

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES**  
**MAY 6, 2019 WORK STUDY MEETING 4:00 P.M.**  
**TENTATIVE AGENDA**

**ROLL CALL:**

Supervisor McNamara	_____	Trustee Miller	_____
Clerk Wright	_____	Trustee White	_____
Treasurer Budd	_____	Engineer Potter	_____
Trustee Frazier	_____	Attorney McCauley	_____
Trustee Martin	_____	Secretary Beaudry	_____

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Discussion on a special land use request by Ashley Crossroads North, LLC to construct a distribution center consisting of three (3) buildings totaling approximately 1,579,325 square feet of space on the properties Parcel ID# V-125-83-008-99-0002-703; Parcel ID# V-125-83-005-99-0009-701; and Parcel ID# V125-83-005-99-0010-000 which is located on the northside of Ecorse Road, west of Haggerty Road.
2. Discussion on leasing Woodland Meadow's Clubhouse per the 5<sup>th</sup> Amendment to the Host-Community Agreement with Waste Management.
3. Discussion on the first reading of Ordinance 05-07-19(1), an approval of the amendment of Chapter 62 (Parks and Recreation) Article I (In General) to amend Sec. 62-1 to 62-25.
4. Discussion on the first reading of Ordinance 05-07-19(2), an approval of the amendment of Chapter 74 (Streets, Sidewalks and Other Public Places) Article II (Sidewalks) to amend Sec. 74-27.
5. Discussion on the first reading of Ordinance 05-07-19(3), an approval of the amendment of Chapter 74 (Streets, Sidewalks and Other Public Places) Article II (Sidewalks) to amend Sec. 74-26.
6. Discussion on granting approval of the selection of Davenport Brothers Construction Company, Inc. for the Quirk Park- Park Improvements contract for \$574,933. This was the result of an advertised, sealed request for bid.
7. Discussion on the recommendation to the Township Board to amend the approved FY 2019 Water & Sewer budget. Approval is requested for the proposed Wastewater Routing Study to be performed by FTC&H Engineer Maria Sedki and staff at a cost not to exceed \$165,000. Funds shall be allocated from Water & Sewer Contracted Services Account 592-536-819-000 (to be expensed from the Water & Sewer Non-Restricted Fund balance).
8. Discussion on the adoption of the 2019 Individual Hourly Rate Schedule- FTC&H as-needed engineering. This schedule represents a 2.5% increase.
9. Discussion on the approval of the first reading of Ordinance 05-07-19(4) to rezone parcel V125-83-105-99-0011-000; otherwise known as 1123 Savage Road from M-1, Light Industrial to R1-B, Single Family Residential.
10. Discussion on approving the revised meeting schedule for the Water/Sewer Commission for 2019, noting the time change to 5:30 p.m.
11. Discussion on the approval of the Ordinance Department's contract for grass cutting services with Wiese's Lawn Care, Inc.

**CLOSED SESSION:** The Township Board will go into closed session pursuant to MCL 15.268(c) for the purpose of deliberating strategic course of action in relation to the negotiation of a collective bargaining agreement.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

**NOTICE OF CLOSED SESSIONS**  
**OF THE**  
**CHARTER TOWNSHIP OF VAN BUREN**  
**BOARD OF TRUSTEES**  
**TO BE HELD FOLLOWING**  
**4:00 P.M.**  
**WORK STUDY SESSION**  
**ON MONDAY, MAY 6, 2019**

**TOWNSHIP HALL**  
**46425 TYLER ROAD**  
**VAN BUREN TOWNSHIP, MI 48111**

**FOR THE PURPOSE OF DISCUSSING:**

- 1. The Township Board will go into closed session pursuant to MCL 15.268 (c) for the purpose of deliberation a strategic course of action in relation to the negotiation of a collective bargaining agreement.**

**In accordance with the Americans with Disabilities Act, reasonable accommodations can be made with advance notice by calling the Clerk's Office 734.699.8909.**

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

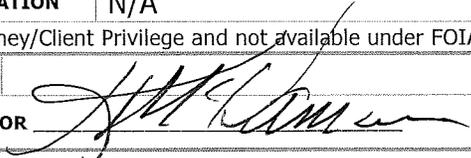
**WORK STUDY MEETING DATE: 05/06/19**

**BOARD MTG. DATES: 05/07/19**

Consent Agenda \_\_\_\_\_ **New Business**  \_\_\_\_\_ Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	To consider a special land use request by Ashley Crossroads North, LLC to construct a distribution center consisting of three (3) buildings totaling approximately 1,579,325 square feet of space on the properties Parcel ID# V-125-83-008-99-0002-703; Parcel ID# V-125-83-005-99-0009-701; & Parcel ID# V-125-83-005-99-0010-000 which is located on the northside of Ecorse Road, west of Haggerty Road.
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers – Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	N/A

### Agenda topic

<b>ACTION REQUESTED</b>	To consider a special land use request by Ashley Crossroads North, LLC to construct a distribution center consisting of three (3) buildings totaling approximately 1,579,325 square feet of space on the properties Parcel ID# V-125-83-008-99-0002-703; Parcel ID# V-125-83-005-99-0009-701; & Parcel ID# V-125-83-005-99-0010-000 which is located on the northside of Ecorse Road, west of Haggerty Road.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	Please see attached information.
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	If approval is granted the applicant will continue with the site plan review process.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval
<b>ATTORNEY RECOMMENDATION</b>	N/A (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

# PLANNING & ZONING APPLICATION

Case number 17-030

Date Submitted 8/28/17

## APPLICANT INFORMATION

**Applicant** Ashley Crossroads North, LLC Attn. Kenneth Bowen **Phone** 734 394-1900  
**Address** 2575 S. Haggerty Road, Ste 500 **Fax** 734-394-1925  
**City, State** Canton, MI **Zip** 48188  
**E:mail** kbowen@ashleycapital.com **Cell Phone Number** \_\_\_\_\_  
**Property Owner** same as above **Phone** \_\_\_\_\_  
 (if different than applicant)  
**Address** \_\_\_\_\_ **Fax** \_\_\_\_\_  
**City, State** \_\_\_\_\_ **Zip** \_\_\_\_\_  
**Billing Contact** same as above **Phone** \_\_\_\_\_  
**Address** \_\_\_\_\_ **Fax** \_\_\_\_\_  
**City, State** \_\_\_\_\_ **Zip** \_\_\_\_\_

## SITE/PROJECT INFORMATION

**Name of Project** Crossroads Distribution Center North  
**Parcel Id No.** V125-83- 008-99-0002-703 & 0009-701 **Project Address** vacant parcel  
**Attach Legal Description of Property**  
**Property Location:** On the north Side of Ecorse Road; Between Haggerty Road  
 and Morton Taylor Road. **Size of Lot Width** +/- 1,800 **Depth** +/- 2,640  
**Acreage of Site** 158.5 **Total Acres of Site to Review** 116.5 **Current Zoning of Site** MT  
**Project Description:** Industrial Park consisting of four buildings totaling 1,575,778 square feet with associated car parking, trailer staging, truck docks, storm water detention, etc.

Is a re-zoning of this parcel being requested? no YES (if yes complete next line) NO  
**Current Zoning of Site** \_\_\_\_\_ **Requested Zoning** \_\_\_\_\_

## SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? yes YES (if yes complete next line) NO  
**Section of Zoning Ordinance for which you are applying** Distribution Centers  
 Is there an official Woodland within parcel? no **Woodland acreage** \_\_\_\_\_  
**List total number of regulated trees outside the Woodland area?** \_\_\_\_\_ **Total number of trees** \_\_\_\_\_  
**Detailed description for cutting trees** \_\_\_\_\_

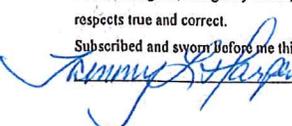
If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

## OWNER'S AFFIDAVIT

Ashley Crossroads North, LLC  
 By Ashley Capital, LLC, Its Agent  
Print Property Owners Name  
  
 Kenneth J. Bowen, Vice President  
Signature of Property Owner

8/8/17  
 Date

STATE OF MICHIGAN  
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.  
 Subscribed and sworn before me this 8th day of August 2017.  
 Notary Public, Wayne County, Michigan My Commission expires MY COMMISSION EXPIRES Oct 15, 2020  
 ACTING IN COUNTY OF Wayne



April 18, 2019

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: VBT-17-030; Ashley Capital Crossroads North/ North of Ecorse Road, west of Haggerty Road; Special Land Use Review #3; Revised Site Plan Dated 02/04/19.**

Dear Planning Commissioners:

The applicant, Ashley Crossroads North LLC, to construct three (3) (previously 4) industrial Buildings with a gross floor area of 1,579,325 square feet (previously 1,571,790 square feet) on a 162.13-acre site located on the north side of Ecorse Road west of Haggerty Road. This site of Ashley Crossroads North consists of 3 parcels. The proposed 3 Buildings are named "Building 4," "Building 5", and "Building 6". Buildings 1-3 are in Ashley Crossroads South, located on the south side of Ecorse Road.

The site is mostly zoned M-T (Industrial Transportation) District with 3 areas along the north and west sides abutting the ITC corridor zoned R-1 B (Single-Family Residential). Two (2) western R-1B areas accommodate a portion of the proposed stormwater detention basin for the site. Of the 3 Buildings proposed, Buildings 5 and 6, with a gross floor area of 658,989 square feet each and a truck dock to floor area ratio of 1: 5,883.83 square feet, qualify as Distribution Centers and require special land use approval per Section 3.116(C) of the Zoning Ordinance.

The plan previously proposed 2 smaller light industrial warehouse Buildings along the site's Ecorse Road frontage with an area of 126,906 square feet each and a proposal to revise the truck dock to floor area ratio to 1:8,000 square feet to qualify as a warehouse. However, the revised plan at this time consolidates the 2 smaller Buildings and enlarges it to a footprint of 261,347 square feet. A distribution center is generally defined as any warehouse or warehouse portion of a building greater than 250,000 square feet or an industrial warehouse that does not exceed with 1 truck loading/unloading dock per 4,000 square feet of gross floor area. The consolidated building has 26,135 square feet office space, 65,337 square feet of manufacturing space and 169,875 square feet of warehouse space. In addition the dock to floor area ratio is 1:8167 square feet, which still qualifies it as an Industrial Warehouse.

We have reviewed the site plan and special land use applications for compliance with the regulations of Van Buren Township Zoning Ordinance and sound planning and zoning principles. Our site plan comments are addressed in our letter dated April 18, 2019, and we offer the following comments on the special land use application:

**Special Land Use Review Comments**

Section 12.306 of the Zoning Ordinance sets forth 9 criteria for the Planning Commission to consider when reviewing special land use proposals. Following is our review of each criterion:

1. **The special land use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, for landowners and residents who are adjacent thereto, and for the Township as a whole.** The site is the largest M-T-zoned site in the township and located at the strategic Ecorse-Haggerty Road area. The proximity to the Ecorse Road interchange at I-275 contributes to the site's desirability as a distribution center, offering good access for truck traffic. While the site abuts some single-family residential zoned and used parcels to the east and the residentially-zoned ITC corridor to west, the land around the site is mostly zoned and master planned for industrial and transportation uses. Furthermore, the Zoning Ordinance includes specific setback and greenbelt screening requirements for distribution centers abutting residential land. These standards were specially created to address and mitigate any potential adverse impacts from the intense industrial uses on abutting residential uses. These standards are addressed in our site plan review letter.

The site plan far exceeds the required setbacks for Buildings 5 and 6 along all property lines and also the distance required between distribution centers and nearest residential structures. The plan proposes a heavily landscaped greenbelt buffer 60 feet wide along the east and west property lines. With appropriate consideration to the circulation patterns on site, design of access to and from Ecorse Road, improvements to Ecorse Road as required by Wayne County, a setback of over 700 feet from the nearest residential dwelling, and dense landscaping along both the road frontage and lot lines abutting single-family residential, we believe the proposed use of Buildings 5 and 6 will promote the use of land in a socially and economically desirable manner.

2. **The special land use is necessary for public convenience at that location.** The proposed distribution centers will support the market for warehousing and similar uses near the region's freeways. Such a location minimizes negative impacts on the community at large, and facilitates movement of goods and services necessary for the public convenience. The M-T zoning district was specifically created in this area for the convenience of location and suitability for transportation based uses.
3. **The special land use is compatible with adjacent uses of land.** As previously stated, the location of the use is within the Ecorse-Haggerty Road area that provides for the shorter access to the area freeways suitable for distribution centers. The proposed site plan for Buildings 5 and 6 is consistent with M-T zoning district allowing for larger heavier transportation based facilities to be located in the back. The corridor envisions the frontage being occupied by light industrial/warehouse buildings that would provide screening for the heavier transportation based uses. With a revision of the plans, even though the building along the frontage is larger than originally proposed, the floor area is intended to function more as a manufacturing and warehouse use, and not a trucking facility. The land east of the site is a mix of R-1B, Single-Family Residential and M-1, Light Industrial zoning districts, and is planned for light industrial uses according to the Master Plan. The extensive landscaping, wide greenbelts, and berms proposed on the site plan will help protect the existing abutting single-family uses. The trailer staging areas for Buildings 5 and 6, are a minimum of 380 feet from the lot lines, and the truck docks/overhead doors for face north and south away from residential uses. The east and west sides of the site have a 60-foot wide greenbelt buffer with a double staggered row of evergreen trees on a berm, and the proposed on-site lighting is shielded. All these factors contribute to making the use more compatible with adjacent uses of land, as intended by the Master Plan.



4. **The special land use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.** The proposed building footprints comply with the Zoning Ordinance setback requirements from public rights-of-way, residential district boundaries, and residential dwellings. Any potential adverse off-site impacts will be mitigated by the conditions required during with the site plan approval process, thus protecting the public health, safety, and welfare.
5. **The special land use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** The site is currently vacant; therefore, any development on it will likely increase demand for most public services and facilities, but is not expected to adversely affect those public services or facilities to the vicinity. In regard to public roads, Ecorse Road in front of the site is only two lanes wide; however, the site plan proposes the addition of acceleration and deceleration lanes at both entrances into the site and a short stretch of new road adding a lane along the site's frontage. Any improvements to the roadways will be required by Wayne County, under whose jurisdiction Ecorse Road lies. It is our understanding that the applicant has conducted a detailed traffic study and has been working with Wayne County on necessary approvals. This matter must be addressed prior to final site plan approval to ensure that service in the area will not be adversely affected.
6. **The special land use will not cause injury to the value of other property in the neighborhood in which it is to be located.** The operation of the use, with site improvements for landscaping, buffering, Building appearance and proper circulation and road improvements will protect neighboring properties from harm. The proposal is consistent with the Township's Master Plan and existing zoning.
7. **The special land use will consider the natural environment and help conserve natural resources and energy.** The applicant has submitted a detailed tree survey for the site that indicates an overall tree preservation of 81.7% with only 23 regulated trees being removed. The landscape plan proposes adequate replacement for the proposed regulated trees that will be removed. Further, the landscape plan proposes extensive landscaping throughout the site and along the peripheral greenbelt buffer. With some modifications that are recommended in our site plan review letter, this standard will be met.
8. **The special land use is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for special approval uses.** These items are addressed throughout this letter and in our accompanying site plan review letter dated April 18, 2019. Major site plan related considerations to determine compliance with the requirements of the Zoning Ordinance as well as sound planning and zoning principles have been submitted and are adequate.
9. **The special land use is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** Consideration of a special land use for the location of new distribution center Buildings to determine its impact upon neighboring property or public facilities is within the purview of the Planning Commission and Township Board of Trustees and a valid exercise of the Township's police power.



**Specific Approval Criteria for Distribution Centers [Section 5.112]:**

- a. **A Building containing such use shall be located not less than 250 feet from any residential district and 500 feet from any residential dwelling.** The proposed distribution center Buildings 5 and 6 are at least 320.3 feet from the abutting R-1B residential zoned parcels to the east and west, and at least 739 feet from the nearest residential dwelling.
- b. **Any Building containing such a use shall be located not less than 450 feet from any public right-of-way, with all Buildings conforming to all other minimum requirements.** The proposed distribution center buildings 5 and 6 are approximately 795 feet from Ecorse Road and over 1,000 feet from Haggerty Road. Both distribution center buildings comply with all other setback requirements.
- c. **Truck docks, overhead doors and trailer staging areas accessory to such a use shall be located not less than 350 feet from a residential district. They shall also be oriented away from and screened from all residential districts and public rights-of-way. Where Building layouts incorporate multiple Buildings, Buildings shall be designed and oriented such that truck docks, overhead doors and staging areas in adjacent Buildings face one another.** The proposed docks and staging areas for Buildings 5 and 6 are located at least 384.2 feet from a residential district. The staging areas are on the north and south sides of the Buildings and are oriented away from most of the residentially zoned land (located east and west of the site). For the several residential parcels that are southeast of the distribution center Building, the greenbelt berms will be planted with double staggered row of evergreen trees to help screen the view. The Ecorse Road frontage will have a greenbelt with existing and new trees. The revised plan includes a phasing plan which proposes the construction of Building 4 and Building 5 in phase 1. In addition, Phase 1 also proposes mass grading of the entire site and creation of a stone pad for Building 6. Phase 2 includes the actual construction of Building 6, but is contingent upon tenant demand of phase 1. In the event phase 2 does not materialize or is delayed, the plan notes that the stone pad will be treated with weed control in growing months. We recommend that the maintenance plan be re-phrased to note that the area will be kept weed free (not just in growing months). The staging and dock areas on Building 6 to the far north of the parcel are to be screened by a 10-foot wide greenbelt buffer only. However, the property to its north is currently vacant and is also owned by the applicant and reserved for future development. When the northern area is developed in the future, screening along Van Born Road will be required.
- d. **All other off-street parking and loading areas, access drives and paved surfaces accessory to such a use shall be located not less than 60 feet from any residential district.** The access drives along the east and west sides of the site are located 60 feet from the property lines abutting the R-1B zoned areas and are compliant.

**Recommendations**

Based on the above, we find that the proposed distribution center use of Buildings 5 and 6 meets the criteria for special land use approval, subject to several conditions. Therefore, we recommend that the Planning Commission recommend special approval to the Township Board, subject to the following conditions:

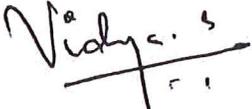
1. Implementation of the traffic study recommendations, as required by the Township and Wayne County.



- 
2. Notation that the stone pad area for Building 6 shall be maintained in a clean and feed-free manner, in the event Phase 2 is delayed or does not materialize.
  3. That all of the conditions of preliminary site plan approval are met.
  4. Final site plan approval.

Respectfully submitted,

**McKENNA**



Vidya Krishnan  
Senior Planner

- c: Ron Akers, Van Buren Township Director of Planning & Economic Development  
Matt Best, Van Buren Township Director of Public Services  
David Potter, FTCH, Township Engineers  
David McInally, Van Buren Township Fire Marshal





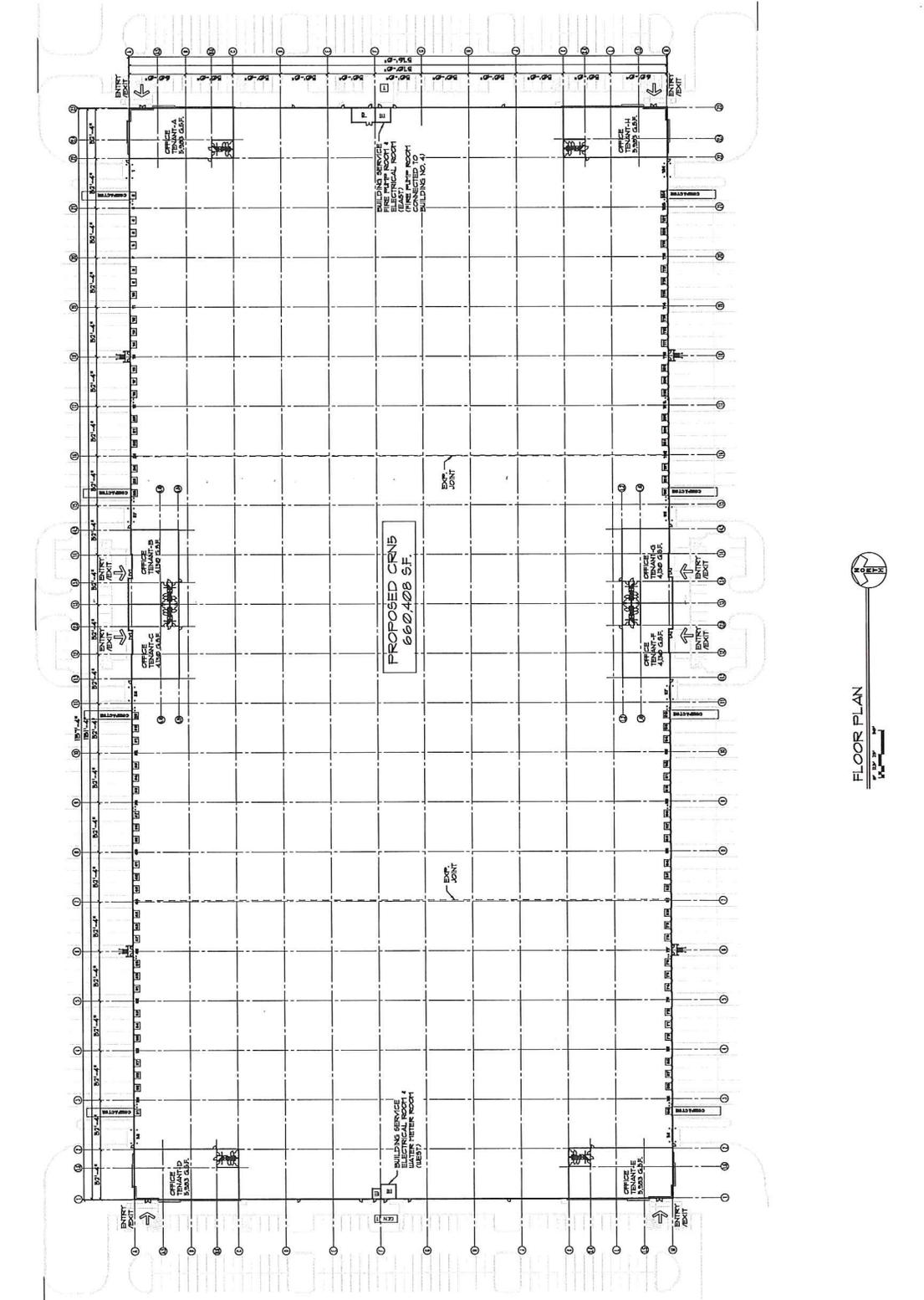






	PROJECT NUMBER 17025
	SHEET NUMBER A.1
REVISIONS DATE BY	PROJECT NUMBER 17025 SHEET NUMBER A.1
DO NOT SCALE DRAWING. USE FIGURED DIMENSIONS ONLY.	

**PROPOSED DISTRIBUTION CENTER - NORTH**  
 4100 ECHOE ROAD  
 VAN BUREN TOWNSHIP, WATERS COUNTY, MD 44111  
**FLOOR PLAN**  
 email: [detail.office@ashleycapital.com](mailto:detail.office@ashleycapital.com)  
 phone: 724.284.1000  
 fax: 724.284.1025  
 2575 South Highway Road, Suite 500  
 Chambersburg, MD 21716  
**AshleyCapital**  
**ASHLEY CAPITAL, LLC**  
 2575 South Highway Road, Suite 500  
 Chambersburg, MD 21716  
**Oliver/Hatcher**  
 ARCHITECTS  
 111 N. 17th Street, Suite 201  
 P.O. Box 1000  
 Chambersburg, MD 21716  
 phone: 717.221.8279  
 fax: 717.221.8278  
 www.oliverhatcher.com



FLOOR PLAN  
  


**OLIVER HATCHER**  
CONSTRUCTION & DEVELOPMENT, INC.  
DESIGNERS & ENGINEERS

**ASHLEY CAPITAL**  
2075 South Highway Road, Suite 500  
Canton, Michigan 48108  
Office 248.394.1000  
Fax 248.394.1025  
email: info@ashleycapital.com

**ASHLEY CAPITAL**  
1111 W. FARM ROAD, SUITE 407  
TROY, MI 48068  
PH: 313.487.9900  
WWW.ASHLEYCAPITAL.COM

**PROGRESSIVE DISTRIBUTION CENTER - NORTH**  
4100 EORSE ROAD  
VAN BUREN TOWNSHIP, VAN BUREN COUNTY, MI 48151

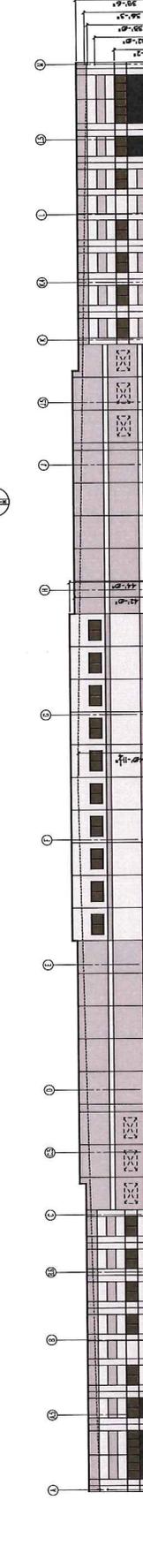
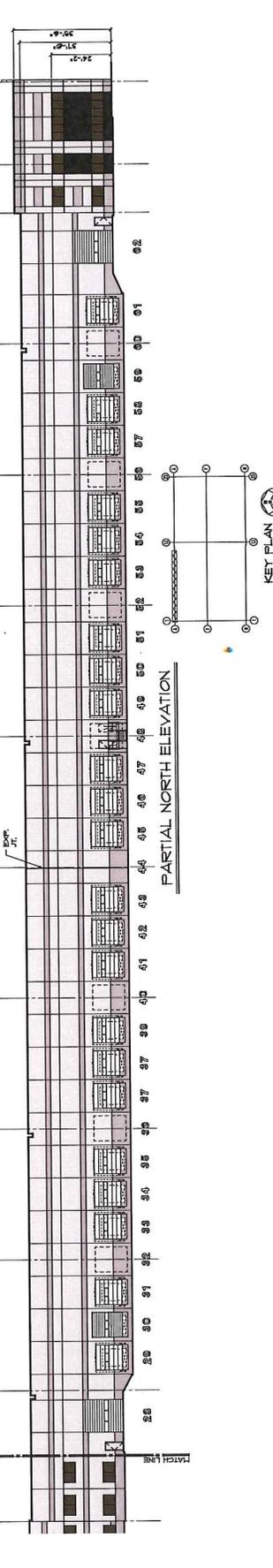
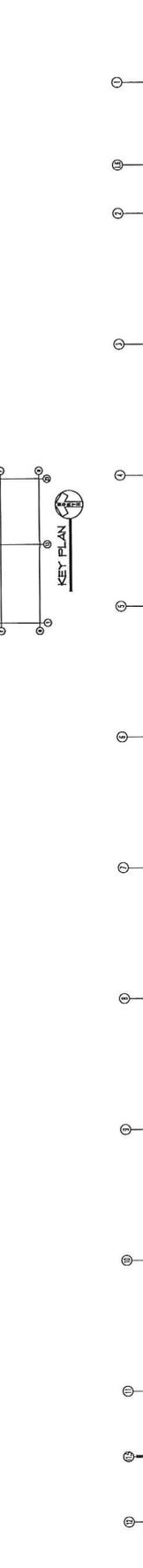
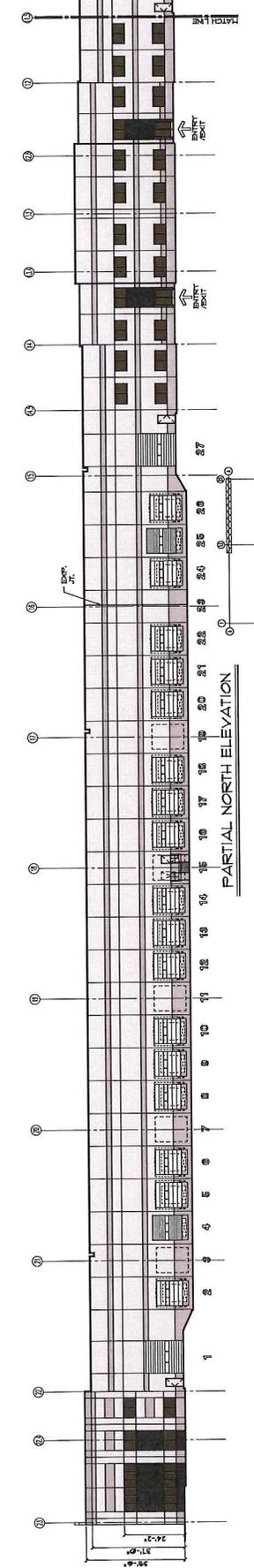
**WEST & NORTH**  
EXTERIOR ELEVATIONS

**SEAL**

ISSUED FOR: SITE PLAN  
DATE: 03/11/19

PROJECT NUMBER: 17085  
SHEET NUMBER: A2

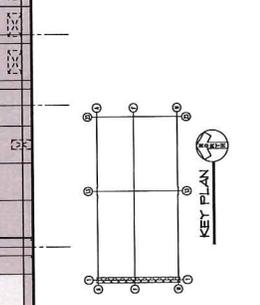
DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS ONLY.



**LEGEND**

EXTERIOR COLOR LEGEND:  
FLAT FINISH  
PANEL COLOR 1  
PANEL COLOR 2  
COOL SLATE  
POWER GRAY  
CORNING  
UP-LIBERTY SHEET METAL  
GRAPHITE-PC

GLASS  
BRICK/ERT  
EXTERIOR WALL SYSTEM  
PRECAST CONCRETE PERIMETER LOAD  
BURNDY PAINTED GULL PANEL



**OLIVER HATCHER**  
 ARCHITECTS  
 411 N. 17th Street, Suite 200  
 Minneapolis, MN 55403  
 Tel: 612.338.1234  
 Fax: 612.338.1235  
 oliverhatcher.com

**AshleyCapital**  
 CONSTRUCTION & DEVELOPMENT, INC.  
 2075 South Highway Road, Suite 500  
 Canton, Minnesota 55008  
 Tel: 763.244.1922  
 email: info@ashleycapital.com

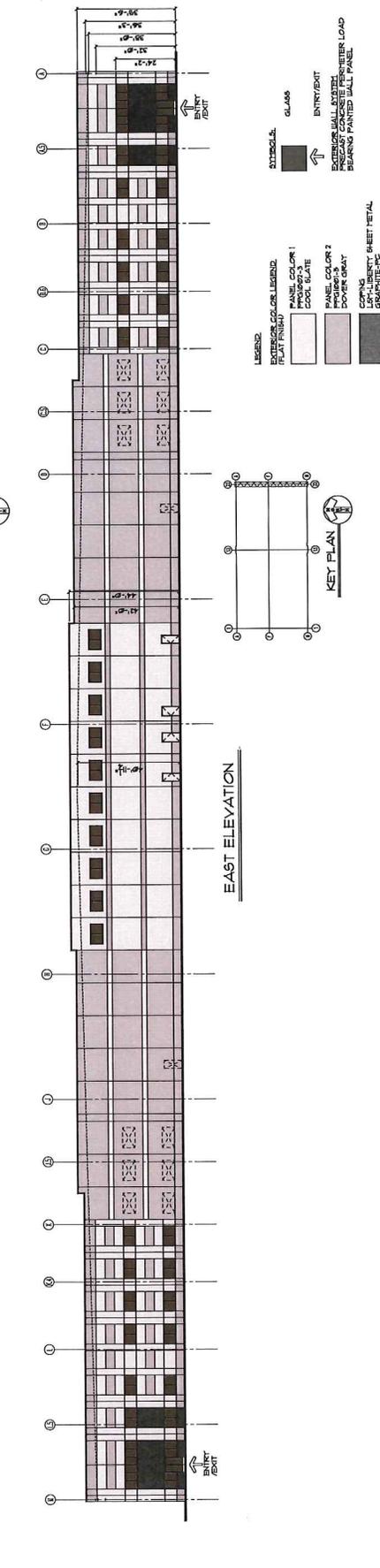
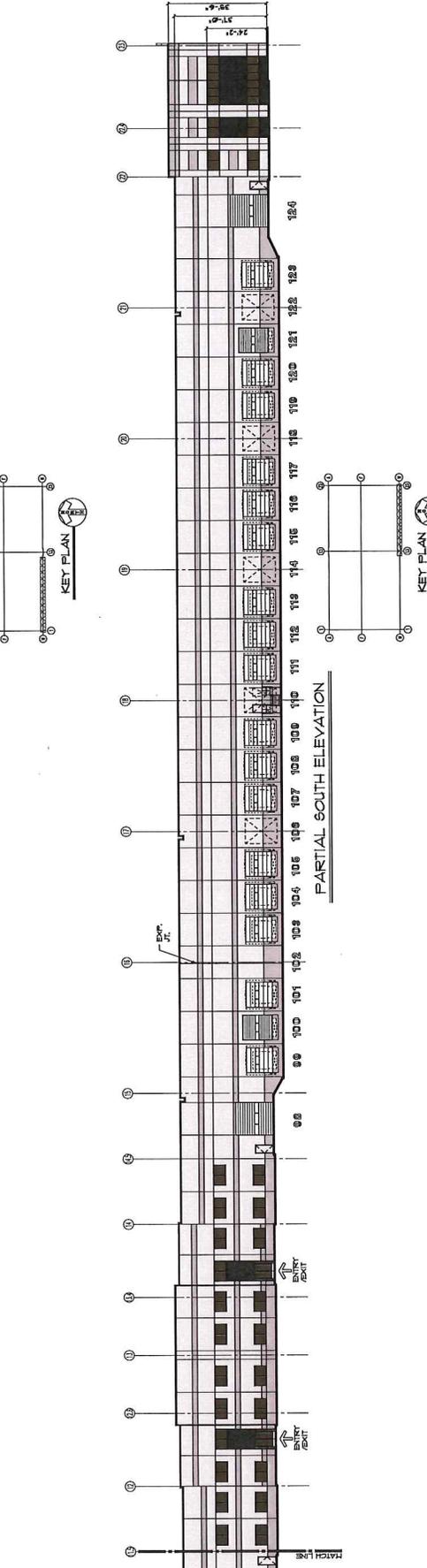
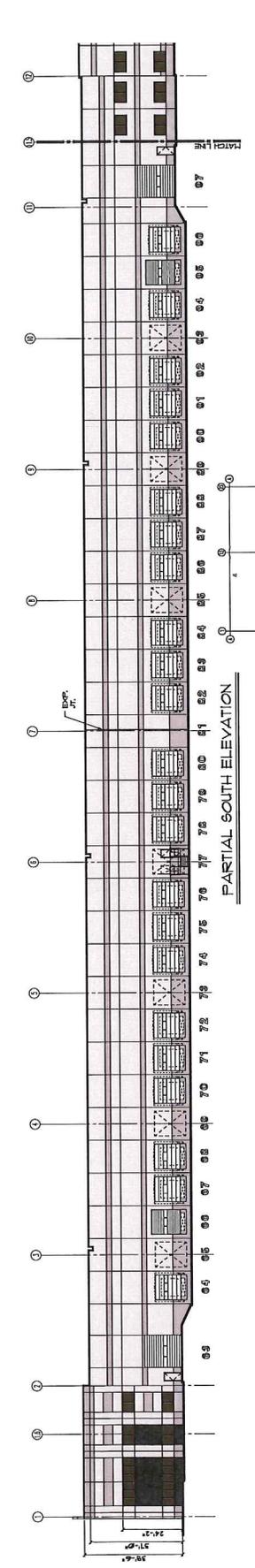
**PROSPECTIVE DISTRIBUTION CENTER - NORTH**  
 4210 ECKERS ROAD  
 VAN BUREN TOWNSHIP, WASHINGTON COUNTY, MN 55081

**EXTERIOR ELEVATIONS**  
**SOUTH & EAST**



DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY.

