

**CHARTER TOWNSHIP OF HARRISON
REGULAR BOARD MEETING
APRIL 9, 2007**

PRESENT: Anthony G. Forlini, Supervisor
Sharon Eineman, Trustee
Robert I. Garvin, Trustee
Michael H. Rice, Trustee
James A. Ulinski, Trustee

EXCUSED: Jan P. Jorgensen, CMC, Clerk
Darrin S. York, Treasurer

ALSO PRESENT: Marge Lucido, Deputy Clerk
Rosemary Davis, Township Attorney
Bill Kinney, Water & Sewer Superintendent
Dave Nummer, Township Engineer
John Gabor, Deputy Treasurer
Adam Wit, Deputy Supervisor

BOARD FORUM

Board Members addressed individual resident concerns.

The meeting opened at 7:30 p.m. with the Pledge of Allegiance.

MOTION TO APPOINT AN ACTING CLERK FOR THE APRIL 9, 2007 REGULAR BOARD MEETING DUE TO MRS. JORGENSEN'S EXCUSED ABSENCE

Motion by Mr. Ulinski, seconded by Mr. Rice to appoint Mr. Garvin as Acting Clerk for the Regular Board Meeting of April 9, 2007. **MOTION CARRIED.**

Motion by Mr. Ulinski, seconded by Mr. Garvin to have the Deputy Clerk assume the responsibilities of the Acting Clerk and take the minutes for tonight's meeting. **MOTION CARRIED.**

APPROVAL OF CONSENT AGENDA:

Motion by Mrs. Eineman, seconded by Mr. Ulinski to approve the consent agenda with the removal of the Special Board Minutes of 03/29/07, the Bills in the amount of \$440,399.70 and the approval of the payoff of Deputies' Banks for discussion. **MOTION CARRIED.**

APPROVAL OF THE REGULAR BOARD MEETING

Motion by Mrs. Eineman, seconded by Mr. Ulinski to approve the Regular Board Meeting Minutes of 3/26/07 as presented. MOTION CARRIED.

2007 BUDGET AMENDMENT FOR THE DEPUTY CLERK'S ATTENDANCE AT THE 04/09/07 BOARD MEETING

Motion by Mrs. Eineman, seconded by Mr. Ulinski to approve the 2007 budget amendment for the Deputy Clerk's attendance at the 04/09/07 board meeting for the actual overtime cost to line item 101-215-000.709.000 from 101-999.000-956.000 as presented. MOTION CARRIED.

APPROVAL OF THE REGULAR AGENDA

Motion by Mr. Garvin, seconded by Mr. Ulinski to approve the Regular Agenda and to include the following items for discussion: Special Board Meeting Minutes of 3/29/07 as A.1, the Bills in the Amount of \$440,399.70 as A.2 and Approval of Payoff of Deputies' Banks, and the removal of Item G. Closed session to consult with Township Attorney regarding trial strategy in connection with specific pending litigation: Grand/Beck, LLC and N&Y Properties, Inc. ("Riverport Village/Sundog marina") v. Township of Harrison, Macomb County Circuit Court Docket No. 03-5475-CZ. MOTION CARRIED.

SUPERVISOR/BOARD ANNOUNCEMENTS

The Fire Chief will be holding the 2nd Annual Citizens Emergency Response Team (C.E.R.T.) training program and is looking for volunteers. The training will begin on May 3, 2007 and continue until June 28, 2007. The classes will be held at the Tucker Senior Center on Ballard, Thursday evenings from 7:00 p.m. to 9:00 p.m. C.E.R.T. programs are developed to assist communities in helping themselves in the aftermath of a major disaster when first responders are overwhelmed or unable to respond because of communication or transportation difficulties. C.E.R.T. program builds strong working relationships between emergency responders and the people they serve. C.E.R.T. teams also help the community year-round by helping with community emergency plans, neighborhood exercises, preparedness outreach, fire safety education, and workplace safety. C.E.R.T. training takes about 24 hours to complete and provides critical skills in emergency preparedness and response. Any residents interested in participating in this program should contact Kelly at the Harrison Township Fire Department (586) 466-1450. Mrs. Eineman announced that there is an opening for an appointment to the Board of Review, anyone interested please fill out an application and return to the Supervisor's Office. Mr. Rice commented that over the weekend an adult Swan was beaten to death. If anyone has any information, relative to this matter please contact the Township Supervisor's Office.

