

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
NOVEMBER 20, 2017 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 Montgomery	_____

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on the amended and restated inter-local agreement for the Detroit Region Aerotropolis Development Corporation.
2. Discussion on the conveyance of parcels 83-039-99-0006-702, 83-039-99-0009-720 and 83-039-99-0009-722 from the Charter Township of Van Buren to the Van Buren Township Downtown Development Authority by quit claim deed.
3. Discussion on the resignation of Robert Bechtel and consider approval of the appointment of Joyce Rochowiak to the DDA with a term to expire March 9, 2018.
4. Discussion on the commercial fireworks display permit application by Great Lakes Fireworks LLC to set off fireworks on Saturday, December 2, 2017 from the (closed) Denton Road bridge.
5. Discussion on Resolution 2017-29 refinancing of 2006 CIP bonds by issuance of 2017 General Obligation Limited Tax Refunding Bonds.
6. Discussion on the 2017 amended and 2018 proposed Water & Sewer budgets.
7. Discussion on the reappointment of Kess Emekpe to the Environmental Commission with a term to expire October 1, 2020.
8. Discussion on the appointment of Benjamin Ross to the Environmental Commission with a term to expire October 1, 2018.
9. Discussion on the reappointments of Median Atchinson and Bryon Kelley to the Planning Commission with terms to expire October 1, 2020.
10. Discussion on the appointment of Jeff Jahr Jr. to the Planning Commission with a term to expire October 1, 2018.
11. Discussion on the available options to spend the anticipated 2018 Local Roads Initiative Funds from Wayne County.
12. Discussion on Ordinance 11-21-17 (1) an amendment to the General Code of Ordinances, Chapter 42 (Environmental) Article II (Nuisances), Division 3 (Blight Prevention) Section 42-79.
13. Discussion on Ordinance 11-21-17 (2) an amendment to the General Code of Ordinances, Chapter 42 (Environmental) Article II (Nuisances), Division 2 (Trailers & Vehicles) Section 42-55.
14. Discussion on Ordinance 11-21-17 (3) an amendment to the General Code of Ordinances, Chapter 46 (Fire Prevention and Protection), Article II (Fire Prevention Code) Section 46-32.
15. Discussion on Ordinance 11-21-17 (4) an amendment to the General Code of Ordinances, Chapter 58 (Offenses and Miscellaneous Provisions), Article IV (Offenses against Property), Division 2 (Trespass) Section 58-106.
16. Discussion on Ordinance 11-21-17 (5) an amendment to Zoning Ordinance 05-02-17 (2) as amended, by repealing the Zoning Ordinance text governing medical marihuana Cultivation Facilities.

17. Discussion on Ordinance 11-21-17 (6) an amendment to the General Code of Ordinances Chapter 58, Article VI, Division 5, Section 58-299 to provide for repeal regulations governing Medical Marijuana Cultivation Facilities.
18. Discussion on Ordinance 11-21-17 (7) an amendment to the Zoning Ordinance 05-02-17 (2) as amended, to amend the regulations regarding detention Pond Location and Setbacks for Off-Street parking and loading areas, access drives and paved surfaces accessory to a distribution center.
19. Discussion on Resolution 2017-27 extension of the moratorium to defer the review of applications pertaining to medical marijuana cultivation facilities from December 20, 2017 to December 31, 2017.
20. Discussion on Resolution 2017-28 Opt Out of the five types of medical marihuana facilities authorized by PA 281 of 2016.
21. Discussion on the distribution of the future land use map amendment for the Harold Smith Farm at 50015 Michigan Ave to our adjacent communities for the required 42-day review and comment period.

PUBLIC COMMENT:

CLOSED SESSION: The Township Board will go into closed session pursuant to MCL 15.268 (h) to discuss attorney client written opinion dated November 10, 2017.

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, NOVEMBER 20, 2017
TOWNSHIP HALL
46425 TYLER ROAD
BELLEVILLE, MI 48111
FOR THE PURPOSE OF DISCUSSING:

The Township Board will go into closed session pursuant to MCL 15.268 (h) to discuss attorney client written opinion dated November 10, 2017.

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.

Posted November 16, 2017.

REQUEST FOR ACTION

Agenda Item: _____

WORK STUDY DATE: 11-20-2017
 BOARD MEETING DATE: 11-21-2017

X New Business

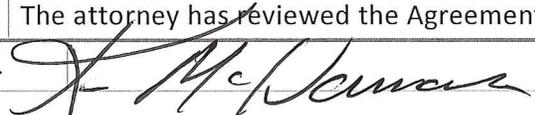
Unfinished Business

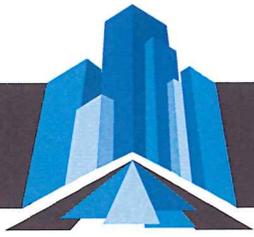
Public Hearing

ITEM (SUBJECT)	Consider approval of Amended and Restated Inter-local Agreement for the Detroit Region Aerotropolis Development Corporation.
DEPARTMENT	
PRESENTER	Robert Luce, Executive Director
PHONE NUMBER	
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Approve the Amended and Restated Inter-local Agreement for the Detroit Region Aerotropolis Development Corporation and authorize execution of the Agreement	
Background – (Supporting and reference Data, Include attachments)	
<p>On October 21, 2008, the Township Board approved a Resolution approving the Inter-local Agreement between the Detroit Region Aerotropolis partners and stakeholders creating the Aerotropolis Development Corporation (ADC).</p> <p>The ADC Agreement set parameters of the ADC and membership fees, and an objective to develop areas between and surrounding Detroit Metro and Willow Run. At that time, the mission of the ADC was “to drive economic development and job creation in the ADC Region in a sustainable and cooperative manner.” Provide long-term partnerships between member communities, build relationships with existing businesses in the ADC region, promote cooperation with other economic development entities in Michigan and work with the State to provide attractive economic incentives.</p> <p>The original Inter-local Agreement was comprised of two (2) Boards. The Executive Board and the Corporation Board. Van Buren was a member of the Corporation Board and not the Executive Board. The executive Board runs the day-to-day operations of the organization. The Corporation Board has limited duties, with the main duty to approve the budget each year.</p> <p>The Inter-local Agreement has been revised to consolidate the responsibilities of the Executive Board and the corporate board. The key changes are as follows:</p> <ul style="list-style-type: none"> • Merging the Executive Board with the Corporate Board. • Van Buren Township will be gaining voting rights as an executive committee member • Various housekeeping changes to be current with the Next Michigan Development Act. 	

BUDGET IMPLICATION	
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	
COMMITTEE/COMMISSION RECOMMENDATION	
ADDITIONAL REMARKS	The attorney has reviewed the Agreement
SUPERVISOR APPROVAL	

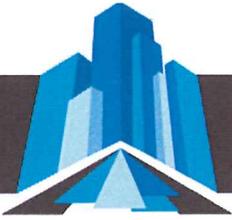


Detroit Region Aerotropolis Development Corporation:

Efforts and activities specific to Van Buren Township

March – October 2017

1. Introduced American Center for Mobility (ACM) CEO to Kevin McNamara and team, which resulted in the first formal meeting between Van Buren Township (VBT) and ACM.
2. Submitted 25 VBT sites on behalf of the township, on 18 different business location projects.
3. Provided representatives from a major Asian consumer electronics manufacturer with two guided tours of two VBT sites.
4. Provided Kevin McNamara the opportunity to speak to a group of two-dozen representatives from a major Asian consumer electronics manufacturer.
5. Initiated the amendment of the Aerotropolis Intergovernmental Agreement to provide VBT with a permanent seat on the Executive Committee, and subsequently the pending Aerotropolis LDFA.
6. Identified every industrially or commercially zoned 25-plus acre site on the market in VBT.
7. Analyzed the onsite infrastructure (electric, water, sewer, etc.) and/or pertinent points of information (rail access, presence of wetlands and/or floodplains) on every industrially or commercially zoned 25-plus acre site on the market in VBT.
8. Created one-page marketing sheets – or Aerotropolis Broker Sheets – for every industrially or commercially zoned 25-plus acre site on the market in VBT, for placement on the Aerotropolis website and physical distribution to interested parties.
9. Underwrote the creation of a “drone-based” promotional video on key sites and assets in the Aerotropolis, including aerial footage and computer generated imagery for Willow Run Airport and the 440 in VBT.
10. Placed nine business development advertisements in various publications, valued at \$102,191.
11. Sponsored and/or attended four industry trade shows, valued at \$5,420.
12. Secured a three-year financial commitment from the State of Michigan to further enhance Aerotropolis business development efforts.
13. Completed wetland and floodplain analysis on sites submitted by VBT for a prospective new facility to be built by Constellium.
14. Initiated discussions with multiple stakeholders at various levels of government to expand the industry focus of the Aerotropolis to include next-generation mobility, which stands to benefit VBT tremendously given its proximity to ACM.



CITY OF BELLEVILLE
CITY OF ROMULUS
CITY OF TAYLOR
CITY OF YPSILANTI
HURON CHARTER
TOWNSHIP
VAN BUREN CHARTER
TOWNSHIP
WASHTENAW
COUNTY
WAYNE COUNTY
WAYNE COUNTY
AIRPORT AUTHORITY
YPSILANTI TOWNSHIP

MEMORANDUM

TO: Detroit Region Aerotropolis Development Corporation Board
FROM: Jeffrey S. Aronoff
RE: Proposed Revisions to Aerotropolis Interlocal Agreement
DATE: May 30, 2017

At your June 8, 2017 meeting, you will be considering amendments to the Aerotropolis Interlocal Agreement (the "Agreement"), which have been developed at the direction of the CEO. The Amendments become effective upon the approval of the governing bodies of all entities participating in the Aerotropolis; technically the Corporation Board has no formal role in the approval process. In practice, however, this Board's support for the amendments is a critical first step in a process that will involve conversations between ADC leadership and the governing bodies of the ADC constituent members. Below is a brief summary of the key changes to the Agreement, which will be discussed in detail at the June 8, 2017 meeting.

