

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
OCTOBER 2, 2023**

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| 1. CALL TO ORDER: | 6:30 PM |
| MEMBERS PRESENT: | Reeder, Kandell, Honold, Clifford, Gurley |
| ATTORNEY PRESENT: | Addis |
| RESIDENTS AND GUESTS PRESENT: | 24 |
| 2. PLEDGE OF ALLEGIANCE | |
| 3. APPROVAL OF MEETING AGENDA | |

Motion: Kandell Support: Honold

Motion to approve the Meeting Agenda as revised, adding item **h.** to **10.** New Business, Pine Tree Acres Extended Hours Request.
All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Supervisor Reeder reported that Public Comment from L. Rosseel at last month's meeting was in reference to the Solar Panel Ordinance and not the Solar System Ordinance.

Motion: Kandell Support: Honold

Motion to approve the minutes from the Regular Meeting of September 5, 2023 with the correction of Public Comment by L. Rosseel that she spoke on the Solar Panel Ordinance Update. All Ayes. Motion passes.

5. PUBLIC ANNOUNCEMENTS

There were no Public Announcements at this time.

6. PUBLIC COMMENT

There were no Public Comments at this time of the meeting.

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, 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 an error regarding the total amount of Orders and Bills was made at last month's meeting. The correct total should have been \$701,246.72.

Motion: Honold Support: Gurley

Motion to approve the correction of last month's Bills List to total \$701,246.72.

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

Clerk Kandell reported that invoices of \$60,599.04 were paid during the month to avoid fees and late charges, and \$391,989.72 in bills that need to be paid, totaling \$452,588.76, that should be approved at this meeting.

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

Motion: Gurley Support: Honold

Motion to approve the Consent Agenda with the Orders and Bills in the amount of \$452,588.76.

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

8. ITEMS REMOVED FROM CONSENT AGENDA

a. Public Safety Report

New EMS Staff Swearing in Ceremony

Public Safety Directory Director Jeff White introduced three young men that have completed their probationary period and were present to state the Oath of Office and receive their badges as full-fledged Emergency Medical Technicians for Richmond Lenox Ambulance Authority.

John Padilla – EMT

Logan Spens – EMT

Ossie Thompson – EMT

The men were pinned by members of their families and were welcomed with a standing ovation from all who were present to witness this joyous occasion.

White introduced Marvin Spens, who was in the audience at this meeting; he is Logan Spens's Grandfather and is a highly esteemed firefighter, fire chief, and public safety member, who has served the community for many years.

White announced that the Fire Department has been awarded a firefighter grant in the amount of \$10,000.00 for new turnout gear, which would be on a future Board of Trustees Agenda.

The Lenox Fire Department Open House would be held on October 8, 2023, from 11:00 AM until 3:00 PM. There will be food, drinks, and demonstrations available for everyone to enjoy- the public is welcome.

9. UNFINISHED BUSINESS

There was no Unfinished Business to conduct at this meeting.

10. NEW BUSINESS

a. TEMPORARY OPERATION APPROVAL REQUEST - 65600 GRATIOT AVENUE

The owners of 65600 Gratiot Avenue were present to request that they be allowed to open the storage business temporarily while completing the list of unfinished items required by the Township Engineer and the Township Building Inspector. He explained that he bought the business last year and has been unable to earn any income from the business due to the number of incomplete issues. They are having trouble making the mortgage payments due to not being able to open, the process is taking so long.

Township Engineer Sermed Saif explained that the plans are under review at the present time and the property owners do not have all the permits in hand. For the existing portion of the site, the decision to allow the business to operate on a temporary basis is completely up to the Township Board of Trustees.

Clerk Kandell remarked that she has been in contact with the Township Planner regarding this issue and the Planner is concerned that this is something that the Township has never done before, and he is uneasy about what allowing this could lead to in the future.

Township Attorney Al Addis stated that he would be happy to review the issue, however, he would not recommend that this be allowed, as it would be a very risky maneuver. He would formally provide a written review but would suggest the Board follow Mr. Cassin's advice for this meeting.

Motion: Kandell Support: Clifford

Motion to follow the advice of the Township Planner and the advice of the Township Attorney and to not approve the Temporary Operation Request at this time.

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

b. PROPOSED ORDINANCE PROHIBITING COMMERCIAL VEHICLE TRAFFIC ON DIRT ROADS

Supervisor Reeder explained the Supervisor's Office worked with the Township Attorney to create an ordinance that would prohibit unnecessary commercial vehicle traffic on dirt roads. There are exemptions for agricultural uses, exemptions for those residents that drive a work vehicle from their homes, and package delivery services.

Trustee Clifford inquired about complaints and whether there has been an increase in them recently.

Clerk Kandell reported that there has been many complaints about commercial traffic traveling on gravel roads.

Reeder remarked that his office has had several complaints in recent months.

Trustee Gurley remarked that it is difficult for drivers who must maneuver around the continuous construction of 26 Mile Road. There are many businesses that operate on gravel roads near her home, she voiced concern that there may be conflict if this ordinance is approved.

Reeder detailed that commercial vehicles being driven from their homes or returning to their homes would be exempt from enforcement. Commercial vehicles utilizing dirt roads for business-related purposes directly related to their business would be exempt as well.

Clifford inquired how this ordinance would be enforced.

Reeder stated that the Macomb County Sheriff Department would be the enforcing body, using Township contracted vehicles. Lenox would be responsible for purchasing signage; if this proposal is approved, he would ask DPW Superintendent Trombly to seek quotes for signage.