Motion by Mrs. Eineman, seconded by Mr. Garvin to receive and file the Supervisor and Board Announcements. MOTION CARRIED.

APPROVAL OF THE SPECIAL BOARD MEETING OF 3/29/07

A resident expressed his opinion regarding lack of detail of the public comments section of the minutes, and asked the Board not to approve the minutes as presented. He would also like the Property Purchase item to be placed on a future agenda for discussion.

Motion by Mr. Rice, seconded by Mrs. Eineman to approve the Special Board Meeting Minutes of 03/29/07 as presented. MOTION CARRIED.

APPROVAL OF THE BILLS IN THE AMOUNT OF \$440,399.70

Members of the Board questioned the timeliness of payments made by the Accounting Department. The Deputy Treasurer answered that because of the new policy adopted by the Board, Cash Disbursement Policy 3.11 of 2/26/07, the process takes longer for payments to be made.

Motion by Mr. Garvin, seconded by Mr. Rice to approve the Bills in the amount of \$440,399.70 as presented. MOTION CARRIED.

PAYOFF OF DEPUTIES' BANKS

The Supervisor stated that as part of the implementation of the Supervisory Contract for the Township Deputies, the Board needs to approve to payout their banks for sick, vacation and compensatory time. He stated that this is the same procedure that the Board used when the contract was implemented for the union members covered under the Supervisory Contract. Vacation and compensatory time are to be paid off at the full rate, while sick banks are to be paid at a ½ rate. The Finance Director has provided a spreadsheet outlining the payouts to be made as of 12/31/06 in the amount of \$7,035.78.

Motion by Mrs. Eineman, and seconded by Mr. Ulinski to approve to pay off Deputies' sick, vacation and compensatory banks in the total amount of \$7,035.78, per the letter dated 4/2/07, as presented MOTION CARRIED.

WATER & SEWER DEPARTMENT

DISPOSAL OF SURPLUS VEHICLES

At the March 12, 2007 Board Meeting, authorization was given to solicit sealed bids for the disposal of two (2) surplus vehicles. An ad was placed in the Macomb Daily and posted on both the Township Web site and cable channel. Three bids were opened in the Clerk's Office on March 29, 2007. The Water and Sewer Superintendent stated that two bids should be awarded to the two (2) highest bidders.

Motion by Mr. Garvin, seconded by Mrs. Eineman to award the disposal of two surplus vehicles to the high bidders, the 1992 Ford stake truck to Assured Srvs, Inc. in the amount of \$1,531.99 and the 1993 Ford dump truck to Shannon Meldrum in the amount of \$3,555.00. MOTION CARRIED.

CONSIDERATION FOR FINAL PLAT APPROVAL FOR SUNKIST SUBDIVISION IV AND DISCUSSION ON THE REQUIRED 20' LANDSCAPE BUFFER ZONE BETWEEN BACKYARDS OF NAUTICAL LANE AND RIVERCREST HOMES APPROVED AS PART OF THE PRELIMINARY PLAT

At the regular board meeting of March 26, 2007, the Board of Trustees motioned to grant a six (6) month extension for the Final Preliminary Plat approval process for Sunkist Subdivision No. IV, to allow the petitioner to address all of the outstanding issues as outlined in each of the memos received from the Planner and Attorney on 3/15/07, the Engineer on 3/22/07, and that the Board notice on the agenda to discuss the requirement of the 20' landscape buffer zone between the back yards of Nautical Lane homes and Rivercrest homes, as part of the tentative preliminary plat approved 10/15/2002, when the Board considers approval on the final plat. At a meeting with the three full time officials and the Petitioner, on March 28, 2007, the following issues were discussed in addition to the comments submitted from the Planner, Attorney, and Engineer, that the four (4) trees will be planted randomly on each lot to the requirements as established by the Planning Commission, and that a recommendation to the Board will be made that one additional tree shall be required to be planted in the rear yard on lots 91- 110, eliminating the 20' landscape buffer zone between the back yards of the Nautical Lane homes and the Rivercrest homes with plantings of at least 6' in height required by the Board of Trustees on October 28, 2004. The removal of the buffer is being proposed not to give the Developer a break but to hold the Developer responsible to the spirit of his prior commitment, and to keep as many trees on all lots as possible. This recommendation accomplishes that mission, and as importantly, removes the hardship that would be created if a buffer is placed on the above mentioned lots, which would limit the practical use with regards to decking, pools, landscaping, etc. It was also discussed that the taxes and engineering fees must be paid in full, that a set of Mylars be presented to the Clerk with the required signatures for review, that a corrected Tree Preservation and Planting Plan be submitted for re-review, that the Certificate of Co-Partnership for D&T Construction Company be provided for the Attorney's review, and to establish a plan to ensure that the trees as required on all lots will be complied. The Township Engineer indicated to the board that everything appeared to be in order. The Township Attorney informed the board that based on the Board's decision on the tree planting and on the wording of the motion that the developer would need to change the deed restrictions. The Supervisor recommended establishing an escrow account. The cost is \$250.00 per tree and Mr. Forlini is recommending increasing the escrow amount to \$350.00 per tree, a total of \$68,600 for 196 trees, 4" caliper measured at 3' high in size, to be planted on the lots as required on the approved Tree Preservation and Planting Plan. Residents shared there comments and concerns.