- Broader statements describing the purpose of the ADC have been inserted. This does not substantively change the ADC's powers or roles, but rather recognizes its general economic development objectives. (Recitals; Section 3.01)
- Several updates to statutory references have been made, and the "Next Michigan Development Corporation" concept, which did not yet exist at the time the original Agreement was adopted, has been added. (Various)
- 11895 South Wayne Road, Suite 101A has been designated the ADC's principal office. (Section 2.03)
- Re-configuration of ADC governance (Article VI):
 - Provisions for private sector entities serving on the Corporation Board have been removed.
 - The concept of "Party" and "non-Party" members has been introduced, which provides a clear category for the Wayne County Airport Authority, and also provides an opportunity for adding additional members. (Section 6.01)



- The separate Executive Committee has been eliminated. All “Voting Members” (i.e., ADC parties that are current on membership fees, as well as the Wayne County Airport Authority and potential additional non-party members) may vote on all ADC business. (Section 6.05)
- The term “executive committee” still has some meaning in various statutes; the Voting Members of the ADC will constitute the executive committee for those purposes. (Section 6.05)
- The Corporation Board’s role with respect to economic development incentives and activities has been added to the enumerated responsibilities. (Section 6.06(j))
- The establishment of parties’ annual membership fees has been simplified. (Section 9.02)
- The description of the Wayne County Airport Authority’s arrangement has been revised to more accurately reflect how that arrangement is executed in practice. (Section 9.05)

AMENDED AND RESTATED

INTERLOCAL AGREEMENT

creating the

**DETROIT REGION
AEROTROPOLIS DEVELOPMENT CORPORATION**

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This **INTERLOCAL AGREEMENT, as amended**, is entered into pursuant to Act 7 (hereinafter defined), by and among the signatory parties hereto (“Parties”) for the purpose of creating the **DETROIT REGION AEROTROPOLIS DEVELOPMENT CORPORATION**, a separate legal entity and public body corporate, to administer the economic development objectives and purposes set forth herein. Each of the Parties is a “public agency” as defined in Act 7 with the power to carry out the programs described in this Agreement.

RECITALS

A. The Parties have determined that attracting ~~air-commerce linked businesses, supply chain businesses, and businesses needing to be physically located near~~ businesses that can benefit from proximity to transportation infrastructure such as the Detroit Metropolitan Wayne County Airport and Willow Run Airport (together, the “Airports”) ~~to the environs of the Airports~~ offers significant economic development opportunities and benefits.

B. The Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of Michigan, 1967, Ex. Sess., MCL 124.501 et seq. (“Act 7”), permits a public agency to exercise jointly with any other public agency any power, privilege or authority which such public agencies share in common and which each might exercise separately.

C. The Parties desire to enter into an interlocal agreement, pursuant to Act 7 to jointly create the Corporation and exercise the economic development powers shared by the Parties.

D. Each Party has the power, privilege and authority to perform various economic development activities and administrative functions supportive of economic development activities, and to enter into this Agreement.

E. To the extent that State law is enacted or amended subsequent to the execution date of this Agreement to provide for powers which may be exercised by the Corporation, the Parties desire and intend that the Corporation created hereby be fully empowered and authorized to exercise such powers to the full extent authorized by law from and after such enactment or amendment, without further amendment to this Agreement, subject only to the limitations set forth in this Agreement.

F. Each Party, pursuant to resolution of its governing body, is authorized to execute and deliver this Agreement.

IN WITNESS WHEREOF, the Parties covenant and agree as follows:

ARTICLE I DEFINITIONS

The following words and expressions, whenever initially capitalized, whether used in the singular or plural, possessive or nonpossessive and/or either within or without quotation marks shall be defined and interpreted as follows:

Section 1.01 “Act 7” means the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of Michigan, 1967 (Ex Sess), as amended, MCL 124.501 to 124.512.

Section 1.02 “Act 34” means the Revised Municipal Finance Act, Act No. 34 of the Public Acts of Michigan, 2001, as amended, MCL 141.2101 to 141.2821.

Section 1.03 “Act 198” means Act No. 198 of the Public Acts of Michigan, 1974, as amended, MCL 207.551 to 207.572

Section 1.04 “Act 206” means the General Property Tax Act, Act No. 206 of the Public Acts of Michigan, 1893, as amended, MCL 211.1 to 211.157.

Section 1.05 “Act 275” means the Next Michigan Development Act, Act No. 275 of the Public Acts of Michigan, 1943, as amended, 2010, MCL 125.2951 to 125.2959, as may be hereafter amended.

Section 1.06 ~~Section 1.05~~ “Act 281” means the Local Development Financing Act, Act No. 281 of the Public Acts of Michigan, 1986, as amended, MCL 125.2151 to 125.2174.

Section 1.07 ~~Section 1.06~~ “Act 376” means the Renaissance Zone Act, Act No. 376 of the Public Acts of Michigan, 1996, as amended, MCL 125.2681 to 125.2696.

Section 1.08 ~~Section 1.07~~ “Act 381” means the Brownfield Redevelopment Financing Act, Act No. 381 of the Public Acts of Michigan 1996, as amended, MCL 125.2651 to 125.2672.

Section 1.09 ~~Section 1.08~~ “ADC” or “Corporation” means the Aerotropolis Development Corporation created by this Agreement, a separate legal entity and public body corporate, to administer the economic development objectives and purposes set forth herein.

Section 1.10 ~~Section 1.09~~ “Aerotropolis Development Area” or “ADA” means ~~that term as may be hereafter~~ Next Michigan Development Area as defined in Act 281, ~~if amended.~~

Section 1.11 ~~Section 1.10~~ “Aerotropolis Development Zone” or “Zone” means ~~that term as may be hereafter~~ Next Michigan Development Zone as defined in Act 376, ~~if amended.~~

Section 1.12 ~~Section 1.11~~ “Aerotropolis Master Design Plan” means an overall conceptual design plan adopted by the Corporation pursuant to Section 5.03 of this Agreement to encourage the coordinated and orderly development of the aerotropolis, including the recommended designation of land uses by the Local Government Parties under relevant provisions of the Zoning Act. The Aerotropolis Master Design Plan shall have no binding force or effect within or upon any portion of the territory of any Local Government Party except to the extent expressly approved by resolution and any necessary implementing ordinance of the governing body of the Local Government Party.

Section 1.13 ~~Section 1.12~~ “Agreement” means this Interlocal Agreement, dated as of the Effective Date, and any amendments thereto

Section 1.14 ~~Section 1.14~~ “Agency Party” means any Party that is a public agency as defined in Act 7, is a signatory to this Agreement and is not a County Party or Local Government Party.

Section 1.15 ~~Section 1.13~~ “Authority District” means that term as defined in Act 281.

Section 1.16 ~~Section 1.14~~ “Budget Act” means the Uniform Budgeting and Accounting Act, Act No. 2 of the Public Acts of Michigan, 1968, as amended, MCL 141.421 to 141.440a.

Section 1.17 ~~Section 1.15~~ “Corporation Board” means the board of the Corporation created by section 6.01 of this Agreement.

Section 1.18 ~~Section 1.16~~ “County Party” ~~shall mean~~ means any Party organized as a Michigan county.

Section 1.19 ~~Section 1.17~~ “Days” means calendar days, unless otherwise expressly provided.

Section 1.20 ~~Section 1.18~~ “Effective Date” means the later of the dates on which a fully executed copy of this Agreement, pursuant to Section 10 of Act 7, is (i) filed with Michigan Department of State, Office of the Great Seal, and (ii) filed with the County Clerk of each county where a Party to this Agreement is located.

~~Section 1.19~~ ~~“Executive Committee” means the executive committee of the Corporation Board created by section 7.01 of this Agreement.~~

Section 1.21 ~~Section 1.20~~ “Fiscal Year” means the fiscal year of the Corporation, which shall begin on January 1 of each year and end on December 31 of each year, or such other fiscal year as may be determined from time to time by the ~~Executive Committee~~ Corporation Board.

Section 1.22 ~~Section 1.21~~ “FOIA” or “Freedom of Information Act” means the Freedom of Information Act, Act No. 442 of the Public Acts of Michigan, 1976, as amended, MCL 15.231 to 15.246.

Section 1.23 ~~Section 1.22~~ “Local Government Party” shall mean any Party organized as a Michigan city, village or township.

Section 1.24 ~~Section 1.23~~ “Michigan Strategic Fund” or “MSF” means the Michigan Strategic Fund created pursuant to Act No. 270 of the Public Act of Michigan, 1984, as amended, MCL 125.2001 to 125.2094

Section 1.25 ~~Section 1.24~~ “Next Michigan Development Corporation” means that term as defined in Act 275.

Section 1.26 ~~Section 1.24~~ “OMA” or “Open Meetings Act” means the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, MCL 15.261 to 15.275.

~~Section 1.25~~ ~~“Participation Agreement” means an agreement as described in Article IX of this Agreement.~~

Section 1.27 ~~Section 1.26~~ “Party” or “Parties” means, either individually or collectively as applicable, each County Party ~~and~~, Local Government Party and Agency Party which is a signatory to this Agreement.

Section 1.28 ~~Section 1.27~~ “Permit” ~~shall mean~~ means a permit, license or approval required to be granted by a Local Government Party as a condition of the operation of a business.

Section 1.29 ~~Section 1.28~~ “Person” means any individual, authority, profit or non-profit corporation, partnership, limited liability company, university, joint venture, trust, association, chamber of commerce, travel and visitors center, Public Agency, or other legal entity.