PROJECT NUMBER	170185
SHEET NUMBER	A.3
DRAWN BY	
CHECKED BY	
DATE	



- LEGEND**
- EXTERIOR COLOR LEGEND:
    - PANEL COLOR 1: COOL WHITE
    - PANEL COLOR 2: POWER GRAY
    - COMING: LIGHT LIBERTY SHEET METAL, GRAPHITE-PC
  - EXTERIOR WALL SYSTEM: EXPOSED CONCRETE, PENETRATOR, BOARD PAINTED WALL PANEL
  - GLASS
  - ENTRY/EXIT
  - ENTRANCE



**Oliver/Hatcher**  
 ARCHITECTS  
 411 W. Main Street  
 Portland, Oregon 97201  
 Phone: 503.228.1111  
 Fax: 503.228.1112  
 oliverhatcher.com

**AshleyCapital**  
 CONSTRUCTION & DEVELOPMENT, INC.  
 2575 South Hagarty Road, Suite 500  
 Portland, Oregon 97201  
 Phone: 503.228.1111  
 Fax: 503.228.1112  
 ashleycapital.com

**PROSPECTIVE DISTRIBUTION CENTER - NORTH**  
 4266 ECKHART ROAD  
 VAN DUSEN TOWNSHIP, WASHINGTON COUNTY, OR 97148

**EXTERIOR ELEVATIONS**  
**WEST & NORTH**

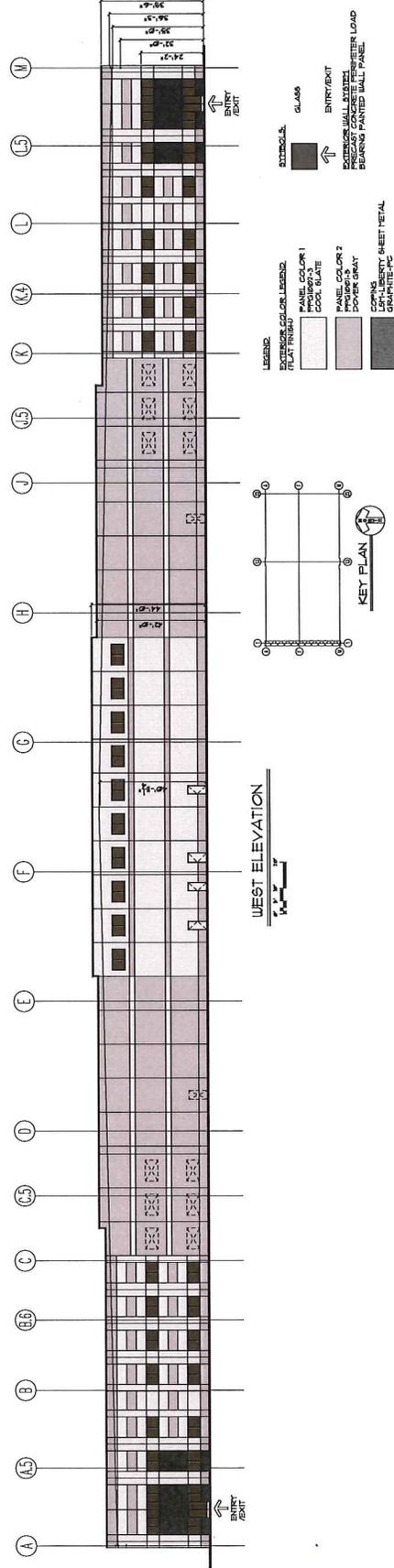
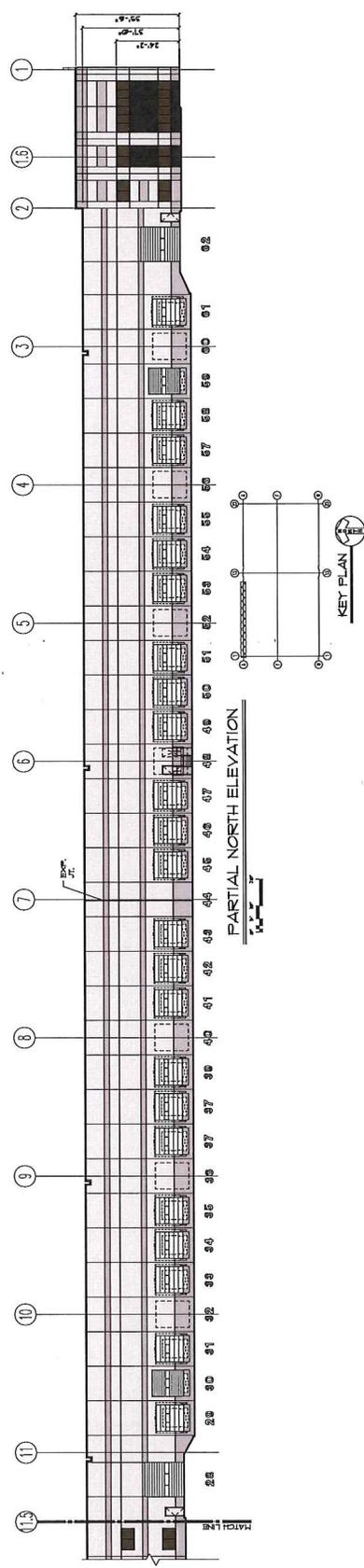
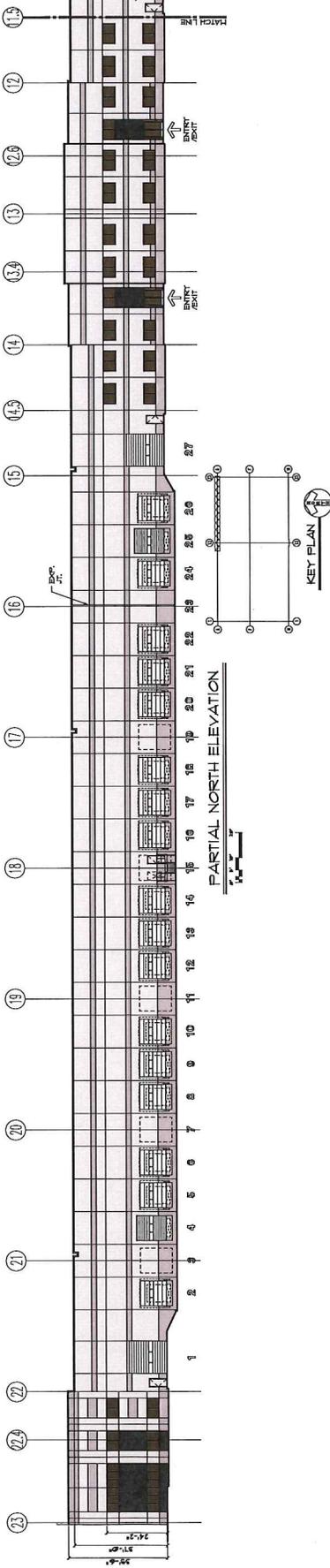
**SEAL**

UNIFIED BOOK  
 SITE PLAN  
 DATE: 02/11/16

PROJECT NUMBER  
**17086**

SHEET NUMBER  
**A.2**

DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY.

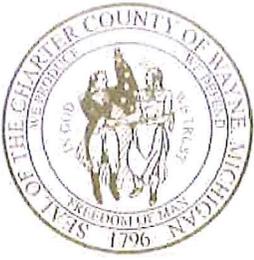


**LEGEND**

**EXTERIOR COLOR LEGEND:**  
 FLAT FINISH  
 PANEL COLOR 1  
 PROPOSED-3  
 GLOSS WHITE  
 PANEL COLOR 2  
 POWER GRAY  
 CORNERS  
 US-LIBERTY SHEET METAL  
 GRANITE PC

**SYMBOLS:**  
 GLASS  
 ENTRY/EXIT  
 EXTERIOR WALL LAYOUT  
 EXISTING CONCRETE PERIMETER LOAD  
 BEARING PAINTED WALL PANEL





**Warren C. Evans**  
Wayne County Executive

July 23, 2018

Mr. Joseph N. Webb, PE  
**Webb Engineering, Inc.**  
3315 N. Campbell Road, Suite 200  
Royal Oak, MI 48073

**RE: Ashley Crossroads Distribution Center North**  
Ecorse road, Van Buren Township, Michigan  
**WCDPS Plan Review Number R15-093**

Dear Mr. Webb:

The Wayne County Department of Public Services Traffic Section has received a revised Traffic Impact Study for the above referenced project on May 15, 2018. We have reviewed the Traffic Impact Study and the proposed geometrics and it is acceptable with no further comments. Please submit proposed signal plans with the next submittal.

Sincerely,

WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES

Peter Milenkovich  
Wayne County Traffic Engineer

**DIVISION OF ROADS**

29900 GODDARD ROAD, DETROIT, MICHIGAN 48242 • (734) 955-9920 • FAX (734) 955-2374



November 28, 2017

David L. Potter, PE  
Senior Project Engineer/Manager  
Fishbeck, Thompson, Carr & Huber, Inc.  
39200 Mackenzie Dr, Suite 100  
Novi, MI 48377

**RE: Ashley Capital Traffic Impact Study Review, Van Buren Township, MI**

Dear Mr. Potter:

Per our discussion on Wednesday, November 22, RS Engineering, LLC (RSE) has reviewed the traffic impact study (TIS) provided by Parsons for the proposed Crossroads Distribution Center North development. The 1.575 million square foot warehouse development is located on the north side of Ecorse Rd west of Haggerty Rd in Van Buren Township. The site proposes three driveways out onto Ecorse Rd; the central driveway and the western driveway are planned to line up with the driveways on the south side of Ecorse Rd to the Crossroads Distribution Center South development.

Based upon our review, we have the following comments:

- The TIS done by Parsons appeared to have been done in accordance with the existing standards and guidelines for traffic impact studies. The trip generation and trip distribution for the proposed site appear to have been done properly. The proposed land use types appear to conform with the proposed land uses.
- The driveways appear to have adequate distances between each other based on the MDOT unsignalized access spacing guidelines. These guidelines call for 455 feet spacing from center of driveway to center of driveway; based on the site plan, approximately 700 foot spacing is provided between the new driveways.
- The impact study appears to call for left turn passing lanes along Ecorse Rd for the western and eastern driveways to the development, but the site plan appears to show a continuous center lane for left turns serving all of the driveways. The center turn lane would then tie into the existing center turn lane near Haggerty Rd. RSE would recommend including the continuous center turn lane along Ecorse Rd from Haggerty Rd past the western driveway as shown in the site plan, in order to avoid confusion with having two closely spaced passing flares for the western and eastern driveways.

- The impact study analyzed the intersections along Ecorse Rd from the western site driveway easterly to the crossovers east of I-275. However, the Ecorse Rd/Morton Taylor Rd intersection about ½ mile west of the site was not included in the study. This intersection should have been analyzed to make sure the additional traffic from the site along Ecorse Rd does not negatively impact this intersection. RSE does not expect significant impacts at the Morton Taylor intersection based on the trip distribution.
- RSE is in agreement with the recommendations for the right turn lanes at the proposed west site driveway and east site driveway along Ecorse Rd, as well as the recommendation for no right turn treatment at the center site driveway.
- RSE is also in agreement with not proposing a signal at any of the driveways at this time, based on none of the driveways meeting signal warrant volumes. Although consolidation of left turning truck traffic to one driveway could potentially get traffic close to the warranting volumes, the proposed “wait and see” approach recommended in the study is the proper approach. The proposed center left turn lane mentioned above will also help with operations in this area. RSE also agrees with further monitoring of the area after the site is operational.

In summary, RSE believes that the Parsons traffic study was prepared in conformance with industry standards. The study appeared to cover all the necessary aspects of a TIS for this site without exception. The only specific item that was missed was an analysis of the Morton Taylor Rd/Ecorse Rd intersection, due to its proximity to the site.

Please let us know if there are further questions or concerns.



Steve Stramsak, PE, PTOE

Project Manager

SAS

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, April 24, 2019 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following requests.

1. **Case 19-014:** A request by Carl Speaks, to rezone the property located at 1123 Savage Road, (Parcel ID# V-125-83-105-99-0011-000) from M-1, Light Industrial to R1-B, Single Family Residential.
  
2. **Case 17-030:** A request by Ashley Crossroads North, LLC to construct a Distribution Center. This Distribution Center consists of three (3) buildings totaling approximately 1,579,325 square feet of space and is proposed to be located on the north side of Ecorse Road, west of Haggerty Road at Parcel ID# V-125-83-008-99-0002-703; Parcel ID# V-125-83-005-99-0009-701; & Parcel ID# V-125-83-005-99-0010-000 (approximately 158.5 acres).

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at [rakers@vanburen-mi.org](mailto:rakers@vanburen-mi.org). Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: April 01, 2019  
Published: April 04, 2019



**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

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1. **Case 17-030:** A request by Ashley Crossroads North, LLC to construct a Distribution Center. This Distribution Center consists of three (3) buildings totaling approximately 1,579,325 square feet of space and is proposed to be located on the north side of Ecorse Road, west of Haggerty Road at Parcel ID# V-125-83-008-99-0002-703; Parcel ID# V-125-83-005-99-0009-701; & Parcel ID# V-125-83-005-99-0010-000 (approximately 158.5 acres).

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Posted: April 01, 2019  
Published: April 04, 2019  
Mailed: April 03, 2019

*Mailed to the  
following addresses  
on 4-3-19  
Ces [Signature]*

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

JARBOU, ODISH LLC  
4198 ORCHARD LAKE RD - SUITE 250  
ORCHARD LAKE MI 48323

JARBOU, ODISH LLC  
4198 ORCHARD LAKE RD - SUITE 250  
ORCHARD LAKE MI 48323

JARBOU, ODISH LLC  
4198 ORCHARD LAKE RD - SUITE 250  
ORCHARD LAKE MI 48323

JARBOU, ODISH LLC  
4198 ORCHARD LAKE RD - SUITE 250  
ORCHARD LAKE MI 48323

JARBOU, ODISH LLC  
4198 ORCHARD LAKE RD - SUITE 250  
ORCHARD LAKE MI 48323

PREMIER-DEQUINDRE II, LLC  
560 KIRTS BLVD #100  
TROY MI 48084

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

EICKHOFF, SCOTT  
41560 ECORSE ROAD  
VAN BUREN TOWNSHIP MI 48111

STERLING, TIMOTHY  
41578 ECORSE ROAD  
VAN BUREN TOWNSHIP MI 48111

GENERAL ELECTRIC COMPANY  
THOMSON REUTERS  
PROPERTY TAX SERVICES  
PO BOX 4900-DEPT 201  
SCOTTSDALE AZ 85261-4900

DTE ELECTRIC COMPANY  
PROPERTY TAX DEPARTMENT  
PO BOX 33017  
DETROIT MI 48232

ASHLEY CROSSROADS SOUTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188-2678

JOHNSON, ELAINE  
12910 MARTINSVILLE RD  
VAN BUREN TOWNSHIP MI 48111

JOHNSON, ELAINE  
12910 MARTINSVILLE RD  
VAN BUREN TOWNSHIP MI 48111

FARR, STEPHEN  
6960 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

JVB PROPERTIES LLC  
4198 ORCHARD LAKE ROAD, SUITE 250  
WEST BLOOMFIELD MI 48323

JVB PROPERTIES LLC  
4198 ORCHARD LAKE ROAD, SUITE 250  
WEST BLOOMFIELD MI 48323

INTERNATIONAL TRANSMISSION COMPANY  
TAX DEPARTMENT  
27175 ENERGY WAY  
NOVI MI 48377

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

CROSSROADS DISTRIBUTION CENTER  
ROBERT AUSKALNIS  
9810 SOUTH DORCHESTER AVENUE  
CHICAGO IL 60628

BURGHARDT, VERA  
10609 PASTIME WN  
ALBUQUERQUE NM 87114

MULLINS, FLOYD  
6670 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

DAVIS, RONALD-JULIA  
6690 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

JOHNSON, ELAINE  
12910 MARTINSVILLE RD.  
VAN BUREN TOWNSHIP MI 48111

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

GRAMLICH, LEO-BERTHA  
44600 ROBSON  
VAN BUREN TOWNSHIP MI 48111

BEARDON, RANDY-MICHELLE  
45500 BAYWOOD BLVD  
CANTON MI 48187

BEARDON, RANDY-MICHELLE  
45500 BAYWOOD BLVD  
CANTON MI 48187-4822

D/R GROUP LIMITED PARTNERSHIP  
27750 STANSBURY SUITE 200  
FARMINGTON MI 48334

FARR, STEPHEN  
6960 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

BRIGGS, MEGAN  
6992 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

SLOVIK, ANDREW  
7004 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

JVB PROPERTIES LLC  
4198 ORCHARD LAKE ROAD, SUITE 250  
WEST BLOOMFIELD MI 48323

JVB PROPERTIES LLC  
4198 ORCHARD LAKE ROAD, SUITE 250  
WEST BLOOMFIELD MI 48323

SEVEN GRAND HOLDING CO  
42100 VAN BORN RD  
CANTON MI 48188

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

SEVEN GRAND HOLDING CO  
42100 VAN BORN RD  
CANTON MI 48188

FRANKEL-NODLEHS  
STUART FRANKEL  
1334 MAPLELAWN DRIVE  
TROY MI 48084

FRANKEL-NODLEHS  
STUART FRANKEL  
1334 MAPLELAWN DRIVE  
TROY MI 48084

INTERNATIONAL TRANSMISSION COMPANY  
TAX DEPARTMENT  
27175 EMERGENCY WAY  
NOVI MI 48377

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

ASHLEYS CROSSROADS NORTH, LLC.  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

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CANTON MI 48188

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CANTON MI 48188

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2575 S HAGGERTY RD STE 500  
CANTON MI 48188

ASHLEY CROSSROADS NORTH, LLC  
2575 S HAGGERTY RD STE 500  
CANTON MI 48188

J T M TRANSPORTATION  
JTM TRANSPORTATION INC  
42350 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
42040 ECORSE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41540 ECORSE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41560 ECORSE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41578 ECORSE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6520 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6550 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6598 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6656 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6670 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6690 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41965 ECORSE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
42061 ECORSE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6720 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6752 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6796 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6806 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6820 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6856 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6960 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
6992 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
7004 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
7016 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
7060 HAGGERTY RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41811 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41861 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
41941 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
42033 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
42055 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
42065 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
42333 VAN BORN RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

42350 VAN BORN RD

VAN BUREN TOWNSHIP MI 48111

## MOTION EXTRACT

Motion Boynton, Jahr second to recommend the Township Board grant special land use approval to the applicant, Ashley Capital, to construct a distribution center, the proposed distribution center to consist of three (3) buildings totaling 1,579,325 square feet of space, located near the northwestern intersection of Ecorse Road and Haggerty Road, parcel ID numbers V-125-83-008-99-0002-703 and V-125-83-005-99-0009-701, approximately 158.5 acres, subject to the recommendations in the McKenna Associates review letter dated 4-18-19.

**Roll Call:**

Yeas: Boynton, Atchinson, Budd, Jahr, Franzoi and Thompson.

Nays: None.

Absent: Kelley.

Motion Carried.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Planning Commission of the Charter Township of Van Buren at the regularly scheduled meeting of April 24, 2019.



Christina Harman  
Recording Secretary

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
April 24, 2019  
MINUTES - DRAFT**

Chairperson Thompson called the meeting to order at 7:31 p.m.

**ROLL CALL:**

**Present:** Franzoi, Jahr, Boynton, Atchinson, Budd and Thompson.

**Excused:** Kelley.

**Staff:** Director Akers, Planning Intern Stamper and Secretary Harman.

**Planning Representatives:** McKenna Associate, Vidya Krishnan and Fishbeck Associate, David Potter.

**Audience:** Fourteen (14).

**APPROVAL OF AGENDA:**

**Motion Budd, Boynton second to approve the agenda of April 24, 2019 as amended, moving New Business Item #3 to #1, with the remaining items under New Business following in order. Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Boynton, Franzoi second to approve the regular meeting minutes of April 10, 2019 as presented. Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1                    17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER – SPECIAL LAND USE REQUEST.**

**TITLE:                      THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.**

**LOCATION:                 THE PROPOSED DEVELOPMENT IS LOCATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID NUMBERS V-125-83-008-99-0002-703 & V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).**

**Motion Boynton, Franzoi second to open the public hearing. Motion Carried.**

Allen Dresclous of VP Construction and Joe Webb of Webb Engineering gave the presentation. The applicant is requesting a special land use permit to construct a distribution center. The request meets the setback requirements of the Zoning Ordinance, the traffic study has been approved by Wayne County and the applicant is working with neighboring property owners. The proposed buildings are similar to the existing Ashley Capital Buildings 1, 2 and 3, the exterior is precast concrete with added detail lines, there are six (6) entrances for tenant use and the site has a large set back with a berm and landscaping buffer. The applicant displayed color renderings of the building to show the view from Ecorse Road with the berm and landscaping in place.

Resident discussed a letter received from the applicant about purchasing her property and home; she was displeased with the amount and options offered.

**Motion Franzoi, Jahr second to close the public hearing. Motion Carried.**

**ITEM # 2                    19-014 - REZONING**

**TITLE:                    THE APPLICANT, CARL G. SPEAKS, IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 1123 SAVAGE ROAD FROM M-1, LIGHT INDUSTRIAL TO R1-B, SINGLE FAMILY RESIDENTIAL.**

**LOCATION:                SUBJECT PROPERTY IS LOCATED AT 1123 SAVAGE ROAD. (PARCEL ID # 83-105-99-0011-000).**

**Motion Jahr, Atchinson second to open the public hearing. Motion Carried.**

Loretta Speaks gave the presentation on behalf of her brother-in-law Carl G. Speaks. The applicant is requesting to rezone 1123 Savage Road in order to sell the property.

No comments from the Commission or the audience.

**Motion Atchinson, Jahr second to close the public hearing. Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1                    19-014 - REZONING**

**TITLE:                    THE APPLICANT, CARL G. SPEAKS, IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 1123 SAVAGE ROAD FROM M-1, LIGHT INDUSTRIAL TO R1-B, SINGLE FAMILY RESIDENTIAL.**

**LOCATION:                SUBJECT PROPERTY IS LOCATED AT 1123 SAVAGE ROAD. (PARCEL ID # 83-105-99-0011-000).**

No further comments from the applicant.

Intern Stamper presented her review letter dated 4-10-19 recommending the Planning Commission approve the request to rezone parcel # 83-105-99-0011-000, 1123 Savage Road, from M-1 (light industrial) to R1-B (single family residential) based upon the following reasons:

1. The requested rezoning is consistent with the Master Plan due to its consistency with the future land use map (2018).
2. The requested rezoning is consistent with the standards in 12-504 of the Zoning Ordinance.
3. The street system has shown that it is capable to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

4. The Township's utilities and services have all been and will continue to be sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
5. The requested rezoning does not change the Zoning Ordinance but brings the Township further into compliance with the future land use map (2018).
6. The requested rezoning is not expected to result in exclusionary zoning.
7. The sites physical, geological, hydrological and other environmental factors are compatible with the permitted zoning district.
8. There is compatibility of all the potential uses allowed in the proposed zoning district with surrounding areas and zoning regarding land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
9. The boundaries of the requested rezoning district would be reasonable in relationship to surrounding districts and construction on the site will be able to meet the dimensional regulations of the requested zoning district.
10. The requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
11. Rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
12. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

No Comments from the Commission or the audience.

**Motion Atchinson, Budd second to recommend the Township Board grant the applicant, Carl G. Speaks request to rezone the property located at 1123 Savage Road, parcel ID # 83-105-99-0011-000, from M-1, light industrial to R1-B, single family residential, based upon the reasons stated above and in the staff review letter dated 4-10-19.**

**Roll Call:**

**Yeas: Jahr, Boynton, Atchinson, Budd, Franzoi and Thompson.**

**Nays: None.**

**Absent: Kelley.**

**Motion Carried. (Letter attached)**

**ITEM # 2                    17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER – SPECIAL LAND USE REQUEST**

**TITLE:                    THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.**

**LOCATION:                THE PROPOSED DEVELOPMENT IS LCOATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID NUMBERS V-125-83-008-99-0002-703 & V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).**

Joe Webb of Webb Engineering gave a brief presentation. The traffic impact study is approved by Wayne County and has been submitted to the Township engineer.

Vidya Krishnan of McKenna Associates presented her review letter dated 4-18-18 finding the proposed distribution center use of buildings 5 and 6 meet the criteria for special land use approval. Therefore, recommending the Planning Commission recommend special approval to the Township Board, subject to the following conditions:

1. Implementation of the traffic study recommendations, as required by the Township and Wayne County.
2. Notation that the stone pad area for Building 6 shall be maintained in a clean and feed-free manner, in the event Phase 2 is delayed or does not materialize.
3. That all of the conditions of preliminary site plan approval are met.
4. Final site plan approval.

Commissioners inquired if the applicant has been working with neighboring residents and asked Ashley Capital to provide updated contact information for the neighboring residents and those watching the meeting on VBT12. Mike Balow of Ashley Capital provided an update, over the past few months Ashley Capital has reached out to several neighboring property owners to purchase. They have not done a blanket email or letter. The value for Ashley Capital is in the land, they are not interested in homes. Those purchased have ranged from \$50,000 – \$65,000 per acre. Ashley Capital will continue to reach out to those involved, have offered the option for residents to stay up to two (2) years rent-free with the buyout. Mike Balow of Ashley Capital can be reached at (734) 394-1900 or by email at [mbalow@ashleycapital.com](mailto:mbalow@ashleycapital.com).

Resident discussed buyout pricing, provided examples and discussed why she feels the offers she has received are not at the correct pricing. Audience member who lived on Haggerty for forty (40) years inquired how many properties are open for purchase. There is not a list of properties for purchase.

Commissioners discussed the stone pad for building 6 and inquired what the time frame is for building 6 to be erected, whether the pad will be used for storage or will it be isolated and when will the parking lot and utilities be developed for building 6. The pads for buildings 4, 5 and 6 will all be ready and in place this year, building 6 is estimated to be built in 2020 or 2021 each building takes at least a year to build and the pad will remain isolated. All storm sewer and sanitary sewer will be developed with the pad. The parking lot will not be developed and/or utilized until building 6 is erect.

No comments from the audience.

**Motion Boynton, Jahr second to recommend the Township Board grant special land use approval to the applicant, Ashley Capital, to construct a distribution center, the proposed distribution center to consist of three (3) buildings totaling 1,579,325 square feet of space, located near the northwestern intersection of Ecorse Road and Haggerty Road, parcel ID numbers V-125-83-008-99-0002-703 and V-125-83-005-99-0009-701, approximately 158.5 acres, subject to the recommendations in the McKenna Associates review letter dated 4-18-19.**

**Roll Call:**

**Yeas:** Boynton, Atchinson, Budd, Jahr, Franzoi and Thompson.

**Nays:** None.

**Absent:** Kelley.

**Motion Carried.** (Letter attached)

**ITEM # 3                    17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER –  
PRELIMINARY SITE PLAN APPROVAL**

**TITLE:**                    THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.

**LOCATION:**                THE PROPOSED DEVELOPMENT IS LCOATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID NUMBERS V-125-83-008-99-0002-703 & V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).

Joe Webb of Webb Engineering gave the presentation. Mr. Webb gave an overview of the nine (9) items addressed in the planning review by McKenna Associates. The applicant will make a correction to the docks calculation on sheet C2, revise the phasing plan to the stone pad for building 6, address mechanical equipment heights, have the trees surveyed and documented for the additional greenbelt area, include details for the monument sign and add a notation that the rooftop equipment will be placed in a manner to be out of view to the right-of-way areas.

Vidya Krishnan of McKenna Associates presented her preliminary site plan review letter dated 4-18-19 recommending preliminary site plan approval subject to the following conditions:

1. Correction to the maximum docks allowed calculation on Sheet C2 and addition of a note restricting the maximum order number of docks on Buildings 5 and 6 to 108, as shown.
2. Revision of the phasing plan notation to ensure weed free maintenance of stone pad for Building 6 at all times (not just growing season), in the event Phase 2 is delayed or does not materialize.
3. Addition of details of the mechanical equipment height to determine adequacy of the 3' tall screening proposed.
4. Addition of greenbelt plantings on the west side of the detention pond area, along the west property line, with the exception of those areas with existing landmark trees, which must be shown on the tree survey.
5. Inclusion of greenbelt trees along the north property line as part of Phase 1 planting plan.
6. Notation of details of monument sign base on the final site plan.
7. The fixture height of the light poles can be approved at 35 feet.
8. Notation that rooftop equipment will be placed in a manner to conceal its view from any right-of-way areas.
9. Planning Commission and Township Board of Trustees approval of the proposed special land use.

David Potter of Fishbeck Associates presented his preliminary site plan review letter dated 4-5-19 recommending preliminary site plan approval. A more in depth review of the plans will be completed after preliminary plan approval by the Planning Commission and after initial approval from Wayne County has been granted. Final engineering review will look for conformance to the information noted in the review comments in accordance with the Engineering Standards Manual.

Director Akers presented the Fire Department review letter dated 4-9-19 recommending approval.

Commissioners inquired if the landscape trees listed on the site plan as Elm should change and discussed limiting the time frame for Building 6 to be constructed to 18 months. McKenna Associates will check on the tree type and the applicant would like 12 months to construct building 6, beginning at the completion of building 5. Commissioners also inquired how traffic will be managed with three (3) drives, the center drive will be posted "no trucks allowed".

Resident inquired about Wayne County fixing Haggerty Road between Tyler and Ecorse Roads and informed the Commission of speeding traffic and vehicles receiving damage from the road condition. Director Akers informed that Wayne County will be doing a mill and overlay project on Haggerty Road, the County was unable to complete the project last year due to a strike. The project is on the scheduled for this year. Director Akers will notify Public Safety of the traffic concerns.