Motion by Mr. Ulinski, seconded by Mr. Rice to approve the final plat for Sunkist Subdivision No. IV, subject to the developer establishing an escrow account in the amount of \$350.00 per tree, a total of \$68,600.00, for the planting of 196 trees, 4" caliper measured at 3' high in size, to be placed on the lots as required on the approved Tree Preservation and Planting Plan, and that the Declaration of Restrictions be amended to read that the minimal per-lot tree requirement of each lot be the responsibility of the "DEVELOPER", and not the Purchaser, home builder and or home owner- as stated on page 16 of 21, section 29, and also to amend on page 17 of 21, continuation of section 29, to read that any tree planting will be done prior to the issuance of the final certificate of occupancy by the Township. This

requirement is made in order to eliminate the 20' landscape buffer zone between the back yards of the Nautical Lane homes and Rivercrest homes on lots 91 - 110. Approval is pending receipt of the Mylars from the developer as required.

Roll Call: Ayes: Ulinski, Rice, Garvin, Forlini
Nays: Eineman
Excused: York, Jorgensen
MOTION CARRIED.

ADOPTION OF ORDINANCE 354, TO AMEND CHAPTER 22 BUSINESSES, ARTICLE II, SEASONAL SALES AND SOLICITORS, TO ESTABLISH ENFORCEMENT MINIMUM REQUIREMENTS FOR OUTDOOR SALES OF FIREWORKS

**CHARTER TOWNSHIP OF HARRISON
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 354**

AMENDMENT TO ORDINANCE NO. 311 AND 337 ARTICLE II SEASONAL SALES AND SOLICITORS ORDINANCE HARRISON CHARTER TOWNSHIP, MICHIGAN.

AN ORDINANCE TO AMEND ORDINANCE NO. 311 AND 337 TO ESTABLISH MINIMUM REQUIREMENTS FOR ALL SALES OF FIREWORKS AND FIRE WORK ROADSIDE STANDS. THE CHARTER TOWNSHIP OF HARRISON ORDAINS:

The Township Ordinance No. 311 and 337, being Codified Section 22-64 et. seq. of the Charter Township of Harrison, Macomb County, Michigan be in the same is hereby amended in the following particulars, numbering being in accordance with Codified Ordinance 311 and 337:

DIVISION 2. LICENSE

That Section 22.62. Records and enforcement be amended to read as follows:

(b) Enforcement. This division shall be enforced by the county sheriffs department, Harrison township fire department, and the township building department.

That Section 22-64 Types of Licenses be amended to read as follows:

(1) *Three-day license.* A three-day license shall apply to any business activity regulated under this article which the person seeking the license intends to conduct over any period of three consecutive days. The fee for this license shall be, for a single location or area, as established by resolution and if the business shall be conducted in more than one location or area, a sum as established by resolution for each additional location or area. Further, a fee as established by resolution shall be charged for each employee. It shall be renewable within the calendar year in which it is issued for as many successive three-day periods as the licensee may desire upon payment of the prescribed fee for each such license and upon written application on forms to be provided by the office of the

township clerk, provided that each of the items of information in the original application and all of the business activity and matters pertaining to such application are substantially identical as originally submitted. If there is any substantial or material change in the information or business activity, a new application shall be made and in the manner and form prescribed in this division for an original application.

