

**PROPOSED MINUTES OF THE REGULAR BOARD MEETING
OF
THE CHARTER TOWNSHIP OF CHESTERFIELD**

May 2, 2016

The meeting was called to order by Supervisor Lovelock at 7:00 pm in the Charter Township of Chesterfield Municipal Offices at 47275 Sugarbush, Chesterfield, MI 48047.

Present: Supervisor Lovelock, Clerk Berry, Treasurer Hartman
Trustees: Anderson, Bell, Joseph, DeMuynck
Also Present: Deputy Clerk Wurmlinger, Township Attorney Seibert

The Pledge of Allegiance was led by Anchor Bay High School Junior Air Force ROTC. **PLEDGE OF ALLEGIANCE**

Motion by Berry, supported by DeMuynck to: **4A)** Approve the Agenda with two addendums. Two presentations by the Police Department to follow consent agenda **4C)** and an update from the Water and Sewer Rate Advisory Board as item **7. 4B)** Approve the Minutes of the April 18, 2016 Regular Board meeting. **4C)** Approve the Payment of Bills as submitted by the Finance Department. **CONSENT AGENDA /APPROVED**

Roll Call Vote:

Ayes: Berry, DeMuynck, Anderson, Joseph, Bell, Hartman, Lovelock
Nays: None **MOTION CARRIED**

Police Sergeant Brian McNair introduced Mr. and Mrs. Nagel who donated \$5,000.00 from the Jessica Nagel-Wilson Foundation in memory of their daughter. He also acknowledged a \$2,000.00 donation from the Law Enforcement Education Program. These monies will be dedicated to the Chesterfield Police Honor Guard. **PRESENTATIONS**

Motion by Berry, supported by Lovelock to adopt a proclamation establishing the Charter Township of Chesterfield as a Monarch Butterfly Sanctuary. **MOTION TO ADOPT A MONARCH BUTTERFLY SANCTUARY PROCLAMATION /ADOPTED**
Roll Call Vote:
Ayes: Berry, Lovelock, Anderson, Joseph, Bell, DeMuynck, Hartman
Nays: None **MOTION CARRIED**

Motion by Lovelock, supported by Berry to adopt a proclamation declaring May 8th through May 15th 2016 as Beautification Week in Chesterfield Township.

Roll Call Vote:

Ayes: Lovelock, Berry, Anderson, Joseph, Bell, DeMuyneck, Hartman

Nays: None

MOTION CARRIED

**MOTION TO ADOPT
THE BEAUTIFICATION
WEEK
PROCLAMATION
/ADOPTED**

Motion by Berry to adopt Ordinance No. 159, repealing Chapter 18, (Businesses) Article IV (Used Car Lot), sections 18-159 through 18-166 and authorize final publication. Motion failed for lack of support.

**MOTION TO ADOPT
ORD. NO. 159/FAILED**

Motion by Lovelock, supported by Hartman to postpone to the May 16, 2016 Regular Board meeting adoption of Ordinance No. 159, repealing Chapter 18, (Businesses) Article IV (Used Car Lot), sections 18-159 through 18-166 and authorize final publication.

Roll Call Vote:

Ayes: Lovelock, Berry, Anderson, Joseph, Bell, DeMuyneck, Hartman

Nays: None

MOTION CARRIED

**MOTION TO
POSTPONE
ADOPTION OF ORD.
NO. 159/APPROVED**

Motion by Lovelock, supported by Joseph to approve the Planning Commission's recommendation to grant a Special Land Use, No. 2016-02, for a chemical addition station and underground tanks located on the southwest corner of 21 Mile Rd. and Sugarbush Rd. for Giffels Webster and subject to negotiating an acceptable Sewer Connection Agreement with the Macomb County Waste Water Disposal District addressing worker safety, repair of township sewer damaged by chemicals, cleaning and televising sewer downstream connection and any other issues raised by the Chesterfield Township Department of Public Works, The township's engineering firm and the Macomb County Waste Water Disposal District.

**MOTION TO APPROVE
THE PLANNING
COMMISSION'S
RECOMMENDATION
FOR A SPECIAL LAND
USE FOR GIFFELS
WEBSTER/APPROVED**

Motion by Joseph, supported by Hartman to approve Motor City Fireworks' request for a Vending License Permit variance for a 30' x 40' tent at 29500 23 Mile Rd. for the sale of fireworks from 10am-10pm June 25, 2016 through July 6, 2016.