**Motion Boynton, Franzoi second to grant Ashley Capital preliminary site plan approval to construct a distribution center located in the northwestern intersection of Ecorse Road and Haggerty Road, parcel numbers V-125-83-008-99-0002-703 and V-125-83-005-99-0009-701, approximately 158.5 acres, subject to the recommendations in the Fire Department review letter dated 4-9-19, Fishbeck Associates review letter dated 4-5-19 and McKenna Associates review letter dated 4-18-19 including approval of the 35 foot light poles, an 18 month time frame for phase II of the project and the tree species noted on the site plan to be changed if unsuitable. Motion Carried. (Letters attached)**

**ITEM # 4                    19-015 – UPLAND HOMES – SITE PLAN AMENDMENT**

**TITLE:                    THE APPLICANT, UPLAND HOMES, IS REQUESTING AN AMENDMENT TO THE APPROVED COUNTRY WALK SITE PLAN FOR REVISED SINGLE-FAMILY ARCHITECTURAL ELEVATIONS.**

**LOCATION:                THE UNFINISHED COUNTRY WALK SUBDIVISION IS THE SUBJECT OF THE REQUEST. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.**

Philip Kuntzman of Upland Homes, Inc. gave the presentation. The applicant is seeking approval of three (3) home elevations for the Country Walk subdivision.

Director Akers presented the staff review letter dated 4-2-19 recommending the Planning Commission approve the site plan amendment to the Country Walk development for the addition of the proposed elevations, plans # 1676, #2122 and #2320, to be built by Upland Homes base on the following conditions:

1. When building plans #2122 or #2320, staff will verify that the lot is wide enough to meet all setback requirements.
2. Township planning staff shall review each applicant for a new single-family home in the Country Walk development in order to determine that the new home meets the required setbacks and that the elevation meets the Township's "substantially different" architectural design standards set forth in the PRD agreement.

No comments from the Commission or the audience.

**Motion Jahr, Franzoi second to grant the request from Upland Homes for an amendment to the approved Country Walk site plan for revised single-family architectural elevations, subject to the recommendations in the staff review letter dated 4-2-19:**

1. When building plans #2122 or #2320, staff will verify that the lot is wide enough to meet all setback requirements.
2. Township planning staff shall review each applicant for a new single-family home in the Country Walk development in order to determine that the new home meets the required setbacks and that the elevation meets the Township's "substantially different" architectural design standards set forth in the PRD agreement.

**Motion Carried. (Letter attached)**

**GENERAL DISCUSSION:** None.

**ADJOURNMENT:**

**Motion Budd, Atchinson second to adjourn at 9:03 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

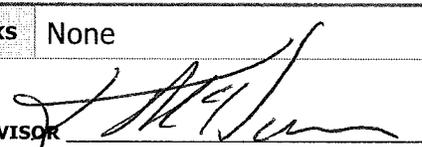
## REQUEST FOR BOARD ACTION

**WORK STUDY**  
**DATE: MAY 6, 2019**

Consent Agenda \_\_\_\_\_ New Business X Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Discussion of lease option of Woodland Meadows Clubhouse
<b>DEPARTMENT</b>	Board of Trustees
<b>PRESENTER</b>	Matt Best, Raymond Parker, RA (Hennessey Engineers)
<b>PHONE NUMBER</b>	734-699-8900
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
A discussion to consider leasing Woodland Meadow's Clubhouse per the 5 <sup>th</sup> Amendment to the Host-Community Agreement with Waste Management.	
<b>BACKGROUND -- (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Please see attached Agreement for Lease of Real Estate for details regarding the lease of the Clubhouse property and facility's analysis report from Hennessey Engineers.	
<b>BUDGET IMPLICATION</b>	none
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

11-29-17

## AGREEMENT FOR LEASE OF REAL ESTATE – LAND AND BUILDING

THIS LEASE ("Lease") is made as of the date noted below, by and between Waste Management of Michigan, Inc., a Michigan corporation ("WMM") and Van Buren Charter Township, a Michigan municipal corporation ("Township"), collectively the "parties".

### WITNESSETH:

#### 1. PREMISES AND TERM

WMM, for and in consideration of the rents and of the covenants and agreements herein contained, does hereby lease to the Township the following property located at the Woodlands of Van Buren Golf Course: the golf clubhouse (approximately 10,664 square feet) and cart storage shed (approximately 4,500 square feet), including non-exclusive use of adjacent driveways and parking areas but excluding the service shed located off Hannan Road ("Leased Premises"). A sketch of the Leased Premises is attached as Exhibit "1" hereto. The personal property that is subject to this Lease is listed in Exhibit "2" attached hereto.

The term of this Lease shall commence on the date agreed upon by the parties under the terms of the Fifth Amendment to Host Community Agreement previously entered into between the parties. The term of this Lease shall expire on the earlier to occur of the date of: i) the effective date of the Township's written notice of termination of this Lease (Township shall provide a minimum of 30 days prior notice), or ii) December 31, 2040 ("Term").

#### 2. RENT

During the Term, Township hereby covenants and agrees to pay annual rental of One Dollar and 00/100 (\$1.00).

#### 3. OPERATING EXPENSES

Township shall be responsible for all operating expenses associated with the use and occupancy of the Leased Premises, including, without limitation, the following ("Operating Expenses"):

- utilities (electric, gas, water, phone, sewer, internet)
- general liability insurance and automobile liability insurance
- outdoor maintenance, including grounds and landscaping maintenance, snow plowing; and parking lot repair and replacement
- trash disposal and recycling
- cleaning services
- maintenance and repairs, including maintenance and repair of the structural parts of the building and other improvements that are part of the Leased Premises, such as foundations, load bearing and exterior walls, subflooring and roof, window

frames, gutters and downspouts, and heating, ventilating and air conditioning system.

Township shall maintain the Leased Premises in conformance with all Laws (as defined below).

During the term of this Lease, WMM shall provide to Township an annual \$5,000 Service Center Grant. The first payment of this Service Center Grant shall be made upon execution of the Fifth Amendment. For each subsequent year of the Lease term, WMM shall pay the annual Service Center Grant to the Township on the first business day of each calendar year. In all other respects, the Service Center Grant shall continue in effect solely during the Term of this Lease.

#### 4. USE OF PREMISES / ALTERATIONS AND REPAIRS/QUIET ENJOYMENT

Township and all persons claiming by, through or under Township may use and occupy the Leased Premises for any lawful purpose. Township shall maintain, and shall bear the cost of maintaining the Leased Premises in compliance with all Laws (as defined below), governing the conduct of Township's business on the Leased Premises, and WMM shall have no obligation with respect thereto.

The Leased Premises shall not be used for any purpose related to the processing, transfer, storage, recycling or disposal of hazardous waste.

Township may not make any alterations and changes to the Leased Premises without WMM's advance written consent, which consent shall not be unreasonably withheld. If Township shall alter or change the Leased Premises during the term of this Lease, Township shall secure all required governmental approvals and comply with all statutes, ordinances, laws, orders, rules, permits, licenses, regulations and requirements of all applicable federal, state, county and other agencies or authorities now in effect with respect to the use, occupation or alteration of the Leased Premises ("Laws"). All Township's alterations and changes shall be solely at Township's expense.

Township shall vacate and deliver up the Leased Premises upon the expiration of the Term of this Lease, or any renewal thereof, or sooner termination of the term of this Lease, in substantially the same condition as received, reasonable wear and tear excepted. Also excepted are any modifications that WMM has approved hereunder.

During the term of this Lease, Township shall keep, afford and allow access to WMM to the Leased Premises at all reasonable times.

WMM shall provide Township quiet enjoyment of the Leased Premises, and shall not unreasonably interfere with Township's use of the Leased Premises as a result of WMM's

operation of the Landfill (including, with limitation, the generation of noise and odors) in proximity to the Leased Premises.

Subject to the terms hereof, particularly the provisions of Paragraph 8 granting WMM the prior right to approve or reject the Township's transfer, assignment etc. of any Lease rights, the Township may sublease, assign, offer concession rights, and so forth, and Township shall be entitled to all proceeds received as a result hereof.

#### 5. CASUALTY

It is understood and agreed that if the Leased Premises hereby leased are damaged or destroyed in whole or in material part such that Township cannot reasonably continue its business operations, by fire or other casualty during the term hereof, the Township will repair and restore the same to good tenable condition within 90 days, to the extent practicable, Township shall be entitled to all insurance proceeds, and the Rent herein provided for shall abate entirely in case the entire Leased Premises are untenable and pro rata for the portion rendered to a tenable condition. The foregoing notwithstanding, in the event of a fire or other casualty, Township shall have the option of assigning all insurance proceeds (other than as relates to personal property or business interruption insurance) to WMM and terminating this Lease upon written notice to the WMM, at which time the parties shall be relieved from all further obligations hereunder.

#### 6. INSURANCE

Each of the policies required in this Section 6 may not be cancelled, terminated or reduced by Township without first giving at least thirty (30) days' prior written notice to the WMM. All coverage shall be provided by insurance companies acceptable to WMM having a AM Best Rating of B++ or better,

Township shall carry and maintain the following types of insurance with respect to the Leased Premises and shall name WMM as an additional insured under said insurance for policies (i) through (iv).

Broad form Commercial General Liability insurance policy with a policy limit of \$1,000,000 per occurrence, \$5,000,000 in the aggregate.

Excess liability insurance, with a minimum policy limit of \$5,000,000 per occurrence and in the aggregate.

Automobile, automobile liability insurance for each automobile owned or leased by Township, with a \$1,000,000 per occurrence policy limit.

Workers' Compensation/Employer's Liability with statutory coverage with a \$500,000/accident, \$500,000/Disease-Policy, \$500,000/Disease-per employee.

Personal property damage insurance, together with insurance against vandalism and malicious mischief, with coverage limits as Township deems appropriate, for Township's personal property located in or on the Leased Premises.

Pollution Legal Liability in an amount not less than \$1,000,000.00.

### Endorsements

The commercial general liability insurance policy and the excess liability policy shall include the Insurance Services Office Form CG 2011 0196 "Additional Insured-Manager or Lessors of Premises" endorsement, naming WMM as Additional Insured.

The General Liability and Automobile Liability policies required in Section 6.2 shall include the following endorsement: "The insurance afforded to the additional insured is primary insurance. If the WMM has other insurance which is applicable to the loss on a contributing, excess or contingent basis, the amount of this insurance company's liability under this policy shall not be reduced by the existence of such other insurance. Any insurance carried by the additional insured shall be excess and non-contributing with the insurance provided by the Township."

Certificates. Township shall provide WMM with certificates of insurance evidencing the existence of the coverages described above during all periods which Township has possession of or is using the Leased Premises. Township shall not be released from any liability whatsoever if Township fails to maintain the coverages described above. Township shall not be entitled to possession of the Leased Premises for any period during which Township is not covered by the required certificates of insurance. The failure to provide acceptable certificates of insurance shall be deemed a default but such failure to provide acceptable certificates of insurance shall in no way be deemed a waiver of any insurance requirement.

WMM Right to Obtain. In the event Township fails to obtain, pay for and maintain any insurance required herein, WMM may, but shall not be obligated to, obtain and maintain such insurance coverage. All premiums paid by WMM shall be deemed Additional Rent hereunder, and shall be paid by Township to WMM upon demand. In addition, WMM may recover from Township, and Township agrees to pay as Additional Rent to WMM, any and all reasonable expenses (including attorneys' fees) and damages which WMM may have sustained by reason of the failure of Township to obtain and maintain such insurance, it being expressly declared that the expenses and damages of WMM shall not be limited to the amount of premiums thereon.

## 7. INDEMNIFICATION

Township, to the extent allowed by applicable law, agrees to defend, indemnify and save the WMM harmless from and against any and all liability, loss, damage, Environmental Damages (as defined herein) and expense (including reasonable attorneys' fees) and from and against any and all suits, claims and demands of every kind and nature, made by or on behalf of any and all persons, firms or corporations, and arising out of or based upon any accident, injury, loss or damage, however occurring, which happens in, on or about the Leased Premises or entrances thereto during the term of this Lease due to Township's negligence or arising out of any breach or default on the part of the Township in the performance or observance of any covenant or agreement on the part of the Township to be performed or observed pursuant to the terms of this Lease. Nothing in this section shall obligate Township to indemnify WMM from liability resulting from WMM's negligence, willful misconduct or breach of WMM's obligations under this Lease, nor any Environmental Damages that may be attributable to any violation of Laws associated with WMM's prior operation of the Leased Premises.

WMM agrees to give Township prompt written notice of any claims or demands against the WMM arising out of or based upon any of the liabilities, losses or expenses against which Township is bound to defend, indemnify and save harmless the WMM. Township shall have full control over any claim or litigation, and WMM shall reasonably cooperate with Township in such efforts.

## 8. ASSIGNMENT AND SUBLETTING

Township shall not have the right to assign, sublet, mortgage, pledge or otherwise transfer this Lease without the prior written consent of WMM. Any such permitted assignment shall be in writing, and the assignee shall assume and agree to observe and perform all of the obligations and duties of Township under this Lease. Such permitted assignment shall not relieve Township of its obligations under this Lease.

## 9. FIXTURES AND SIGNAGE

All buildings and improvements on the Leased Premises and all plumbing, heating, lighting, electrical and air conditioning fixtures and equipment and other articles of personal property used in the operation of such buildings attached to the Leased Premises, sometimes herein referred to as, "Building Fixtures", if any, shall be and remain a part of the Leased Premises, subject to WMM repair or replacement as set forth above, and shall constitute the property of the WMM. Trade fixtures shall be and remain the property of the Township and may be removed from the Leased Premises upon termination of the Lease term.

All signage must comply with all applicable laws, codes and ordinances. Township shall be responsible, at its sole cost and expense, for obtaining all necessary governmental approvals and permits related to any desired signage installed by Township. All signage costs (for additional signage requested by Township), including, but not limited to, installation,

removal, and repair, shall be at Township's sole cost and expense. WMM hereby consents and grants to Township the exclusive right to place identification signage upon any portion of the Leased Premises and to establish such other signage on or about the Leased Premises that is desired by Township in its sole discretion but subject to applicable laws, codes and ordinances. WMM agrees to sign and support any and all applications related to approval of Township signage including without limitation requests for variances.

#### 10. NOTICES OR DEMANDS

All notices, waivers, demands, requests or other communications required or permitted hereunder shall, unless otherwise expressly provided, be in writing and be deemed to have been properly given, served and received.

- (a) if delivered by messenger, when delivered,
- (b) if mailed, on the third (3rd) business day after deposit in the United States certified or registered mail, postage prepaid, return receipt requested,
- (c) if telefaxed, telecopied, or sent via electronic mail, at the time in effect at the place of receipt, or at 8:00 am on the next business day thereafter if time of receipt is later than 6:00 pm, or
- (d) if delivered by reputable overnight express courier, freight prepaid, the next business day after delivery to such courier, in every case addressed to the party to be notified as following:

If to WMM:                   Waste Management of Michigan, Inc.  
48797 Alpha Drive, Suite 100  
Wixom, Michigan 48393  
ATTN: Area Vice President

With a copy to:           Area General Counsel  
Waste Management  
117 Wentworth Court  
Brampton, Ontario L6T 5L4  
CANADA

If to Township:           Township Superior  
Van Buren Township  
46425 Tyler Road  
Belleville, Michigan 48111

Township Clerk  
Van Buren Township  
46425 Tyler Road

Belleville, Michigan 48111

or to such other address(es) or addressee(s) as any party entitled to receive notice hereunder shall designate to the others in the manner provided herein for the service of notices. Rejection or refusal to accept or inability to deliver because of changed address or because no notice of changed address was given, shall be deemed receipt.

11. DEFAULT AND REMEDIES UPON DEFAULT

- A. If default shall be made in any covenant, agreement, condition or undertaking herein contained to be kept, observed and performed by Township, other than the payment of rent as herein provided, which cannot with due diligence be cured within a period of thirty (30) days, and if notice thereof in writing shall have been given to Township, and if Township prior to the expiration of thirty (30) days from and after the giving of such notice commences to eliminate the cause of such default and proceeds diligently and with reasonable dispatch to take all steps and do all work required to cure such default and does so cure such default, then WMM shall not have the right to declare the said term ended by reason of such default; provided, however, that the curing of any default in such manner shall not be construed to limit or reduce the right of WMM to declare said term ended and enforce all of its rights and remedies hereunder for any default not so cured.
- B. If a default occurs and is not cured within the time permitted herein, WMM shall have the rights and remedies hereinafter set forth, which shall be distinct, separate and cumulative with and in addition to any other right or remedy allowed under any law or other provisions of this Lease. WMM may terminate this Lease, repossess the Leased Premises by detainer suit or other court order, and recover as damages a sum of money equal to any unpaid rent as of the termination date including interest at the rate of twelve percent (12%) per annum.
- C. Alternatively, without terminating this Lease, WMM may re-enter the Leased Premises by summary proceedings and may dispossess the Township, and with process of law, use such force as may be necessary to remove all persons and chattels therefrom. WMM shall not be liable for damages to person or property by reason of any such re-entry or forfeiture. In the event of such re-entry, WMM may relet the Leased Premises, without being obligated so to do (or to otherwise mitigate its damages), and, in the event of a reletting, may apply the rent therefrom first to the payment of WMM's expenses, including attorney's fees incurred by reason of Township's default, and the expense of reletting, including but not limited to any repairs, renovation or alteration of the Leased Premises, and then to the payment of rent and all other sums due from Township hereunder, Township remaining liable for any deficiency.

- D. In the event of a default by either party, the non-defaulting party may, at its option, elect to: (i) incur any expense necessary to perform the obligation of the defaulting party and charge the defaulting party for reasonable costs incurred in performing such obligation together with the interest at the rate of ten percent (10%) per annum and offset such costs against the defaulting party other financial obligations owed to the defaulting party; (ii) seek and recover its actual damages.
- E. WMM Default. In the event that WMM (i) fails to fulfill any of its obligations under this Lease, which default continues for a period of more than ten ( 10) days after receipt of written notice from Township specifying such default, or if such default is of a nature to require more than ten (10 days for remedy and continues beyond the time reasonably necessary to cure (and WMM has not undertaken procedures to cure the default within such period and diligently pursued such efforts to complete such cure); (ii) fails to fulfill any of its obligations under the Lease Agreement, then WMM shall be in default under this Lease (each such occurrence a "WMM Event of Default").
- F. Township Remedies Upon WMM Event of Default. In the event of a WMM Event of Default, Township may, at its option (in addition to any other remedy available at law or in equity), elect to (i) incur any expense necessary to perform the obligation of WMM and charge WMM for reasonable costs incurred in performing such obligation together with the interest at the rate of ten percent (10%) per annum and offset such costs against Rent or other financial obligations owed to WMM under this Lease; (ii) upon written notice to WMM, terminate this Lease without limiting Township's rights to seek and recover its actual damages from WMM .
- G. The rights and remedies in this Section and under this Agreement are cumulative and shall be not be exclusive of one another.

## 12. SURRENDER OF POSSESSION

No holdover by Township or payment by Township after the termination of this Lease shall be construed to extend the term of this Lease or prevent WMM from immediate recovery of possession of the Leased Premises by summary proceedings or otherwise. Any such month-to-month tenancy or tenancy at sufferance or hold over tenancy shall be subject to every term, condition, and covenant contained in this Lease.

## 13. SUBORDINATION – ESTOPPEL

This Lease and Township's leasehold estate and all rights of Township hereunder shall be subject to the lien of any and all mortgages which WMM may make upon any right, title or interest of WMM in the Leased Premises, and to any and all extensions and renewals and any and all new mortgages made in lieu of or in replacement of any such mortgage, provided that any such mortgage shall provide that so long as Township shall not be in default in the performance

and observance of the terms, covenants, conditions and limitations in the Lease contained on the part of the Township to be performed and observed, no foreclosure of the lien of said mortgage for default thereof shall impair the right of Township to enjoy this Lease pursuant to all its terms and conditions. In the event of acquisition of WMM's interest in this Lease by any such mortgagee or anyone claiming through or under such mortgagee, Township will recognize as its WMM such mortgagee or the person claiming through or under such mortgagee who shall so acquire title to the WMM's interest in this Lease.

Township agrees to provide estoppel statements for benefit of future lenders or purchasers stating, if applicable and including, but not limited to, that this Lease is in effect, the terms of rental payments and whether there exists any defaults by either party to the Lease.

#### 14. BROKER'S COMMISSION

WMM and Township warrant, each to the other, that there are no brokers involved in this Lease transaction. If any other person shall assert a claim to a fee, commission or other compensation on account of alleged employment as a broker or finder or for performance of services as a broker or finder in connection with this Lease, the party hereto under whom the broker or finder is claiming shall indemnify and hold harmless the other party against and from any such claim and all costs, expenses and liabilities incurred in connection with such claim or any action or proceeding brought thereon.

#### 15. CONDEMNATION

If the use, occupancy or title of the entire Leased Premises shall be taken, requisitioned or sold in, by or on account of any actual or threatened eminent domain proceeding or other action by any person having the power of eminent domain (the "Condemnation"), then and in that event the term of this Lease shall terminate upon Condemnation.

In the event that a portion (but less than all) of the Leased Premises or any interest therein, including but not limited to the right of free access to the Leased Premises, shall be so taken, requisitioned or sold as to render the remaining portion of the Leased Premises unsuitable for Township's use, then the Township may, at its option, terminate this Lease and the term hereof upon Condemnation, in which event the parties shall be relieved from all further obligations hereunder. Such option shall be exercised by the Township by written notice to the WMM not less than thirty (30) days prior to the date on which possession of such portion of the Leased Premises shall be taken.

In case the taking of part of the Leased Premises by Condemnation renders the Leased Premises untenable in whole or in part, rent shall abate until the Leased Premises are again fully tenantable. If, as a result of any such taking, the area of the Leased Premises is permanently reduced, basic Rent hereunder shall be reduced in proportion to the reduction in area of the Leased Premises, and the Township may, at its option, terminate this Lease and the term hereof upon the partial Condemnation.

In the event of a Condemnation, no money or other consideration shall be payable by WMM to Township and Township has no right to share in the condemnation award or in any judgment for damages caused by such condemnation. Township shall be entitled to claim and receive any award or payment from the condemning authority expressly granted for the taking of personal property, the interruption of its business and moving expenses, but only if such claim or award does not adversely affect or interfere with the prosecution of WMM's claim for the taking or otherwise reduce the amount recoverable by WMM for the taking.

16. MISCELLANEOUS

The captions of this Lease are for convenience only and are not to be construed as defining or limiting in any way the scope or intent of the provisions hereof.

If any term or provision of this Lease shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this Lease shall not be affected thereby, but each term and provisions of this Lease shall be valid and be enforced to the fullest extent permitted by law.

This Lease shall be construed and enforced in accordance with the laws of the State of Michigan.

The failure of the WMM to enforce any term, covenant, condition, or agreement hereof by reason of its breach by the Township after notice had shall not be deemed to avoid or affect the right of the WMM to enforce the same term, covenant, condition or agreement on the occasion of the subsequent default or breach.

All signatories to this Lease represent and warrant that he/she/they are sufficiently authorized to enter this Lease on behalf of their respective parties.

This Lease may be executed in separate counterparts. It shall be fully executed when each party whose signature is required has signed at least one counterpart even though no one counterpart contains the signatures of all the parties. Facsimile signatures shall be deemed original signatures.

**WASTE MANAGEMENT  
OF MICHIGAN, INC.**

**VAN BUREN CHARTER TOWNSHIP**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: Supervisor

EXHIBIT 2

List of Personal Property

[Note: List will include all kitchen equipment; furniture; office equipment (excluding electronic equipment). List will exclude any equipment utilized in the operation of the golf course.]



April 26, 2019

Mr. Kevin McNamara  
Van Buren Township  
Township Supervisor

**Re: Property Condition Report – 39670 Ecorse Road  
Formerly “The Woodlands of Van Buren”**

Dear Mr. McNamara:

Please find attached the Property Condition Report and Executive Summary for the above mentioned property prepared by our office on behalf of Van Buren Township. The report was generated after a thorough inspection of the property conducted on March 21<sup>st</sup>, 2019. Our office has since develop the attached review of the inspection for the Township’s review.

The intent of this report is to present the current building conditions and evaluate necessary improvements and repairs that would be required along with budgetary costs for operation and maintenance on the building. The report also highlights possible renovations and uses that could be utilized by the township for its residents.

IF you have any questions, or if additional information is necessary, please do not hesitate to contact us at (734) 759-1600.

Very Truly Yours,

HENNESSEY ENGINEERS, INC

A handwritten signature in black ink that reads 'Raymond D. Parker'.

Raymond D. Parker, RA  
Project Architect

cc: Kevin McNamara, Township Supervisor, Van Buren Township  
John J. Hennessey, P.E., Vice President, Hennessey Engineers, Inc.

File B.4



May 2, 2019

Mr. Kevin McNamara  
Van Buren Township  
Township Supervisor

**Re: 39670 Ecorse Road, The Woodlands of Van Buren**

Dear Mr. McNamara:

The following is an executive summary of the analysis of the existing Club House Building at 39670 Ecorse Road of the former Woodlands of Van Buren Golf Course. The building was reviewed for potential adaptive reuse to benefit Van Buren Township and its citizens based on the current building conditions, required renovations, utility costs and proposed uses for consideration.

#### **Property Condition Overview**

The general condition of the site and immediate grounds surrounding the building indicate the need for maintenance of both the asphalt parking lot and concrete walkways. These items should be addressed to prevent further damage and deterioration.

Based on the attached Property Condition Report the building is in need of maintenance on several of the exterior envelope systems including brick tuck pointing, replacement of damaged vinyl siding, removal and replacement of the existing shingled roof portions, replacement of several exterior doors, windows and wood trim due to deterioration as well as general painting and caulking around the entire building. In general, the flat roof is still in good condition and would only require minor maintenance to maintain it for another 3 to 5 years.

The overall condition of the interior is conducive to a building of its age that could be renovated and repair relatively easily to provide a more modern appeal to the facility. Some areas of concern are the roof leaks that have appeared in areas as stains on the drop ceiling have indicated. The restrooms will require remodeling and replacement of most of the fixtures that show signs of deterioration and lack of maintenance.

#### **Building Utility Systems**

Observation of the buildings main utility systems indicated that they were original to the building when it was constructed and many would require replacement. The Heating, Cooling and Ventilation system for the building is from seven (7) roof top units that have exceeded their general life expectancy and would require replacement to ensure a properly running system.

Due to the water being shut off to the building since being closed the boiler and general



plumbing could not be investigated thoroughly but based on model numbers it was determined that the boiler system would also need to be replaced as it has exceeded its useful life.

The electrical system appeared to be in good working condition and would only require some maintenance and minor repairs to be fully operational. Multiple breakers were removed from the existing panels which would need to be replaced, this could also be the cause of several unresponsive switches found throughout the building. Once minor repairs are made an upgraded panel chart should be properly labeled for accuracy.

### **Utility Budget Analysis**

The annual utility budget for the space based on previous utility bills indicates an average monthly operating cost of \$6,603.33 with a total annual budget of \$79,240.

### **Potential Future Uses**

The existing building formerly used as a golf course club house lends itself to several service related building types like a banquet hall or rental hall with the large commercial kitchen and bar area to service the hall areas. Other uses that might be able to adaptively reuse the existing space are:

- Rental Hall
- Community Center
- Senior Center
- Private Bar/Restaurant
- Veteran's Hall

The banquet area could be rented out for different organizations as it is fairly large and unobstructed.

### **Initial Renovation Budget**

Renovation requirements and costs associated with the Property Condition Report indicate an initial estimated budget of \$254,100 to replace the necessary building equipment described previously and an annual maintenance budget of \$5,500.00 to maintain the facility in good working order. The initial items listed in the following table will allow for the building to operate for an initial period of 1 to 5 years by repairing the items but some items will eventually require complete replacement as listed in the long term cost break down.

To address the parking lot issues a temporary solution we suggest is to spray coat and seal the existing asphalt and re-stripe the parking areas at an estimated cost of \$32,000, the parking lot will require complete replacement in the near future.



A breakdown of the initial and long-term repair costs are included below for your review.

Line Number	Description	Quantity Provided	Unit Price in Figures
<b>Initial Improvements 1-5 years</b>			
1	Parking Lot Repair - Sealcoat and Striping	123,000 sf	\$32,000
2	Roof Top Unit Replacement	7 RTU	\$95,000
3	Hot Water Heater	1 unit	\$5,000
4	Shingled Roof and Siding Repairs	12,000 sf	\$18,000
5	Interior renovations - Carpet, Paint etc.	12,000 sf	\$42,000
6	Door and Window Repair/Replacement		\$15,000
7	Restroom Renovations	2	\$20,000
8	Flat Roof Maintenance	2,000 sf	\$4,000
9	Miscellaneous 10% Contingency	1	\$23,100
Sub-Total			\$254,100
<b>Long Term Improvements 5-10 years</b>			
1	Parking Lot Replacement - Structure Adjustment	123,000 sf	\$310,000
2	Flat Roof Replacement	2,000 sf	\$17,500
3	Exterior Trim and Brick Tuck Pointing		\$7,500
4	Shingled Roof Replacement	12,000	\$55,000
Sub-Total			\$390,000

### Long Term Improvements

The long-term costs listed in the table consist of those amenities that can be reevaluated at a later date for replacement by prolonging their useful life spans with the initial repairs and annual maintenance.

If you have any questions, or if additional information is necessary, please do not hesitate to call me at (734) 759-1600.

Very Truly Yours,

HENNESSEY ENGINEERS, INC

Raymond D. Parker, R.A  
Project Architect

cc: John Hennessey, P.E., Hennessey Engineers, Inc.  
File B.3



# Property Condition Report



**39670 Ecorse Rd, Wayne, MI 48184**

**Date of Inspection: 3/21/2019**

# Confidentiality

**This report is the exclusive property of the client(s) listed on the cover page and Grand Rapids Commercial Building Inspection LLC. Use of this report by any unauthorized third party is strictly prohibited.**

The following Property Condition Report (PCR) is prepared for the sole, confidential and exclusive use of the client(s) named above. It is designed to highlight significant visual defects uncovered during the Property Condition Assessment (PCA). It is intended as a general guide to help clients evaluate the property.

To help protect your financial investment in this property, please read the complete PCR before your inspection contingency period expires.

Property Condition Reports should always be reviewed in their entirety. While many Realtors, attorneys, or client representatives will only casually scan the report, Clients should read the entire report before any due diligence periods expire and certainly before close of escrow. The sections that follow includes site-specific information and information about major defects, safety concerns, and maintenance concerns.

**Property Condition Reports by nature focus on defects and may seem negative in tone. Some features of this property may be in excellent condition and of high quality but have not been mentioned, or have been deemed adequate in the report. This is not meant to downplay this property's assets, but to focus on alerting you to potentially expensive problems. Bear in mind that all properties, regardless of their age, have some number of defects.**

## Inspection Details

### Report Information

**Inspection & Report Dates:**

- Inspection Performed: 03-21-2019
- Report Finalized: 03-22-2019

### Inspection Start & End Times

**Times:**

- PCA Start Time: 12:00 PM
- PCA End Time: 3:30 PM

### Attendance

**In Attendance:**

- Client present

### Property Type

**Property Type:**

- Restaurant/Banquet

### Property Age

**Approximate Age:**

- ~25 Years

### Occupancy

**Current Occupancy:**

- Vacant - Furnished

### Weather

**Weather conditions at inspection:**

- Cloudy
- ~42°F

**Ground conditions at inspection:**

- Damp

### Structure Orientation

**Front of structure faces:**

- Southeast

**Main Entrance faces:**

- Southeast

## Conditional Exclusions

### The following items are excluded from this inspection:

- Security System
- Irrigation or landscape watering system
- Outdoor and landscape lighting systems
- Water filtration and sterilization systems
- Whole house sound system
- Intercom system
- Generator
- Sport court(s)
- Life safety and fire protection systems and components
- Installed manufacturing/servicing equipment and machinery
- Disabled components, systems, and devices
- Commercial Kitchens and Appliances
- Environmental Hazards
- Americans with disabilities act (ADA) compliance
- Low Voltage Communication and Technology Systems
- Data Center and Related Technology Systems
- Vertical Transportation Systems
- Food preparation and storage equipment
- Chattel property
- Building code and zoning ordinance concerns/violations
- Wood destroying insect and organism inspections
- Water testing for roof, wall, or window leaks
- Permits or public records search
- Concealed or otherwise obstructed items, systems, and components
- And all systems/components excluded in scope of work proposal

## General Condition Summary

### Inspector Comments:

The subject property was located at 39670 Ecorse Rd, Wayne, MI 48184. The building consisted of wood and steel framing with brick veneer, vinyl siding, and wood trim. The roof consisted of a low sloped portion covered with a single-ply EPDM membrane surrounded by pitched roofing covered with 3-tab fiberglass shingles. The building was supported by a concrete slab foundation. A garage located to the west of the main structure consisted of wood framing with steel walls and a pitched shingled roof on a concrete slab foundation.