(2) *Three-month license.* This type of license shall apply to any business activity for which a license is required under this chapter which is to be conducted in a mobile fashion, traveling by foot, wagon, motor vehicle, truck, bicycle, or any other form of conveyance for a period not less than three months, or more than six months. The fee for this license shall be, as established by resolution, plus an additional sum as established by resolution for each employee. Such license may be renewed for succeeding the application period as the licensee may desire upon payment of the prescribed fee for each such license and upon written application there of on forms to be provided by the office of the township clerk, provided that each of the items of information in the original application and all of the business activity and matters pertaining to such application are substantially identical as originally submitted. If there is any substantial, or material change in the information or business activity, a new application shall be made in the manner and form prescribed in this chapter for an original application.

(3) *Six-month license.* A six-month license shall apply to any business activity for which a license is required under this article which is to be conducted upon a particular parcel of property on a periodic basis in which property the licensee has an interest as owner or lessee under a written lease for a period not less than six months. The fee for this license shall be as established by resolution, plus an additional sum as established by resolution for each employee. Such license may be renewed for succeeding six-month periods as the licensee may desire upon payment of the prescribed fee for each such license and upon written application on forms to be provided by the office of the township clerk, provided that each of the items of information in the original application and all of the business activity and matters pertaining to such application are substantially identical as originally submitted. If there is any substantial or material change in the information or business activity, a new application shall be made in the manner and form prescribed in this division for an original application.

(4) *Christmas tree and fireworks license.* A Christmas tree and fireworks license shall apply only to the sale of Christmas trees and fireworks and shall be for a period commencing the day following Thanksgiving Day through December 31 and June 15 to July 5 of each calendar year for which a license is issued. This license shall be issued upon written application of forms to be provided by the office of the township clerk and upon payment of the fee for this license in an amount established by resolution for a single location, and if the business shall be conducted in more than one location, a sum established by resolution for each addition location. This license shall not be renewable from year to year and shall be subject to all of the other licensing procedure and regulation provision of this article except as modified by the following special provision application to this particular business:

- a. Upon receipt of a completed application, the clerk shall forward a copy of a firework application to the planning commission, who shall determine whether the proposed activity

compiles with the township zoning ordinance, as amended. The planning commission shall endorse approval or disapproval on the application and return it to the township clerk. If no disapproval is received by the clerk within 30 days, the clerk may issue the license to the applicant.

- b. Hours of operation for Christmas trees and fireworks shall be from 8:00 a.m. to 10:00 p.m., Eastern Time.
- c. For Christmas tree and fireworks, a cash bond, as established by resolution, shall be deposited with the township clerk's office, which bond shall be refunded upon presentation of a written certification from the township building department that all Christmas trees and fireworks and debris have been removed from the premises not later than July 6 after the holiday for fireworks and no later than January 10 of the succeeding calendar year for Christmas trees. If the township is required by any circumstance or reason whatsoever to incur any cost in the cleanup of debris and/or removal of trees from the premises, the cost shall be charged against such bond; and only the remaining portion, if any shall be subject to refund upon written application.
- d. Only Michigan legal fireworks may be displayed and sold from approved locations. Approved fireworks are referenced in the State Fire Marshal Bulletin #22.
- e. The location of sales/displays shall not be immediately adjacent to any buildings, sheds, gas stations, or miscellaneous structures.
- f. The maximum weight collectively of all fireworks permitted at a roadside stand shall not exceed 100 pounds.
- g. Not more than 25% of the gross weight of fireworks may be displayed at any time.
- h. Storage of firework in trailers, vehicles, sheds, etc., shall not be permitted.
- i. Fireworks shall be removed from the site/stand each day at the end of the sale period.
- j. The fireworks stand shall be conspicuously posted, "No Smoking", on all sides.
- k. Fireworks may only be displayed in enclosed display cases. GLASS ONLY. The fireworks displayed in the display cases(s) shall not be physically accessible by the public. The sale of fireworks and the transfer of fireworks from the display to a purchaser shall be supervised by an adult, 21 years of age or older.
- l. A portable fire extinguisher shall be provided at each stand. The extinguisher shall have a 4-A and shall be U/L listed.
- m. The fireworks display area shall be secured and supervised at all times.

- n. The site shall be maintained in a neat orderly condition and cleaned each night immediately after the close of sales.
- o. All electrical lines, temporary lighting fixtures, etc., shall comply with all codes and ordinances of Harrison Township.
- p. Fireworks cannot be sold to anyone under the age of 18.
- q. Nothing within these requirements shall limit uniformed Fire Prevention Personnel from exercising sound judgment and strict enforcement of measures necessary for the safety and welfare of Harrison Township and its populace. If any of the above ordinances are not in full compliance, Harrison Township fire Department will seize all fireworks from the violator.

