

Public Safety Director Jeff White detailed the difficulty in attracting new firefighters to join Lenox Fire Department. The proposed Tier Pay System would separate the pay structure into two tiers. The first tier would be for firefighters responding to all incidents, whether it be fires,

vehicle accidents or medicals. The second tier would be for firefighters that are not able to respond to every incident, because of work life balance issues, but want to train and prepare for larger scale events. There are adequate dollars in the budget this year, as the budget always includes funds in the case with the hope of increased membership. The cost involved for this modification is estimated to be \$10,000.

Motion: Honold Support: Clifford

Motion to approve modifying the Fire Department Pay Structure as recommended by Public Safety Director Jeff White.

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

e. POLICY MANUAL / EMPLOYEE GUIDELINES REVISION

Clerk Kandell explained that the current Employee Policy Manual is approximately 70 pages in length and is very difficult for employees to navigate. This revision organized, separated, and formatted the policies, to ensure ease of inserting new information when necessary. With the assistance of the Township Attorney, an Employee Guideline Book was created out of sections that did not belong in a policy manual and are better suited in a guideline for employees.

Motion: Honold Support: Gurley

Motion to approve the revision to the Policy Manual and the Employee Guidelines Book.

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

f. PLANNING COMMISSION APPOINTMENT

Deputy Supervisor Mark Grabow reported that the Supervisor has recommended that Linda Rosseel be reappointed to the Planning Commission for a three-year term expiring 12-31-2025.

Motion: Kandell Support: Reeder

Motion to approve Linda Rosseel to the Planning Commission for a three-year term expiring 12-31-2025.

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

Deputy Supervisor Grabow stated that Supervisor Reeder has recommended Robert Pannell to the Planning Commission for a three-year term expiring 12-31-2025. Pannell is a longstanding member of the community and is well experienced in New Haven Village Planning Commission, as well as a Citizen Planner.

Motion: Honold Support: Reeder

Motion to approve the recommendation of Supervisor Reeder appointing Robert Pannell to the Planning Commission for a three-year term expiring 12-31-2025.

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

g. BOARD OF REVIEW APPOINTMENTS

Deputy Supervisor Mark Grabow reported that the Assessing Board of Review Members must be appointed for two-year terms on odd years. Supervisor Reeder has recommended reappointing Marnie Ickes, Reinhold "Ron" Zemens, and Genevieve Rodzik.

Motion: Kandell Support: Clifford

Motion to approve the reappointment of Marnie Ickes to the Board of Review for a two-year term expiring 12-31-2024.

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

Motion: Kandell Support: Clifford

Motion to approve the reappointment of Reinhold "Ron" Zemens to the Board of Review for a term of two years expiring 12-31-2024.

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

Motion: Clifford Support: Honold

Motion to approve the reappointment of Genevieve Rodzik to the Board of Review for a two-year term expiring 12-31-2024.

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

Deputy Supervisor Grabow explained that the Supervisor's Office is actively looking for an alternate Board of Review member; interested residents can contact the Supervisor's Office for additional details.

h. SET 2023 COMMUNITY DEVELOPMENT BLOCK GRANT FUND PUBLIC HEARING

Deputy Supervisor Mark Grabow stated that the Community Development Block Grant Fund Public Hearing must be held by February 21, 2023 in order to receive funding. Lenox Township is slated to receive \$3,400 in Community Development Block Grant Funding, with \$2,000 of that going automatically to the CHORE Program, leaving \$1,400 for the Board to be allocated.

Motion: Kandell Support: Gurley

Motion to set the Community Development Block Grant Fund Public Hearing for Monday, February 6, 2023.

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

i. 2023 MICHIGAN TOWNSHIP ASSOCIATION CONFERENCE REQUEST

The 2023 Michigan Township Association Annual Conference is scheduled to be held in Traverse City on April 17, 2023 through April 20, 2023. This annual conference is educational and informative for everyone who attends.

Motion: Kandell Support: Honold

Motion to approve the \$390.00 registration cost, hotel costs to be added later, for each Board of Trustee Member and the Planner to attend the 2023 Michigan Township Association Conference.

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

12. PUBLIC COMMENT

There were no comments from the public at this time.

13. CALL FROM THE BOARD

There were no additional remarks from the Board of Trustees at this time.

14. ADJOURNMENT

Motion: Kandell Support: Honold

Motion to adjourn the Meeting at 7:17 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

LuAnne Kandell, Clerk

Carol A. Swantek, Recording Secretary