Overall the building was in average condition for its age and style, however signs of deferred maintenance and necessary repairs were observed at the time of the inspection. These areas should be addressed to ensure ongoing serviceability of the building. Notable observations include the following:

- Damage or deterioration of drive/parking surfaces requiring full depth patch.
- Shingled roof beyond end of useful service life.
- Multiple HVAC appliances near or beyond useful life expectancy.
- Water off at time of assessment - limited plumbing evaluation

All observed concerns will be documented in greater detail in this report.

All documented concerns should be addressed by appropriate contractors. Once immediate concerns are addressed, regular and preventative building maintenance will prolong the useful life and value of the building. Clients should budget for immediate repair needs and ongoing maintenance issues by seeking repair estimates from qualified contractors.



*Southeast Elevation*



*Northeast Elevation*



*Northwest Elevation*



*Southwest Elevation*

## Grounds

### Overview

#### Observations:

- Inspection of the grounds included the following observations:

Fatigue Cracking - drive and parking surfaces

Transverse and Longitudinal Cracking - drive and parking surfaces

Walkway Settling - Trip Hazard

Areas of Negative or Neutral Grade

### Paving and Flatwork (Porches, Patios, Walkways, Loading Docks)

#### Materials:

- Asphalt Drive and Parking Areas
- Concrete Walkways

#### Observations

- Fatigue Cracking:

The asphalt drive exhibited fatigue cracking in the driving surface. Fatigue cracking is caused by the following conditions:

- Excessive loading
- Weak surface, base, or subgrade
- Thin surface or base
- Poor drainage

Fatigue cracking will eventually worsen over time. Sealing fatigue cracks will protect against degradation from thermal expansion and contraction, however it does not address the underlying causes. Fatigue cracks will eventually require a full depth patch. Some areas of fatigue cracks were already deteriorated to levels requiring repairs. The inspector recommends correction by a qualified paving contractor.

- Transverse and Longitudinal Cracking:

Asphalt drive and parking areas exhibited common transverse and longitudinal cracking. These cracks are caused by a number of conditions including the following:

- Poorly constructed paving joint crack
- Shrinkage of the asphalt layer
- Daily temperature cycling
- Cracks in an underlying layer that reflect up through the pavement
- Longitudinal segregation caused by the improper operation of the paver

Signs of correction were observed including the filling and sealing of cracks. Other cracks were not sealed, or seals were separated, which indicated continued movement since the last maintenance. These areas should be monitored for further deterioration and be maintained by a paving contractor as necessary.

- Walkway Settling - Trip Hazard:

Concrete walkways exhibited deterioration consistent with settling. In some areas deterioration resulted in vertical displacement greater than 1/4" in the walking surface. This condition is a trip hazard. Trip hazards were observed at multiple elevations and the northeast walkways beneath the drip line were exhibited the most movement. The inspector recommends correction by a qualified paving contractor to eliminate trip hazards and prolong service life.



*Fatigue Cracking*



*Fatigue Cracking*



*Fatigue Cracking*



*Fatigue Cracking*



*Transverse and Longitudinal Cracking*



*Transverse and Longitudinal Cracking*



*Walkway Settling - Trip Hazard*



*Walkway Settling - Trip Hazard*



*Walkway Settling - Trip Hazard*



*Walkway Settling - Trip Hazard*

## **Topography**

### **Observations:**

- **Areas of Negative or Neutral Grade:**

Localized areas of negative or neutral grade were observed that can direct runoff from precipitation toward the foundation. Erosion and/or excessive levels of moisture in the soil near the foundation can affect the ability of the soil to support the weight of the structure above. For ideal drainage, landscaping should slope away from the property at a rate of 1/4 inch per foot for at least six feet from the foundation. Areas of localized negative grade appeared to be the result of improper drainage. The inspector recommends regrading by a qualified landscaping firm to direct water away from the foundation and building envelope.



*Areas of Negative or Neutral Grade*



*Areas of Negative or Neutral Grade*

## General Exterior

### Overview

**Observations:**

- Areas of required general exterior maintenance and repairs were observed included the following:

Brick Walls Deteriorated  
Loose Vinyl Siding  
Cracked Vinyl Siding  
Wood Damage or Deterioration  
Missing Flashing  
Deteriorated Paint  
Deteriorated Sealant  
Partial Roof Drainage System  
Missing Kickout Flashing  
Double Pane Failed Seal  
Damage or Deterioration at Windows  
Deteriorated Doors

### Exterior Cladding Type

**Materials:**

- Brick veneer
- Vinyl
- Wood

## Exterior Cladding & Siding Concerns

### Observations:

#### • Brick Walls Deteriorated:

Cracks in the brick wall structure were observed at the southeast elevation. Some cracks followed mortar joints (step cracking) while others extended vertically through block faces. The observed cracks are consistent with differential stress deflection and/or separation of brick from the substrate. It is recommended that the clients consult with a masonry contractor to determine the cause of the problem, likelihood of continuation, and a course of correction.

#### • Loose Vinyl Siding:

Areas of loose or sagging vinyl siding covering the southwest exterior wall indicated failure of the fastening method. Vinyl siding in this area should be re-fastened or replaced to prevent damage to the siding and to prevent potential damage from moisture intrusion.

#### • Cracked Vinyl Siding:

The vinyl siding covering exterior walls had areas of cracked or broken siding at the southeast elevation. This area should be replaced or sealed to prevent potential damage from moisture intrusion.

#### • Wood Damage or Deterioration:

Wood trim and cladding was damaged or deteriorated at the time of the inspection. Some damage was consistent with rot from moisture exposure. Installation of proper kickout flashing at the roof edge will help direct moisture away from the wall structure. This in conjunction with proper maintenance of finish coating will protect against future moisture damage and prolong service life. Other damage appeared to be caused by pest activity. Determining the presence of pest is beyond the scope of the Property Condition Assessment. These areas should be further evaluated by a pest controller familiar with both bird and insect activities. The inspector recommends repair/replacement of damaged pieces and regular maintenance of the protective coating to prevent future deterioration.

#### • Missing Flashing:

Wood cladding was missing flashing at seams. Sealant was applied but deteriorated. This condition can allow moisture to intrude into the building envelope and should be corrected by a qualified siding contractor. New sealant will protect against moisture intrusion but will require more maintenance than properly installed flashing.



*Brick Walls Deteriorated*



*Loose Vinyl Siding*



*Cracked Vinyl Siding*



*Wood Damage or Deterioration*



*Wood Damage or Deterioration*



*Wood Damage or Deterioration*



*Wood Damage or Deterioration*



*Wood Damage or Deterioration*



*Wood Damage or Deterioration*



*Wood Damage or Deterioration*



*Missing Flashing*

## Exterior Paint & Caulk

### Observations:

#### • Deteriorated Paint:

Exterior paint was deteriorated at the time of the inspection. All paint should be regularly maintained to protect against deterioration from UV radiation and moisture intrusion. The inspector recommends correction by a qualified painting contractor.

#### • Deteriorated Sealant:

Caulk and sealant was deteriorated and needed maintenance at the time of the inspection. Exposure to weather and UV radiation will eventually cause sealant to dry and crack and all exterior sealants require regular maintenance to ensure proper function and protection of the building envelope. The inspector recommends immediate repair of deteriorated sealant and regular upkeep in the future.



*Deteriorated Paint*



*Deteriorated Sealant*

## Storm Water Drainage

### Observations:

#### • Partial Roof Drainage System:

The roof drainage system was incomplete with multiple areas missing gutters and downspouts. This condition will route excessive levels of moisture toward the foundation and/or building envelope. Areas of eroded or settled soil and walkway pavers were observed beneath the drip edge. The inspector recommends the installation of gutters along all drip edges.

#### • Missing Kickout Flashing:

Kickout flashing was not installed at areas where walls extended beyond the drip edge. This condition routes roof drainage to the exterior walls. Damage consistent with moisture exposure was observed in these areas. The inspector recommends installation of kickout flashing to prevent further damage to the wall structure.



*Partial Roof Drainage System*



*Partial Roof Drainage System*



*Missing Kickout Flashing*



*Missing Kickout Flashing*

## **Fenestration**

### **Observations:**

- **Double Pane Failed Seal:**

A double pane window was observed at the northeast elevation with evidence of a failed seal. Double pane windows are filled with an inert gas, usually argon, and sealed. When a seal breaks, the inert gas is replaced by atmospheric air containing moisture. When the air cools below the dew point the moisture condenses on the interior surfaces of the double pane windows. Interior condensation was observed in the window.

- **Damage or Deterioration at Windows:**

Damaged or deteriorated trim and framing was observed at multiple exterior windows. This condition is conducive to moisture intrusion. The inspector recommends correction by a qualified contractor.



*Double Pane Failed Seal*



*Damage or Deterioration at Windows*



*Damage or Deterioration at Windows*



*Damage or Deterioration at Windows*

## **Doors**

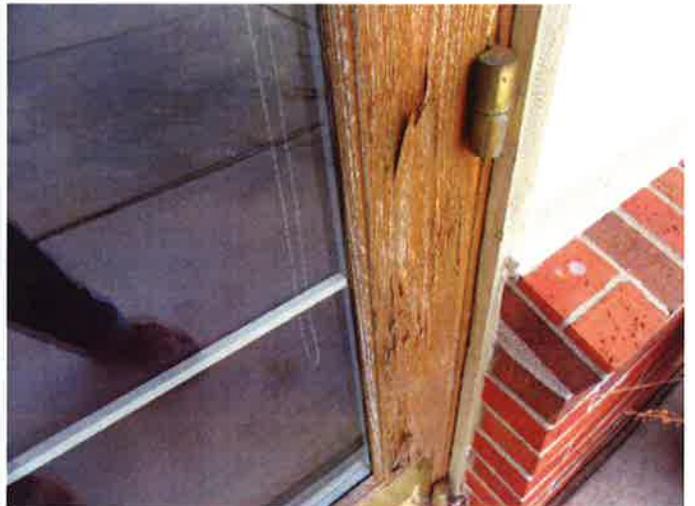
### **Observations:**

- **Deteriorated Doors:**

Wood doors exhibited general damage or deterioration commensurate with their age. The finish coating was poorly maintained which resulted in UV and moisture damage.



*Deteriorated Doors*



*Deteriorated Doors*

## Wall Structure & Foundation

### Overview

**Observations:**

- The structure consisted of wood and steel framing supported by a poured concrete slab foundation. Observations included the following:

Foundation View Obstructed

### Structural Components

**Foundation:**

- Concrete slab on grade
- Steel Studs - interior walls
- Exterior wall framing obstructed from view

### Structural & Foundation Concerns

**Observations:**

- Foundation View Obstructed:

Examination of the concrete slab was limited by wall and floor coverings installed at the time of the inspection.

## Roof

### Overview

**Observations:**

- The roof consisted of a low slope portion covered with a single ply EPDM membrane over insulation and steel decking supported by steel trusses and pitched shingled surfaces around the perimeter of the structure. Observations included the following:

Shingles Beyond Useful Life Expectancy

Ice Dams Likely

Evidence of Ponding

Gaps in Membrane

Evidence of Previous Repairs

### Roof Inspection Method

**Inspection Method:**

- Traversed

### Roof Type

**Roof Type:**

- Low Sloped

- Pitched

### Roof Covering

**Materials:**

- EPDM

- Asphalt Shingles

### Estimated Remaining Service Life

**Estimated Age:**

- The asphalt shingle roof covering appeared to be beyond the end of its service life. The EPDM surface appeared to have 5-10 years left with appropriate maintenance. The inspector recommends evaluation by a qualified commercial roofing contractor to determine the cost of repair or replacement prior to the expiration of the due diligence period.

## Roof General Concerns

### Observations:

#### • Shingles Beyond Useful Life Expectancy:

The fiberglass asphalt shingles exhibited numerous areas of damage or deterioration which indicated they were beyond their useful life expectancy. Conditions indicating end of useful life included the following:

- Failed bonding strips - Bonding strips are an area of tar applied at the lower downward facing portion of the shingle. After installation these strips cause shingles to adhere to lower courses and form a uniform membrane. These bonding strips dry out over time until they eventually fail. Once failure has occurred the shingles are only fastened to the roof by nails at the upper portion of the shingles. This condition allows shingles to flap in the wind which can cause tearing and eventual removal of the shingles.

- Missing shingles - Areas of missing shingles were observed at all elevations. This is consistent with wind damage as described above. Areas of missing shingles are susceptible to roof leaks.

- Uniform granule loss - Granule loss was observed throughout the shingled roof surfaces. Ceramic granules protect asphalt against deterioration from exposure to UV radiation. Shingles gradually shed granules as they age until the asphalt coating is exposed at which point the rate of degradation increases. This can result in cracking, splitting, and delamination from the fiberglass reinforcement.

- Craze cracking - Craze cracking is random cracking in the shingle surfaces. This condition is caused by drying and shrinking of the shingles and exacerbated by granule loss as described above.

- Torn or split shingles - Torn or split shingles were observed on roof surfaces. This type of damage can have multiple causes and will affect the ability of the shingles to protect the structure below.

#### • Ice Dams Likely:

Heat tape was observed along the edge of the interior shingled roof surface. Heat tape is typically installed to treat the symptoms of ice damming however it does not address the underlying causes. Ice dams occur when heated interior air rises to the underside of the roof surfaces and causes snow to melt. The water then runs down the roof surface until the surface is cold enough for it to freeze. Once enough ice builds up it forms a dam and can cause retained water to leak into the building.

Heat tape prevents the formation of ice dams by stopping melted runoff from freezing at the roof edge. Proper attic configuration including adequate insulation and ventilation can reduce the amount of heated interior air that rises to the roof surface, reduce or prevent melting of rooftop snow, and reduce the likelihood of ice dam formation.

#### • Evidence of Ponding:

Evidence of ponding was observed in areas of the low slope roof. Ponding occurs when the slope of the roof fails to route water to the drainage system and water is trapped at the roof surface. This condition will accelerate the natural aging process of the roof, increase the likelihood of leakage, and reduce overall service life.

#### • Gaps in Membrane:

A gap was observed in the EPDM membrane at an HVAC duct penetration along the northeast perimeter wall. Gaps can allow moisture to intrude into the structure below. The inspector recommends maintenance by a qualified roofing contractor.

#### • Evidence of Previous Repairs:

Patches were observed in the roof covering membrane at the time of the inspection. These patches indicated some level of roof maintenance and seams at patches were intact. Repairs like

those observed are necessary to ensure the roof lasts for the entirety of its life expectancy, however they also are a weak point in the membrane and their condition should be regularly assessed.



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Shingles Beyond Useful Life Expectancy*



*Ice Dams Likely*



*Evidence of Ponding*



*Evidence of Ponding*



*Gaps in Membrane*



*Evidence of Previous Repairs*

## Attic

### Inspection Method

**Inspection Method:**

- Viewed from hatch and/or drop ceiling tiles

### Roof Structure

**Roof Structure:**

- Steel framing beam and truss system at low slope surface
- Wood at pitched surfaces

### Insulation Condition

**Materials:**

- Fiberglass roll or batt

**Observations:**

- Damaged or Detached Insulation:

Ceiling insulation is damaged or detached in some areas. These areas should be repaired to reduce heating and cooling costs, reduce ice dam formation, and prolong roof service life.



*Damaged or Detached Insulation*

## General Attic Concerns

### Observations:

#### • Obstructed View:

View of the roof framing was obstructed by installed insulation. Observation was limited to areas of damaged or missing insulation.

#### • Steel Decking Damage or Deterioration:

Rust was observed on steel decking supporting the low slope roof. Some areas of corrosion were severe enough to create gaps in the decking. These areas will likely require repair or replacement upon roof replacement.

This type of damage or deterioration is consistent with moisture exposure from roof leakage. Steel decking typically supports insulation that is then covered by a single ply membrane. When a membrane failure allows moisture intrusion, water can soak up into insulation before leaking into the structure below. Large areas of insulation can be affected before the leak is observed and repaired. If the leak is simply patched and wet insulation is not removed and replaced, moisture can be trapped against the decking and continue to cause damage even after the repair.

Verification of trapped moisture requires destructive testing and is beyond the scope of the Property Condition Assessment. The inspector recommends testing for trapped moisture and correcting as necessary.

#### • Possible Mold:

Apparent microbial growth was observed on roof framing above the insulation layer. Confirming the presence of mold requires lab testing and is beyond the scope of the Property Condition Assessment.



*Obstructed View*



*Steel Decking Damage or Deterioration*



*Steel Decking Damage or Deterioration*



*Steel Decking Damage or Deterioration*



*Possible Mold*

# Electrical

## Overview

### Overview:

• 3-Phase 120-480V electrical service was provided at the building. The electrical system was in good functional condition, however some areas requiring maintenance or repairs were observed including the following:

Missing Breaker/Twist-Outs  
Obsolete Labels  
Unresponsive Switches

## Service Type

### Service Type:

• Underground - Service Lateral and Feeder

## Overcurrent Protection Type

### Protection Type:

• Fused switch gear  
• Circuit Breakers at Panels

## Service Amperage Rating

### Ampacity:

• 800 Amp at Main Switch Board

### Voltage:

• 120/480 Volt

## Location of Primary Equipment/Switch Gear

### Utility Equipment Location:

• Utility Room

## Location of Primary Disconnect(s)

### Disconnect Location:

• Main Switch Board

## Panelboard/Switch Gear Concerns

### Observations:

• Missing Breaker/Twist-Outs:

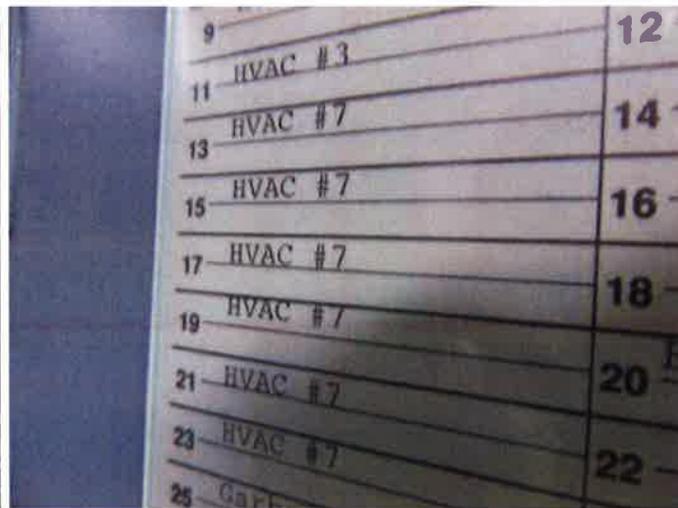
At the time of the inspection twist outs were missing where a breaker was removed from the PP-1 service panel. This condition can allow objects to come into contact with energized components and is a shock/fire hazard. The inspector recommends correction by a qualified electrical contractor.

• Obsolete Labels:

The overcurrent protection device labels appeared to be obsolete. Labels were specific to the prior tenant's business or described missing breakers. The inspector recommends updating labels with appropriate labels that describe the most current use of branch circuits. This task could require the assistance of a qualified electrical contractor.



*Missing Breaker/Twist-Outs*



*Obsolete Labels*

### General System Concerns

#### Observations:

- Unresponsive Switches:

Multiple unresponsive switches were observed including a switch that appeared to control bar area lighting and two switches controlling banquet area lighting. Temporary bulb illumination and/or lack of response from an entire section indicated a defect beyond simple burnt out bulbs. The inspector recommends correction by a qualified electrical contractor.



*Unresponsive Switches*



*Unresponsive Switches*

## Heating, Ventilation, & Air Conditioning

### Overview

**Overview:**

• Primary heating and cooling was provided to the building by seven package heating and cooling Roof Top Units (RTU). Most RTUs appeared to be original to the building with the exception of one unit that was made in 2004. All units were near or beyond the end of useful life expectancy of 15-20 years. Observations included the following:

Appliances Near or Beyond Life Expectancy  
Loose or Detached Panels  
Missing Trap at Condensate Drain

### Primary Heat

**Powered by:**

- Natural gas

**Type:**

- Roof Top Unit (RTU)

### Primary Cooling

**Powered by:**

- Electric

**Type:**

- Roof Top Unit (RTU)

**Manufacturer Name****Manufacturer(s):**

- Trane

**Identification:**

- Trane RTU 1:

Model: YCH102B3H0DA

Serial: J21142368D

Manufacture Date: 1994

Nominal Tons: 8.5

Heat Input (Btuh): 250,000

- Trane RTU 2:

Model: YCH102B3H0DA

Serial: J21142367D

Manufacture Date: 1994

Nominal Tons: 8.5

Heat Input (Btuh): 250,000

- Trane RTU 3:

Model: YCH102B3H0DA

Serial: J21142371D

Manufacture Date: 1994

Nominal Tons: 8.5

Heat Input (Btuh): 250,000

- Trane RTU 4:

Model: YCH102B3H0DA

Serial: J21142369D

Manufacture Date: 1994

Nominal Tons: 8.5

Heat Input (Btuh): 250,000

- Trane RTU 5:

Model: YCH300B3H0CA

Serial: J03144815D

Manufacture Date: 1994

Nominal Tons: 25

Heat Input (Btuh): 400,000

- Trane RTU 6:

Model: YSC060A3RHA003B

Serial: 452100463L

Manufacture Date: 2004

Nominal Tons: 5

Heat Input (Btuh): 130,000

- Trane RTU 7:

Model: YCH04BC3H0BB

Serial: J22142239D

Manufacture Date: 1994

Nominal Tons: Model number not consistent with published nomenclature. Approximately 4 tons.

Heat Input (Btuh): 120,000

## General HVAC Concerns

### Observations:

- Appliances Near or Beyond Life Expectancy:

All units were near or beyond the service life expectancy of 15-20 years. Life expectancy can be extended with regular and preventative maintenance. With continued regular maintenance, these appliances may have several more years of useful service, however due to age they could fail at any time. The inspector recommends evaluation by a qualified HVAC contractor to determine the cost of replacement.

- Loose or Detached Panels:

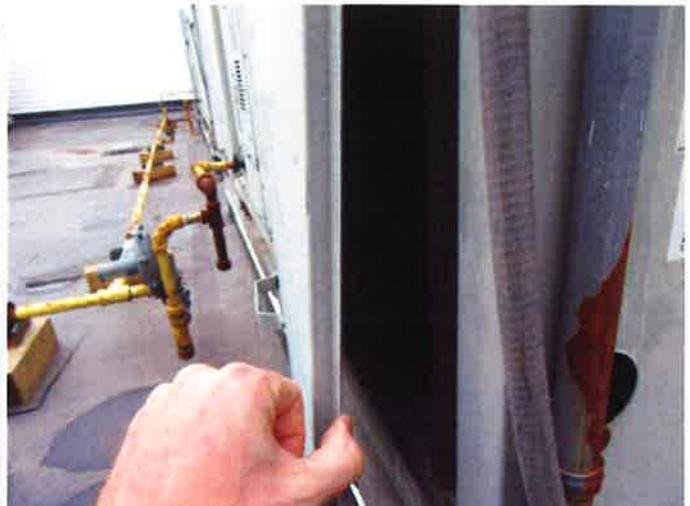
The cabinet of RTU 2 described above had a loose panel. The inspector recommends securing panels as designed to protect the cabinet interiors and ensure proper function of the units. Securing the panel will also protect against wind damage.

- Missing Trap at Condensate Drain:

The condensate drainage for RTU 7 as described above was missing a plumbing trap. The inspector recommends installation of a proper trap by an HVAC contractor to ensure proper function of the unit.



*Appliances Near or Beyond Life Expectancy - 1 of 7*



*Loose or Detached Panels*



*Missing Trap at Condensate Drain*

# Plumbing

## Overview

### Observations:

• Plumbing was supplied by a public utility through insulated distribution pipes. Water was off at the time of the inspection and inspection of plumbing was limited. Most drain waste and vent (DWV) plumbing was not visible due to wall, ceiling, and floor coverings. PVC vent pipes were observed at the roof. Natural gas was separately metered and distributed through black steel pipes. Areas requiring maintenance and repair were observed including the following:

Possible Plumbing Leaks

## Water System

### Service Type:

- Public

## Utility Locations

### Water Meter Location:

- Utility Room

## Water Supply Pipe

### Supply Pipe Materials:

- Most Not Visible

## Waste & Drain Pipes

### Waste/Drain Pipes:

- Most Not Visible

### Vent Pipes:

- PVC

## Fuel Type/ Location

### Fuel Type & Location:

- Natural Gas

## General Concerns

### Observations:

- Possible Plumbing Leaks:

Stains consistent with plumbing leaks were observed in supply pipes in the utility room. Due to the lack of water pressure from water being off, no active leaks were observed. The inspector recommends further evaluation once water service has been restored.



*Possible Plumbing Leaks*



*Possible Plumbing Leaks*

## Water Heater

### Overview

**Observations:**

• Hot water was provided by a Lochinvar RWN500 copper fin heat exchanger water heater. The boiler was shut down at the time of the inspection and was not function tested. Observations included the following:

Beyond Expected Service Life

### Water Heater Type

**Type:**

• Boiler with storage tank

**Powered by:**

• Natural Gas

### Capacity

**Capacity in U.S. gallons:**

• 119 gallon

**Estimated Age:**

• Boiler ~25 years

• Tank ~2 years

### Manufacturer Name

**Manufactured by:**

• Lochinvar

**Identification:**

• Model: RWN500

• Serial: D944608

### General Water Heater Concerns

**Observations:**

• Beyond Expected Service Life:

The Lochinvar domestic hot water boiler was beyond its useful life expectancy at the time of the inspection.



*Beyond Expected Service Life*

## Interior Elements

### Overview

#### Observations:

- The interior consisted of a banquet area, bar, commercial kitchen, retail shop, restrooms, utility room, and offices. Interior elements exhibited wear consistent with their age and use with some areas of required maintenance or repairs. Observations included the following:

Moisture Related Stains and Deterioration

Carpet Wear

Possible Wood Destroying Organism

Screen Damage or Deterioration

### Ceilings, Walls, & Floors

#### Observations:

- **Moisture Related Stains and Deterioration:**

Walls and ceilings had numerous signs of moisture intrusion including staining and broken/missing drop ceiling panels. Once the source of moisture is confirmed and corrected these areas should be repaired or repainted.

- **Carpet Wear:**

Carpets were worn at major paths of travel. Some areas includes staining and patches.

- **Possible Wood Destroying Organism:**

Wood shavings or frass were observed along the baseboard near the entrance. The wall exhibited damage or deterioration consistent with moisture exposure. The wood shavings could be the result of general deterioration or could be from pest activity. Pest inspection is beyond the scope of the Property Condition Assessment. The inspector recommends evaluation by a qualified exterminator.



*Moisture Related Stains and Deterioration*



*Moisture Related Stains and Deterioration*



*Moisture Related Stains and Deterioration*



*Moisture Related Stains and Deterioration*



*Moisture Related Stains and Deterioration*



*Carpet Wear*



*Carpet Wear*



*Carpet Wear*



*Carpet Wear*



*Carpet Wear*



*Possible Wood Destroying Organism*

## Windows

### Observations:

- Screen Damage or Deterioration:

Multiple window screens exhibited light damage or deterioration at the time of the inspection.



*Screen Damage or Deterioration*

## Restrooms

### Restroom Overview

**Comments:** The building included Men's and Women's restrooms and a single stall employee restroom. Restroom inspection was limited due to the water service being off at the time of the inspection. Areas require maintenance and repair were observed including the following:

Sink Damage  
Deteriorated Sealant  
Damaged or Deteriorated Wallpaper  
Toilet Loose at Floor

### Restroom Sinks/Counters

**Observations:**

• Sink Damage:

A Men's restroom sink was cracked. No evidence of leakage was observed below the sink at the time of the inspection.

• Deteriorated Sealant:

Sealant at one or more sinks was deteriorated at the time of the inspection. This condition can allow moisture intrusion beneath the counter surface and cause damage to the counter, cabinetry, a materials below. The inspector recommends removal and replacement of deteriorated sealant.



*Sink Damage*



*Deteriorated Sealant*

### Restroom Ceilings, Walls, & Floors

**Observations:**

• Damaged or Deteriorated Wallpaper:

The wallpaper was damaged or deteriorated in restrooms at the time of the inspection.



*Damaged or Deteriorated Wallpaper*



*Damaged or Deteriorated Wallpaper*

**Toilets**

**Observations:**

- Loose at Floor:

Toilets in the Men's restroom was loose at the floor. This condition can lead to degradation of the wax ring seal and result in drainage leaks. The inspector recommends correction by a qualified plumbing contractor.



*Toilet Loose at Floor*



*Toilet Loose at Floor*

# Garage

## Overview

### Observations:

- The garage construction consisted of wood framing with steel siding supported by a concrete slab foundation. The roof was pitched and clad with fiberglass asphalt shingles. Observations included the following:

- Cladding Damage or Deterioration
- Severe Concrete Damage or Deterioration
- Failed Bonding Strips
- Fiberglass Ridge Damage or Deterioration
- Heater Beyond Life Expectancy
- Electricity Off
- Water Service Off
- Moisture Intrusion

## Garage Exterior

### Observations:

- Cladding Damage or Deterioration: Walls and trim exhibited areas of damage or deterioration. All gaps should be patched or sealed to ensure proper protection of the building envelope.



*Cladding Damage or Deterioration*



*Cladding Damage or Deterioration*



*Cladding Damage or Deterioration*



*Severe Concrete Damage or Deterioration*



*Severe Concrete Damage or Deterioration*

## **Garage Roof**

### **Observations:**

- **Fiberglass Ridge Damage or Deterioration:**

The fiberglass ridge exhibited damage or deterioration including UV degradation and missing fasteners. The inspector recommends maintenance by a qualified roofing contractor to ensure protection of the structure below.



*Failed Bonding Strips*



*Fiberglass Ridge Damage or Deterioration*

## Heating & Cooling

### Observations:

- Heater Beyond Life Expectancy:

Garage heating included a unit heater in the office area. The unit heater was manufactured in 1994 which makes it beyond its useful life expectancy of 20-25 years.



*Heater Beyond Life Expectancy*

## Garage Electrical



*Electricity Off*

**Plumbing**

**Observations:**

- Water Service Off:  
Water to the garage was separately metered. Service was disconnected at the time of the inspection.



*Water Service Off*

**Ceilings, Walls, & Floors**

**Observations:**

- Moisture Intrusion:  
Wood framing had staining or deterioration consistent with moisture exposure at a west side garage door. Door trim was detached at this area at the time of the inspection.



*Moisture Intrusion*



<u>Utilities</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>Total</u>
Water	1,028	224	1,042	(259)	441	1,949	(1,318)	1,955	(1,673)	2,231	(797)	136	4,957
Power & Natural Gas	3,510	4,284	3,539	2,969	5,711	4,096	4,886	4,550	4,625	1,825	4,387	7,622	52,003
Telephone	904	906	910	911	908	923	923	925	926	929	1,007	925	11,097
Other	924	793	829	1,527	868	753	1,486	978	370	978	541	1,135	11,183
	<b>6,365</b>	<b>6,207</b>	<b>6,320</b>	<b>5,148</b>	<b>7,928</b>	<b>7,721</b>	<b>5,976</b>	<b>8,407</b>	<b>4,248</b>	<b>5,963</b>	<b>5,139</b>	<b>9,817</b>	<b>79,240</b>

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

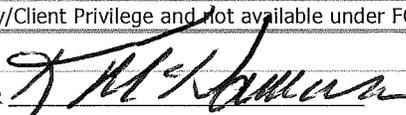
Agenda Item: \_\_\_\_\_

**WORK STUDY: MAY 6, 2019**  
**1<sup>ST</sup> READING DATE: MAY 7, 2019**  
**2<sup>ND</sup> READING DATE: MAY 21, 2019**

	Consent Agenda	New Business X	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	First reading of Ordinance 05-07-19(1) to discuss an approval of the amendment of Chapter 62 (Parks and Recreation) Article I (In General) to amend Sec. 62-1 to 62-25.			
<b>DEPARTMENT</b>	Police Department			
<b>PRESENTER</b>	Lt. Charles Bazzy, Matt Best, Ron Akers			
<b>PHONE NUMBER</b>	(734) 699-8930			
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Angela Mannarino			

### Agenda topic

<b>ACTION REQUESTED</b>	
First reading of Ordinance 05-07-19(1) to discuss an approval of the amendment of Chapter 62 (Parks and Recreation) Article I (In General) to amend Sec. 62-1 to 62-25.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Parks and Recreation Ordinance has been updated to clarify what is permitted and prohibited as well as to conform with changes to Parks and Recreation practices and rules.	