Kandell added that a local community was just told that their signage was unlawful prohibiting traffic through their community.

Reeder believes the issue of signage in the Village of New Haven was a specialized case and may have been an overzealous Michigan State Police Officer.

Attorney Addis reported that there is a State of Michigan statute that gives communities the right to control the traffic in the manner that they see fit. Some control is based on the type of vehicle and some control is based on the weight of the vehicle. He acknowledged that some people may challenge this ordinance, but Lenox has the right to create and enforce ordinances by State Law.

Motion: Reeder Support: Honold

Motion to approve the proposed Ordinance Prohibiting Commercial Vehicle Traffic on Dirt Roads in Lenox Township.

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

c. OUTSIDE APPRAISER SERVICE REQUEST

Clerk Kandell remarked that the Assessing Department has requested that this item be tabled until the next meeting, as information has been coming to the Township in small spurts, and there is not enough to make an informed decision at this time.

Motion: Kandell Support: Honold

Motion to table the Outside Appraiser Service Request.

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

d. KUSTER ROAD CEMETERY FEE REVISION PROPOSAL

Deputy Supervisor Mark Grabow detailed the Cemetery Fee Revision Proposal. Current fees have been in place for many years without increases. The fee to purchase a single grave is currently set at \$800.00, which includes the actual digging of the grave, the foundation that the headstone sits on, and perpetual care for that site. The Township recently was invoiced almost \$800.00 just to pour a foundation for a headstone. The issue arises when the Township expends more money than it takes in for the fee it charges. Clerk's Office staff has collected fees from several adjacent communities, so decisions can be agreed on that are in line with nearby areas.

Clerk Kandell reported that she spoke with the DPW Superintendent Cam Trombly and Township Engineer Sermed Saif regarding this, and they recommend that going forward, foundation fees should reflect current rates.

Motion: Kandell Support: Honold

Motion that each Board Member takes the information regarding the Kuster Road Cemetery Fee Revision, consider the proposals and decide next month on November 6, 2023.

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

e. EARLY VOTING RESOLUTION

Clerk Kandell reported that the Early Voting Resolution came about when voters approved Proposal 22-2 on November 8, 2022, that mandates early voting must be available nine consecutive days prior to each Federal and State Election Day. She read the Proposed Resolution aloud.

Motion: Honold Support: Clifford

Motion to approve the Early Voting Resolution as presented by Clerk Kandell with the number 2023-9.

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

f. CHRISTMAS TREE LIGHTING PROPOSAL

Recreation Director Kathleen Sheehan detailed a proposal to have the Christmas Tree decorated with lights in order to host a tree lighting ceremony in Lenox Township. The 25 foot tree would be decorated early in the season and lights would be removed after the New Year.

Motion: Kandell Support: Clifford

Motion to approve the Tree Lighting Proposal in the amount of \$1,200.00 to Let It Glow as recommended by Recreation Director Kathleen Sheehan.

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

g. HOLIDAY OFFICE CLOSURE PROPOSAL

Treasurer Honold explained that she has begun preparation for printing tax bills and needs to include the hours and days that the building will be open to accept tax payments during the Christmas New Year Holidays. She proposed that the Office Building be closed at 5:00 PM on Thursday, December 21, 2023 and reopening on Tuesday, January 2, 2024.

Supervisor Reeder remarked that this scenario would force the closure on all employees, he believes they should be compensated as newer staffers do not have paid time off accrued. There are funds in the budget to compensate the employees for the rest of the week and there is enough cushion for this. A precedent was set when the employees were paid for the July 4, 2023 Holiday.

Motion: Reeder Support: Clifford

Motion to approve the Holiday Office Closure Proposal and close the Offices starting at 5:00 PM on December 21, 2023 and reopening on Tuesday, January 2, 2024 with normal hours and paying the employees for the week that the building is closed.

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

h. PINE TREE ACRES ADDITIONAL HOURS REQUEST

Deputy Supervisor Mark Grabow remarked that the Supervisor’s Office received a request from the Pine Tree Acres Operations Manager to allow them to extend their hours to work on an additional operations facility. Construction would begin within the next few weeks; they would work from sunup to sundown and on weekends for two weeks zippering together two sections. The affected area is east of the main property, and is completely surrounded, so the resident impact would be slight, approximately two percent.

Clerk Kandell voiced concern if there would be any recourse should complaints come in.

Grabow stated that landfill personnel has always been responsive to the needs of the Township; he believes a response to concerns would be instantaneous.

Motion: Kandell Support: Honold

Motion to approve the extended hours for Pine Tree Acres until winter hits and they can no longer work, or the project is complete.

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

11. PUBLIC COMMENT

There were no public comments at this time.

12. CLOSED SESSION

A. TO DISCUSS CONFIDENTIAL CLIENT ATTORNEY INFORMATION WITH THE TOWNSHIP ATTORNEY

Motion: Kandell Support: Gurley

Motion to enter into Closed Session at 7:09 PM.

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

Motion: Kandell Support: Gurley

Motion to return to Open Session at 7:31 PM.

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

Motion: Clifford Support: Honold

Motion to approve the Addis Law Firm to indemnify and provide defense for the named defendants in the most recently filed lawsuit.

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

13. CALL FROM THE BOARD

There were no additional comments or information given at this time.

14. ADJOURNMENT

Motion: Clifford Support: Kandell

Motion to adjourn the Meeting at 7:32 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

LuAnne Kandell, Clerk

Carol A. Swantek, Recording Secretary