Section 1.30 ~~Section 1.29~~ “Public Agency” means that term as defined in Act 7.

Section 1.31 ~~Section 1.30~~ “Qualified Aerotropolis Business” means ~~that term as may hereafter be~~ Qualified Next Michigan Development Business as defined in Act 198, ~~if as~~ amended, or other relevant State law.

Section 1.32 ~~Section 1.31~~ “Site Plan” means that term as defined in the Zoning Act.

Section 1.33 ~~Section 1.32~~ “State” means the State of Michigan.

Section 1.34 ~~Section 1.33~~ “Tax Increment Revenues” means that term as defined in Act 281, provided that notwithstanding other provisions of State law, for purposes of the Corporation, “Tax Increment Revenues” shall not include any of the following: The amount of ad valorem property taxes or specific taxes captured by a downtown development authority under Act No. 197, Public Acts of Michigan, 1975, as amended, MCL 125.1651 to 125.1681, a tax increment financing authority under Act No. 450, Public Acts of Michigan, 1980, as amended, MCL 125.1801 to 125.1830, a local development finance authority under Act 281, or a brownfield redevelopment authority under Act 381, if those taxes were being captured by such other authorities on the Effective Date.

Section 1.35 ~~Section 1.34~~ “TIF Plan” means a Development Plan and a tax increment financing plan as those terms are defined and used in Act 281.

Section 1.36 ~~“Voting Member” means either (i) a member of the Corporation Board appointed by and serving on behalf of a Voting Party, or (ii) a non-Party member appointed pursuant to section 6.01(b) of this Agreement.~~

Section 1.37 “Voting Party” means a Party which is current on all membership fees and is therefore entitled to a vote pursuant to Section 6.04 of this Agreement.

Section 1.38 ~~Section 1.35~~ “Zoning Act” means the Michigan Zoning Enabling Act, Act No. 110 of the Public Acts of Michigan, 2006, as amended, MCL 125.3101 to 125.3702.

ARTICLE II
CREATION OF THE
AEROTROPOLIS DEVELOPMENT CORPORATION

Section 2.01 Creation and Legal Status of the Aerotropolis Development Corporation. There is hereby created a separate legal entity and public body corporate to be known as the “Detroit Region Aerotropolis Development Corporation” for the purpose of administering and executing this Agreement. The Corporation shall have all of the powers granted by law and in this Agreement.

Section 2.02 Geographic Boundaries. The boundaries of the Corporation within which it may exercise its powers shall be the collective political boundaries of the Local Government Parties. The Corporation shall have no extraterritorial power or authority.

Section 2.03 Principal Office. The initial principal office of the Corporation is ~~600 Randolph, Third Floor, Detroit~~ 11895 South Wayne Road, Suite 101A, Romulus, Michigan ~~48226174~~, or such other location as may be ~~determined~~ designated from time to time by the Corporation Board.

Section 2.04 Title to Corporation Assets. Except as otherwise provided under the terms of a transfer of programs and/or funding from a Party or Person to the Corporation, the Corporation shall have exclusive title to all its property, and no Party or Person shall have an ownership interest in Corporation property.

Section 2.05 Tax-exempt Status. The Parties intend and declare the activities of the Corporation to be governmental functions carried out by an instrumentality or political subdivision of government as described in Section 115 of the Internal Revenue Code of 1986, 26 USC 115, or any corresponding provisions of any future tax code. The Parties also intend and declare the activities of the Corporation to be of the same character as “governmental functions carried out by a political subdivision of this State,” exempt to the extent provided under Michigan law from taxation by this State, including, but not limited to, the business tax under the Michigan Business Tax Act, Act No. 36, Public Acts of Michigan, 2007, as amended, MCL 208.1101 to 208.1601, and ad valorem property taxes under Act 206, and exempt to the extent provided under Michigan law from all governmental assessments and fees otherwise applicable to private entities.

Section 2.06 Compliance with Law. The Corporation shall comply with all federal and state laws, rules, regulations, and orders applicable to this Agreement.

Section 2.07 Independent Contractor. The Parties agree that at all times and for all purposes under the terms of this Agreement each Party's relationship to each other shall be that of an independent contractor. Each Party will be solely responsible for the acts of its own employees, agents, and servants. No liability, right or benefit arising out of any employer/employee relationship either express or implied shall arise or accrue to any Party as a result of this Agreement.

Section 2.08 No Third Party Beneficiaries. Except as expressly provided herein, this Agreement does not, and is not intended to, create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right to be indemnified (i.e., contractually, legally, equitably, or by implication) and/or any right to be subrogated to any Party's rights in this Agreement, and/or any other right of any kind, in favor of any Person.

Section 2.09 Ethics; Conflicts of Interest. Members of the Corporation Board ~~and Executive Committee~~ and the officers, appointees and employees of the Corporation shall be considered "public servants" as defined in, and shall be subject to, Act No. 317, Public Acts of Michigan, 1968, as amended, MCL 15.321 to 15.330, and shall be subject to the standards of conduct set forth in Act No. 196, Public Acts of Michigan, 1973, as amended, MCL 15.341 to 15.348.

ARTICLE III PURPOSE

Section 3.01 Purpose. The purpose of the Corporation shall be to take advantage of the provisions of State law, now or hereafter enacted, enabling the creation and implementation of economic development activities generally and of ~~aerotropolis development corporations~~ Next Michigan Development Corporations in particular, as may be hereafter recognized by statute, and to ~~attract~~ grow the regional economy, create jobs and attract investment, which includes attracting businesses and facilities engaged in the shipment of tangible personal property via air cargo, supply chain businesses, and other businesses in accordance with State law, ~~and~~. The purpose of the Corporation shall include the exercise of power granted by State law and the joint exercise of shared powers, privileges or authority of the Parties to perform successful, effective and efficient economic development programs and functions throughout the geographic boundaries of the Corporation. Shared powers shall include the coordination of complementary local programs and functions of the Parties. ~~To the extent that State law is enacted or amended subsequent to the execution date of this Agreement to provide for powers which may be exercised by the Corporation, as may be hereafter recognized by statute, including by way of example and not limitation the powers to designate Aerotropolis Development Zones and Aerotropolis Development Areas and to grant tax abatements to qualified businesses, as may be hereafter recognized by statute, the Parties desire and intend that the Corporation created hereby be fully empowered and authorized to exercise such powers to the full extent authorized by law from and after such enactment or amendment, without further amendment to this Agreement, subject only to the limitations set forth in this Agreement.~~

ARTICLE IV
GENERAL POWERS OF CORPORATION

Section 4.01 Powers Granted Under Act 7. In carrying out its purposes, the Corporation may perform, or perform with any Person, as applicable, any power, privilege, or authority related to economic development that the Parties share in common and that each might exercise separately to the fullest extent permitted by Act 7 and in accordance with relevant law, except as expressly otherwise provided in this Agreement. The enumeration of a power in this Agreement shall not be construed as a limitation upon the powers of the Corporation, and is in addition to any powers authorized by law. Among other things, the Corporation, in its own name, shall have the power to:

- (a) Make or enter into contracts;
- (b) Employ agencies or employees;
- (c) Acquire, construct, manage, maintain, or operate buildings, works, or improvements;
- (d) Acquire, own, hold, operate, maintain, lease, or sell real or personal property and dispose of, divide, or distribute any property.
- (e) Incur debts, liabilities, or obligations that, except as expressly authorized by the Parties, do not constitute the debts, liabilities, or obligations of any of the Parties;
- (f) Cooperate with a Public Agency, an agency or instrumentality of the Public Agency, or another legal or administrative entity created by the Public Agency under Act 7;
- (g) Make loans from the proceeds of gifts, grants, assistance funds, or bequests in order to further its purposes;
- (h) Form other entities necessary to further the purposes of the Agreement; and
- (i) Sue and be sued.

Section 4.02 Additional Powers Granted Under Act 7. The Corporation shall also have the power to:

- (a) Employ, engage, compensate, transfer, or discharge necessary personnel, subject to the provisions of applicable civil service and merit systems and Act 7;
- (b) Fix and collect charges, rates, rents, fees, loan repayments, loan interest rates, or other charges on loans;
- (c) Promulgate necessary rules and provision for their enforcement by or with the assistance of the Parties to accomplish the purposes of this Agreement;

(d) Accept gifts, grants, assistance funds, or bequests and use the same for the purposes of this Agreement. The Corporation may apply for and accept grants, loans, or contributions from any source. The Corporation may do anything within its power to secure the grants, loans, or other contributions;

(e) Make claims for federal or state aid payable to a Party on account of the execution of this Agreement;

(f) Respond for any liabilities that might be incurred through performance of the Agreement and insure against any such liability;

(g) Adjudicate disputes or disagreements, the effects of failure of the Parties to pay their shares of the costs and expenses, and the rights of the other Parties in such cases;

(h) Engage auditors to perform independent audits of the financial statements of the Corporation;

(i) Invest surplus funds or proceeds of grants, gifts, or bequests and adopt an investment policy in connection therewith;

(j) Employ legal, financial and technical experts, other officers, agents, or employees, and accept voluntary provision of such services and functions from donor individuals and entities;

(k) Study, develop, and prepare the reports or plans the Corporation considers necessary to further the purposes of this Agreement and to monitor and evaluate performance under this Agreement; and

(l) Indemnify, as permitted by law, and procure insurance indemnifying any members of the Corporation Board or officers or employees of the Corporation from personal loss or accountability from liability asserted by any Person for any acts or omissions of the Corporation.

Section 4.03 Powers Under Other State Law. In addition to all general powers granted under Act 7, the Corporation also shall have all of the powers granted to an aerotropolis development corporation under other applicable State law, now existing or as hereafter amended, including specifically by way of example and not limitation Act 376, Act 281, Act 198 and Act 206, it being the intent of the Parties that the Corporation be empowered to accomplish its purposes to the full extent authorized by law.