<b>BUDGET IMPLICATION</b>	None anticipated
<b>IMPLEMENTATION NEXT STEP</b>	If approved, after the 1 <sup>st</sup> and 2 <sup>nd</sup> reading, a notice of adoption will be placed in the newspaper and the Ordinance will go into effect.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Article I of Chapter 62 (Parks and Recreation) of the Township General Code of Ordinances be amended as follows:**

**62-1. – Definitions**

As used in this Article,

- (a) Township means the Charter Township of Van Buren
- (b) Beach means the beach at Van Buren Park
- (c) Large group means any event at which more than 100 persons are in attendance or can reasonably be expected to be in attendance.
- (d) Director means the director of the department of parks and recreation of the township, or where applicable, his/her designee.
- (e) Park means any of the public parks located in the township.
- (f) Department means the department of parks and recreation of the township.
- (g) Board means the Board of Trustees of the Charter Township of Van Buren

**62-2. – Enforcement**

The Van Buren Township Department of Public Safety shall enforce the provisions of this article, any other ordinances pertaining to the parks, and all rules and regulations relating to the use of parks.

**62.3. – Laws**

All Federal, State, County and local laws and regulations will be enforced in the park.

**62-4. – Parks**

The following are included in the definition of parks:

- (a) Quirk Park
- (b) Van Buren Park
- (c) Riggs Park
- (d) French Landing Park
- (e) Haggerty Neighborhood Park
- (f) Beck Fields

**62-5. – Entry pass and fees**

At Van Buren Park, all motor vehicles (including motorcycles) must obtain and have affixed in the lower left-hand corner of the windshield of the vehicle, a valid entry pass issued by Van Buren Township. Permits not affixed or not affixed in the lower left-hand corner of the windshield shall not be honored. The fee for the entry pass shall be set by the Township Board.

#### 62-6. – Penalty

Any person who violates this article is guilty of a misdemeanor and be punished as provided in section 1-13.

#### 62-7. – Board of Trustees

- (a) The Township Board of Trustees is hereby authorized to establish and adopt rules to regulate the use, enjoyment, and operation of each and every public park in the Township.
- (b) Such rules may be adopted at any properly constituted, regular meeting of the Board.
- (c) Such rules become effective upon adoption, publication once in a local newspaper of general circulation, and posting upon a prominent place in each and every park to which they apply.
- (d) The destruction of such posting by acts of vandalism, nature, or otherwise shall not render the rules invalid and/or unenforceable.
- (e) Such rules may apply to a particular park or to all such parks as designated.

#### 62-8. – Park hours and season

The opening and closing hours for each individual park shall be posted therein for public information.

#### 62-9. – Closing of parks

Any park or section thereof may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular stated intervals (daily or otherwise), either entirely or merely for specific uses, as the director shall find reasonably necessary. The public safety department shall have the authority to close any park or section thereof, in the interest of the public safety.

It shall be unlawful for any person to use, occupy, frequent, loiter in or be in any park, or any portion of the park, in the township unless the park is officially open to the general public.

#### 62-10. – Large group events

No large group event (including, but not limited to, a field day, carnival, concert, address, rally, or dramatic presentation) shall be held or conducted in a park unless a permit for such event has been obtained no later than eight (8) weeks prior to the event. Conditions for obtaining a permit are available at the Parks Department, subject to both Department or Committee and the Board of Trustees review. Any large group event wishing to charge admission must obtain approval to do so from the Board of Trustees.

#### 62-11. – Tents and bounce houses

- (a) No tents 10' x 10' or larger shall be permitted in any park. Tents smaller than 10' x 10' must be approved by the Director. Conditions for obtaining approval are available at the Parks Department, subject to both Department or Committee and the Board of Trustees review.
- (b) No bounce houses are permitted in any park. Other inflatables must be approved by the Director. Conditions for obtaining approval are available at the Parks Department, subject to both Department or Committee and the Board of Trustees review.

#### 62-11. – Alcohol

It shall be unlawful for any person to possess any open intoxicants or consume any alcoholic liquor, including spirits, beer or wine, in any recreational facility or park operated by the township during any function, sporting event, or other event. The prohibition in this section shall not be applicable to the following circumstances:

- (a) the consumption of any alcoholic beverages purchased on the premises from a duly licensed vendor, or
- (b) the consumption of any alcoholic beverages at or within fifteen feet of a pavilion provided the pavilion is being used pursuant to a valid reservation and a valid permit for alcoholic beverages is obtained from the township as part of the pavilion registration application.

#### 62-12. – Tobacco

To promote a healthy atmosphere for all patrons, tobacco use (including, but not limited to cigarettes, cigars, pipes, electronic cigarettes, smokeless tobacco, and vaporizers) is prohibited within twenty-five (25) feet of any playground, pavilion, gazebo, garden, beach, or building entrance.

#### 62-13. – Beaches

- (a) The beach at Van Buren Park is open from Memorial Day through Labor Day each year.
- (b) The beach closes one hour before Van Buren Park closes.
- (c) There is no lifeguard on duty at the beach. Swim at your own risk.
- (d) The dock at the beach is owned by the University of Michigan. The dock is not for public use. Trespassing is prohibited.

#### 62.14. – Swimming and wading

- (a) It shall be unlawful to swim, bathe, wade or scuba dive from any township-owned beach except at such times and places as may be posted or designated for such purposes.
- (b) Persons must abide by posted swim rules.
- (c) Boats and other watercraft shall not be allowed within the designated swim area.
- (d) No rafts or other inflatable toys are permitted at the beach. Only personal flotation devices (PFDs) are permitted.
- (e) Boats are prohibited within 200 feet of the beach shoreline. Boats are prohibited from mooring at the beach.

#### 62-15. – Disposal of refuse

It shall be unlawful to bring, carry through, or put into any park, any rubbish, refuse, garbage or other material. All refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided or are provided and are full, all such rubbish or waste shall be carried away from the park by the person responsible for its presence.

#### 62-16. – Fire

- (1) No fires (including but not limited to bonfire, campfire, grill use, and lanterns) are permitted in any park except that, use of a grill may be approved if requested as part of the pavilion rental application.
- (2) If grill use is permitted in conjunction with an approved pavilion rental application, it shall be unlawful to:
  - a. use a grill unless the fire is continuously under the care and direction of a competent person from the time it is kindled until it is extinguished and

- b. Dump any burning or hot ash into any trash receptacle or elsewhere in a park unless the receptacle shall be marked as being a receptacle for such material.

#### 62-17. – Motor vehicles

It shall be unlawful to:

- (1) Drive any vehicle in excess of 15 miles per hour.
- (2) Drive any vehicle on any area except the park roads or parking areas, designated as open to public travel, or such areas as may on occasion be specifically designated by signs as temporary driving areas. This provision shall not apply to emergency, service and authorized vehicles.
- (3) Park a vehicle anywhere except on a designated parking area.
- (4) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed.

#### 62-18. – Prohibited vehicles

It shall be unlawful operate or possess within the boundaries of any park property any off-road motor-driven vehicle, including, but not limited to, a mini bike, dirt bike, dune mobile, dune buggy, all-terrain vehicle, snowmobile, converted snowmobile, amphibious vehicle, golf cart, go cart, or similar motorized device.

It shall be unlawful to operate, drive, push, or otherwise propel any motor-driven vehicle on any portions of any leisure services facility property covered by grass or other natural vegetation. All motor-driven vehicles must remain on the roadways or in the designated parking areas.

#### 62-19. – Music

It shall be unlawful, at any time of day, to play any musical instrument, radio, mechanical record, tape player or other device in such a manner as to cause the sound emanating therefrom to interfere with the enjoyment of the park by others.

#### 62-20. – Animals

It shall be unlawful to take any dog into any park except when kept on a leash not more than six feet in length and kept under the immediate control of the owner or person having custody of the animal. All other animals are prohibited at the parks, unless the animal is a service animal. It shall be unlawful to take any dog on a public beach, in public buildings or areas otherwise posted, unless the animal is a service animal.

#### 62-21. – Picnicking

- (a) The director shall designate those areas of a park where picnicking is permitted. No person shall picnic outside of a designated area.
- (b) A picnic area shall be used on a first come, first served basis, unless the area is designated for permitted use.
- (c) Picnickers must remove all trash, including, but not limited to boxes, paper, cans, bottles, garbage and other refuse from the picnic area.
- (d) Picnic groups of twenty-five (25) or more persons must file an application with the department to reserve a pavilion.
- (e) No person or organization except the permitted person or organization shall use the designated picnic pavilions during times posted for rental use only.

- (f) Applications will be accepted to reserve pavilions on a first come, first served basis beginning on the first business day of January of each year for township residents and the first business day of March of each year for non-residents. Applications shall be sworn and shall state:
- a. The name of the person or organization wishing to reserve a pavilion;
  - b. If the activity is proposed to be conducted for, or on behalf of, or by any organization, the name, address, and telephone number of the organization and the head of the organization;
  - c. The name, address, and telephone number of the person who will be the contact person for the organization and will be responsible for its conduct;
  - d. The name, address, and telephone number of the person making the application for reservation;
  - e. The date and time of the reservation;
  - f. Whether an alcohol permit is requested;
  - g. The location of the pavilion for which a reservation is desired;
  - h. And an estimate of the size of the group.
- (g) The director shall reserve a pavilion when:
- a. The reservation will not unreasonably interfere with or detract from the general public enjoyment of the park;
  - b. The reservation will not unreasonably interfere with or detract from the promotion or the public health, safety, welfare, and recreation;
  - c. The reservation is not unreasonably anticipated to incite violence, crime, or disorderly conduct;
  - d. The reservation will not entail unusual, extraordinary, or undue burden on the department of public safety of the Township;
  - e. The reservation will not create noise to the extent that it will unreasonably disturb persons within the Township;
  - f. The pavilion has not been previously reserved for other use on the date and time requested on the application; and
  - g. The application for reservation has been accompanied by the application fee, in an amount be set by Board resolution, to cover the Township's administrative cost in reviewing and evaluating the application.
- (h) Within seven (7) days after receipt of an application, the director shall apprise an applicant in writing of his or her reason(s) for denying an application for reservation if the application is denied. Any aggrieved person shall have the right to appeal within five (5) days to the Township Board, which shall consider the application under the standards set forth in subsection (g) above. The Township Board shall render a decision on the appeal within two (2) weeks. The decision of the Board shall be final.
- (i) The person or organization that reserves the pavilion shall be liable for any loss, damage, or injury to any person or property whatsoever by reason of negligence, gross negligence, or recklessness by the person or organization who reserved the pavilion or any guest(s) of the person or organization.
- (j) The director shall have the authority to cancel a reservation for any of the following reasons:
- a. Fraud, misrepresentation, or false statements contained in the application for reservation;
  - b. The failure to comply with any Federal, State, County and local laws and regulations;

- c. The transfer or attempted transfer of the reservation to any other person or organization not set forth in the application for reservation; or
  - d. Failure of the applicant or designee to be present for the entire specified use.
- (k) Application fees must be paid at the time of application and are non-refundable.

62-22. – Explosives and fireworks

It shall be unlawful to bring into or possess in any park fireworks, explosives, or other incendiary devices.

62-23. – Preservation of property

It shall be unlawful to:

- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any park property or appurtenances whatsoever, either real or personal.
- (2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
- (3) Dig or remove any soil, rock, sand, stones, trees, grass, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- (4) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick the flowers or seed of any tree or plant, or in any other way injure the natural beauty or usefulness of any area.
- (5) Climb, stand or sit upon monuments, planters, trees, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- (6) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench or other structure.
- (7) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into the water, any substance, matter or thing, liquid or solid, which will result in the pollution of the waters.
- (8) Tie or hitch an animal to any tree or plant.
- (9) Molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw any object at any animal, wildlife or bird.
- (10) Engage in sexual acts in any area of any park, including, but not limited to, in any pavilion, vehicle, or restroom.
- (11) Feed any wildlife.
- (12) Store, stockpile, or abandon any vehicle, including but not limited to, recreational vehicles, or part of a vehicle, including, but not limited to, tires, or in any manner perform maintenance to any vehicle.
- (13) Discharge any projectile or weapon, including, but not limited to, a firearm, bow and arrow, air rifle, bb gun, or pellet gun, in any park.

Secs. 62-24 – 62-25. – Reserved.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2018.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

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Kevin McNamara,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

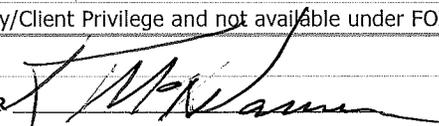
Agenda Item: \_\_\_\_\_

**WORK STUDY: MAY 6, 2019**  
**1<sup>ST</sup> READING DATE: MAY 7, 2019**  
**2<sup>ND</sup> READING DATE: MAY 21, 2019**

Consent Agenda	New Business X	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	First reading of Ordinance 05-07-19(2) to discuss an approval of the amendment of Chapter 74 (Streets, Sidewalks and Other Public Places) Article II (Sidewalks) to amend Sec. 74-27.		
<b>DEPARTMENT</b>	Planning and Economic Development		
<b>PRESENTER</b>	Ron Akers		
<b>PHONE NUMBER</b>	(734) 699-8913		
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Angela Mannarino		

### Agenda topic

<b>ACTION REQUESTED</b>	
First reading of Ordinance 05-07-19(2) to discuss an approval of the amendment of Chapter 74 (Streets, Sidewalks and Other Public Places) Article II (Sidewalks) to amend Sec. 74-27.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The amendment of Sec. 74-27 exempts the Iron Belle Trail from the snow removal ordinance.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR  
Kevin McNamara

CLERK  
Leon Wright

TREASURER  
Sharry A. Budd

TRUSTEE  
Sherry A. Frazier

TRUSTEE  
Kevin Martin

TRUSTEE  
Reggie Miller

TRUSTEE  
Paul D. White

April 30, 2019

Township Board of Trustees  
46425 Tyler Road  
Van Buren Township, MI 48111

**RE: Iron Belle Trail Snow and Sidewalk Ordinance Amendments**

Honorable Trustees,

As discussed at the April 15 & April 16 Township Board meeting, we have submitted ordinance amendments to our sidewalk and snow removal ordinances which excludes the pathways/sidewalks designated as the Iron Belle Trail from the maintenance requirements of these ordinances. The amendments are fairly straightforward, but please feel free to contact me if you require any further information.

Thanks,

Ron Akers, AICP  
Director of Planning and Economic Development  
Charter Township of Van Buren

**CHARTER TOWNSHIP OF VAN BUREN  
County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

At a regular meeting of the Township Board of the Charter Township of Van Buren, Wayne County, Michigan, held in the Van Buren Township Hall within the Township, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at 7:00 p.m.

PRESENT: Trustees: \_\_\_\_\_

ABSENT: Trustee: \_\_\_\_\_

It was moved by Trustee \_\_\_\_\_ and supported by Trustee \_\_\_\_\_ the following Ordinance be adopted to amend Sec. 74-27 of Article II (Sidewalks) of Chapter 74 (Streets, Sidewalks and Other Public Places) to read as follows:

**The Charter Township of Van Buren hereby ordains that Section 74-27 of the Township General Code of Ordinances be amended as follows:**

Sec. 74-27. - Removal of snow and ice from sidewalks, walks, and ramps.

- (1) All snow and ice which has accumulated prior to 6:00 a.m. on a sidewalk adjacent to property not zoned residential shall be removed by the owner or occupant by noon. The owner or occupant of the property shall also remove snow and ice from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk. Provided that when ice has so formed upon any sidewalk, walk or ramp that it cannot be removed, then the owner or occupant shall keep the same effectively sprinkled with sand, salt or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed.
- (2) Within 24 hours after the end of each accumulation of snow greater than 1 inch, the owner or occupant of every property zoned residential shall remove the accumulation from the adjacent sidewalk and from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk.
- (3) Within 18 hours after any ice forms, the owner or occupant of every property zoned residential shall treat the ice on the adjacent sidewalk and on walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk with sand, salt or other substance to prevent it from being slippery.
- (4) The requirements in this section apply to the accumulation of snow and/or ice from any source, including, but not limited to, precipitation, drifting of snow, and drainage or spilling of water onto the sidewalk, walk or ramp.

- (5) Compliance with this section requires making sidewalks, walks, and ramps free of snow and ice for their entire constructed width and length.
- (6) Snow and/or ice that is removed as required by this section or that is removed from private property shall not be placed on a sidewalk or street.
- (7) This section shall not apply to any sidewalk, walk, or ramp that is part of the Iron Belle Trail.
- (8) "Owner," for purposes of this section and Sec. 74-28, means the owner as shown in the records of the Township Assessor.
- (9) "Walk," for purposes of this section means any walkway that is paved with sidewalk material and that is contiguous with the sidewalk adjacent to the owner or occupant's property regardless of whether or not it is parallel to the right-of-way.
- (10) An owner of the property or an occupant who fails to comply with this section shall be responsible for a civil infraction, which shall be punishable by a civil fine of not more than \$100.00 for the first citation issued in a six month period, not more than \$250.00 for the second citation issued in a six month period, and not less than \$500.00 and up to \$1,000.00 for each additional or subsequent citation issued in a six month period, plus costs and all other remedies available by statute. The maximum fine for any offense shall not exceed \$1,000.00. If the penalty is not paid within 45 days, the township shall have a lien upon such developed land or subdivided land for such expenses and such lien shall be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2019.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

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Kevin McNamara,  
Supervisor, Charter Township of Van Buren

---

Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

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# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

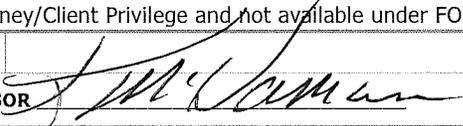
Agenda Item: \_\_\_\_\_

**WORK STUDY: MAY 6, 2019**  
**1<sup>ST</sup> READING DATE: MAY 7, 2019**  
**2<sup>ND</sup> READING DATE: MAY 21, 2019**

	Consent Agenda	New Business X	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	First reading of Ordinance 05-07-19(3) to discuss an approval of the amendment of Chapter 74 (Streets, Sidewalks and Other Public Places) Article II (Sidewalks) to amend Sec. 74-26.			
<b>DEPARTMENT</b>	Planning and Economic Development			
<b>PRESENTER</b>	Ron Akers			
<b>PHONE NUMBER</b>	(734) 699-8913			
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Angela Mannarino			

### Agenda topic

<b>ACTION REQUESTED</b>	
First reading of Ordinance 05-07-19(3) to discuss an approval of the amendment of Chapter 74 (Streets, Sidewalks and Other Public Places) Article II (Sidewalks) to amend Sec. 74-26.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The amendment of Sec. 74-26 exempts the Iron Belle Trail from the sidewalk maintenance ordinance.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR Kevin McNamara	CLERK Leon Wright	TREASURER Sharry A. Budd	
TRUSTEE Sherry A. Frazier	TRUSTEE Kevin Martin	TRUSTEE Reggie Miller	TRUSTEE Paul D. White

April 30, 2019

Township Board of Trustees  
46425 Tyler Road  
Van Buren Township, MI 48111

### RE: Iron Belle Trail Snow and Sidewalk Ordinance Amendments

Honorable Trustees,

As discussed at the April 15 & April 16 Township Board meeting, we have submitted ordinance amendments to our sidewalk and snow removal ordinances which excludes the pathways/sidewalks designated as the Iron Belle Trail from the maintenance requirements of these ordinances. The amendments are fairly straightforward, but please feel free to contact me if you require any further information.

Thanks,

Ron Akers, AICP  
Director of Planning and Economic Development  
Charter Township of Van Buren

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

At a regular meeting of the Township Board of the Charter Township of Van Buren, Wayne County, Michigan, held in the Van Buren Township Hall within the Township, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at 7:00 p.m.

PRESENT: Trustees: \_\_\_\_\_

ABSENT: Trustee: \_\_\_\_\_

It was moved by Trustee \_\_\_\_\_ and supported by Trustee \_\_\_\_\_ the following Ordinance be adopted to amend Sec. 74-26 of Article II (Sidewalks) of Chapter 74 (Streets, Sidewalks and Other Public Places) to read as follows:

**The Charter Township of Van Buren hereby ordains that Section 74-26 of the Township General Code of Ordinances be amended as follows:**

Sec. 74-26. - Maintenance of sidewalks and driveway approaches.

- (a) All sidewalks and driveway approaches between the lot line and the street curb, except crosswalks at intersections, shall be repaired and maintained by abutting property owners and shall comply with all requirements set forth in this article.
- (b) All sidewalks within the township shall be kept and maintained in good repair by the owner of the land adjacent to and abutting upon it. If any owner shall neglect to keep and maintain the sidewalk along the front, rear, or side of the land owned by him in good repair and safe for the use of the public, the owner shall be liable to the township for any damages recovered against the township sustained by any person by reason of such sidewalk being unsafe and out of repair.
- (c) This section shall not apply to any sidewalk, walk, or ramp that is part of the Iron Belle Trail.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2019.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

---

Kevin McNamara,  
Supervisor, Charter Township of Van Buren

---

Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

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# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

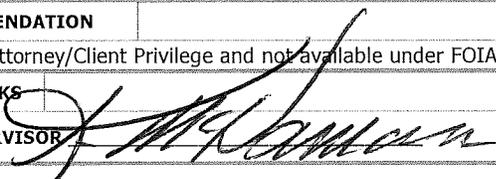
Agenda Item: \_\_\_\_\_

**Work Study Date:** 05/06/19  
**Board Meeting:** 05/07/19

Consent Agenda \_\_\_\_\_ **New Business** X Unfinished Business: \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Granting approval of the selection of Davenport Brothers Construction Company, Inc. for the Quirk Park – Park Improvements contract for \$574,933.
<b>DEPARTMENT</b>	Public Services/VBT DDA
<b>PRESENTER</b>	Lisa Lothringer – Assistant Executive Director – VBT DDA
<b>PHONE NUMBER</b>	(734) 699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Matthew R. Best, Director of Public Services

### Agenda topic

<b>ACTION REQUESTED</b>	
Granting approval of the selection of Davenport Brothers Construction Company, Inc. for the Quirk Park – Park Improvements contract for \$574,933. This was the result of an advertised, sealed request for bid.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Downtown Development Authority and the Public Services Department recommend the approval of a contract for Davenport Brothers Construction Company, Inc. in the amount of \$574,933 for the Quirk Park Improvements Project. This includes site preparation, paving, building construction, construction coordination and restoration for the splash park, new playground equipment and pavilion at Quirk Park.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Supervisor or his designee to sign and award contract.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	(May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



April 25, 2019

Mr. Matthew Best, M.S  
Director  
Department of Public Services  
Charter Township of Van Buren  
46425 Tyler Rd  
Van Buren, Michigan 48111

Mrs. Lisa M. Lothringer  
Assistant Executive Director  
Van Buren Township Downtown Development Authority  
Charter Township of Van Buren  
46425 Tyler Rd  
Van Buren, Michigan 48111

**RE: Recommendation Letter of Award for  
Quirk Park – Park Improvements**

Dear Matthew & Lisa:

On Tuesday, April 16, 2019 bids for the Quirk Park – Park Improvements were read aloud. Four bids were received. The apparent low bidder is Davenport Brothers Construction Company Inc. with the base bid amount of \$589,633.00

The remaining three bids are the following from lowest to highest:

Brencal Contractors Inc.	- \$665,089.87
NRC, LLC	- \$697,472.98
Clearwater Construction Services Inc.	- \$707,921.34

Following the receipt of bids, Post Bid Addendum #1 was sent out on April 19, 2019 which included irrigation plans. Contractors were asked to send back a revised proposal by April 25, 2019.

Resulting from the post bid addendum, Van Buren Township has decided to remove irrigation in its entirety from the project and shall be completed by others under the direction of the Township/Owner's representative.

Our evaluation of the bids, references, and review of the supplied qualification statement all indicate that Davenport Brothers Construction Company Inc. is indeed the lowest qualified bidder.

We would recommend Van Buren Township award the contract to Davenport Brothers Construction Company Inc. in the amount of \$574,933 (\$589,633 - automatic irrigation system at \$14,700).

We are available to assist the Township with the preparation of an agreement with the contractor and we are available to discuss this project at your convenience. We look forward to a successful project.

Sincerely,  
RUSSELL DESIGN

A handwritten signature in black ink that reads "MARC RUSSELL".

Marc Russell, ASLA  
Principal

QUIRK PARK - BID TAB		1 - BRENCAL CONTRACTORS, INC.			2 - CLEARWATER CONSTRUCTION SERVICES			3 - DAVENPORT BROTHERS CONSTRUCTION INC.			4 - NRC INC.			
	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL
1	Mobilization (3% maximum total bid)	LS			\$17,800.00			\$20,018.51			\$14,500.00			\$3,344.67
2	General Conditions (3% maximum of total bid price. Permit fees and inspection fees are not to be included)	LS			\$18,200.00			\$20,619.07			\$14,500.00			\$108,144.30
3	Soil Erosion and Sedimentation Control Measures	LS			\$9,240.00			\$7,093.20			\$4,337.00			\$7,263.68
4	Tree Protection Measures, Complete	LS			\$2,310.00			\$1,800.00			\$1,800.00			\$1,066.19
5	Removal, Salvage and Storage of Existing Play Equipment	LS			\$500.00			\$5,376.00			\$6,120.00			\$3,204.56
6	Demolition, Complete	LS			\$14,102.00			\$5,640.00			\$24,247.00			\$41,306.81
7	Strip and Stockpile Topsoil, Complete	LS			\$10,450.00			\$12,720.00			\$12,412.00			\$10,147.78
8	Earthwork (incl. - excavation and on-site placement and shaping complete)	LS			\$64,473.00			\$22,608.00			\$105,250.00			\$52,221.55
9	Storm Drainage Utilities, Complete	LS			\$25,503.50			\$29,472.00			\$16,400.00			\$20,562.61
10	Water Utilities, Complete	LS			\$27,830.00			\$38,940.00			\$21,250.00			\$19,868.29
11	Electrical (meter by owner), Complete	LS			\$12,632.40			\$20,328.00			\$6,950.00			\$72,209.48
12	Automatic Irrigation System, Complete	LS			\$22,440.00			\$22,740.00			\$14,700.00			\$24,092.97
13	Masonry Changing Room (incl. changing table; bench by others), Complete	LS			\$147,734.40			\$95,186.40			\$95,000.00			\$93,395.37
14	Asphalt Paving, Complete	SFT	20,686	\$4.34	\$90,645.24	18,732	\$7.08	\$132,622.56	17,552	\$3.45	\$60,554.00	17,647	\$4.31	\$76,100.18
15	Pavement Marking, Complete	LFT	266	\$2.07	\$550.62	100	\$8.40	\$840.00	200	\$5.00	\$1,000.00			\$2,350.01
16	4" Concrete Paving (incl. bike rack/bench pad), Complete	SFT	9,358	\$7.70	\$72,056.60	7,365	\$15.60	\$115,206.00	8,582	\$7.62	\$65,401.00	10,684	\$9.00	\$96,551.33
17	4" Integral Paving and Edge Restraint, Complete	LFT	250	\$33.00	\$8,250.00	500	\$7.20	\$3,600.00	250	\$33.20	\$8,302.00	270		
18	4" Concrete Planter Curb, Complete	LFT	275	\$33.00	\$9,075.00	20	\$14.40	\$288.00	270	\$32.00	\$8,640.00	280		
19	4" x 6" dia. Concrete Logo (incl. sandblasting), Complete	LS			\$3,300.00			\$42,912.00			\$5,950.00			
20	Re-install Existing Grills, 2 total, Complete	LS			\$1,100.00			\$1,000.00			\$800.00			\$1,066.19
21	Handicap Parking Signs, Complete	LS			\$1,430.00			\$500.00			\$375.00			\$1,500.00

QUIRK PARK - BID TAB			1 - BRENCAL CONTRACTORS, INC.				2 - CLEARWATER CONSTRUCTION SERVICES				3 - DAVENPORT BROTHERS CONSTRUCTION INC.				4 - NRC INC.			
DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL		
22	4'-0" Decorative Metal Fences and Gates, Complete	LFT	\$84.27	\$31,432.71	373	\$90.00	\$32,670.00	403	\$98.00	\$39,484.00	400	\$98.00	\$39,524.53					
23	Acer x freemani 'Marmo', 3" caliper	EA	\$814.00	\$4,070.00	5	\$624.00	\$3,120.00	5	\$550.00	\$2,750.00	5	\$550.00	\$34,048.48					
24	Liriodendron tulipifera, 3" caliper	EA	\$583.00	\$1,749.00	3	\$540.00	\$1,620.00	3	\$500.00	\$1,500.00	3	\$500.00						
25	Picea glauca, 8' ht.	EA	\$500.50	\$2,002.00	4	\$420.00	\$1,680.00	4	\$600.00	\$2,400.00	4	\$600.00						
26	Tilia americana, 'Greenspire', 3" caliper	EA	\$891.00	\$891.00	1	\$600.00	\$600.00	1	\$600.00	\$600.00	1	\$600.00						
27	Hemerocallis 'Happy Returns', 1 gallon	EA	\$15.40	\$4,004.00	260	\$14.40	\$3,744.00	260	\$21.00	\$5,460.00	260	\$21.00						
28	Pennisetum a. 'Hamein', 1 gallon	EA	\$18.70	\$3,683.90	197	\$19.20	\$3,782.40	197	\$23.00	\$4,531.00	197	\$23.00						
29	Pennisetum o. 'Karley Rose', 1 gallon	EA	\$18.70	\$5,236.00	280	\$19.20	\$5,376.00	280	\$23.00	\$6,440.00	280	\$23.00						
30	Boulder wall (12" dia. - 18" dia.)	LFT	\$22.00	\$1,320.00	20	\$40.80	\$816.00	100	\$30.00	\$3,000.00	60	\$30.00						
31	Fine Grade and Sodded Lawn	SYD	\$5.50	\$24,750.00	6,200	\$4.80	\$29,760.00	5,000	\$4.80	\$24,000.00	5,000	\$4.80						
32	Shredded Hardwood Bark Mulch	CYD	\$66.00	\$2,838.00	34	\$40.80	\$1,387.20	80	\$58.43	\$4,675.00	43	\$58.43						
33	Planting Mix	CYD	\$38.50	\$21,290.50	700	\$33.60	\$23,520.00	80	\$55.00	\$4,400.00								
34	Aluminum edging	LFT	\$6.60	\$1,650.00	70	\$3.60	\$252.00	80	\$7.50	\$600.00	250	\$7.50						
35	Shovel cut edge	LFT	\$1.00	\$550.00	70	\$1.20	\$84.00		\$170.00	\$170.00		\$170.00						
36	ALTERNATE 1 - Seeding		Deduct	\$14,850.00		Deduct	\$14,880.00		Deduct	\$7,000.00		Deduct	\$9,960.00					
37	ALTERNATE 2 - Granite Logo		Add	\$6,000.00		Add	\$20,897.00		Add	\$9,966.00		Add	\$11,095.00					
				\$665,089.87			\$707,921.34			\$589,633.00			\$697,472.98					
POST BID ADDENDUM NO. 1																		
	Automatic irrigation system		Deduct:	\$16,940.00		Add:	\$18,268.70		Add:	\$27,586.70								
	*Township omitted irrigation from project			\$588,563.87			\$726,190.04			\$617,228.00								

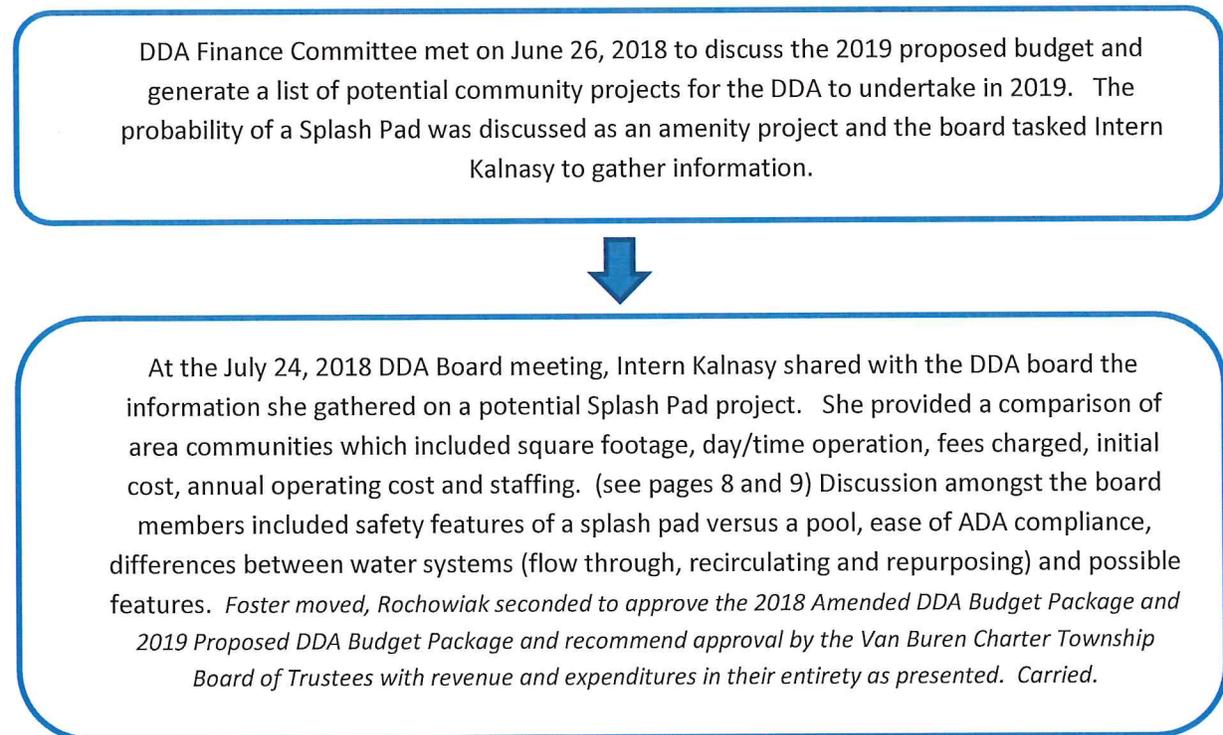
By combining resources, the Township, the Van Buren Civic Fund and the DDA will be able to turn out a project that will have a profound positive impact on Quirk Park and the community as a whole.