Roll Call Vote:

Ayes: Joseph, Hartman, Bell, Lovelock, Berry

Nays: Anderson, DeMuyneck

MOTION CARRIED

**MOTION TO APPROVE
VENDING LICENSE
VARIANCE FOR
MOTOR CITY
FIREWORKS AT 29500
23 MILE
RD./APPROVED**

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Motion by Berry, supported by Hartman to approve Motor City Fireworks' request for a Vending License Permit variance for a 10' x 40' tent at 45690 Gratiot for the sale of fireworks from 10am-10pm June 25, 2016 through July 6, 2016.

Roll Call Vote:

Ayes: Berry, Hartman, Joseph, Bell, Lovelock

Nays: Anderson, DeMuynck

MOTION CARRIED

MOTION TO APPROVE VENDING LICENSE VARIANCE FOR MOTOR CITY FIREWORKS' AT 45690 GRATIOT AVE./APPROVED

Motion by Berry, supported by Joseph to approve Phantom Fireworks' request for a Vending License Permit variance for a 40' x 40' tent at 45500 Market Place Blvd. for the sale of fireworks from 10am-10pm, June 24, 2016 through July 5, 2016.

Roll Call Vote:

Ayes: Berry, Joseph, Bell, Hartman, Lovelock

Nays: Anderson, DeMuynck

MOTION CARRIED

MOTION TO APPROVE VENDING LICENSE VARIANCE FOR PHANTOM FIREWORKS AT 45500 MARKET PLACE BLVD./APPROVED

Motion by Lovelock, supported by Hartman to approve a request from the Macomb Intermediate School District (MISD) for a Right-of-Way Telecommunications Permit and authorize the Township Attorney to make necessary modifications and forward to the MISD and Metro Authority.

Roll Call Vote:

Ayes: Lovelock, Hartman, Anderson, Joseph, Bell, DeMuynck, Berry

Nays: None

MOTION CARRIED

MOTION TO APPROVE THE MISD RIGHT-OF-WAY TELE-COMMUNICATIONS PERMIT/APPROVED

Motion by Lovelock, supported by Hartman to approve the DTE Street Lighting project along Gratiot Ave. from Market Place Blvd. to 23 Mile Rd. at a total cost of \$88,147.89 with the total amount to be reimbursed upon completion from the Suburban Mobility Authority for Regional Transportation (SMART) Community Credits and authorize the Supervisor to sign agreement.

Roll Call Vote:

Ayes: Lovelock, Hartman, Anderson, Joseph, DeMuynck, Bell, Berry

Nays: None

MOTION CARRIED

MOTION TO APPROVE THE STREET LIGHTING PROJECT ALONG GRATIOT AVE. FROM MARKET PLACE BLVD. TO 23 MILE RD./APPROVED

Trustee Joseph gave an oral report on the past accomplishments of the Water and Sewer Rates Advisory Board and highlighted future goals. Advisory Board Members Paul Lafata, Shanesse Bennett and Rick Boyland also made comments regarding future goals.

WATER AND SEWER RATES ADVISORY BOARD REPORT

Joe Miller, Joe Katich and Tracy Antrikin addressed the board.

PUBLIC COMMENTS

Motion by Lovelock, supported by Anderson to enter into closed

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session at 8:14pm to consult with the Township Attorney regarding trial or settlement strategy in connection with pending litigation –Aldea v. Charter Township of Chesterfield, Macomb County Circuit Court Docket No. 2016-000323-AA, pursuant to Section 8(e) of the Open Meetings Act.

**MOTION TO ENTER
INTO CLOSED
SESSION REGARDING
ALDEA V. THE
TOWNSHIP
/APPROVED**

Roll Call Vote:

Ayes: Lovelock, Anderson, Joseph, DeMuynck, Bell, Hartman, Berry

Nays: None

MOTION CARRIED

Motion by Lovelock, supported by DeMuynck to return to open session at 8:20pm.

**MOTION TO RETURN
TO OPEN SESSION**

Roll Call Vote:

Ayes: Lovelock, Anderson, Joseph, DeMuynck, Bell, Hartman, Berry

Nays: None

MOTION CARRIED

No action was taken regarding closed session item.

Motion by Lovelock, supported by Anderson to adjourn the meeting at 8:21pm.

ADJOURNMENT

Ayes: All

Nays: None

Cindy Berry, Clerk

Michael Lovelock, Supervisor