Section 4.04 Bonds or Notes; Limitations. The Corporation shall not issue any type of bond in its own name or in any way indebted a Party except as provided below. The Corporation may borrow money and issue bonds or notes in its name for local public improvements or for economic development purposes provided that the Corporation shall not borrow money or issue bonds or notes for a sum that, together with the total outstanding bonded indebtedness of the Corporation, exceeds 2 mills of the taxable value of the taxable property within the Parties as determined under section 27a of The General Property Tax Act, 1893 PA 206, MCL

211.27a, unless otherwise authorized by Act 7. Bonds or notes issued by the Corporation are the debt of the Corporation and not of the Parties. Bonds or notes issued by the Corporation are for an essential public and governmental purpose. Pursuant to ~~S~~section 7(7) of Act 7, bonds or notes, together with the interest on the bonds or notes and income from the bonds or notes, are exempt from all taxes. Bonds or notes issued by the Corporation are subject to Act 34 as required by Section 7(8) of Act 7.

Section 4.05 Tax Limitation. The Corporation shall not levy any type of tax within the boundaries of any Party. Nothing contained in this Agreement, however, prevents the Parties from levying taxes in their own right and assigning the revenue from such taxes to the Corporation, to the extent permitted by law.

Section 4.06 Limitation on Political Activities. The Corporation shall not spend any public funds on political activities. This section is not intended to prohibit the Corporation from engaging in informational activities permitted under the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 to 169.282.

Section 4.07 No Waiver of Governmental Immunity. The Parties agree that no provision of the Agreement is intended, nor shall it be construed, as a waiver by any Party of any governmental immunity provided under Act 7 or other law. In accordance with Act 7, the Corporation shall not be operated for profit, and it shall perform governmental and not proprietary functions.

ARTICLE V SPECIFIC POWERS OF CORPORATION; LIMITATIONS

Section 5.01 Development Criteria. The Corporation shall have the power to develop and establish development criteria and development-ready preconditions for the Parties for economic development assistance. The development criteria shall apply to proposals made to the Corporation for economic development assistance within all or a part of the geographic territory of the Corporation.

Section 5.02 Design Standards. The Corporation shall promulgate specific design standards to be applied to applications received from property owners and developments which desire to receive economic development incentives from the Corporation under this Agreement and relevant law. The design standards shall be submitted to the Local Government Parties for approval prior to implementation by the Corporation.

Section 5.03 Aerotropolis Master Design Plan. The Corporation, in collaboration with the Local Government Parties, shall have the power to promulgate an Aerotropolis Master Design Plan for that area within the boundaries of the Corporation in which the Corporation shall offer economic development incentives. The Aerotropolis Master Design Plan may include proposed land uses to be recommended to the Local Government Parties' consideration in respect of the Local Government Parties' zoning regulations. The Aerotropolis Master Design Plan shall be submitted to the Local Government Parties for approval prior to implementation.

Section 5.04 Application Criteria and Review; Incentives; Approval. The Corporation shall have the power to promulgate application materials; to seek and accept applications from prospective developers and businesses; to establish criteria for Qualified Aerotropolis Businesses; to establish criteria and review applications for incentives from prospective developers and businesses; to make determinations in its sole discretion in respect of the approval, in whole or in part, of such applications and of economic development incentives under relevant law (including, by way of example and not limitation, under Act 376, Act 281, Act 198 and Act 206), except as such discretion is expressly limited by this Agreement or law; to consult with the State officials having subject matter jurisdiction in respect of applications and approvals; to monitor the performance of applicants; and to make recommendations in respect of applications to the State officials or entities, a Local Government Party, or any other Person having subject matter jurisdiction. In the alternative, if an application for designation as a Qualified Aerotropolis Business or for economic development incentives (i) is presented to the Corporation in writing by the Local Government Party and the County Party within which the applicant proposes to locate, (ii) adheres to the development criteria established pursuant to Section 5.01 and the design standards established pursuant to Section 5.02, and (iii) is consistent with the Aerotropolis Master Design Plan promulgated pursuant to Section 5.03, then it shall be deemed approved without further action by the Corporation as of the date of the application. Notice of the application and approval shall be given in accordance with Sections 5.12 to 5.16 of this Agreement, as appropriate.

Section 5.05 Infrastructure Planning and Development. The Corporation shall have the power to work with State and local government officials in the planning and development of infrastructure within the geographic territory of the Corporation.

Section 5.06 Site Selection. The Corporation shall have the power to assist prospective developers and businesses with selection of development sites within the geographic territory of the Corporation.

Section 5.07 Marketing; Business Attraction. The Corporation shall have the power to conduct marketing and business attraction efforts on behalf of itself and the Detroit metropolitan region.

Section 5.08 Real Estate Development. The Corporation shall have the power to provide consultation to assist any Person in respect of the development of real estate for use by a Qualified Aerotropolis Business within the geographic territory of the Corporation.

Section 5.09 Regulatory Assistance and Processing. The Corporation shall have the power to provide assistance to prospective developers and businesses in respect of applying for and obtaining any necessary or advisable licenses, permits or approvals from federal, State and local government entities.

Section 5.10 Streamlined Permitting Processes. The Parties recognize the need for uniform and streamlined local permitting processes, and therefore the Corporation shall have the power to recommend for approval to the Parties streamlined permitting and approval processes for projects within the geographic territory of the Corporation for consideration by the Parties.

Section 5.11 Local Government Assistance. The Corporation shall have the power to provide assistance to Local Government Parties with the implementation and coordination of economic development programs within the geographic territory of the Corporation.

Section 5.12 Designation of Aerotropolis Development Zones; Criteria; Local Government Party Disapproval. To the extent permitted by Act 376 and herein, the Corporation shall have the power to designate property within the Corporation's geographic territory as a Zone. Prior to any such designation, the Corporation shall receive a resolution of approval from the Local Government Party within which the Zone is proposed to be located. Within the first year following the enactment of the amendatory acts contemplated in this Agreement, each initial Local Government Party shall be entitled to request by resolution and receive the designation by the Corporation of one Zone within its territory, provided: that such Zone shall be consistent with the Aerotropolis Master Design Plan; shall adhere to the permitting, zoning and design standards adopted by the Corporation; each respective Local Government Party shall assist with the preparation of the development plan in respect of such Zone within its territory; and if the number of Zones authorized by State law is fewer than the number of Local Government Parties, this entitlement shall not apply but shall be reviewed by the Corporation and the Local Government Parties to reflect the reduction in the number of Zones authorized. Designation of property as a Zone within the geographic territory of the Corporation shall be accompanied by the development plan. The Corporation shall consider the criteria set forth in section 7 of Act 376, MCL 125.2687, in designating a Zone. The Corporation shall provide written notice of the proposed designation of property as a Zone to each Local Government Party within 10 days of such designation. The Corporation shall have no power to designate, and shall not designate, a Zone if the Local Government Party within which the proposed Zone is to be located delivers to the Corporation, either prior to any such designation by the Corporation or not later than 30 days after the Local Government Party has received written notice from the Corporation of the designation, a resolution from the Local Government Party's governing body stating its disapproval of a Zone designation; provided, however, that a Local Government Party may revoke or rescind its disapproval resolution at any time. If the disapproval resolution is revoked or rescinded, the Local Government Party thereafter may not disapprove of the Zone designation to which the original disapproval applied.

Section 5.13 Designation of Aerotropolis Development Areas; Criteria; Conditions; Local Government Party Disapproval. To the extent permitted by Act 281 and herein, the Corporation shall establish criteria for and may establish Aerotropolis Development Areas within the Authority District from time to time. Prior to the establishment of an Aerotropolis Development Area, the Corporation shall receive a resolution of approval from the Local Government Party within which the ADA is proposed to be located. Except as provided below, the Corporation shall not use Tax Increment Revenues derived from ad valorem taxes levied by a Local Government Party for any project or purpose outside the territory of the Local Government Party without the Local Government Party's written consent to the use. Notwithstanding the foregoing, the Corporation may use Tax Increment Revenues for the purpose of paying the Corporation's operating expenses to the extent permitted by law. This Agreement shall be deemed to be an agreement with taxing jurisdictions to share a portion of the captured assessed value or to distribute tax increment revenues among taxing jurisdictions as contemplated by section 12(5) of

Act 281. The Corporation shall provide written notice of the proposed designation of an ADA to each Local Government Party within 10 days of such designation. The Corporation shall have no power to designate, and shall not designate, an ADA if the Local Government Party within which the proposed ADA is to be located delivers to the Corporation, either prior to any such designation by the Corporation or not later than 30 days after the Local Government Party has received written notice from the Corporation of the designation, a resolution from the Local Government Party's governing body stating its disapproval of ADA designation; provided, however, that a Local Government Party may revoke or rescind its disapproval resolution at any time. If the disapproval resolution is revoked or rescinded, the Local Government Party thereafter may not disapprove of the ADA designation to which the original disapproval applied.