The concept for this project was presented to the Parks and Recreation Committee on December 11, 2018. It was well received and the committee gave their approval to move forward.

Please note that the Township purchasing policy has been followed for this project. The Splash Pad components and site furnishings have been sourced through NPP and Sourcewell, both of which are municipal purchasing cooperatives.

It is the intention of all involved with this project that it be completed as early in August 2019 as possible. Once completed, the Splash Pad will be turned over to the Township. This is the same process used in the purchase and transfer of the property to develop Quirk Park, the construction of Fire Station #2 and the addition to Township Hall.

### Process flow chart for Splash Pad Project:





On Tuesday, August 13, 2018 a power point presentation was made to the Township board that included the 2019 Budget as well as an annual recap of past, present and future projects for the DDA. Page 12 of the presentation included an introduction to the idea of the Splash Pad project.



September 11, 2018 meeting held with Patrick Sloan of McKenna and Associates and their design team to discuss the feasibility of this potential project from a planning standpoint. Quirk Park was identified as the most practical location due to proximity within the DDA boundaries (which is a requirement for allocation of DDA funds) and the understanding that the park was scheduled for major renovations in 2019 within the Recreation Master Plan update.



September 18, 2018, Mr. Chuck Covington made a presentation to the Township board wishing to fund a memorial area dedicated to his daughter, Egypt, in Quirk Park. This will include benches (2), trees (5), landscaping and a memorial/plaque. Memorial was approved by the Township Board of Trustees at their general meeting on that same date. *(Miller moved, Frazier seconded to approve a memorial at Quirk Park in honor of Egypt Covington. Motion Carried. Long-time resident, Chuck Covington, has approached the Parks and Recreation Department expressing his desire to place a memorial at Quirk Park in honor of his daughter who passed away June 23, 2017. Commemorative benches, signs etc. are customary in many municipal parks. The Recreation Committee is in support of this effort and the Recreation Department is developing a program that will formalize the process. Final placement has not been determined and overall memorial placement in Quirk Park will be addressed during the major renovations slated for 2019 and within the Recreation Master Plan update.)*



October 16, 2018 the Township Board approved the DDA Budget as a part of NB #6.  
*(Budd moved, Miller seconded and motion carried.)*



December 11, 2018 a presentation was made to the Recreation Committee. It was well received and the committee gave their approval to move forward on the project. *(Clerk Wright motioned, Coleman seconded to recommend to accept the Splash Pad Concept Project as presented. Motion carried.)*



Within its 2019 budget, the DDA Board approved funding of \$300,000 as a contribution to the Quirk Park Improvement Project in the form of a splash pad and associated amenities. On January 22, 2019, the DDA allocated an additional \$180,000 for a total of \$480,000 to be earmarked for the Splash Pad and associated amenities within Quirk Park. *(Laginess moved, Rochowiak seconded to approve participation in the Quirk Park Improvement Project, a collaborative endeavor with the Township, and authorize the transfer of an additional \$180,000 from fund balance to Amenities (247-000-974-000) for a total of \$480,000 to be earmarked for a splash pad and associated amenities and allow Assistant Executive Director Lothrinaer to execute necessary agreements and contracts. Motion carried.)*



February 21, 2019 the DDA was notified that the Van Buren Civic Fund has pledged \$200,000 towards the Splash Pad project in Quirk Park. The DDA Board has two members who also sit on the board of the Van Buren Civic Fund.



March 18, 2019 the DDA made an informational presentation to the Township Board. This step was an opportunity to share the design concept with the board prior to the project going before the Planning Commission for their March 27, 2019 meeting.



March 27, 2019 – Project was approved by the Planning Commission  
March 28, 2019 – A.M. - Final review of bid packet  
P.M. – Bid packet was placed on MITN  
April 16, 2019 at 3:00 p.m. – Sealed bids were opened  
April 30, 2019 – Recommendation of contractor and bid tabulation was received



### **NEXT STEPS:**

May 6, 2019 – Contractor Selection will be brought before the Township board  
May 8, 2019 – August 2019 – Construction Phase  
August 30, 2019 – Anticipated Grand Opening for Splash Pad (may be operational prior to the planned Grand Opening festivities)

# Charter Township of Van Buren

Agenda Item \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE:**  
2019-05-06

**BOARD MEETING DATE:**  
2019-05-07

Consent Agenda  New Business  Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

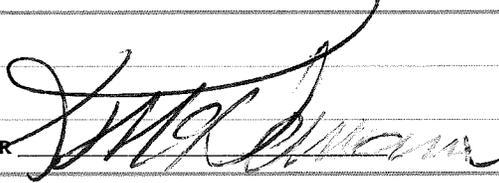
<b>ITEM (SUBJECT)</b>	Approval for Wastewater Route Study
<b>DEPARTMENT</b>	Public Services – Water & Sewer
<b>PRESENTER</b>	James T. Taylor, Director of Water & Sewer
<b>PHONE NUMBER</b>	734-699-8947
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Maria Sedki, FTCH Project Manager/Engineer

### Agenda topic

<b>ACTION REQUESTED</b>	
Recommend to the Township Board to amend the approved FY 2019 Water & Sewer budget and approve the proposed Wastewater Routing Study to be performed by FTC&H Engineer Maria Sedki and staff at a cost not to exceed \$165,000.00 allocated from Water & Sewer Contracted Services Account 592-536-819-000 (to be expensed from the Water & Sewer Non-Restricted Fund balance)	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
See attached proposal.	

<b>BUDGET IMPLICATION</b>	An amount not to exceed \$165,000.00 to be paid from the Water & Sewer Contracted Services Account 592-536-819-000.
<b>IMPLEMENTATION NEXT STEP</b>	Board approval

<b>DEPARTMENT RECOMMENDATION</b>	Approval by township board.
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Water & Sewer Commission reviewed request and recommends Board approval

<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



## DEPARTMENT OF PUBLIC SERVICES

### WATER & SEWER

---

DATE: May 06, 2019  
TO: Township Board of Trustees  
FROM: James T. Taylor, Director of Water & Sewer  
RE: Request for Board Action – Wastewater Route Study

As Van Buren Township Water & Sewer management has been working with FTCH Engineer Maria Sedki on our SAW Grant Asset Management Project, we have determined a number of needs in the overall evaluation of our sanitary system performance. The scope of this proposed study does not fall within the criteria of the SAW Grant, and therefore we request Board approval to amend the approved FY2019 Water & Sewer Budget as noted in the Request For Board Action to provide the resources for this effort.

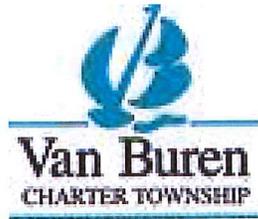
In brief, our sanitary system model is actually comprised of three separate working models. These models, using GIS and other available tools, provide how the sanitary flows operate within each of the respective systems; SHVUA, RVSDS and DUWA. While this provides information for each individual system, it does not provide us with an accurate representation of the Township wide system and provide us with information on how we may create opportunities for improved overall operational and maintenance efficiencies, as well as potential cost savings.

The attached proposal is recommended for consideration for the following reasons:

- In order to acquire a higher level of accuracy of the actual flows that are directed to the three major collection systems that VBT is connected to: South Huron Valley (SHVUA), Rouge Valley (RVSDS) and Downriver (DUWA). This is to evaluate our overall performance, as well as potential maintenance and operational needs.
- To determine the accuracy of the actual flows that come through our system from the City of Belleville to the DUWA system. At present, the City of Belleville is assigned a percentage of flow that is deducted from our billing from the DUWA system. We want to determine the accuracy of those estimates, in addition to the accuracy of the other metered systems.

#### **MISSION STATEMENT**

*"The Van Buren Public Services Department is committed to a clean and safe environment, enhanced service delivery to its customers and protection of the significant public investment in the township's buildings and grounds, and water distribution and sanitary collection systems."*



## DEPARTMENT OF PUBLIC SERVICES

### WATER & SEWER

- To determine if there is an option to opt out of the RVSDS and/or redirect the flows to the SHVUA and/or DUWA collection systems to benefit from lower rates provided by those systems.
- If redirection of flows is viable, to create at least three options for use of the EQ Basin and North Huron Pump Station and Diversion Chamber to redirect flows from the RVSDS to the SHVUA and/or DUWA systems. This would provide us an opportunity to increase and maximize the utilization of the EQ Basin and North Huron Pump Station.

As explained in the proposal, nine flow meters would be temporarily inserted at different points within the system to acquire a more accurate determination of flows within the Township boundaries, which would also provide information towards creating one unified calibrated system model. The cost range (\$120,000.00 to \$165,000.00) in the proposal is entirely due to the length of the inserted meters, which will be dependent upon weather conditions. What we need to gather is data on maximum flows throughout periods of heavy rainfall to determine the capacities of system. Weather is our only cost variable to the project.

This proposal has also been reviewed by the Water & Sewer Commission. They recommended it to the Board of Trustees for approval, providing that the SHVUA system would accept flows from the RVSDS system. The information validating the approved acceptance of such flows is also included in your packets.

#### MISSION STATEMENT

*"The Van Buren Public Services Department is committed to a clean and safe environment, enhanced service delivery to its customers and protection of the significant public investment in the township's buildings and grounds, and water distribution and sanitary collection systems."*

***Motion***

\*\*\*\*\*

*Commissioner Speaks Moved, Commissioner Rochowiak seconded; to recommend sending the Wastewater Routing Study as presented by Fishbeck, Thompson, Carr & Huber, Inc to the Township Board for approval as presented, providing the South Huron Valley Utility Authority will take the Rouge Valley Flows.*

*Yeas: Rochowiak, Speaks, Budd*

*Nays:*

*Absent: McKelvey*

*Motion Carried*

*I hereby certify the foregoing is a true and correct copy of the motion made at the scheduled Meeting of the Water and Sewer Commission on April 26,, 2019.*

*Karen E Pecsénye  
Recording Secretary*

SHVUA Presentation on the  
Van Buren Equalization Basin  
July 18, 2007

Presentation notes and outline

Introduction – project background and basics. The project includes the construction of a 1.3 million gallon equalization basin, a pump station and approximately 4 miles of force main. The total cost of the improvements is \$12 million. The project is being funded through a State Revolving Fund (SRF) low interest loan administered through the MDEQ.

Project Approvals – Van Buren Township has gone through an extensive approval process for this project including permits from all three sanitary sewer districts, two MDEQ permits, Wayne County, MDOT, and various utility companies. The approval process included several presentations to technical committees and an exhaustive review by the Department of Environmental Quality with an emphasis on public health, safety and welfare. The sanitary sewer permits for the equalization basin are summarized below.

- NHV/RV  
Approved by Wayne County on June 9, 2006
- Downriver System  
Technical Committee presentation on April 18, 2006  
approved by Wayne County on June 9, 2006
- SHVUA  
Technical Committee presentation on February 9, 2006  
Board status update on February 15, 2006  
Approved by the SHVUA System operator, Earth Tech on June 14, 2006
- Michigan Department of Environmental Quality  
Sanitary sewer permit approved on June 16, 2006

Project Benefits – This project has many benefits to Van Buren Township. The project provides many benefits to the SHVUA system with no negative aspects including:

- Van Buren Township is the only local unit in the SHVUA that will be able to physically restrict flows to at or below contract capacity during a wet weather event.
- The basin allows Van Buren Township the flexibility to respond to issues at the SHVUA plant. For example, should the plant be experiencing heavy

flows or need to take a treatment train out of service, the Township has the ability to work cooperatively with plant operators to reduce or redirect its flow away from the plant.

- Dewatering of the basin can be to either the SHVUA or to the Downriver System. Dewatering flow sent to the SHVUA is metered and billed to the Township, thus generating revenue for the system and allocating a larger portion of O/M costs to Van Buren.
- The basin design exceeds MDEQ requirements and provides storage capacity for rainfall events that cover all three systems to which the Township is connected. For a storm occurring in one or two of the systems the basin could provide even more protection by possibly directing flows to systems not experiencing severe wet weather conditions after conferring with the operators of the effected system.

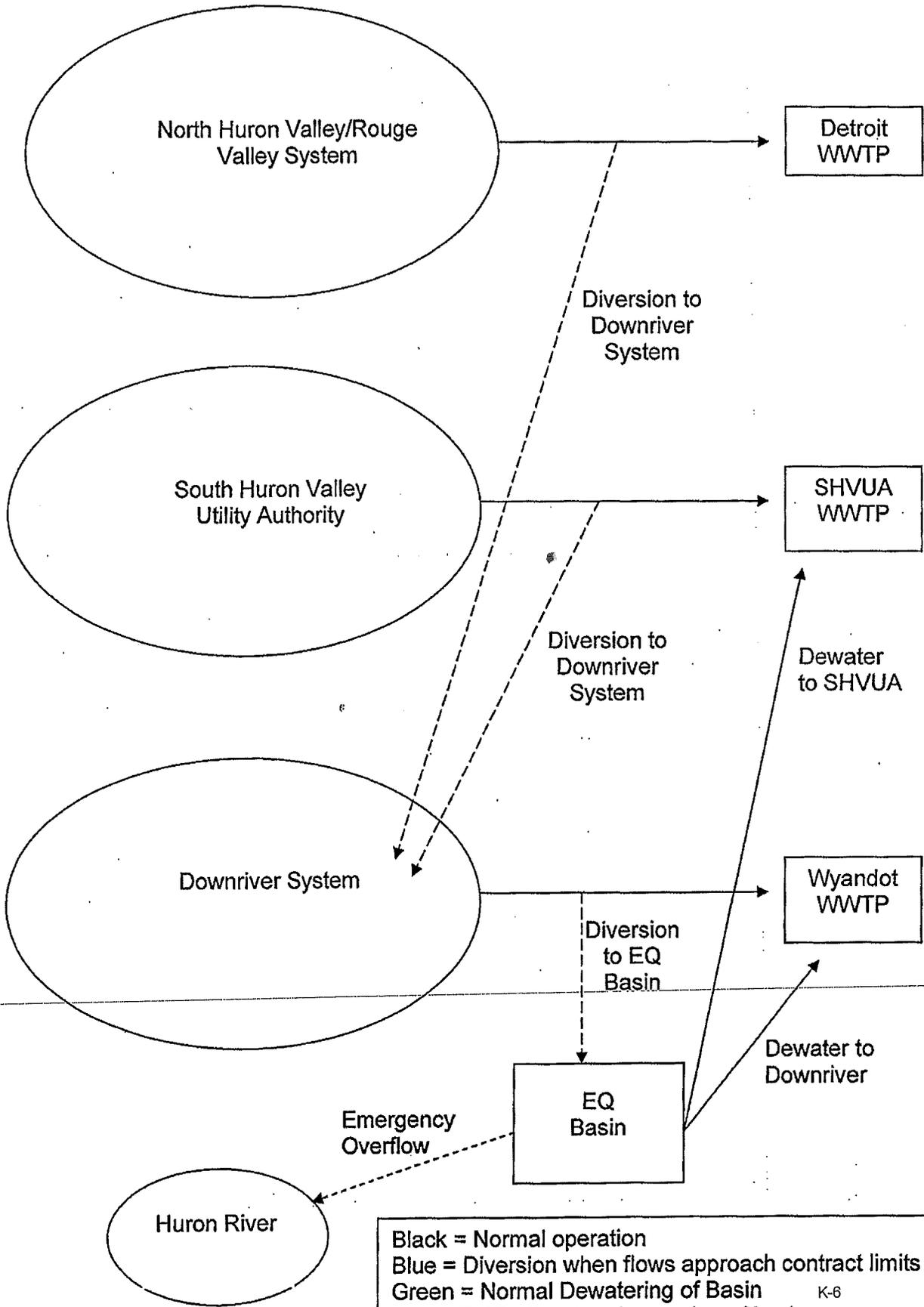
Operations and Design of the Basin – The Authority's consultant, Mr. Richard Hinshon, has indicated that the basin will have no adverse impacts on downstream communities. It is the design and the operation of the system that allows him to come to this conclusion.

See attached Van Buren EQ Basin Flow Schematic. Details of the design and operation will be provided at the Board Presentation.

Conclusion – The basin is approximately 70% complete. The anticipated service date is October 2007. The basin is providing flood protection that does not exist today and does not have any negative impacts for any of the SHVUA communities and provides added benefits and necessary flexibility to the system.

#### Questions and Answers

Van Buren EQ Basin Flow Schematic



Black = Normal operation  
 Blue = Diversion when flows approach contract limits  
 Green = Normal Dewatering of Basin  
 Red = EMERGENCY dewatering of basin

and to receive sewage treatment from the Authority (within its capacity rights as hereinafter stated); provided, however, that the Authority may require that a permit be secured from the Authority for the connection of any such additional sewage disposal system facilities to the System. The Authority may establish, and the Local Units shall in such case comply with, general rules and regulations governing the construction of sewage disposal system facilities to be connected to the System, the connection thereof to the System, and the receipt of sewage treatment from the Authority. Any permit issued by the Authority may be made conditional upon approval of plans and specifications and upon inspection and approval of construction by the Authority.

8. Delivery of Flow from Service Area. For the term of this Agreement, the Local Units hereby agree to transmit to the System all wastewater collected within their boundaries in the Service Area, except as provided in Paragraphs III.9 and 10, at reception points in the System designated by the Authority, and that the System shall accept, treat and dispose of such wastewater. All Local Units shall retain the right to deliver wastewater in amounts as hereinafter provided to the System for the term of this contract, including any extension thereof, so long as said Local Units shall continue to pay amounts specified herein for such service. No Local Unit shall have the right unilaterally to terminate or reduce such payments, but if such parties hereto shall breach such obligation, the Authority shall be authorized to terminate or reduce such delivery rights or to transfer such delivery rights to other public corporations whether a party hereto or not, subject to the provisions of this Agreement.

9. Delivery of Flow to Other Systems. The parties hereto recognize the existing rights to deliver wastewater to the Rouge Valley or the Downriver Sewage

Control Systems which certain Local Units own with respect to either all or a part of the territory within their boundaries or with respect to territory within their boundaries either within or without the Service Area, which rights, all parties hereto agree, are as described in Exhibit J attached hereto. The parties hereto recognize the right of the Authority to negotiate with any one or more of such Local Units for the redistribution or reallocation of such existing delivery rights.

10. Acceptance of Flow from Outside the Service Area. Notwithstanding the limitations set forth in Paragraph III. 8., the Authority may authorize the acceptance of flows from outside the Service Area if it determines that this is in the best interest of the System, and that all other requirements of this Agreement are met. All future flow transfers into the System shall require approval by a majority vote of the Board as set forth in Paragraph IV.10. Van Buren is authorized to deliver flows from its Equalization Basin to the System from all of the territory within Van Buren's corporate boundaries up to Van Buren's contracted capacity flows, provided that all operation & maintenance procedures are followed, consistent with the provisions established in the Board's resolution adopted July 18, 2007, a copy of which is included as Exhibit K.

11. Rules and Regulations; Surcharges. Each Local Unit shall be responsible for the character of the wastewater originating within its boundaries, and shall comply with the Authority's standards, Rules and Regulations controlling discharge of wastewater to the System, specifically industrial; and/or commercial wastes. Each Local Unit, by contract or by the adoption of appropriate ordinances, shall enforce such Rules and Regulations and shall provide for and collect appropriate surcharges. If the character of wastewater transmitted from any Local Unit shall be such that it imposes an



*Serving Downriver Communities  
Since 1988*

34001 W. Jefferson ♦ Brownstown Township, Michigan 48173

**Regular Meeting  
Minutes – July 18, 2007**

Meeting called to order by Chairperson David Flaten at 10:00 a.m. at the Brownstown Township Hall.

Roll Call:      Brownstown - Mark Gahry                      Flat Rock – Richard Jones  
                         Gibraltar – Jim Gorris                                      Huron – Melvin Sheats  
                         Romulus – Absent    S. Rockwood – Mat Van Wassehnova  
                         Van Buren – Sharry Budd                                      Woodhaven – David Flaten

Also present:    Gerald Knapp, HRC    Patrick McCauley, Attorney  
                         Gordon Krater, Plante & Moran                              Mark Gaworecki, Hennessey  
                         Sean Bellingham, VBT    Bruce Hammond, Flat Rock  
                         Jacob Rushlow, OHM    David Nummer, Wade Trim  
                         Mark Kibby, Gibraltar    Douglas Dail, Wade Trim  
                         Cindy King, Supervisor, VBT                                      Todd Knepper, VBT  
                         David Riser, Gibraltar

**Agenda:** As presented.

**Minutes:**

Motion Brownstown, second Gibraltar to approve the Regular Meeting Minutes of June 20, 2007. Motion carried unanimously.

**Earth Tech Report:**

The June 2007 Summary of Operations was sent to each community but Earth Tech had no representative present to review.

**Approval of Expenditures:**

Motion Van Buren, second Brownstown to approve the General Operating Fund Expenditures [in the amount of \$268,619.67] as presented and SRF Funding [in the amount of \$7,101.13] as presented. Roll call. Ayes: Brownstown, Gibraltar, Huron. S. Rockwood, Van Buren and Woodhaven. Nays: Flat Rock. Absent: Romulus. Motion carried.

**MEMBER COMMUNITIES**

Brownstown Township ♦ City of Flat Rock ♦ City of Gibraltar ♦ Huron Township ♦ City of Romulus ♦ Village of South Rockwood ♦ Van Buren Charter Township ♦ City of Woodhaven

**Look-back Adjustments:**

Motion Gibraltar, second Brownstown to bring back to the August meeting the 2005-2006 look-back adjustments. Motion carried unanimously.

**CDM Proposal for Look-Back Adjustment (partial 2002, 2003 & 2004):**

Motion Van Buren, second Brownstown to not request CDM to do look-back adjustments for partial 2002 through 2004 and to move forward. Roll call. Ayes: Brownstown, Gibraltar, Huron. S. Rockwood, Van Buren and Woodhaven. Nays: Flat Rock. Absent: Romulus. Motion carried

**Van Buren EQ Basin:**

David Nummer, Wade Trim, did a presentation on the Van Buren Township EQ Basin. (Attached)

Motion Van Buren, second Brownstown that given the facts that Article IV of the SHVUA Articles of Incorporation states that "the Authority shall be comprised of all the territory embrace within the corporate boundaries of its constituent municipalities, "that Van Buren's equalization basin will serve to control wastewater discharged into the SHVUA System and provide local and System wide benefits, that Van Buren has the right to deliver its contract capacity flows, and that Van Buren has received approvals and permits from the Board through the System administrator, Earth Tech, MDEQ and Wayne County, that the Board ratify and approve all aspects of the Van Buren Equalization Basin including allowing Van Buren to deliver flows to the SHVUA System from its equalization basin collected from all the territory within Van Buren's corporate boundaries, in accordance with Van Buren's contracted capacity flows and that all operation & maintenance procedures and manuals be followed. Roll call. Ayes: Brownstown, Gibraltar, Huron. S. Rockwood, Van Buren and Woodhaven. Nays: Flat Rock. Absent: Romulus. Motion carried.

It was discussed that Attorney McCauley should draft an amendment to the 1983 Contract.

**Attorney Comments:**

Nothing has come back on the Flat Rock appeals.

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Also nothing to update on the DeMaria lawsuit claiming that the SHVUA prevented extension on the contract for the construction of the EQ Basin, thereby resulting in a loss on the project of \$768,000.

It was discussed again and Attorney McCauley has been requested to look at all the previous contracts including the 1983 contract and present a draft agreement as one document.

SHVUA Minutes July 18, 2007  
Page Three

**Other Business:**

Letter was received from the City of Gibraltar appointing Administrator Mark Kibby as an alternate to the SHVUA Board. (Attached)

Mark Knepper was introduced as the DPS Director for Van Buren Township and the alternate to the SHVUA Board.

Brownstown discussed a budget item in next year's budget to include landscaping at the entrance to the wastewater treatment plant on Jefferson.

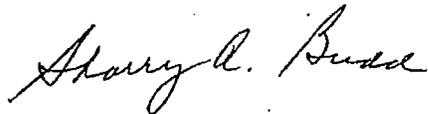
Statement was made by a Board member objecting to the tenor of a letter from the Mayor of Flat Rock (included in the packet) which had been sent to the Van Buren Township Supervisor regarding the township's equalization basin. Member expressed his opinion that the tone of the letter was not reflective of other members of the SHVUA Board.

**Adjournment:**

There being no further business to come before the Authority, motion Brownstown, second S. Rockwood to adjourn the meeting at 11:08 a.m. Motion carried unanimously.

The next regular meeting will be August 15, 2007 at 10:00 a.m. at Brownstown Township Hall.

Respectfully submitted,



Sharry A. Budd, CPFA  
Treasurer/Secretary  
South Huron Valley Utility Authority



March 25, 2019

Mr. James Taylor  
Director of Public Services  
Charter Township of Van Buren  
46425 Tyler Road  
Van Buren, MI 48111

Re: Proposal for Professional Engineering Services  
Wastewater Routing Study

Dear Mr. Taylor:

Fishbeck, Thompson, Carr & Huber (FTCH), Inc. is pleased to submit the following proposal to assist the Charter Township of Van Buren (Township) in implementing a study to determine the most cost-effective wastewater transport and treatment alternatives.

## Background

The Township currently sends its wastewater flows to three different systems for treatment. The Township has separate contracts with each of the authorities and pays different rates for each.

1. Rouge Valley Sewage Disposal System (RVSDS) to Great Lakes Water Authority (GLWA)
2. Downriver Utility Wastewater Authority (DUWA)
3. South Huron Valley Utility Authority (SHVUA)

The Township is requesting that FTCH analyze the flows being sent to each authority as well as the contracts and determine the most cost effective option available for the Township to reduce its treatment costs.

## Scope of Services

The following scope of services is based on our discussions with Township staff.

### Task 1 – Flow Metering

The purpose of the flow metering is to collect data on the actual flows being generated in each of the Township's three sewer districts.

- Install 9 temporary flow meters to divide the three districts into subdistricts to delineate the flow. One of the meters will be installed at the discharge from the City of Belleville to verify flows from the city.
- The meters will measure level and velocity and calculate flow in 5-minute intervals.
- Work with SHVUA and the Township to obtain rain gauge data.
- The meters will collect data for a period of 3 months.
- Install, maintain, regularly download the meter data, and remove the meters at the conclusion of the 3 months.
- Analyze the data to determine the dry weather and wet weather flows in each subdistrict.
- Compare the collected meter data to that being measured by the Township's meters.
- Compare the collected meter data to the billing meters used by the three authorities.



## **Task 2 – Update Wastewater Hydraulic Model**

- The Township currently has three separate hydraulic models for the three separate systems. The first step will be to combine the three models into one hydraulic model.
- Update the hydraulic model to include new developments and associated flows.
- Incorporate the newly constructed diversion chambers, pump stations, and equalization basin (EQ Basin) into the hydraulic model.
- Calibrate the model to the meter data.
- Run the model for the 10-year, 1-hour and 25-year, 24-hour design storms to determine the flows generated from each district.

## **Task 3 – Review Existing Wastewater Contracts**

- Review the rates and contract capacities in each of the three contracts.
- Work with Township staff to determine population projections and anticipated growth for the next 25 years (up to year 2045).
- Run the hydraulic model based on anticipated growth projections.
- Compare the contract capacities to the flows generated by the hydraulic model for the years 2018 and 2045.

## **Task 4 – Develop Routing Options**

- Based on the results of the analysis of Task 3, determine if capacity is available in any of the districts and if the rates allow for flow to be diverted from one district to another.
- Develop up to three options for using the EQ Basin to store flow and divert it to the proper district.
- Develop preliminary costs associated with the three options.

## **Task 5 – Report**

- Prepare a draft report summarizing the findings and providing preliminary recommendations.
- Prepare final report based on comments from the Township.

## **Assumptions**

As part of our scope, we propose a total of 7 meetings based on the following:

- Kickoff Meeting with the Township to review scope and schedule.
- 4 Progress Meetings to review progress.
- 1 Meeting to review draft report.
- 1 Meeting with Township Board to present findings.

To properly calibrate the hydraulic model, we will need access to the rain gauge, pump station, level sensor, and meter data during the metering period. This proposal assumes the metering equipment is in good working order. The data would be provided by the Township staff but minor adjustment to the supervisory control and data acquisition (SCADA) system may be needed to provide the data in the needed intervals. Work by the Township and/or the SCADA contractor to provide the necessary data are not part of this scope.

This scope assumes the Township will be able to provide the DUWA/SHVUA/RVSDS billing meter data for the metering period.

This scope does not include any meetings with GLWA, RVSDS, DUWA, or SHVUA, to discuss the billing meter accuracy or assistance in adjusting rates or negotiating contracts with any of the authorities.



This scope does not include installing any meters on the diversion side of the diversion chambers or on the discharge side of the EQ Basin. It is assumed the Township will not divert flows to the EQ Basin or from one district to another during the metering period and will operate the system as it currently does.

Should the 3-month metering period not provide sufficient large rain events to calibrate the hydraulic model, we will meet with the Township to determine the next steps. We will not begin Task 2 through Task 5 unless the flow metering has provided sufficient data. An allowance is included with our fee to provide an additional 4 months of flow metering should that be needed. We will not proceed with the additional metering without prior authorization from the Township.

## Fee

FTCH is proposing to complete the analysis for a lump sum fee of One Hundred Twenty Thousand Eight Hundred Dollars (\$120,800), based on the following breakdown:

Task 1 – Flow Metering (9 meters, 3 months)	\$52,000
Task 2 – Update Wastewater Hydraulic Model	\$23,500
Task 3 – Review Existing Wastewater Contracts	\$6,000
Task 4 – Develop Routing Options	\$19,900
Task 5 – Report	<u>\$19,400</u>
<b>Total</b>	<b>\$120,800</b>

Allowance for additional metering and data analysis (9 meters, 4 months) \$45,000

## Schedule

To properly update the hydraulic model of the system, the flow meters need to be installed in April at the latest to capture the spring rain events. We therefore propose to install the flow meters immediately upon receipt of the notice-to-proceed. We propose to collect flow meter data for a period of 3 months followed by the data analysis. We anticipate completing the study by January 2020. If additional metering is required, the duration of the study will be extended.

Mr. James Taylor  
Page 4  
March 25, 2019



**Authorization**

If you concur with our scope of services, please sign in the space below as the Township representative authorized to give Notice-to-Proceed to FTCH for this project, and return to my attention at [mesedki@ftch.com](mailto:mesedki@ftch.com).

If you have any questions or require additional information, please contact me at 248.324.1228 or [mesedki@ftch.com](mailto:mesedki@ftch.com). We look forward to working with you to on this project

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

A handwritten signature in black ink, appearing to read "Maria Sedki", is written over a horizontal line.