That Section 22-66 Procedure and requirements for issuance of license (a) Minimum requirements be amended to include:

(7) The applicant furnishes to the township clerk a copy of a background check completed by Macomb Count Sheriff/state, police of the applicant's character and any and all employees as submitted on application.

That Section 22-68 Wavier of fees. Be amended to read:

Any bona fide charitable or other nonprofit organization which is not established or operated for political purposes may be issued a waiver of fees required under this article from the township clerk however, the application shall be completed and filed as provided under this article, and the cash bond deposit may be made as required under this article.

Resident service personnel and veterans. Every honorably discharged member of the Coast Guard, soldier, sailor or marine of the military or naval service of the united States who is a resident of this state and who is a veteran of any war in which the United states has been or shall be a participant shall have their right to hawk, vend an peddle his own goods, wares, and merchandise within the township by procuring a license from the township clerk as provided under this article. Upon presentation of a copy of a veteran's license duly issued by the county clerk certifying the application is veteran entitle to hawk, vend or peddle his own goods, the township clerk shall issue a license without cost to the applicant; however, the applicant shall post the cash bond deposit require under this article.

SECTION III.

REPEALER. All other provisions of codified Section 22-64, 22-66 and section 22-68 together with all other provisions of Ordinance 311 and 337 not herein amended shall remain and be in full force and effect and that Ordinances and parts of the Ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION IV.

SEVERABILITY. If any article, Section or Subsection, sentence, clause, phrase or portion of this Ordinance is held in valid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision, and such holdings shall not effect the validity of remaining portions of the Ordinance it being the intent of the Township that this Ordinance shall be severable.

SECTION V.

EFFECTIVE DATE. The provisions of this Ordinance shall take effect 30 days after publication.

It was moved by Mr. Garvin, seconded by Mr. Ulinski, that Ordinance 354 to amend, Chapter 22 Businesses, Article II Seasonal Sales and Solicitors Ordinance, to establish minimum requirements for outdoor sale of fireworks, be Adopted and Ordered Published for the second time.

**Roll Call: Ayes: Garvin, Ulinski, Eineman, Rice, Forlini
 Nays: None
 Excused: York, Jorgensen
 MOTION CARRIED.**

ORDINANCE NO. 354 PROPOSED EXHIBIT A VENDORS ORDINANCE – FEE SCHEDULE

Memorandum of a Resolution of the Board of Trustees of the Charter Township of Harrison adopted at a regular meeting of said Board held at Rosso Memorial Hall, 38255 L’Anse Creuse, Harrison Township, Michigan, on the 9th day of April, 2007, at 7:30 p.m.

PRESENT: Garvin, Ulinski, Eineman, Rice, Forlini

ABSENT: York, Jorgensen

The following Resolution was offered by Mr. Garvin, and supported by Mr. Ulinski:

WHEREAS, Chapter 22, Article II, Section 22-64, of the Harrison Township Code of Ordinances, requires a license of certain person engaging in the business of hawking, peddling, vending or soliciting, and

WHEREAS, Chapter 22, Article II, Section 22-64, of said ordinance provides that the applicant for said license shall pay a fee in an amount established by Resolution of the Township Board, and

WHEREAS, the Township Board deems it necessary and desirable to adopt a schedule of

fees for said hawking, peddling, vending or soliciting license, as set forth in this Resolution,

NOW, THEREFORE, BE IT RESOLVED, the fees which shall be collected by the Township Clerk for the grant of a hawking, peddling, vending or soliciting license as follows:

**Three Day License – License fee \$100.00 (for a single location)
20.00 (Fee for each additional location)**

Three Month License- License fee \$150.00

Six Month License – License fee \$150.00

**Christmas Tree License-Thanksgiving Day through December 31
License fee \$100.00 (for a single location)
\$20.00 (Fee for each additional location)**

**Fireworks License – June 15 through July 5
License fee \$100.00 (for a single location)
\$50.00 (Fee for each additional location)**

- *Plus \$25.00 (Fee for each employee/excluding applicant)**
- **Refundable Cash Bond of \$100.00 shall be deposited with the Township**
- ***Bond for Veterans and Charitable may be waived**

Motion by Mr. Garvin, seconded by Mr. Ulinski to adopt the above and foregoing Resolution for the Vendor Ordinance Fee Schedule as presented.