Section 5.14 Designation of Qualified Aerotropolis Business; Local Government Party Disapproval. To the extent permitted by Act 376 and herein, the Corporation shall have the power to designate a business as a Qualified Aerotropolis Business. The Corporation shall provide written notice of the designation of a business as a Qualified Aerotropolis Business to the Local Government Party within which the Qualified Aerotropolis Business intends to locate not more than 10 days following such designation. The Corporation shall have no power to designate, and shall not designate, a business as a Qualified Aerotropolis Business if the Local Government Party within which the proposed Qualified Aerotropolis Business proposes to locate or is located delivers to the Corporation, either prior to any such designation by the Corporation or not later than 30 days after the Local Government Party has received written notice from the Corporation of the designation, a resolution from the Local Government Party's governing body stating its disapproval of a Qualified Aerotropolis Business designation; provided, however, that a Local Government Party may revoke or rescind its disapproval resolution at any time. If the disapproval resolution is revoked or rescinded, the Local Government Party thereafter may not disapprove of the Qualified Aerotropolis Business designation to which the original disapproval applied. A Qualified Aerotropolis Business shall be designated only with respect to a particular proposed project for which tax incentives are sought. Each separate proposal submitted by a business for consideration for tax incentives shall require that the business be separately designated as a Qualified Aerotropolis Business in respect of that specific proposal, notwithstanding any prior designation as a Qualified Aerotropolis Business in respect of another proposal. For purposes of the foregoing limitation, "particular proposed project" shall mean a project as described by the business applicant with reasonable specificity satisfactory to the Corporation as to location, development components, operating characteristics, site improvements, capital investment, ancillary improvements, and other relevant information. No separate Qualified Aerotropolis Business designation shall be required for any expansion of an existing project which does not exceed a capital investment of 100% of the capital investment previously made by the Qualified Aerotropolis Business in respect of that existing project.

Section 5.15 Approval of Act 198 Tax Abatements; Local Government Party Disapproval. To the extent permitted by Act 198 and herein, the Corporation shall have the power to establish plant rehabilitation districts and industrial development districts and exercise the other powers under Act 198. The Corporation shall provide written notice of the proposed approval of a plant rehabilitation district or an industrial development district to the Local Government Party within which the district is proposed to be established not more than 10 days following such approval. The Corporation shall have no power to approve, and shall not approve, a plant

rehabilitation district or an industrial development district if the Local Government Party within which the proposed plant rehabilitation district or industrial development district is located delivers to the Corporation, either prior to any such approval by the Corporation or not later than 30 days after the Local Government Party has received written notice from the Corporation of the approval, a resolution from the Local Government Party's governing body stating its disapproval of the establishment of the district; provided, however, that a Local Government Party may revoke or rescind its disapproval resolution at any time. If the disapproval resolution is revoked or rescinded, the Local Government Party thereafter may not disapprove of the district to which the original disapproval applied.

Section 5.16 Approval of Personal Property Tax Exemptions; Local Government Party Disapproval. To the extent permitted by Act 206 and herein, the Corporation shall have the power to exempt new personal property under section 9f(1) under Act 206. The Corporation shall provide written notice of the proposed resolution exempting such property to the Local Government Party within which the personal property is located not more than 10 days following the approval of such resolution. The Corporation shall have no power to approve, and shall not approve, any exemption of new personal property under Act 206 if the Local Government Party within which the new personal property proposed to be exempted is located delivers to the Corporation, either prior to any such approval by the Corporation or not later than 30 days after the Local Government Party has received written notice from the Corporation of the approval, a resolution from the Local Government Party's governing body stating its disapproval of the exemption; provided, however, that a Local Government Party may revoke or rescind its disapproval resolution at any time. If the disapproval resolution is revoked or rescinded, the Local Government Party thereafter may not disapprove of the exemption to which the original disapproval applied.

ARTICLE VI CORPORATION BOARD

Section 6.01 Corporation Board Composition. The ~~appointing authority of each Party shall appoint one (1) member of the Corporation Board. Members~~ Corporation Board shall consist of members representing the Parties, and certain non-Party members, as set forth in this Section. Each member of the Corporation Board shall serve at the pleasure of the appointing ~~Party~~ entity for ~~terms~~ a term established by ~~each Party~~ such entity, but not to exceed four (4) years; provided that in the event an appointing entity does not appoint a successor member upon the expiration of its member's term, the current member shall continue to serve until a successor is appointed by such entity.

(a) Party Members: Two (2) members shall be appointed by Wayne County, and all other Parties shall appoint one (1) member each.

(b) Non-Party Members: Two (2) members shall be appointed by the Wayne County Airport Authority (the "Airport Authority"). Additional non-Party members of the Corporation Board may be appointed upon a majority vote of the Voting Members.

Section 6.02 Appointment, Vacancy, Removal of Corporation Board Members.

(a) Each ~~Party~~entity entitled to membership on the Corporation Board shall have the ability to appoint one (1) alternate to serve in a permanent member's place and stead if the permanent member is absent from a Corporation Board meeting. Appointment of the alternate shall be made by the appointing authority in writing.

(b) A vacancy on the Corporation Board shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(c) All Corporation Board members may be removed by the appointing ~~authority~~entity at will.

Section 6.03 ~~Section 6.02~~ Meetings. The Corporation Board shall meet at least annually ~~at~~on the ~~place, date, and time~~dates as the Corporation Board shall determine. Meetings shall comply with the Open Meetings Act.

Section 6.04 ~~Section 6.03~~ Quorum and Voting. A majority of the Voting Members of Corporation Board then in office ~~and present in person~~ shall be required to constitute a quorum for the transaction of business, and a majority vote of those Voting Members present at a meeting at which a quorum is present shall be necessary for the transaction of business.

Section 6.05 Voting Members Constitute Executive Committee. The Voting Members of the Corporation Board shall constitute the "executive committee" of the Corporation for purposes of state law and any contracts or other arrangements involving or requiring the participation of the executive committee of the Corporation.

Section 6.06 ~~Section 6.04~~ Corporation Board Powers and Responsibilities. The Corporation Board shall do all of the following by a majority vote of the Voting Members unless otherwise provided:

(a) ~~(1) Upon the recommendation of the Executive Committee, adopt~~Adopt rules of procedure governing the Corporation Board and ~~Executive Committee and their respective~~its actions and meetings. Initial rules of procedure shall be adopted within six (6) months of the first meeting of the Corporation Board.

~~(2) Elect Local Government Party members to the Executive Committee.~~

(b) ~~(3)~~ Cause to be conducted an annual independent audit of the Corporation in accordance with the Budget Act.

(c) ~~(4)~~ Upon the recommendation of ~~the Executive Committee and~~ the Chief Executive Officer, approve the annual budget and any amendments thereto in accordance with the Budget Act.

(d) Provide for a system of accounts to conform to a uniform system required by law, and review and recommend to the Corporation Board and recommend to the Corporation Board the Corporation's annual budget in accordance with the Budget Act

(e) ~~-(5)~~ Evaluate the Corporation's performance under this Agreement and law and recommend changes to the Executive Committee.;

(f) ~~-(6)~~ Upon the recommendation of the Executive Committee, establish Adopt policies and procedures in respect of ethics and conflicts of interest consistent with Sections 2.09 and 76.098 of this Agreement.;

(g) ~~-(7)~~ Upon the recommendation of the Executive Committee, approve Approve an investment policy in accordance with Act No. 20, Public Acts of Michigan, 1943, as amended, and establish commercial banking arrangements;

~~Section 6.05~~ Fiduciary Duty. ~~The members of the Corporation Board are under a fiduciary duty to conduct the activities and affairs of the Corporation in the best interests of the Corporation, including the safekeeping and use of all Corporation monies and assets for the benefit of the Corporation. The members of the Corporation Board shall discharge this duty in good faith, with the care an ordinarily prudent individual in a like position would exercise under similar circumstances.~~

~~Section 6.06~~ Compensation. ~~The members of the Corporation Board shall receive no compensation for the performance of their duties, but each member shall be reimbursed for such member's reasonable expenses in carrying out those duties. A member of the Corporation Board may engage in private or public employment, or in a profession or business.~~

Article VII

EXECUTIVE COMMITTEE AND CHIEF EXECUTIVE OFFICER

~~Section 7.01~~ Executive Committee Composition; Appointments. ~~The Executive Committee initially shall have not less than eight (8) and not more than twelve (12) members, and shall be composed as follows:~~

~~(a)~~ Eight (8) permanent voting members of the Executive Committee shall be appointed in the following manner: two (2) members representing the Local Government Parties at large shall be elected by the Corporation Board; one (1) member shall be appointed by the City of Romulus; two (2) members shall be appointed by the Wayne County Airport Authority; two (2) members shall be appointed by Wayne County; and one (1) member shall be appointed by Washtenaw County. Local Government Party at large representatives shall be selected from among Local Government Parties whose annual membership fees are currently paid in full, and the City of Romulus representative shall take office upon the payment in full of annual membership fees by the City of Romulus.

~~(b) — Not more than two (2) additional voting members may be appointed by a non-profit foundation established by private entities and organizations having an interest in implementing the Corporation, provided such foundation is recognized by vote of the permanent members of the Executive Committee appointed under Section 7.01(a), and provided that the foundation has agreed to pay the applicable membership fee.~~

~~(c) — Not more than two (2) additional voting members may be recommended by a non-profit foundation established by private entities and organizations having an interest in implementing the Corporation, provided such foundation is recognized by the Executive Committee; and further provided that the foundation or other entity has agreed to pay the applicable membership fee; and further provided that such recommendations shall be subject to approval by a vote of the permanent members of the Executive Committee appointed under Section 7.01(a).~~

~~The number of members and composition of the Executive Committee may be modified by the Executive Committee from time to time pursuant to Section 7.04(i).~~

~~Section 7.02 — Executive Committee Terms of Office. The terms of office of the Executive Committee shall be as follows:~~

~~(a) — Each Local Government Party at large representative shall be elected to a term of two (2) years, and may be reelected from time to time, provided that an individual may not serve consecutively for more than two terms;~~

~~(b) — Each of the Wayne County Airport Authority representatives shall be appointed to a term of two (2) years;~~

~~(c) — Each of the County Party representatives and the City of Romulus representative shall be appointed to a term of three (3) years;~~

~~(d) — Each of the appointees appointed pursuant to Section 7.01(b) shall be appointed to a term of two (2) years; and~~

~~(e) — Each additional voting member appointed pursuant to Section 7.01(c) shall be appointed to a term of one (1) year.~~