Maria E. Sedki, PE

nac

By email

cc: Martin Ladd – Township  
David Potter – FTCH

**AUTHORIZATION:**

Charter Township of Van Buren

**Signature:** \_\_\_\_\_

**Name:** James T. Taylor

**Title:** Director of Public Services

**Date:** \_\_\_\_\_

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**Work Study Date:** 05/06/19

**Board Meeting:** 05/07/19

Consent Agenda \_\_\_\_\_

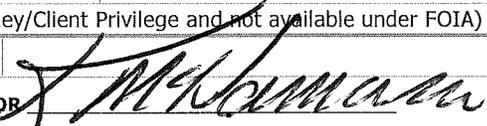
**New Business**  X

Unfinished Business: \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	2019 Individual Hourly Rate Schedule – FTCH As-needed Engineering
<b>DEPARTMENT</b>	Public Services
<b>PRESENTER</b>	Matthew R. Best – Director of Public Services
<b>PHONE NUMBER</b>	(734) 699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	James Taylor – Director of Water and Sewer Ronald Akers – Director of Building and Planning Susan Ireland – Executive Director - Downtown Development Authority

### Agenda topic

<b>ACTION REQUESTED</b>	
Consideration of the adoption of the 2019 Individual Hourly Rate Schedule – FTCH As-needed Engineering. This schedule represents a 2.5% increase.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Department of Public Services has received the 2019 hourly rate schedule increase from our as-needed engineering contractor, Fishbeck, Thompson, Carr and Huber, Inc. (FTCH.) The schedule reflects a 2.5 % increase. This is the first rate increase from FTCH since the Township began working with them in 2017.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Adoption of new rate schedule
<b>DEPARTMENT RECOMMENDATION</b>	Consideration for adoption
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



MEMO

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TO: Board of Trustees

FROM: Matthew R. Best, M.S.  
Director of Public Services

RE: Proposed Engineering Contract Rate Increase

DATE: April 30, 2019

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The Department of Public Services has received the 2019 hourly rate schedule increase from our as-needed engineering contractor, Fishbeck, Thompson, Carr and Huber, Inc. (FTCH.) The schedule reflects a 2.5 % increase. This is the first rate increase from FTCH since the Township began working with them in 2017.

FTCH has provided high quality engineering services to the Township. The Department of Public Services is satisfied with their detailed approach to solving problems, reviewing plans, designing projects and overseeing construction projects. The staff assigned to the Township are responsive, professional, experienced and highly skilled.

Please find attached the proposed 2019 hourly rate schedule and FTCH – Engineering Services Overview (2017-2018.) These were provided by FTCH. Also attached are the as-needed engineering costs for FTCH (2018) and Wade Trim (2016.)

April 22, 2019

Mr. Matthew R. Best, M.S.  
Director of Public Services  
Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Re: General Township Engineering Services

Dear Mr. Best:

Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) is pleased to submit our 2019 hourly rate schedule associated with the General Township Engineering Services that our firm provides for your team. Our annual rate increase generally reflects a 2.5% increase.

Thank you once again for the opportunity to become part of the Van Buren Township Team.

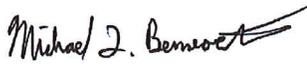
If you have any questions or require additional information, please contact me at 248.320.5819 or [dpotter@ftch.com](mailto:dpotter@ftch.com).

Sincerely,

Fishbeck, Thompson, Carr & Huber, Inc.



Dave Potter, PE



Mike Berrevoets, PE

ag2  
By email

# 2019 Individual Hourly Rates

## Van Buren Charter Township – Professional Consulting Services 2019 Individual Hourly Rates\*

The following hourly rates are for FTCH professionals involved in providing professional consulting services to Charter Township of Van Buren.

Category	Role	2019 Rate*
<b>Project Management</b>	Project Manager	\$185
<b>Engineering</b>	Senior Engineer	\$161
	Engineer	\$127
	Staff Engineer	\$103
<b>Inspection</b>	Senior Technician	\$113
	Technician	\$92
	Staff Technician	\$72
<b>Surveying</b>	Senior Surveyor	\$128
	Surveyor	\$112
	Survey Specialist	\$98
<b>GIS Mapping/CADD</b>	Senior Technician	\$129
	Technician	\$97
	Staff Technician	\$87
<b>Environmental Scientist</b>	Senior Environmental Specialist	\$149
	Environmental Specialist	\$108
	Staff Environmental Specialist	\$87
<b>Specialist</b>	Senior Engineering Specialist	\$149
	Senior Estimator	\$159
<b>Architecture</b>	Senior Architect	\$159
	Architect	\$123
	Staff Architect	\$97
<b>Administrative</b>	Principal	\$210
	Senior Associate	\$186
	Associate	\$186
	Clerical/Production Support	\$69

\*Rates are adjusted annually on July 1.

Invoices are rendered every four weeks and payment is due upon receipt.

Category	Rate
Photocopies	\$0.10/copy
Mileage/Passenger Vehicles	\$0.70/mile
Field and Services Vehicles	\$0.95/mile (\$37/day minimum)
Global Positioning Unit	\$50/hour
Survey Robot	\$35/hour
Flow Monitor	\$650/month
Equipment Schedule	Separate Schedule
Expenses and Outside Services	Cost plus 10%

## FTCH – Engineering Services Overview (2017-2018)

### Overview

- From the time FTCH began its relationship with Van Buren Township, we have successfully taken over Township Engineering tasks while maintaining the same level of service the staff and community have come to expect from the Township. We strive to not only maintain, but to increase the efficiency of our services and streamline the cost of doing business with the Township. To do so, FTCH has:
  - Held their prices for a year and a half (through 2018).
  - Delegated work to the most qualified AND economical staff, while maintaining the same level of service.
  - Made staff available at all times, including 24/7 in case of emergencies.

### Project/Service Highlights

- Community Improvement
  - Van Buren Park Pavilion and Playground – Instrumental in meeting the very tight deadline and submittals for the HUD/CDBG funded project. Completed a successful and well received project.
  - Plan Review Services – Successfully reviewed Land Development submittals for approval on time and without delay, as requested by the Planning Department. Have made ourselves available to all outside developers for discussions on finalizing successful developments within the community. In doing so, developed a PLAN REVIEW TRACKING form to assist the Township in tracking cost recovery from the developers for Plan Review services.
  - Introduced the preparation of Project Concept Reports, to assist Township staff in the evaluation of proceeding with a project.
  - Multi-discipline services have been integrated for Township needs: architectural, electrical engineering, structural engineering, environmental services, construction services, and survey services.
  - Construction Services – Revised and updated the Preconstruction Package and Checklist to clarify requirements for incoming land development projects and streamline the submittal process in general.
  - Reviewed and updated all Permitting requirements for both Developers and Township projects with MDEQ, Wayne County, and SHUVA.
  
- Water and Sewer
  - Water Asset Management and Sanitary SAW – Currently progressing successfully with insight from the Township Water and Sewer Department. On track to meet all goals set by the Township.
  - Water Model – FTCH developed and calibrated a Township Water System Model for use internally and for Land Development evaluations.
  - Water Tower – Successfully evaluated the performance of the water tower and contributing pump station system(s).
  - Completed Sanitary Pump Station evaluations and developed electrical grounding rehab project to improve pump station and control system reliability.
  - Project Tracking – Created and maintain a “live” updated project tracking form to keep track of all ongoing and potential internal water and sewer projects within the Township.
  - Easement Tracking – Developed an easement protocol to help aid the Township in determining, tracking, and submitting easement documentation for public utilities within private property, and provide for future tracking via Township’s GIS.

FTCH Costs 2018  
TOTALS:

Accounts Payable	101-000-202-000				89,079.89
Contracted Services	101-265-819-000		54,832.48		
Capital Outlay	101-265-970-000		7,297.71		
Contracted Services	101-370-819-000		349.40		
Engineers	101-370-820-000		26,600.30		
Accounts Payable	247-000-202-000			18,549.12	18,549.12
Engineering	247-000-820-000			400.00	
Cash-CDBG Fund	279-000-001-000				
Accounts Payable	279-000-202-000				2,929.22
Van Buren Park Improvements	279-370-941-013		2,529.22		
Master Plan Amendments	279-370-975-000				
Cash-Water/Sewer Fund	592-000-001-000				3,871.75
Accounts Payable	592-000-202-000				439,102.07
Advanced Engineering Fees	592-000-286-000		145,150.48		
Contracted Services	592-536-819-000		9,439.50		
Contracted Services - Saw Grant Reim	592-536-819-001				
Engineering Fees	592-536-820-000		362.00		
Utilities	592-536-920-000		202,879.23		
Wtr Capital Outlay-Veh & Equip	592-536-970-000		231.00		
Capital Outlay-System Improve	592-536-970-001		276.00		
Capital Outlay	592-537-970-000		15,667.00		
			68,968.61		
	GRAND TOTAL:		553,532.05		553,532.05

Wade Trim Costs 2016

TOTALS:

Accounts Payable	101-000-202-000				21,022.69
GIS Processing Fees	101-247-818-001		321.16		
Engineers	101-370-820-000		20,701.53		
Accounts Payable	247-000-202-000			51,399.81	
Engineering	247-000-820-000		44,981.01		
Belleville Road Placemaking	247-000-977-005		6,418.80		
Accounts Payable	260-000-202-000			27,284.11	
Capital Outlay	260-000-970-000		2,210.00		
Capital Outlay - Walden Woods	260-000-970-002		25,074.11		
Accounts Payable	279-000-202-000			19,693.28	
Beck Ball Field Improvements	279-370-970-000		17,440.78		
Rehab Admin Expenditures	279-822-950-000		2,252.50		
Accounts Payable	592-000-202-000			194,394.17	
Advanced Engineering Fees	592-000-286-000		155,266.77		
Engineering Fees	592-536-820-000		19,729.55		
Capital Outlay-System Improve	592-536-970-001		2,329.60		
Capital Outlay	592-537-970-000		14,612.00		
Capital Outlay - Lift Station	592-537-970-004		2,456.25		
GRAND TOTAL:			313,794.06		313,794.06

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 05/06/19**

**1<sup>ST</sup> READING: 05/07/19**

**2<sup>ND</sup> READING: 05/21/19**

Consent Agenda \_\_\_\_\_

New Business **X**

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	To consider approval of the 1 <sup>st</sup> & 2 <sup>nd</sup> reading of Ordinance #05-07-19(4) to rezone parcel V125-83-105-99-0011-000; otherwise known as 1123 Savage Road from M-1, Light Industrial to R1-B, Single Family Residential.
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers, AICP, Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	N/A

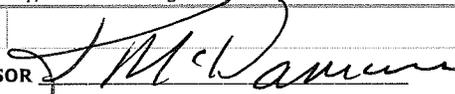
### Agenda topic

<b>ACTION REQUESTED</b>	To consider approval of the 1 <sup>st</sup> & 2 <sup>nd</sup> reading of Ordinance #05-07-19(4) to rezone parcel V125-83-105-99-0011-000; otherwise known as 1123 Savage Road from M-1, Light Industrial to R1-B, Single Family Residential.
<b>BACKGROUND -- (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	Please see attached reports.

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	After final approval notice of adoption will be posted in newspaper of record.

<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval

<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	

<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

# PLANNING & ZONING APPLICATION

Case number 19-014

Date Submitted 3-29-19

## APPLICANT INFORMATION

Applicant CARL SPEAKS Phone 1-734 697 8775  
Address 43340 ALVA DR Fax \_\_\_\_\_  
City, State BELLEVILLE MICH Zip 48111  
E:mail \_\_\_\_\_ Cell Phone Number \_\_\_\_\_  
Property Owner CARL SPEAKS Phone 1-734 697 8775  
(if different than applicant)  
Address 43340 ALVA DR Fax \_\_\_\_\_  
City, State BELLEVILLE MICH Zip 48111  
Billing Contact \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Fax \_\_\_\_\_  
City, State \_\_\_\_\_ Zip \_\_\_\_\_

## SITE/PROJECT INFORMATION

Name of Project REZONING  
Parcel Id No. V125-83-105-99-0011-000 Project Address 1123 SAVAGE

### Attach Legal Description of Property

Property Location: On the WEST Side of MARTINSVILLE Road; Between MARTINSVILLE Road  
and SAVAGE Road. Size of Lot Width 451' Depth 208'  
Acreage of Site \_\_\_\_\_ Total Acres of Site to Review 2.6 Current Zoning of Site M1  
Project Description: CHANGE FROM M1 TR RR

Is a re-zoning of this parcel being requested? YES YES (if yes complete next line) NO  
Current Zoning of Site M1 Requested Zoning R1B

## SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? \_\_\_\_\_ YES (if yes complete next line) NO  
Section of Zoning Ordinance for which you are applying \_\_\_\_\_  
Is there an official Woodland within parcel? \_\_\_\_\_ Woodland acreage \_\_\_\_\_  
List total number of regulated trees outside the Woodland area? \_\_\_\_\_ Total number of trees \_\_\_\_\_  
Detailed description for cutting trees \_\_\_\_\_

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

## OWNER'S AFFIDAVIT

CARL GLEN SPEAKS JR

Print Property Owners Name

Carl G. Speaks Jr  
Signature of Property Owner

3-29-19

Date

STATE OF MICHIGAN  
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan My Commission expires \_\_\_\_\_

20\_\_\_\_  
Rev 1/12/06

**CHARTER TOWNSHIP OF VAN BUREN  
WAYNE COUNTY, MICHIGAN  
ORDINANCE 05-07-19(4)**

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF VAN BUREN ZONING ORDINANCE 05-2-17(2) AS AMENDED, BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

**The Charter Township of Van Buren Ordains:**

**SECTION 1. ORDINANCE AMENDMENT.**

The Zoning Map in connection with the Charter Township of Van Buren Zoning Ordinance shall be amended as follows:

**Ordinance No. 05-07-19(4)**

An ordinance to amend the Charter Township of Van Buren Zoning Ordinance 05-02-17(2), as amended, to amend the zoning map by rezoning parcel V125-83-105-99-0011-000; otherwise known as 1123 Savage Road from M-1, Light Industrial to R1-B, Single Family Residential.

This property is located on the northwest corner of Savage and Martinsville Roads.

**SECTION 2. SEVERABILITY**

In the event any article, section, paragraph, sentence, clause, or word of this ordinance is deemed invalid or unconstitutional by any court of competent jurisdiction, such portion deemed severable and shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEALER.**

Any and all ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 4. EFFECTIVE DATE.**

The provisions of this Ordinance are hereby ordered to take effect seven (7) days after publication of the notice of adoption in a newspaper of general circulation within the Township. This Ordinance shall be immediately recorded by the Township Clerk in the Township Ordinance Book as soon as it is adopted, which record shall be authenticated by the signatures of the Supervisor and Clerk and shall be published in a newspaper of general circulation in the Township within fifteen (15) days of passage. A copy of this Ordinance may be purchased or inspected at the Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111 during normal business hours.

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the 7th day of May, 2019

YEAS:  
NAYS:  
ABSENT:  
ABSTAINED:

I hereby approve the foregoing Ordinance,

---

Leon Wright, Clerk

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Kevin McNamara, Supervisor

Adopted: May 21, 2019 (Proposed)  
Published: May 30, 2019 (Proposed)  
Effective: June 07, 2019 (Proposed)



# Memo

**DATE:** April 10, 2019  
**TO:** Planning Commission  
**FROM:** Grace Stamper  
Planning and Economic Development Intern  
**RE:** 19-014 Rezoning Request on Savage Road

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## Staff Report

**File Number:** 19-014

**Site Address:** 1123 Savage Road

**Parcel Number:** 83-105-99-0011-000

**Parcel Size:** 1.59 acres

**Location:** North West corner of Savage and Martinsville Roads

**Applicant:** Carl Speaks, 43340 Alva Drive

**Property Owner:** Same as applicant

**Request:** Applicant is requesting to rezone the property from M-1 (Light Industrial) to R-1B (Single Family Residential)

**Zoning and Existing Use:** M-1, Light Industrial & Residential Use

### **Adjacent Zoning and Existing Uses:**

**North:** M-1 (Light Industrial) & Residential Use

**East:** R-1A (Single Family Residential) & Residential Use

**South:** C-1 (General Business) & Commercial Use

**West:** R-1B (Single Family Residential) & Residential Use

**Other:** Public hearing notices were published in the Belleville Independent on April 4, 2019 and notices were sent to all property within 300' of the subject property on April 3, 2019 in accordance with the Michigan Zoning Enabling Act.

**Summary:**

The applicant has requested to rezone the above specified property from M-1, Light Industrial to R1-B, Single Family Residential. The existing use of the parcel is already residential and the future land use map designates the property as residential. The primary purpose for the request is the property owner is working toward selling their home and the purchaser is currently having difficulty obtaining a mortgage due to the residential use being a legal non-conforming use.

**Master Plan and Future Land Use:**

The Southside Master Plan (2007) and the future land use map (2018) designate the property as Village Residential in its future land use map. According to the plan, Village Residential is intended to be the densest area of single-family housing on the South Side. This density is meant to support the civic and business activities in the nearby city of Belleville. This designation is usually within a half mile of the city limits and consists primarily of single-family residential uses. The plan suggests that design standards should be adopted for development in the Village Residential area. Maximum density should be 4.1-5 units per acre with a minimum lot size of 8,400 square feet.

Village Residential is not a current zoning district in the Township. The closest match to this district would be R-1C, Single Family Housing, which has a minimum lot size of 8,400 square feet just like Village Residential. The current request is for the R-1B, Single Family Residential district which is similar to many of the parcels which are in the same area and abut Savage Road. The R1-B zoning district has a minimum lot size of 10,000 square feet and a minimum lot width of 80 feet, which the parcel exceeds. Due to the existing width of the parcel and square footage of the property, the close proximity of other R1-B properties in the vicinity, and due to the same permitted uses being allowed in the R1-B district as the R-1C district, staff finds that this proposed rezoning would be consistent with the Township's Master Plan.

**Zoning:**

The existing zoning of the properties is M-1, light industrial. This district is meant to allow certain industrial and commercial uses but to limit noise, smoke, glare, or other features of industrial development that could negatively impact residential or commercial uses. It is meant to be a transition zone between heavy industrial and non-industrial uses. Permitted uses include wholesale sales, warehousing, light manufacturing and processing, minor and major laboratories, retail dry cleaning plants and laundries, public utility buildings, accessory outdoor storage, and accessory structures and uses related to the above permitted uses, and indoor recreation. The above uses are not compatible with the current residential use of the property.

The requested zoning of the properties is R-1B, Single Family Residential. The district is meant to provide a place for single-family dwellings while prohibiting any uses which would interfere with that. Permitted uses include detached single-family dwellings, publicly-owned recreation facilities, local government buildings and similar uses, schools, private swimming pools, accessory buildings and uses, home occupations, adult foster care or family homes, horses for

personal non-commercial uses, family day care homes, and accessory structures and uses related to the above permitted uses. These above uses are compatible with the current residential use of the property.

**Standards of Review for Amendments:**

In Section 12.504 of the Zoning Ordinance, there are standards of review for amendments to the Ordinance text or Zoning Map. Below is a list of the criteria, each with a response about how the rezoning request applies.

**(A) Consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.**

Response: The South Side Master Plan and future land use map (2018) designate the property for residential zoning. As the parcel meets the lot size requirements of the R-1B district, it makes sense to rezone it as R-1B to maintain consistency with neighboring parcels. Therefore, the rezoning request is consistent with the Master Plan.

**(B) Consistency with the basic intent and purpose of this Zoning Ordinance.**

Response: The Zoning Ordinance intends to designate certain areas of the Township for single-family dwellings while prohibiting uses which may interfere with that. As the future land use map (2018) designates this property as residential, the request is consistent with the Zoning Ordinance.

**(C) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.**

Response: Residential uses have low traffic volumes. The property is already being used as a residence, and the street system is currently able to accommodate traffic. It is expected that the street systems will be able to continue accommodating the traffic generated by the residential use.

**(D) The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.**

Response: The property is already being used as a residence and the capacity of the Township's utilities and services has been sufficient. It is expected that they will continue to be sufficient.

**(E) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.**

Response: The requested rezoning does not change the Zoning Ordinance but rather brings the Township further into compliance with the South Side Master Plan and future land use map (2018).

**(F) That the amendment will not be expected to result in exclusionary zoning.**

Response: The intent of the future land use map (2018) is to eventually transition multiple properties including and around the subject properties to residential, so the rezoning would not result in exclusionary zoning.

**(G) If a rezoning is requested, compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.**

Response: The property is already being used residentially, showing that the site's physical, geological, hydrological, and other environmental features are compatible with the permitted uses in the proposed zoning district,

**(H) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.**

Response: The property is already being used residentially and is also across the street from a planned residential development. The present use will simply be continued, so it will remain compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

**(I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.**

Response: The property is next to a planned residential environment that is zoned residential, and the properties are designated as residential in the future land use map (2018), so the boundaries are reasonable. The property already has a residence on it but is also big enough to meet dimensional regulations should a new dwelling be built in place of the old.

**(J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.**

Response: The future land use map (2018) designates the property as residential, so the requested zoning district is the most appropriate from the Township's perspective when the zoning of surrounding properties is considered.

**(K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.**

Response: Rezoning is more appropriate than amending the list of permitted or special land uses in the current zoning district because the South Side Master Plan and future land use map (2018) both designate the property as residential, and R-1B is most appropriate to promote continuity in the neighborhood.

**(L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.**

Response: The property is across the street from a planned residential development and also borders another residential property. The requested rezoning would therefore not create an isolated or incompatible zone in the neighborhood, especially considering that multiple properties in the neighborhood are designated as residential in the South Side Master Plan and future land use map (2018).

**Recommendation:**

Staff recommends that the Planning Commission recommend approval of the request to rezone Parcel # 83-105-99-0011-000, 1123 Savage Road, from M-1(light industrial) to R-1B (single family residential) based upon the following reasons:

1. The requested rezoning is consistent with the Master Plan due to its consistency with the future land use map (2018).
2. The requested rezoning is consistent with the standards in 12-504 of the Zoning Ordinance.
3. The street system has shown that it is capable to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
4. The Township's utilities and services have been and will continue to be sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.
5. The requested rezoning does not change the Zoning Ordinance but brings the Township further into compliance with the future land use map (2018).
6. The requested rezoning is not expected to result in exclusionary zoning.
7. The site's physical, geological, hydrological, and other environmental factors are compatible with the permitted zoning district.
8. There is compatibility of all the potential uses allowed in the proposed zoning district with surrounding areas and zoning regarding land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
9. The boundaries of the requested rezoning district would be reasonable in relationship to surrounding districts and construction on the site will be able to meet the dimensional regulations of the requested zoning district.

10. The requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
11. Rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
12. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

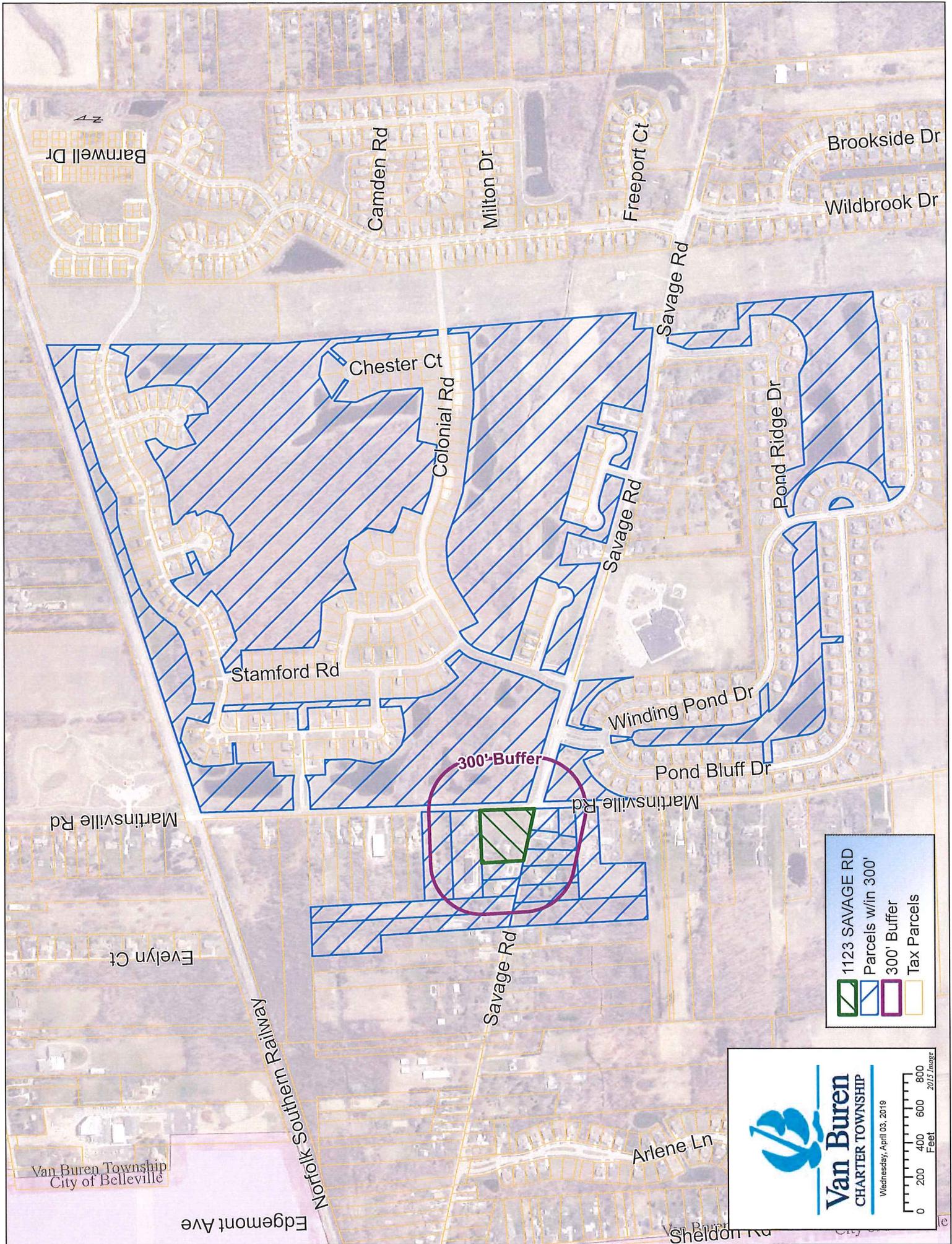
Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, April 24, 2019 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following requests.

1. **Case 19-014:** A request by Carl Speaks, to rezone the property located at 1123 Savage Road, (Parcel ID# V-125-83-105-99-0011-000) from M-1, Light Industrial to R1-B, Single Family Residential.
  
2. **Case 17-030:** A request by Ashley Crossroads North, LLC to construct a Distribution Center. This Distribution Center consists of three (3) buildings totaling approximately 1,579,325 square feet of space and is proposed to be located on the north side of Ecorse Road, west of Haggerty Road at Parcel ID# V-125-83-008-99-0002-703; Parcel ID# V-125-83-005-99-0009-701; & Parcel ID# V-125-83-005-99-0010-000 (approximately 158.5 acres).

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at [rakers@vanburen-mi.org](mailto:rakers@vanburen-mi.org). Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: April 01, 2019  
Published: April 04, 2019



42  
Barnwell Dr

Camden Rd

Milton Dr

Freeport Ct

Brookside Dr

Wildbrook Dr

Chester Ct

Colonial Rd

Savage Rd

Pond Ridge Dr

Stamford Rd

Savage Rd

Winding Pond Dr

Pond Bluff Dr

300' Buffer

Martinsville Rd

Martinsville Rd

Evelyn Ct

Savage Rd

Norfolk Southern Railway

Arlene Ln

Van Buren Township  
City of Belleville

Edgemont Ave

Sheldon Rd

1123 SAVAGE RD  
 Parcels w/in 300'  
 300' Buffer  
 Tax Parcels

**Van Buren**  
 CHARTER TOWNSHIP  
 Wednesday, April 03, 2019

0 200 400 600 800  
 Feet  
 2012 Image

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, April 24, 2019 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following requests.

1. **Case 19-014:** A request by Carl Speaks, to rezone the property located at 1123 Savage Road, (Parcel ID# V-125-83-105-99-0011-000) from M-1, Light Industrial to R1-B, Single Family Residential.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at [rakers@vanburen-mi.org](mailto:rakers@vanburen-mi.org). Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: April 01, 2019  
Published: April 04, 2019  
Mailed: April 03, 2019

*Mailed to the  
following addresses  
on 4-3-19  
Gen [Signature]*

OCCUPANT  
1123 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

H J D ENTERPRISES  
13824 MARTINSVILLE RD  
VAN BUREN TOWNSHIP MI 48111

JENKINS, ALEX  
14060 MARTINSVILLE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
14090 MARTINSVILLE RD  
VAN BUREN TOWNSHIP MI 48111

~~FARR, EARL  
SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111~~

REAVIS, CHARLES-PATRICIA  
1043 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

OCCUPANT  
1050 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

BARNES, LOUIS WILLIAM  
1053 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

FARR, EARL  
1094 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

BALEJA, LARRY  
1097 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

HARRIS, TODD  
1099 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

NORTH, RICKY-CHERYL  
1116 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

GARCIA, JAIME  
1144 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

WAY, LINDA M.  
1200 SAVAGE RD  
VAN BUREN TOWNSHIP MI 48111

SARTIN, ERIC  
PO BOX 39  
DEARBORN HEIGHTS MI 48127-0039

KNM REAL ESTATE LLC  
4469 S. TELEGRAPH  
DEARBORN HEIGHTS MI 48125

TEAM CARES INC.  
921 HOWARD ST  
DEARBORN MI 48124

OCCUPANT  
13772 MARTINSVILLE RD  
VAN BUREN TOWNSHIP MI 48111

SPEAKS, CARL  
43340 ALVA DR  
VAN BUREN TOWNSHIP MI 48111

## MOTION EXTRACT

Motion Atchinson, Budd second to recommend the Township Board grant the applicant, Carl G. Speaks, request to rezone the property located at 1123 Savage Road, parcel ID # 83-105-99-0011-000, from M-1, light industrial to R1-B, single family residential, based upon the reasons listed in the staff review letter dated 4-10-19.

**Roll Call:**

Yeas: Jahr, Boynton, Atchinson, Budd, Franzoi and Thompson.

Nays: None.

Absent: Kelley.

Motion Carried.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Planning Commission of the Charter Township of Van Buren at the regularly scheduled meeting of April 24, 2019.

A handwritten signature in black ink, appearing to read 'C. Harman', with a long horizontal line extending to the right.

Christina Harman  
Recording Secretary

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
April 24, 2019  
MINUTES - DRAFT**

Chairperson Thompson called the meeting to order at 7:31 p.m.

**ROLL CALL:**

**Present:** Franzoi, Jahr, Boynton, Atchinson, Budd and Thompson.

**Excused:** Kelley.

**Staff:** Director Akers, Planning Intern Stamper and Secretary Harman.

**Planning Representatives:** McKenna Associate, Vidya Krishnan and Fishbeck Associate, David Potter.

**Audience:** Fourteen (14).

**APPROVAL OF AGENDA:**

**Motion Budd, Boynton second to approve the agenda of April 24, 2019 as amended, moving New Business Item #3 to #1, with the remaining items under New Business following in order. Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Boynton, Franzoi second to approve the regular meeting minutes of April 10, 2019 as presented. Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1                    17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER – SPECIAL LAND USE REQUEST.**

**TITLE:                        THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.**

**LOCATION:                    THE PROPOSED DEVELOPMENT IS LOCATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID NUMBERS V-125-83-008-99-0002-703 & V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).**

**Motion Boynton, Franzoi second to open the public hearing. Motion Carried.**

Allen Dresclous of VP Construction and Joe Webb of Webb Engineering gave the presentation. The applicant is requesting a special land use permit to construct a distribution center. The request meets the setback requirements of the Zoning Ordinance, the traffic study has been approved by Wayne County and the applicant is working with neighboring property owners. The proposed buildings are similar to the existing Ashley Capital Buildings 1, 2 and 3, the exterior is precast concrete with added detail lines, there are six (6) entrances for tenant use and the site has a large set back with a berm and landscaping buffer. The applicant displayed color renderings of the building to show the view from Ecorse Road with the berm and landscaping in place.

Resident discussed a letter received from the applicant about purchasing her property and home; she was displeased with the amount and options offered.

**Motion Franzoi, Jahr second to close the public hearing. Motion Carried.**

**ITEM # 2                    19-014 - REZONING**

**TITLE:                    THE APPLICANT, CARL G. SPEAKS, IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 1123 SAVAGE ROAD FROM M-1, LIGHT INDUSTRIAL TO R1-B, SINGLE FAMILY RESIDENTIAL.**

**LOCATION:                SUBJECT PROPERTY IS LOCATED AT 1123 SAVAGE ROAD. (PARCEL ID # 83-105-99-0011-000).**

**Motion Jahr, Atchinson second to open the public hearing. Motion Carried.**

Loretta Speaks gave the presentation on behalf of her brother-in-law Carl G. Speaks. The applicant is requesting to rezone 1123 Savage Road in order to sell the property.

No comments from the Commission or the audience.

**Motion Atchinson, Jahr second to close the public hearing. Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1                    19-014 - REZONING**

**TITLE:                    THE APPLICANT, CARL G. SPEAKS, IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 1123 SAVAGE ROAD FROM M-1, LIGHT INDUSTRIAL TO R1-B, SINGLE FAMILY RESIDENTIAL.**

**LOCATION:                SUBJECT PROPERTY IS LOCATED AT 1123 SAVAGE ROAD. (PARCEL ID # 83-105-99-0011-000).**

No further comments from the applicant.