Roll Call: Ayes: Garvin, Ulinski, Eineman, Rice, Forlini
Nays: None
Excused: York, Jorgensen
MOTION CARRIED.

ADOPTION OF ORDINANCE 355, TO AMEND CHAPTER 38 FIRE PREVENTION AND PROTECTION ARTICLE III, TO ESTABLISH ENFORCEMENT MINIMUM REQUIREMENTS FOR ALL INDOOR SALES OF FIREWORKS

**CHARTER TOWNSHIP OF HARRISON
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 355**

AMENDMENT COMP. ORDS. 1988, 23.005 FIRE PREVENTION AND PROTECTION ORDINANCE HARRISON CHARTER TOWNSHIP, MICHIGAN.

AN ORDINANCE TO AMEND CHAPTER 38 FIRE PREVENTION AND PROTECTION ARTICLE III. FIRE PREVENTION STANDARDS, SEC.38-76 ENFORCEMENT TO

ESTABLISH ENFORCEMENT MINIMUM REQUIREMENTS FOR ALL INDOOR SALES OF FIREWORKS. THE CHARTER TOWNSHIP OF HARRISON ORDAINS:

The Township Ordinance Chapter 38, being Codified Section 38-76 et. seq. of the Charter Township of Harrison, Macomb County, Michigan be in the same is hereby amended in the following particulars, numbering being in accordance with Codified Ordinance Chapter 38:

ARTICLE III FIRE PREVENTION STANDARDS

That Section 38-76. Enforcement be amended to include firework codes as follows:

(8) Fireworks codes:

- all rules regulation and the existing permit process for the supervised public displays of fireworks shall remain in full effect.
- The manufacture of fireworks of any kind and the storage for wholesale of fireworks of any kind is prohibited within Harrison Township
- Fireworks may be sold at retail in use group’s classification M & B only. (Use groups classification described in I.B.C. Building Code) with the exception that fireworks shall not be sold or stored at automobile service stations.
- Fireworks shall be stored in a type 2 indoor magazine. All fireworks in the display case shall be returned to the magazine at the end of the business day.
- The type of magazine shall be constructed in accordance with N.F.P.A. Standard #44A. (Manufacturer, transportation and storage of Fireworks.)
- The magazine shall only be located in a well ventilated area, away from heat sources, and shall not impinge on any means of egress. The area shall be posted “No Smoking”. The magazine shall not be located in the retail area. The magazine shall be marked as described in N.F.P.A. Standard #44A.
- Roadside sale of Firework permitted under Seasonal sales and Solicitors.
- Nothing within these regulations shall limit uniformed Fire Prevention personnel from exercising sound judgment and strict enforcement of measures necessary for the safety and welfare of the Township and its populace.
- Bond must be furnished in an amount deemed adequate by the code official for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, the permittee’s agents, employees or subcontractors.
- Fireworks cannot be sold to anyone under the age of 18.

SECTION III.

REPEALER. All other provisions of codified Section 38-76 together with all other provisions of Chapter 38 not herein amended shall remain and be in full force and effect and that Ordinances and parts of the Ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION IV.

SEVERABILITY. If any article, Section or Subsection, sentence, clause, phrase or portion of this Ordinance is held in valid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision, and such holdings shall not effect the validity of remaining portions of the Ordinance it being the intent of the Township that this Ordinance shall be severable.

SECTION V.

EFFECTIVE DATE. The provisions of this Ordinance shall take effect 30 days after publication.

It was moved by Mr. Garvin, seconded by Mr. Rice, that Ordinance 355 to amend Chapter 38 Fire Prevention and Protection Article III. Fire Prevention Standards, Sec. 38-76 Enforcement be Adopted and Ordered Published for the second time.