~~Members of the Executive Committee shall serve until the earlier of the expiration of their term or until their resignation or removal. Members of the Executive Committee may only be removed by the appointing entity for cause, including failure to attend meetings. Failure to pay the applicable costs, fees or obligations respecting the appointing entity's obligations to the Corporation for a period of sixty (60) days shall be deemed a resignation from the Executive Committee. Membership on the Executive Committee shall be restored upon the payment of the applicable costs, fees or obligations, provided that the vacancy has not otherwise been filled.~~

~~Section 7.03 — Vacancies. Vacancies shall be filled by appointments made by the respective appointing entity for the balance of the unexpired term.~~

~~Section 7.04 — Executive Committee Powers and Responsibilities. The Executive Committee shall exercise all of the powers of the Corporation granted to the Corporation by this Agreement and under law excepting those expressly reserved herein for the Corporation Board. Except as expressly provided otherwise, the Executive Committee shall act by majority vote. The Executive Committee may do any one or more of the following:~~

~~(h) (a) Appoint the Chief Executive Officer of the Corporation in accordance with s~~Section 7.101 ~~of this Agreement who shall administer all programs, funds, personnel, contracts, and all other administrative functions of the Corporation, subject to oversight of the Executive Committee. The Chief Executive Officer shall receive such compensation as determined by the Executive Committee.~~~~(b) Adopt and submit to the Corporation Board for approval bylaws, rules and procedures governing the Corporation and the Executive Committee and its actions and meetings. Initial bylaws shall be adopted within six (6) months of the first meeting of the Executive Committee~~Corporation Board;

~~(i) (e) Elect officers of the Corporation, which shall be a Chair, Vice Chair, Secretary and Treasurer, and such other officers or assistant officers as the Executive Committee~~Corporation Board ~~shall determine from time to time. The offices of Secretary and Treasurer may be combined at the Executive Committee's discretion. Initial officers shall be appointed within thirty (30) days of the first meeting of the Executive Committee~~Corporation Board's discretion;

~~(j) Carry out, or cause to be carried out, the duties and responsibilities of the Corporation in connection with the economic development incentives and other activities described in Article V;~~

~~(k) (d) Approve policies to implement day-to-day operation of the Corporation, including policies governing the staff of the Corporation;~~

~~(e) Provide for a system of accounts to conform to a uniform system required by law, and review and recommend to the Corporation Board the Corporation's annual budget in accordance with the Budget Act;~~

~~(l) (f) Adopt personnel policies and procedures;~~~~(g) Approve policies and,~~as well as procedures with respect to contracting and procurement; and

~~(h) Recommend to the Corporation Board an investment policy in accordance with Act No. 20, Public Acts of Michigan, 1943, as amended, and establish commercial banking arrangements;~~

~~(i) Increase the size of the Executive Committee from time to time and establish terms of office therefor, provided that any additional members shall be required to fully pay in advance the then-applicable membership fee; and~~

~~(m) (j) Take such other actions and steps as shall be necessary or advisable to accomplish the purposes of this Agreement.~~

~~Section 7.05~~ ~~Meetings.~~ The Executive Committee shall hold meetings at the place, date, and time as the Executive Committee shall determine. Meetings shall comply with the Open Meetings Act.

~~Section 7.06~~ ~~Quorum and Voting.~~ A majority of the Executive Committee then in office and present in person shall be required to constitute a quorum for the transaction of business, and a majority vote at a meeting at which a quorum is present shall be necessary for the transaction of business.

Section 6.07 ~~Section 7.07~~ Fiduciary Duty. The members of the ~~Executive Committee, the Chief Executive Officer and other officers of the~~ Corporation Board are under a fiduciary duty to conduct the activities and affairs of the Corporation in the best interests of the Corporation, including the safekeeping and use of all Corporation monies and assets for the benefit of the Corporation. The members of the ~~Executive Committee, the Chief Executive Officer, and other officers of the~~ Corporation Board shall discharge this duty in good faith, with the care an ordinarily prudent individual in a like position would exercise under similar circumstances.

~~Section 7.08~~ Compensation. The members of the ~~Executive Committee~~ Corporation Board shall receive no compensation for the performance of their duties, but each member shall be reimbursed for such member's reasonable expenses in carrying out those duties. A member of the ~~Executive Committee~~ Corporation Board may engage in private or public employment, or in a profession or business.

Section 6.08 ~~Section 7.09~~ Conflicts of Interest. The ~~Executive Committee may adopt and recommend to the~~ Corporation Board ~~formay~~ approve policies and procedures requiring periodic disclosure of relationships which may give rise to conflicts of interest. The policies and procedures shall require that a member of the Corporation Board ~~or the Executive Committee~~ who has a direct interest in any matter before the Corporation disclose the member's interest and any reasons reasonably known to the member of the Corporation Board ~~or Executive Committee~~ why the transaction may not be in the best interest of the public before the Corporation Board ~~or Executive Committee~~ takes any action with respect to the matter. The disclosure shall become part of the record of the Corporation's proceedings.

Subject to the relevant provisions of State law, the policies and procedures also shall have the objective of precluding the opportunity for and the occurrence of transactions by the Corporation that would create a conflict of interest involving members of the Corporation Board, ~~Executive Committee~~ and employees of the Corporation. At a minimum, these policies to be established for the Corporation should include compliance by each member of the Corporation Board, ~~Executive Committee~~, and employees of the Corporation who regularly exercise significant discretion over the award and management of Corporation projects with policies governing the following:

- (a) Immediate disclosure of the existence and nature of any financial interest of an individual or immediate family member that would reasonably be expected to create a conflict of interest.

(b) Withdrawal by an employee or member from participation in or discussion or evaluation of any recommendation or decision involving a Corporation project that would reasonably be expected to create a conflict of interest for that employee or member.

ARTICLE VII CHIEF EXECUTIVE OFFICER

Section 7.01 ~~Section 7.10~~ Appointment of Chief Executive Officer. ~~No later than six (6) months after the first meeting of the Executive Committee, the Executive Committee~~ The Corporation Board shall select and ~~retain~~ appoint a Chief Executive Officer. The Chief Executive Officer shall administer the Corporation in accordance with the direction of the ~~Executive Committee~~ Corporation Board, the operating budget adopted by the ~~Executive Committee~~ Corporation Board, the general policy guidelines established by the ~~Executive Committee~~ Corporation Board, other applicable governmental procedures and policies, and this Agreement. The Chief Executive Officer shall be responsible for the day-to-day operation of the Corporation; the control, management and oversight of the Corporation's functions; the preparation of an annual budget in accordance with the Budget Act; and supervision of all Corporation employees. All terms and conditions of the Chief Executive Officer's employment, including length of service, shall be specified in a written contract between the Chief Executive Officer and the Corporation, provided that the Chief Executive Officer shall serve at the pleasure of the ~~Executive Committee~~ Corporation Board, and the ~~Executive Committee~~ Corporation Board may remove or discharge the Chief Executive Officer by a vote of not less than three-fifths (3/5) of its ~~v~~ Voting ~~m~~ Members then serving in office.

Section 7.02 Fiduciary Duty. The Chief Executive Officer and other officers of the Corporation are under a fiduciary duty to conduct the activities and affairs of the Corporation in the best interests of the Corporation, including the safekeeping and use of all Corporation monies and assets for the benefit of the Corporation. The Chief Executive Officer and other officers of the Corporation shall discharge this duty in good faith, with the care an ordinarily prudent individual in a like position would exercise under similar circumstances.

Section 7.03 Compensation. The Chief Executive Officer shall receive such compensation as determined by the Corporation Board

ARTICLE VIII DURATION OF, WITHDRAWAL FROM, AND TERMINATION OF INTERLOCAL AGREEMENT

Section 8.01 Duration. The Corporation commences on the Effective Date and continues for a term of ninety-nine (99) years unless earlier terminated in accordance with this Article VIII.

Section 8.02 Withdrawal by a Party. Any Party may withdraw from the Agreement at any time upon notice given six (6) months in advance to Corporation, or in accordance with section 14.10 of this Agreement, and the Corporation thereafter shall exercise no power or authority within the territory of the withdrawing Party; provided that if the Corporation has incurred debts or obligations which also are debts or obligations of a Party on account of having been expressly authorized by the Party in accordance with Sec. 7(2) of Act 7 and Sec. 4.01 of this Agreement, the Party shall remain obligated for any such payment following its withdrawal from the Agreement; and provided further that the withdrawal of a Party shall not invalidate nor terminate prior to its stated termination date any Zone, ADA, TIF Plan or the collection of Tax Increment Revenues, or any other economic development incentive previously established or granted prior to the withdrawal of the Party, and the withdrawing Party shall be deemed to remain a Party if necessary for the limited purpose of preserving any of the foregoing incentives, and provided further that in the event of a withdrawal by a Party, the Corporation shall not extend the effective term of any of the foregoing incentives beyond its stated termination date.

Section 8.03 Termination. This Agreement shall continue until terminated by the first to occur of the following:

- (a) When there is one (1) Party;
- (b) Upon the withdrawal of Wayne County;
- (c) A three-fourths (3/4) vote of the ~~v~~Voting ~~m~~Members of the ~~Executive Committee~~Corporation Board then serving in office; or
- (d) Expiration of the stated term of the Agreement.

Section 8.04 Disposition upon Termination. As soon as possible after termination of this Agreement, the Corporation shall wind up its affairs as follows:

- (a) All of the Corporation's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Corporation and distribution of its assets shall be paid first; and
- (b) The remaining assets, if any, shall be distributed among the remaining Parties in accordance with Act 7 or other relevant law, and otherwise in proportion to their contributions to the Corporation.