Intern Stamper presented her review letter dated 4-10-19 recommending the Planning Commission approve the request to rezone parcel # 83-105-99-0011-000, 1123 Savage Road, from M-1 (light industrial) to R1-B (single family residential) based upon the following reasons:

1. The requested rezoning is consistent with the Master Plan due to its consistency with the future land use map (2018).
2. The requested rezoning is consistent with the standards in 12-504 of the Zoning Ordinance.
3. The street system has shown that it is capable to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

4. The Township's utilities and services have all been and will continue to be sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
5. The requested rezoning does not change the Zoning Ordinance but brings the Township further into compliance with the future land use map (2018).
6. The requested rezoning is not expected to result in exclusionary zoning.
7. The sites physical, geological, hydrological and other environmental factors are compatible with the permitted zoning district.
8. There is compatibility of all the potential uses allowed in the proposed zoning district with surrounding areas and zoning regarding land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
9. The boundaries of the requested rezoning district would be reasonable in relationship to surrounding districts and construction on the site will be able to meet the dimensional regulations of the requested zoning district.
10. The requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
11. Rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
12. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

No Comments from the Commission or the audience.

**Motion Atchinson, Budd second to recommend the Township Board grant the applicant, Carl G. Speaks request to rezone the property located at 1123 Savage Road, parcel ID # 83-105-99-0011-000, from M-1, light industrial to R1-B, single family residential, based upon the reasons stated above and in the staff review letter dated 4-10-19.**

**Roll Call:**

**Yeas: Jahr, Boynton, Atchinson, Budd, Franzoi and Thompson.**

**Nays: None.**

**Absent: Kelley.**

**Motion Carried. (Letter attached)**

**ITEM # 2                    17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER – SPECIAL LAND USE REQUEST**

**TITLE:                    THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.**

**LOCATION:                THE PROPOSED DEVELOPMENT IS LCOATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID NUMBERS V-125-83-008-99-0002-703 & V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).**

Joe Webb of Webb Engineering gave a brief presentation. The traffic impact study is approved by Wayne County and has been submitted to the Township engineer.

Vidya Krishnan of McKenna Associates presented her review letter dated 4-18-18 finding the proposed distribution center use of buildings 5 and 6 meet the criteria for special land use approval. Therefore, recommending the Planning Commission recommend special approval to the Township Board, subject to the following conditions:

1. Implementation of the traffic study recommendations, as required by the Township and Wayne County.
2. Notation that the stone pad area for Building 6 shall be maintained in a clean and feed-free manner, in the event Phase 2 is delayed or does not materialize.
3. That all of the conditions of preliminary site plan approval are met.
4. Final site plan approval.

Commissioners inquired if the applicant has been working with neighboring residents and asked Ashley Capital to provide updated contact information for the neighboring residents and those watching the meeting on VBT12. Mike Balow of Ashley Capital provided an update, over the past few months Ashley Capital has reached out to several neighboring property owners to purchase. They have not done a blanket email or letter. The value for Ashley Capital is in the land, they are not interested in homes. Those purchased have ranged from \$50,000 – \$65,000 per acre. Ashley Capital will continue to reach out to those involved, have offered the option for residents to stay up to two (2) years rent-free with the buyout. Mike Balow of Ashley Capital can be reached at (734) 394-1900 or by email at [mbalow@ashleycapital.com](mailto:mbalow@ashleycapital.com).

Resident discussed buyout pricing, provided examples and discussed why she feels the offers she has received are not at the correct pricing. Audience member who lived on Haggerty for forty (40) years inquired how many properties are open for purchase. There is not a list of properties for purchase.

Commissioners discussed the stone pad for building 6 and inquired what the time frame is for building 6 to be erected, whether the pad will be used for storage or will it be isolated and when will the parking lot and utilities be developed for building 6. The pads for buildings 4, 5 and 6 will all be ready and in place this year, building 6 is estimated to be built in 2020 or 2021 each building takes at least a year to build and the pad will remain isolated. All storm sewer and sanitary sewer will be developed with the pad. The parking lot will not be developed and/or utilized until building 6 is erect.

No comments from the audience.

**Motion Boynton, Jahr second to recommend the Township Board grant special land use approval to the applicant, Ashley Capital, to construct a distribution center, the proposed distribution center to consist of three (3) buildings totaling 1,579,325 square feet of space, located near the northwestern intersection of Ecorse Road and Haggerty Road, parcel ID numbers V-125-83-008-99-0002-703 and V-125-83-005-99-0009-701, approximately 158.5 acres, subject to the recommendations in the McKenna Associates review letter dated 4-18-19.**

**Roll Call:**

**Yeas:** Boynton, Atchinson, Budd, Jahr, Franzoi and Thompson.

**Nays:** None.

**Absent:** Kelley.

**Motion Carried.** (Letter attached)

**ITEM # 3                    17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER – PRELIMINARY SITE PLAN APPROVAL**

**TITLE:**                    THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.

**LOCATION:**                THE PROPOSED DEVELOPMENT IS LCOATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID NUMBERS V-125-83-008-99-0002-703 & V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).

Joe Webb of Webb Engineering gave the presentation. Mr. Webb gave an overview of the nine (9) items addressed in the planning review by McKenna Associates. The applicant will make a correction to the docks calculation on sheet C2, revise the phasing plan to the stone pad for building 6, address mechanical equipment heights, have the trees surveyed and documented for the additional greenbelt area, include details for the monument sign and add a notation that the rooftop equipment will be placed in a manner to be out of view to the right-of-way areas.

Vidya Krishnan of McKenna Associates presented her preliminary site plan review letter dated 4-18-19 recommending preliminary site plan approval subject to the following conditions:

1. Correction to the maximum docks allowed calculation on Sheet C2 and addition of a note restricting the maximum order number of docks on Buildings 5 and 6 to 108, as shown.
2. Revision of the phasing plan notation to ensure weed free maintenance of stone pad for Building 6 at all times (not just growing season), in the event Phase 2 is delayed or does not materialize.
3. Addition of details of the mechanical equipment height to determine adequacy of the 3' tall screening proposed.
4. Addition of greenbelt plantings on the west side of the detention pond area, along the west property line, with the exception of those areas with existing landmark trees, which must be shown on the tree survey.
5. Inclusion of greenbelt trees along the north property line as part of Phase 1 planting plan.
6. Notation of details of monument sign base on the final site plan.
7. The fixture height of the light poles can be approved at 35 feet.
8. Notation that rooftop equipment will be placed in a manner to conceal its view from any right-of-way areas.
9. Planning Commission and Township Board of Trustees approval of the proposed special land use.

David Potter of Fishbeck Associates presented his preliminary site plan review letter dated 4-5-19 recommending preliminary site plan approval. A more in depth review of the plans will be completed after preliminary plan approval by the Planning Commission and after initial approval from Wayne County has been granted. Final engineering review will look for conformance to the information noted in the review comments in accordance with the Engineering Standards Manual.

Director Akers presented the Fire Department review letter dated 4-9-19 recommending approval.

Commissioners inquired if the landscape trees listed on the site plan as Elm should change and discussed limiting the time frame for Building 6 to be constructed to 18 months. McKenna Associates will check on the tree type and the applicant would like 12 months to construct building 6, beginning at the completion of building 5. Commissioners also inquired how traffic will be managed with three (3) drives, the center drive will be posted "no trucks allowed".

Resident inquired about Wayne County fixing Haggerty Road between Tyler and Ecorse Roads and informed the Commission of speeding traffic and vehicles receiving damage from the road condition. Director Akers informed that Wayne County will be doing a mill and overlay project on Haggerty Road, the County was unable to complete the project last year due to a strike. The project is on the scheduled for this year. Director Akers will notify Public Safety of the traffic concerns.

**Motion Boynton, Franzoi second to grant Ashley Capital preliminary site plan approval to construct a distribution center located in the northwestern intersection of Ecorse Road and Haggerty Road, parcel numbers V-125-83-008-99-0002-703 and V-125-83-005-99-0009-701, approximately 158.5 acres, subject to the recommendations in the Fire Department review letter dated 4-9-19, Fishbeck Associates review letter dated 4-5-19 and McKenna Associates review letter dated 4-18-19 including approval of the 35 foot light poles, an 18 month time frame for phase II of the project and the tree species noted on the site plan to be changed if unsuitable. Motion Carried. (Letters attached)**

**ITEM # 4                    19-015 – UPLAND HOMES – SITE PLAN AMENDMENT**

**TITLE:                    THE APPLICANT, UPLAND HOMES, IS REQUESTING AN AMENDMENT TO THE APPROVED COUNTRY WALK SITE PLAN FOR REVISED SINGLE-FAMILY ARCHITECTURAL ELEVATIONS.**

**LOCATION:                THE UNFINISHED COUNTRY WALK SUBDIVISION IS THE SUBJECT OF THE REQUEST. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.**

Philip Kuntzman of Upland Homes, Inc. gave the presentation. The applicant is seeking approval of three (3) home elevations for the Country Walk subdivision.

Director Akers presented the staff review letter dated 4-2-19 recommending the Planning Commission approve the site plan amendment to the Country Walk development for the addition of the proposed elevations, plans # 1676, #2122 and #2320, to be built by Upland Homes base on the following conditions:

1. When building plans #2122 or #2320, staff will verify that the lot is wide enough to meet all setback requirements.
2. Township planning staff shall review each applicant for a new single-family home in the Country Walk development in order to determine that the new home meets the required setbacks and that the elevation meets the Township's "substantially different" architectural design standards set forth in the PRD agreement.

No comments from the Commission or the audience.

**Motion Jahr, Franzoi second to grant the request from Upland Homes for an amendment to the approved Country Walk site plan for revised single-family architectural elevations, subject to the recommendations in the staff review letter dated 4-2-19:**

1. When building plans #2122 or #2320, staff will verify that the lot is wide enough to meet all setback requirements.
2. Township planning staff shall review each applicant for a new single-family home in the Country Walk development in order to determine that the new home meets the required setbacks and that the elevation meets the Township's "substantially different" architectural design standards set forth in the PRD agreement.

**Motion Carried. (Letter attached)**

**GENERAL DISCUSSION:** None.

**ADJOURNMENT:**

**Motion Budd, Atchinson second to adjourn at 9:03 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

Agenda Item: \_\_\_\_\_

**WORK STUDY DATE: 5-6-19**

**BOARD MEETING CONSENT -5-7-19**

**DATE:**

Consent Agenda

New Business

Unfinished Business

Public Hearing

<b>ITEM (SUBJECT)</b>	Water and Sewer Commission Meetings
<b>DEPARTMENT</b>	Water/Sewer
<b>PRESENTER</b>	Jim Taylor 
<b>PHONE NUMBER</b>	
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

Agenda topic: Water/Sewer Commission meetings time change to 5:30 p.m.

<b>ACTION REQUESTED</b>	
Approve the revised meeting schedule for the Water/Sewer Commission for 2019 noting the time change to 5:30 p.m.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<b>BUDGET IMPLICATION</b>	none
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

Charter Township of Van Buren

Water & Sewer Commission

2019 Schedule of Meetings

All meetings are scheduled for the fourth Tuesday of every month at 5:30 p.m.

Meetings will be held in

the Sheldon Room at the Van Buren Township Hall, 46425 Tyler Road,

Van Buren Township, Michigan 48111

January 22, 2019

February 26, 2019

March 26, 2019

April 23, 2019

May 28, 2019

June 25, 2019

July 23, 2019

August 27, 2019

September 24, 2019

October 22, 2019

November 26, 2019

December 24, 2019, cancelled due to holiday

For further information please contact the Water Department 734.699.8925.

In accordance with the American with Disabilities Act, reasonable accommodations can be made with advance notice by calling the Clerk's Office at 745.699.8909.

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

Agenda Item: \_\_\_\_\_

**WORK STUDY: MAY 6, 2019**  
**BOARD MEETING DATE: MAY 7, 2019**

Consent Agenda	New Business X	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	Approval of Ordinance Department contract for grass cutting services.		
<b>DEPARTMENT</b>	Police Department		
<b>PRESENTER</b>	Lt. Charles Bazy		
<b>PHONE NUMBER</b>	(734) 699-8915		
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>			

### Agenda topic

**ACTION REQUESTED**

Approval of Ordinance Department contract for grass cutting services with Wiese's Lawn Care Inc.

**BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)**

This contract is for ordinance enforcement grass cutting services. When a property owner is not in compliance and refuses to bring the property into compliance, the contractor goes to the property and cuts the grass bringing the property into compliance. The bill for the cutting is then placed on the property owner's property tax.

**BUDGET IMPLICATION** None anticipated

**IMPLEMENTATION NEXT STEP** If approved, the contract between Wiese's Lawn Care Inc will be executed.

**DEPARTMENT RECOMMENDATION** Approval

**COMMITTEE/COMMISSION RECOMMENDATION**

**ATTORNEY RECOMMENDATION** Approval  
(Not be subject to Attorney/Client Privilege and available under FOIA)

**ADDITIONAL REMARKS**

**APPROVAL OF SUPERVISOR** 

**AGREEMENT FOR: GRASS CUTTING AND RELATED SERVICES  
FOR ENFORCEMENT OF THE GRASS AND WEEDS ORDINANCE**

The Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between the Charter Township of Van Buren, a Michigan Municipal corporation, and Wiese's Lawn Care Inc., a Michigan corporation:

**Recitals**

**WHEREAS**, WIESE'S LAWN CARE INC. ("the Company") has been the successful bidder for the grass cutting and related services for various properties subject to the Charter Township of Van Buren ("Township") Grass and Weeds Ordinance for the 2019 mowing season; and

**WHEREAS**, the parties are desirous of entering into a contract setting forth their respective duties, liabilities, and responsibilities.

**NOW THEREFORE**, it is mutually agreed and understood as follows:

1. This agreement shall not be affective unless approved by the Van Buren Township Board of Trustees and executed by the Supervisor and Clerk of the Township, and executed as well by the authorized representative of the Company.
2. All of the bid documents are acknowledged to have been received, reviewed and understood by the Company.
3. All of the bid documents, including but not limited to, the general terms and conditions, bid specifications, scope of work, scheduling, bid process, liability, indemnification and insurance; and lawn size and bid amount schedules for grass mowing, trimming, and clean up; and submittal forms are hereby specifically incorporated and relied upon and made part of this Agreement by reference and are attached to this Agreement as "Attachment A".
4. This Agreement may not be amended or modified orally. All amendments and modifications must be in writing and signed by the Supervisor and Township Clerk, as well as an authorized representative of the Company.
5. The Township, its representatives, officers, agents, employees, servants, boards, commissions and elected and appointed officials shall be named on all policies of insurance, as additional insured parties, furnished by the Company.
6. The Company agrees to defend, indemnify and hold harmless the Township, its representatives, officers, agents, employees, servants, boards, commissions and elected and appointed officials from any and all claims for property damage and/or personal injury caused by or claimed to have been caused by the Company, its officers, representatives, agents, servants, and/or employees, including, but not limited to damages, costs, attorney fees, judgments, settlements and/or payments.

7. The Township shall only be obligated to make such payments as are set forth in the bid documents for services rendered. No payment for any claimed additional services rendered by the company shall be required unless approved in advance by an authorized representative of the Township.
8. The Township in its sole discretion may at any time delete services, and upon seventy-two (72) hours written notice of said deletions, the Township shall no longer have a duty or responsibility to pay for deleted services.
9. All insurance policies must include a provision or rider stating that the Township will be given notice of termination at least seven (7) days in advance of termination. No work may be performed unless the insurance policies are in full force and effect.
10. The Township by resolution of its Board may in its sole discretion terminate this Agreement upon ten (10) days of written notification delivered to the address of the Company as set forth herein. Should there be a change of address, it is the sole obligation of the Company to provide the Township with its new address and failure to do so shall act as consent and receipt of notification at that address set forth herein.
11. The Township shall have the option to renew this agreement for the 2014 mowing season at the prices set forth in the Company's proposal and bid documents.
12. The Company acknowledges it has read and understands the provisions set forth herein and has been given an opportunity to review this agreement with counsel of its choice prior to execution of the agreement by the undersigned parties.

**IN WITNESS WHEREOF**, the Parties have set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**WITNESSES**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Kevin McNamara, Supervisor  
**VAN BUREN TOWNSHIP**

By: \_\_\_\_\_

Leon Wright, Clerk  
**VAN BUREN TOWNSHIP**

By: \_\_\_\_\_

Brian A. Wiese  
**WIESE'S LAWN CARE INC.**

**Address of Successful Bidder:**

**Bid Form**

Company Name: WIESE'S LAWN CARE LLC.

Address: 15490 HAGGERTY RD.

City/State/Zip: VAN BUREN TOWNSHIP, MI. 48111-3050

Phone # 734-699-4399 Fax # 734-325-6204

E-mail: bryanawiese@aol.com  
bryanawiese@aol.com

Bidders Authorized Signature: Bryan A. Wiese Date: 4-16-2019

Print Name and Title: BRYAN A. WIESE PRESIDENT OWNER

**Bid Tab**

For extreme or unusual sites (i.e. uneven terrain, steep slopes, and heavy overgrowth), deviations from the bid amounts may be pre-approved by the Township representative.

Lawn Size	< ¼ Acre (10,890 sf)	¼ - ½ Acre (10,891-21,780 sf)	½ - 1 Acre (21,781-43,560 sf)	> 1 Acre (per acre)
Mowing (\$)	29.00	38.00	41.00	58.00
Trimming (\$)	3.00	4.00	4.00	4.00
Clean up and/or Clippings Removal (\$)	2.00	3.00	3.00	3.00
Total Cost Per Cut (\$)	34.00	45.00	48.00	65.00
<b>Additional Services As Required</b> (Must be Pre-Approved by the Township Representative)				
Weed Treatment (\$)	8.00 gal	8.00 gal	8.00 gal	8.00 gal
Excess Clean up or Debris Removal (\$ per hour + disposal)	Hourly Rate: \$85 hr - two crew members + \$80 disposal per load			
Shrub & Tree Pruning (\$ per hour)	Hourly Rate: \$65 hr			

### Experience & Equipment

1. Number of Years in Field of Work. 22 YRS
2. Number of Employees that can complete the type of Work Specified. 5
3. List of Equipment that your company owns and/or has access to that can complete the type of Work Specified.

<del>EX</del> EXMARK	60"	MOWERS
EXMARK	60"	↓
EXMARK	60"	
EXMARK	52"	
EXMARK	52"	
EXMARK	52"	
EXMARK	48"	

BRUSH HOL.  
BLOWER  
EDGES  
TRIMMERS

4. List of at Least 3 References (Include Contact Information- Co. Name, Contact Person, Telephone #)

J/T TOWING	DAWN BOKON	697-5300
MARTIN & SON	RANDY MARTIN	697-7765
BOB QUEENER		734-787-0434

**CHARTER TOWNSHIP OF VAN BUREN  
REQUEST FOR PROPOSALS  
GRASS CUTTING AND RELATED SERVICES**

The Charter Township of Van Buren, Wayne County, MI is requesting proposals for grass cutting and related services for the enforcement of the Township's Grass and Weeds Ordinance. Bid forms are available at the Township Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111, from 7:30 a.m. to 4:00 p.m., Monday – Friday. Sealed bids will be received until 2:00 p.m. EST, Thursday, April 18, 2019, and should be submitted to the Clerk's office. Bids may be submitted by U.S. Mail, personal service, or courier service, and no bids submitted by facsimile or electronically will be accepted. The bids will be publicly opened following the bid deadline. The Township reserves the right to reject any and all bids and is not required to accept the low bid. The Township is an equal opportunity contractor, which does not discriminate based on race, sex, creed, or physical ability.

*Published: April 4, 2019 and April 11, 2019 Belleville Independent*

**Further Instructions**

1. Telegraphic and/or packages sent by faxes or electronic devices are not acceptable and will be rejected upon receipt. Submitting Contractors will be expected to allow adequate time for delivery of their package either by airfreight, postal service, or other means.
2. The response must be on the forms provided and follow the format outlined in this bid package. Supplemental information may be provided as attachments.
3. **TIMELY SUBMITTALS:** Late submittals may result in the rejection of the package.
4. All information requested herein shall be submitted with the original package; failure to do so may result in the rejection of the package as non-responsive and/or incomplete.
5. Each Contractor must sign the package with their usual signature and shall give their full business address. Packages submitted by partnerships shall be signed with the partnership name by one of the members or by an attorney-in-fact. If signed by an attorney-in-fact, evidence of authority to sign the bids shall be attached. Packages by corporations shall be signed with the name of the corporation followed by the signature and designation of the President, Secretary, or other person authorized to bind it in the matter. In addition, a signed secretary's certificate evidencing the authority of the officer to contract in the name of the corporation shall be included. Any proposal submitted by a Corporation shall bear its seal.
6. Municipalities are exempt from the Michigan State Sales and Federal Excise taxes. Do not include such taxes in the estimate figure. The Township will furnish the successful Contractor with tax exemption certificates when requested.

If there are any questions regarding this bid package, please contact the Lt. Charles Bazy at **(734) 699-8915**. Requests for additional information or interpretation of this bid specifications shall be made not less than three (3) days before the final date of submittal for the package.

### ***General Terms and Conditions***

1. The evaluation and award of this contract shall be a combination of factors including, but not limited to: evaluation of cost, professional competence, references, the correlation of the package submitted to the needs of the Charter Township of Van Buren, completion of all information requested and detailed in the bid specifications, and other factors considered to be in the best interest of the Township. The Charter Township of Van Buren reserves the right to waive any discrepancies or irregularities in the bid. The Township also reserves the right to reject any and all bids, and is not required to accept the low bid.
2. Preference will be given to local contractors (i.e. 48111 zip code) to help ensure prompt service and recognize familiarity with the geographic area. Final evaluation and award of this contract shall be a combination of factors noted above.
3. The Charter Township of Van Buren reserves the right to retain all packages submitted and to use any ideas in the package regardless of whether that package is selected. Submission of a package indicates acceptance by the Contractor of the conditions contained in the bid specifications, unless clearly and specifically noted in the package submitted and contracted in the Agreement between the Township and the Contractor selected.
4. Prices quoted shall remain firm for ninety (90) days or contract award, whichever comes first, except the successful Contractor whose prices shall remain firm until acceptance of all specified documents. The Township reserves the right to make additions or deletions from the contract at any time during the period of the contract upon written notice to the Contractor.
5. The Contractor is not to unbalance his bid. He shall make all bids in strict accordance with the following:
  - a. Make bids upon the forms provided, therefore properly executed and with all items filled out.
  - b. Do not change the wording on the bid form.
  - c. Unsolicited alternates will be considered informal and may be cause for rejection of the bid.
6. The selected Contractor will be expected to sign an agreement or contract for services acceptable to the Charter Township of Van Buren Attorney.
7. The Charter Township of Van Buren reserves the right to select the invoicing option deemed to be in its best interest at the time of implementation of the Contract. No additional costs will be incurred for the invoicing option selected. Detailed billing will be required which minimally includes the address and/or location of the work, service(s) provided, and a breakdown of the allowable expenses.
8. Any package submitted which requires a down-payment or pre-payment for services to be provided prior to acceptance by the Charter Township of Van Buren will not be considered for award. The designated Township representative will make payment approval of all items upon acceptance.

9. All applicable Federal and State of Michigan laws, Township and County ordinances, licenses and regulations of all Agencies having jurisdiction shall apply to the award throughout and are incorporated here by reference. The contract and all questions concerning execution, validity or invalidity, capacity of the parties, and the performance of the contract, shall be interpreted in all respects in accordance with the Charter and Code of the Township of Van Buren and the laws of the State of Michigan.

### ***Liability, Indemnification, and Insurance***

1. All liability, loss, or damage as a result of claims, demands, cost, or judgments arising out of activities of the Contractor will be the sole responsibility of the Contractor and not the responsibility of the Charter Township of Van Buren.
2. All liability, loss, or damage as a result of claims, demands, costs, or judgments arising out of activities of the Charter Township of Van Buren will be the sole responsibility of the Township and not the responsibility of the Contractor. Nothing herein will be construed as a waiver of any governmental immunity by the Township, its agencies, or employees have as provided by statute or modified by court decisions.
3. To the fullest extent permitted by law and to the extent claims, damages, losses or expenses are not covered by insurance purchased by the Contractor, the Contractor shall indemnify and hold harmless the Township, Township's Elected Officials, Boards, Commissions, and employees from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), but only to the extent caused by the negligent acts or omissions of the Contractor, a Subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person.
4. The contractor, or any of their subcontractors, shall not commence work under this contract until they have obtained the insurance required under this paragraph, and shall keep such insurance in force during the entire life of this contract. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan and acceptable to Van Buren Township. The requirements below should not be interpreted to limit the liability of the Contractor. All deductibles and SIR's are the responsibility of the Contractor. The Contractor shall procure and maintain the following insurance coverage:
  - a. Worker's Compensation Insurance including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - b. Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and aggregate. Coverage shall

include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included; (E) Deletion of all Explosion, Collapse, and Underground (XCU) exclusion, if applicable.

c. Automobile Liability including Michigan No-Fault Coverages, with limits of liability not less than \$1,000,000 per occurrence, combined single limit for Bodily Injury, and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

d. Additional Insured: Commercial General Liability and Automobile Liability, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: Van Buren Township, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming Van Buren Township as additional insured, coverage afforded is considered to be primary and any other insurance Van Buren Township may have in effect shall be considered secondary and/or excess.

e. Cancellation Notice: All policies, as described above, shall include an endorsement stating that is it understood and agreed Thirty (30) days, Ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction, and/or Material Change shall be sent to:  
Van Buren Township, Clerk Leon Wright, 46425 Tyler Rd. Belleville, MI 48111.

f. Proof of Insurance Coverage: The Contractor shall provide Van Buren Township at the time that the contracts are returned by him/her for execution, a Certificate of Insurance as well as the required endorsements. In lieu of required endorsements, if applicable, a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned above shall be furnished, if so requested.

g. If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal certificates and endorsements to Van Buren Township at least ten (10) days prior to the expiration date.

### ***Scope of Work***

The Charter Township of Van Buren is requesting proposals for grass cutting and related services for the enforcement of the Township's Grass and Weeds Ordinance (General Ordinance, Chapter 42, Division 4). The Ordinance requires all owners of any developed land or subdivided land within one hundred fifty (150) feet of a permanent structure, to cut or destroy any grass or noxious weeds found growing on such land, before they reach six (6) inches in height on average. Further, it is the duty of all owners of developed land or subdivided land, to

GRASS CUTTING AND RELATED SERVICES FOR ENFORCEMENT OF THE GRASS AND WEEDS ORDINANCE  
2019

cut or destroy grass or noxious weeds, greater than six (6) inches in height on average, found growing within public or private road rights-of-way abutting or adjacent to the owner's land. For subdivided land more than one hundred fifty (150) feet from a permanent structure, it is the duty of all owners to cut or destroy any grass or noxious weeds found growing on such land before they reach twelve (12) inches in height on average.

The Township Ordinance Officer notifies the owner, agent or occupant of any such developed land or subdivided land on which grass or noxious weeds are found growing that exceed the regulated heights. In cases where the owner, agent or occupant refuses to cut or destroy such grass or noxious weeds or cause the same to be cut or destroyed, after three (3) days' notice; then the Township or authorized contractor may enter upon such developed land or subdivided land and cut or destroy any such grass or noxious weeds. Completion of this cutting is the subject of this request for proposals.

The successful contractor will be expected to have all the requisite equipment and qualified personnel to complete the specified work. The required mowing will need to be completed within 72-hours of verbal or e-mail requests by the Township Ordinance Officer. Mowing of grass and weeds shall include cutting of the vegetation and removal of all yard waste, such as branches, leaves, tall weeds, etc. Trimming will include cutting around all surface features such as around buildings, trees, planting beds, fences, and play equipment. The Township retains the right to delete or add trimming from the work schedule. Normal cleanup and clipping removal (if necessary) will be handled at each cutting. At a minimum, all grass and weed clippings will be blown or swept from roadways, driveways and sidewalks. The contractor shall take before and after photographs which will be date-stamped on each photograph of each site and furnish such photos to the Township representative within 48-hours of verbal request.

The Township may request additional services including weed treatment, shrub and tree pruning, excess clean up, or debris removal. These services shall be provided on an as-needed basis and must be pre-approved by the Township representative. Shrub and tree pruning shall include removing branches that could fall and cause injury or property damage, trimming branches that interfere with lines of sight on streets or driveways, and removing branches that are growing into a structure or utility lines. Weed treatment shall include the application of a post-emergence liquid or granular herbicide designed to kill noxious weeds and approved for use in residential areas. Excessive clean up will be considered, but not limited to removal of large quantities of yard waste, removal of building materials, and removal of accumulations of brush, rocks and other debris.

All equipment used must be maintained in good repair, safe and efficient and available for inspection by the Township. All work is to be performed in a workman like manner and must be reasonably acceptable to the Township. Mowing is not to begin before 7:00 a.m. or extend beyond 7:00 p.m. No mowing will be completed on holidays or Sundays, without prior approval from the Township.

***Bid Specifications***

1. Bids are to be expressed on a per cut basis as a unit of lawn size, as specified on bid form sheet.
2. Bid prices are to include cost of all labor, materials, equipment, and insurance necessary to comply and perform under these specifications.

GRASS CUTTING AND RELATED SERVICES FOR ENFORCEMENT OF THE GRASS AND WEEDS ORDINANCE  
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3. All grass and weed mowing must be completed within 72-hours, upon verbal and e-mail notification by the Township representative.
4. Mowing of grass and weeds shall include cutting to a height not more than four (4) inches and removal of all yard waste such as branches, leaves, tall weeds, etc.
5. Trimming shall include cutting around all surface features such as around buildings, trees, planting beds, fences, and play equipment. The Township retains the right to delete or add trimming from the work schedule.
6. Normal cleanup and clipping removal (if necessary) will be handled at each cutting. At a minimum, all grass and weed clippings shall be blown or swept from roadways, driveways and sidewalks.
7. Shrub and tree pruning shall include removing branches that could fall and cause injury or property damage, trimming branches that interfere with lines of sight on streets or driveways, and removing branches that are growing into a structure or utility lines.
8. Weed treatment shall include the application of a post-emergence liquid or granular herbicide designed to kill a broad spectrum of noxious weeds and approved for use in residential areas.
9. The contractor shall take before and after photographs of each site and furnish such photos to the Township representative within 48 hours of verbal request. The photographs shall include an embedded date stamp. Deviation from this requirement may result in rejection of invoices and/or payment requests for the sites without photo documentation.
10. Excess clean up and/or debris removal will be considered, but not limited to removal of unusual quantities of yard waste, removal of building materials, and removal of accumulations of brush, rocks, and other debris.
11. If excessive clean up, yard waste removal, debris removal, brush removal, shrub and tree pruning, or weed treatment is required; the Township representative **must pre-approve** additional costs associated with each service on a site-to-site basis.
12. All equipment used must be maintained in good repair, safe and efficient and available for inspection by the Township.
13. All work is to be performed in a workman like manner and must be reasonably acceptable to the Township.
14. Mowing is not to begin before 7:00 a.m. or extend beyond 7:00 p.m. No mowing on holidays or Sundays without prior approval from the Township.
15. Employees of contractors are to be advised that no foul or obscene language will be tolerated and no horseplay is to occur. Deviation from these guidelines shall be considered a breach of contract, resulting in termination by the Township.

**GRASS CUTTING AND RELATED SERVICES FOR ENFORCEMENT OF THE GRASS AND WEEDS ORDINANCE  
2019**

16. The Contract shall be administered in accordance with and governed by the laws of the State of Michigan and Charter Township of Van Buren Ordinances.
17. The contract is for the 2019 mowing season, with option to renew in 2020 and 2021.

### **Bid Form**

**Company Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Bidders Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name and Title:** \_\_\_\_\_

### **Bid Tab**

*For extreme or unusual sites (i.e. uneven terrain, steep slopes, and heavy overgrowth), deviations from the bid amounts may be pre-approved by the Township representative.*

<b>Lawn Size</b>	<b>&lt; ¼ Acre</b> <small>(10,890 sf)</small>	<b>¼ - ½ Acre</b> <small>(10,891-21,780 sf)</small>	<b>½ -1 Acre</b> <small>(21,781-43,560 sf)</small>	<b>&gt; 1 Acre</b> <small>(per acre)</small>
Mowing (\$)				
Trimming (\$)				
Clean up and/or Clippings Removal (\$)				
<b>Total Cost Per Cut (\$)</b>				
<b>Additional Services As Required</b> (Must be Pre-Approved by the Township Representative)				
Weed Treatment (\$)				
Excess Clean up or Debris Removal (\$ per hour + disposal)	Hourly Rate:			
Shrub & Tree Pruning (\$ per hour)	Hourly Rate:			