**Roll Call: Ayes: Garvin, Rice, Eineman, Ulinski, Forlini
 Nays: None
 Excused: York, Jorgensen
 MOTION CARRIED.**

AWARD CONTRACT FOR CDBG PROJECTS/ WATERFRONT PARKING LOT & PICNIC SHELTER IMPROVEMENT

The Clerk's office held a public bid opening for the Waterfront Park parking lot and picnic shelter improvement project on April 3, 2007 at 10:00 a.m. and 15 bids were received. After Wade Trim tabulated and qualified the bids, the recommendation for low qualified bid is Washtenaw, Inc. Maintenance Services. The Engineer explained that the contractor would be rebuilding and replacing the existing waterfront parking lot, improving the drainage, constructing a dumpster enclosure that complies with the township ordinance, reusing the existing gravel, and an allowance to construct a gazebo. The Engineer stated they have done an analysis of the existing picnic structure and that it is leaning to a degree and is deemed to be unsafe. The Board is looking into CDBG funds to replace the Gazebo. All of the bids include an allowance for the construction of a gazebo in the amount of \$100,000.00. The Engineer is recommending that the Board authorize up to an additional \$25,000.00 in Construction Project Funding for any unforeseen circumstances to complete the project in a timely and appropriate manner; also, allowance for Construction Contingency of \$15,000.00 for construction survey and materials testing. He also stated that the Board should identify the type of gazebo that they would like constructed. A board member asked about the amount of funding the Township would receive from CDBG, and if there would be an additional cost to the Township for the Gazebo. A resident commented if the gazebo is taken down that the roof may be used at another location.

Motion by Mr. Rice, and seconded by Mr. Ulinski to award the contract for the CDBG projects/Waterfront parking lot and picnic shelter improvements to Washtenaw, Inc. Maintenance Services, as the low qualified bidder in the amount of \$248,652.66. Any work performed on the Gazebo will require authorization of the Township Engineer and the Board

of Trustees for final approval. MOTION CARRIED.

The Board discussed the \$25,000.00 Contingency fund and that it would be used as necessary to respond to unforeseen circumstances to complete the project in a timely manner. A member suggested having the (3) three board members meet and approve any additional expenses that should arise. The engineer indicated that the contract has bid amounts that are locked into the contract and the cost will not change. However, this is a unit price contract and there are a couple of situations that could change the costs. When digging a hole they may hit tree trunks, stumps, fuel oil tanks, old cars, anything could be buried and could change the conditions that would change the amount and the contingency fund would come into play. The Engineer indicated that someone at the Township be authorized to spend the additional monies from the contingency fund. The Board discussed that they would like to have the 3 full time officials control the contingency fund and if something major should arise to notify the full board for approval. A resident spoke in favor of the contingency fund.

Motion by Mr. Ulinski, seconded by Mr. Rice for the three (3) full time officials to authorize up to \$25,000.00 for the Construction Contingency Fund and to notify the full board for major issues. MOTION CARRIED.

The Supervisor spoke to the Allowance for Construction Engineering and Contract Administration costs in the amount of \$15,000.00 for the paving of the parking lot and gazebo. The Engineer stated that this amount is an estimate cost based on the survey, materials, testing requirements and other variables. An invoice will be issued to the Township for the time and materials basis. Security was discussed and the Engineer stated that the contractor will be responsible for the safety and security at the construction site.

Motion by Mr. Rice, seconded by Mr. Ulinski to approve the Allowance for Construction Engineering and Contract Administration costs not to exceed \$15,000.00 to Wade Trim. MOTION CARRIED.

The Engineer asked for some direction from the Board for deciding what to do with the Gazebo, will it be a board decision, or from a sub group, he would like some direction on how to proceed. Mr. Rice stated that there is a 3 member committee handling this project. Mrs. Eineman would like to see pictures of the gazebo and would like to have the Parks and Recreation Committee have some input.

TRUSTEES REQUEST**DISCUSSION ON THE FREE SHUTTLE SERVICE BROCHURE AS PRESENTED BY IMAGE BUILDERS**

Cindie Szarek from Image Builders of Michigan reported that she is working on the proof copy of the brochure and all information and changes need to be to her no later than the morning of April 20, 2007. At which time it will be sent to the printer. Her target completion date is the 2nd week of May, and it will be distributed and a copy will be e-mailed to the Board. A resident shared his

comments.

Motion by Mr. Garvin, and seconded by Mr. Ulinski to Receive and File the Shuttle Service Brochure information from Image Builders. MOTION CARRIED.