ARTICLE IX CONTRIBUTIONS

Section 9.01 Entry Fees. Any local government which becomes a Local Government Party to this Agreement shall be required to pay a fixed entry fee. ~~The initial fixed entry fee is set forth on Exhibit A.~~ The fixed entry fee shall be waived in its entirety for the initial Local Government Parties to this Agreement in consideration of the in-kind contributions made in support of creating the Corporation and pursuing appropriate supporting legislation. The fixed

entry fee for Local Government Parties subsequently joining the Corporation may be waived in whole or in part by the ~~Executive Committee~~ Corporation Board in its sole reasonable discretion in consideration of in-kind contributions.

Section 9.02 Annual Membership Fees. The ~~Executive Committee~~ Corporation Board shall establish and may revise ~~biannually~~ annually a schedule of annual membership fees for the Corporation. ~~The membership fees shall include fee categories for Parties and for non-Party entities represented on the Executive Committee, provided that the Wayne County Airport Authority shall not be subject to an annual membership fee. The Corporation's operating expenses shall be paid for first from the collection of Tax Increment Revenues by the Corporation under a TIF Plan, and the amount of Tax Increment Revenues attributable to a Party's annual millage levy shall be credited against that Party's annual membership fee, provided that for the first five years from the establishment of an ADA, the credit against the annual membership fee shall not exceed 1/3 of the then applicable fee. The balance of the~~

(a) Each Party's annual membership fee shall be paid by the Party from any funds legally available for such purpose.

(b) The ~~Executive Committee~~ Corporation Board, in its sole reasonable discretion, may credit the value of in-kind services to the Corporation against the annual membership fees otherwise due and payable from ~~a Party or entity represented on the Executive Committee which is not~~ a Party, provided that the credit may not exceed 1/3 of the membership fee otherwise due.

(c) Long-term payment plans may be entered into for up to three years with approval from the ~~Executive Committee~~ Corporation Board, provided that a good faith cash payment is made each year and provided further that the Party consents to the designation of an ADA within the Party's territory.

(d) Notwithstanding the other provisions of this section, the ~~Executive Committee~~ Corporation Board also may reduce or defer the payment of annual membership fees or make other necessary or convenient accommodations on account of hardship in appropriate cases. ~~The initial annual membership fees are set forth on Exhibit A.~~

Section 9.03 Personal Property, Assets and Services. Any Party or entity from time to time may make contributions of personal property and assets to the Corporation. The reasonable value of any property, assets and services contributed may be credited against the Party's or other entity's initial annual membership fee as set forth in Section 9.02 and thereafter upon approval by the ~~Executive Committee~~ Corporation Board. Reasonable value shall be determined by the ~~Executive Committee~~ Corporation Board, in its sole discretion, by reference to a published market rate of the items in question, competitive quotes, or other objective measure approved by the ~~Executive Committee~~ Corporation Board.

Section 9.04 Employees. Any Party or entity from time to time may contribute employees to the Corporation. The reasonable value of employees contributed shall be credited against the Party's or other entity's initial annual membership fee as set forth in Section 9.02 and thereafter upon approval by the ~~Executive Committee~~ Corporation Board. Reasonable value shall

be determined by the ~~Executive Committee~~ Corporation Board, in its sole discretion, based upon a proration for the time worked of the annual total compensation of the employee being loaned or other objective measure approved by the ~~Executive Committee~~ Corporation Board. The Corporation shall have full discretion to return the employee to the Party or other entity for non-performance, in which case the Party or other entity shall be subject to and shall promptly pay the remaining membership fee.

Section 9.05 Marketing Costs. The Corporation ~~expects and intends to~~ shall include in its annual budget a marketing budget for the Corporation. As part of its annual operating budget, the Corporation and the Airport Authority may enter into an agreement ~~with the Wayne County Airport Authority under~~ pursuant to which the ~~Wayne County~~ Airport Authority and the Corporation annually shall prepare a marketing budget for the Corporation for the purpose of paying for marketing efforts designed to attract users to Detroit Metropolitan Wayne County Airport and Willow Run Airport (together, the "Airports"). The agreement shall provide that the ~~Wayne County Airport Authority shall pay the reasonable share of such budget representing Airports-related marketing expenses~~ shall reimburse the corporation for a share of its marketing expenditures, so long as such expenditures were used to promote the airports as regional assets to business attraction prospects, but only to the extent permitted by State and federal law and regulation. Expenditure of such budgeted moneys shall be subject to annual review and audit to assure compliance with State and federal law and regulation.

Section 9.06 Acts and Omissions. The Corporation shall only be liable for its own acts or omissions which occur after the Effective Date and none of the Parties shall be liable for any acts or omissions of the Corporation.

Section 9.07 Execution of Documents. The Corporation and each Party shall cooperate in order to execute and deliver to the Corporation any and all documents including bills of sale, assignments, and certificates necessary or appropriate to effectuate each Party's contribution to the Corporation.

~~Section 9.08 Participation Agreement. The Corporation and a Party may enter into a Participation Agreement for the purpose of executing the purposes and activities contemplated by this Agreement.~~

ARTICLE X ADMISSION OF OTHER PARTIES

Section 10.01 Procedure. Following the Effective Date, a Public Agency may become a Party by submitting a written request to the Chief Executive Officer and pursuant to guidelines established by the ~~Executive Committee~~ Corporation Board, payment of the then applicable membership fees, and in accordance with law. The Chief Executive Officer may recommend approval to the ~~Executive Committee~~ Corporation Board. The ~~Executive Committee~~ Corporation Board shall approve or deny the request. Approval of this Agreement shall be by resolution of the entity seeking to become a Party.

Section 10.02 Effective Date. The effective date of admission of a Party is the date on which a fully executed copy of this Agreement which contains the name and signatory of the newly admitted Party is filed with Michigan Department of State, Office of the Great Seal, and filed with the County Clerk of each county which is a Party to this Agreement pursuant to Section 10 of Act 7.

Section 10.03 Not an Amendment to Agreement. The admission of additional Parties after the initial Effective Date of this Agreement shall not constitute an amendment to or alternative form of this Agreement nor change the Effective Date. Any amendment to or alternative form of this Agreement may be made only in accordance with Section 13.10.

Section 10.04 Opinion of Legal Counsel. The written request submitted to the Chief Executive Officer shall be accompanied by an opinion of legal counsel to the Public Agency in form and substance satisfactory to counsel to the Corporation, and to the Attorney General of the State if approval by the Attorney General is then required, including but not limited to opinions to the effect that the Public Agency is validly formed, has the powers set forth in Articles IV and V of this Agreement, and that the Agreement, once duly executed and delivered, will be the valid and binding obligation of the Public Agency, enforceable in accordance with its terms.

ARTICLE XI REVENUE SHARING, JOINT PLANNING COMMISSION

Section 11.01 Revenue Sharing. The Parties conceptually agree that the Corporation's success in attracting economic development should be shared among all Parties. The Parties therefore agree to investigate a fair and equitable means of sharing all or a portion of revenue derived by and for the benefit of the Parties in accordance with the provisions of Act 7 and other relevant law.

Section 11.02 Joint Planning Commission. The Parties agree to consider the feasibility of establishing a joint planning commission under the Joint Municipal Planning Act, Act No. 226 of 2003, MCL 125.131 to 125.143.

ARTICLE XII BOOKS AND REPORTS

Section 12.01 Accrual Basis. The Corporation shall maintain its books of account on an accrual basis of accounting, except as otherwise required by law.

Section 12.02 Corporation Records. The Corporation shall keep and maintain at the principal office of the Corporation all documents and records of the Corporation. The records of the Corporation shall include a copy of this Agreement along with a listing of the names and addresses of the Parties. Such records and documents shall be maintained until termination of this Agreement.

Section 12.03 Financial Statements and Reports. The Corporation shall cause to be prepared at least annually, at Corporation expense, audited financial statements prepared in accordance with the Budget Act and with generally accepted accounting principles and accompanied by a written opinion of an independent Certified Public Accountant. A copy of the annual financial statement and report shall be filed with the State Department of Treasury within six months after the end of the Corporation's Fiscal Year in accordance with law, with copies filed with each Party.

Section 12.04 Freedom of Information Act. The Corporation is subject to and shall comply with the Freedom of Information Act.

ARTICLE XIII FINANCES

Section 13.01 Annual Budget. The Corporation shall be subject to and comply with the Budget Act. The Chief Executive Officer annually shall prepare and the ~~Executive Committee and~~ Corporation Board shall approve a budget for the Corporation for each Fiscal Year. Each budget shall be approved not less than 15 days prior to the beginning of the Fiscal Year.

Section 13.02 Deposits and Investments. The Corporation shall deposit and invest funds of the Corporation, not otherwise employed in carrying out the purposes of the Corporation, in accordance with an investment policy established by ~~the Executive Committee and~~ the Corporation Board consistent with State law regarding the investment of public funds.

Section 13.03 Disbursements. Disbursements of funds shall be in accordance with guidelines established by the ~~Executive Committee~~ Corporation Board and in accordance with the Budget Act and law.

ARTICLE XIV MISCELLANEOUS

Section 14.01 Notices. Notice of all meetings ~~of the Executive Committee and~~ of the Corporation Board shall be given in the manner required by the OMA. In addition, at least three (3) days prior to the date set for the holding of any meeting of the ~~Executive Committee or~~ Corporation Board, written notice of the time and place of such meeting shall be sent by email or other electronic means to each ~~Executive Committee member and~~ Corporation Board member, as the case may be, at the email or other appropriate address of such member appearing on the records of the Corporation. Every notice by email or other electronic means shall be deemed duly served as of 5:00 p.m., prevailing Eastern time, next following the actual time when the notice is transmitted, as recorded by the Corporation's communication system. The Chief Executive Officer or his or her designee may, but shall not be required to, cause additional written notice to be provided to a member or members by mailing such notice via regular U.S. mail not less than

seven (7) days prior to the date set for the holding of the meeting to the address of such member or members appearing on the records of the Corporation. Mailed notice shall be deemed duly served on the second business day following the day when the same has been deposited in the United States mail with postage fully prepaid and addressed to the sendee as provided above.