PUBLIC COMMENTS

1. Doug Martz, resident, commented on the Township purchase of property and what a benefit it will be to the township. He announced a Water Quality Board Meeting on the 2nd Tuesday of the month at the Macomb Health Department the public is welcome. He also commented on other water and pollution items.
2. Sandy Teipel, resident, commented on a variety of subjects including – the housing market in Harrison Township, Township purchase of property, drainage ditches needing cleaning, complimented the Treasurer's Office for saving money.
3. John Bicsak, resident commented on the Township purchase of property. The road at Jefferson and Metro Parkway is in poor condition and needs to be looked at by the Macomb County Road Commission.
4. Jim Senstock, resident, commented that he is not in favor of the property purchase, feels that it is not a good deal. Would like to know what the intent is for the property. He also inquired if any Board members received any campaign donations from Mr. Rizzo and would like them to be disclosed.
5. Bill Share, resident, commented on the purchase of property and feels that it will be a legacy to our children. He has lived in the Township for 54 years and stated that he learned a lot as a child on that property and feels it will be great for his grandchildren and also commented that the property needs to be taken care of and stands behind the Board on their decision.
6. John Pascaretti, resident, congratulated the Board on the purchase of property, and his only disappointment was that it wasn't purchased at the first opportunity. He feels it is a great asset to the community and hopes it will be left the way it is.
7. Michelle Ballard, resident, responded to statements made by a board member regarding Sunkist No. IV subdivision and on the 20' buffer zone.

BOARD COMMENTS

1. Mike Rice responded to comments from the audience regarding the purchase of land and stated that it was a Board decision and that it was in the best interest of the community. Mr. Rice used an example of the St. Clair Shores practice of using taxpayer dollars to offer boat rental slips which compete with local businesses. As a business man he does not want the Township to compete with local businesses in our Township.
2. Robert Garvin spoke to the flooding that occurred in Chesterfield Township and stated that flooding is a distinct possibility here and should be of concern to our community. He introduced the website Levelfieldsinstitute.org and encouraged everyone to visit the site. He also stressed the importance of buying American made products and how we all benefit from it. Mr. Garvin commented on a Wall Street Journal article regarding government's fiscal responsibility and the property that the Board voted to purchase and partially finance. The Environmental Committee will meet on Saturday, April 14, 2007 at 9:00 a.m. at Rosso Hall. A meeting will be held on May 3,

2007 and will be sponsored by Michigan State University to inform residents on how to properly maintain their lawn. All homeowner's association presidents and board members will be invited to attend.

3. Sharon Eineman responded to a prior resident's comment regarding any affiliation with the owner of the property purchased or anyone involved. Ms. Eineman stated that she did not have any involvement with anyone working on the property purchase; however she did receive a \$500.00 campaign donation from Mr. Rizzo when she was going to run for County Commissioner. It was returned to him with a letter thanking him for the donation and explained to him that she felt it was not appropriate to keep the donation due to the property purchase. She also stated that she felt the property purchase was appropriate to discuss in closed session and agrees with a resident that the property will be a legacy to our children. She addressed the proposed increase on gasoline tax, which she opposes, and encourages resident's to contact their state representatives regarding this matter.

4. Jim Ulinski agrees with Mr. Garvin on supporting American business, and thanked him for providing the website address. He also agreed with Mr. Garvin on the issue of drainage and the concern for flooding in the area of development. He addressed the question from the resident of campaign donations. He stated that Mr. Rizzo contributed \$300.00 to his campaign committee for State Representative. He also made it clear that he has voted against Mr. Rizzo in the past and the donation does not affect his vote.

5. Anthony Forlini commented on the pictures he has received from residents of the wildlife in the township, and encourages residents to continue to submit any additional photographs of Township wildlife. He suggested that after the Township acquires the property, that a townhall meeting should be held to give residents the opportunity to provide input on possible uses of the land. A letter was received from Clean Water Action supporting the Township's decision to purchase the property and improve the protection of Lake St. Clair. He also agrees with the prior resident regarding the poor condition of the road at Jefferson and Metro Parkway and that it needs to be looked at by the Macomb County Road Commission. He addressed the \$100.00 campaign contribution that he received from Mr. Rizzo and stated that it does not affect his decisions. The Supervisor stated that acquiring the property was a necessity because it is part of the Recreation Master Plan and it was something that the Board had to abide by.

ADJOURNMENT

Motion by Mr. Garvin, seconded by Mrs. Eineman to adjourn. Meeting adjourned at 10:35p.m. MOTION CARRIED.

Prepared & Submitted by,

Approved by,

**Marge Lucido, Deputy Clerk
Charter Township of Harrison**

**Anthony G. Forlini, Supervisor
Charter Township of Harrison**