Any and all correspondence or notices required, permitted or provided for under this Agreement to be delivered to any Party shall be sent to that Party by email or other electronic means at the email or other appropriate address of such Party appearing on the records of the Corporation, with a written copy by first class mail, provided that notices required by Sections 5.12, 5.13, 5.14, 5.15 and 5.16 and notices of withdrawal shall be sent by email or other electronic means and by certified mail, return receipt requested, in lieu of first class mail. All such written notices including any notice of withdrawal as provided herein shall to be sent to each other Party's signatory to this Agreement, or that signatory's successor at the address as set forth above such Party's signature, or to such other address provided by the Party to the Corporation from time to time. All correspondence shall be considered delivered to a Party as of 5:00 p.m., prevailing Eastern Time, next following the actual time when the notice is transmitted, as recorded by the Corporation's communication system.

Section 14.02 Entire Agreement. This Agreement sets forth the entire agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter hereof. It is further understood and agreed that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter hereof, except as expressly stated herein.

Section 14.03 No Presumption. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the Party causing this Agreement to be drafted.

Section 14.04 Severability of Provisions. If any provision of this Agreement, or its application to any Person or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of that provision to other Persons or circumstances is not affected but will be enforced to the extent permitted by law.

Section 14.05 Governing Law. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan without regard to the doctrine of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

Section 14.06 Captions. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Agreement. They are solely for convenience of reference and do not affect this Agreement's interpretation.

Section 14.07 Terminology. All terms and words used in this Agreement, regardless of the number or gender in which they are used, are deemed to include any other number and any other gender as the context may require.

Section 14.08 Cross-References. References in this Agreement to any Article include all Sections, subsections, and paragraphs in the Article; references in this Agreement to any Section include all subsections and paragraphs in the Section.

Section 14.09 Jurisdiction and Venue. In the event of any disputes between the Parties over the meaning, interpretation or implementation of the terms, covenants or conditions of this Agreement, the matter under dispute, unless resolved between the parties, shall be submitted to the courts of the State of Michigan.

Section 14.10 Amendment. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of all Parties. In the event that an amendment to this Agreement or alternative form of Agreement is approved by less than all Parties, any Party which has not approved of the amendment or alternative form of Agreement may withdraw from the Corporation.

Section 14.11 Execution of Agreement; Counterparts. Each Party shall duly execute three (3) counterparts of this Agreement, each of which (taken together) is an original but all of which constitute one instrument.

[Remainder of this page left blank intentionally]

IN WITNESS WHEREOF, this Agreement, as amended and restated, is executed by each Party on the date hereafter set forth.

_____ OF _____

WITNESS:

_____ BY: _____

ITS: _____

DATE: _____

EXHIBIT A

MEMBERSHIP FEE SCHEDULE

Annual Membership Fees:

County Party ————— \$ 50,000 per seat on Executive Committee
Local Government Party ————— 25,000 each Party
Private Sector/ Foundation ————— 50,000 per seat on Executive Committee

Fixed Entry Fees:

Local Government Party ————— \$ 50,000 each Party

†
[29,037,5168963-14](#)144868-00001

Charter Township of Van Buren

Agenda Item _____

WORK STUDY: Nov 20, 2017

BOARD MEETING: NOV 21, 2017

REQUEST FOR BOARD ACTION

New Business	Unfinished Business	XX Consent Agenda	Public Hearing
ITEM (SUBJECT)	Consider the conveyance of parcels 83-039-99-0006-702, 83-039-99-0009-720 and 83-039-99-0009-722 from the Charter Township of Van Buren to the Van Buren Township Downtown Development Authority by Quit Claim Deed and authorize the Supervisor and Clerk to execute the Deeds.		
DEPARTMENT	DDA		
PRESENTER	Susan Ireland		
PHONE NUMBER	723-699-8900 x9201		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)			

Agenda topic

ACTION REQUESTED	
Approve the conveyance of parcels 83-039-99-0006-702 [formerly 83-039-99-0006-000], 83-039-99-0009-720 [formerly part of 83-039-99-0009-717] and 83-039-99-0009-722 [formerly part of 83-039-99-0009-718] from the Charter Township of Van Buren to the Van Buren Township Downtown Development Authority by Quit Claim Deed and authorize the Supervisor and Clerk to execute the Deeds.	

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
<ul style="list-style-type: none"> In 2011, the Downtown Development Authority began the process of acquiring an additional 27' X 1082'+/- parcel of land adjacent to the existing 33' right-of-way along the easterly edge Belleville Road from 8787 Belleville Road south to Tyler Road. This would allow the DDA to install sidewalk along Belleville Road from the southerly property line of Belleville Manor to Tyler Road to provide safer passage for pedestrians instead of walking on the shoulder or through the field on Belleville Road. In 2013, the DDA closed on this property and 8559 Belleville Road at the request of the property owner. Due to a clerical error, the Deeds inadvertently conveyed Title to Van Buren Township. I have discussed this with the DDA's Real Estate Attorney from Altus and Associates and it is his recommendation that Van Buren Township Quit Claim these parcels to the DDA the entity that paid for the property. 	

BUDGET IMPLICATION	DDA pays recording fees
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IMPLEMENTATION NEXT STEP	Quit Claim Deeds signed by the Township Supervisor and Clerk
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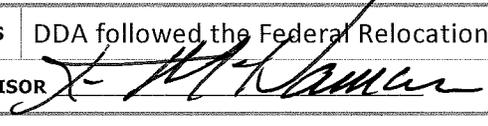
DEPARTMENT RECOMMENDATION	approval
----------------------------------	----------

COMMITTEE/COMMISSION RECOMMENDATION	approval
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ATTORNEY RECOMMENDATION	See attorney correspondence dated November 10, 2017
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(May be subject to Attorney/Client Privilege and not available under FOIA)

ADDITIONAL REMARKS	DDA followed the Federal Relocation Act to acquire the property.
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APPROVAL OF SUPERVISOR	
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**Van Buren Charter Township
Downtown Development Authority**

Tuesday, August 27 2013

Chairperson Dolph called the meeting to order at 5:30 p.m.

ROLL CALL

Members Present: Chairperson Dolph, Vice Chair Atchinson, Secretary Zoller , Director Bechtel, Director Bird, Director Laginess and Director Richter.

Members Absent: Director Baskin (excused,) Director Blank (excused), Director Miller (excused) and Supervisor Combs (excused).

Others in Attendance: DDA Executive Director Ireland, Recording Secretary Cline, Wade Trim, Engineer Nummer, Engineer Stacey and an audience of two.

APPROVAL OF AGENDA

Motion Bird, support Laginess to approve the agenda as presented. Motion Carried.

APPROVAL OF MINUTES

Motion Laginess, support Atchinson to approve the DDA Minutes of Tuesday, July 23, 2013 as presented. Motion Carried.

REPORTS

1. Director's Report:

DDA Executive Director Ireland provided an update on the status of outstanding projects including: Belleville Road sidewalk along the east side of Belleville Road from Tyler Road north to 8701 Belleville Road; I-94 North Service Drive Sidewalk; Wayne County Zoo Millage; Belleville Road Curbs; Belleville Road Intersection; Belleville Road Traffic Signalization Project; Belleville/Ecorse Road Landscape; Belleville Road Fence between Harmony Lane and Sunrise; Van Buren Township Hall Roof; Aerotropolis; Public Safety Day; Emergency Sirens; and Willow Run Airport.

2. Wade Trim:

- a. Belleville Ecorse Road Intersection: The intersection will be open to traffic on August 29th. Service Drives from west to east will and remainder of project should be complete in September.
- b. Traffic Signalization Project: MDOT has issue with color of traffic signal holders (black) from exit ramps to be yellow, further discussion will be held with MDOT. Also, the cost of mask verses wires to hang traffic lights was discussed with estimate of cost to be brought back before a decision is made.

NEW BUSINESS

Motion Bird, support Bechtel to approve the purchase of a portion of three (3) parcels of land, #29 – Parcel ID V125-83-036-99-0006-000, #33 – Parcel ID V125-83-036-99-0009-717 and #34 – Parcel ID V125-83-036-99-0009-718 in accordance with the Settlement Statements for each parcel with a total purchase price of \$131,700 for the three (3) parcels to be expensed from DDA Line item 247-000-980-000 – Property Acquisition and adjust the expense Line item as necessary from “Designated Property Acquisition.” Motion Carried.

2013 DEC -3 AM 11:30

~~2013 OCT 31 AM 11:41~~

Bernard J. Youngblood
Wayne County Register of Deeds
December 03, 2013 11:56 AM
Inst: 2013487849 WD Pages: 3
Liber: 51205 Page: 767



Real Estate Transfer Tax
County: \$45.10
State: \$307.50
Receipt: 505542
Stamp: 322327



WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That: Mary Ellen Brown
the address of which is: 6 Rue Grimaldi Way, Henderson, Nevada 89011
convey(s) and warrant(s) to: The Charter Township of Van Buren, a Michigan Municipal Corporation
whose street number and post office address is: 46425 Tyler Road, Belleville, MI 48111
the following described premises situated in the Charter Township of Van Buren, County of Wayne, State of Michigan,
to wit:
SEE EXHIBIT A and B

also known as Property Address: Vacant Land located in Part of the SW 1/4 of Section 10 Parcel #34
Parcel ID No. V125-83-039-99-0009-718

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

If the land being conveyed is unplatted, the following is deemed to be included: The Grantor grants the Grantee the right to make 0 division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Forty-thousand and Seven Hundred and 00/100 Dollars, (***\$ 40,700.00 ***) Dollars

Subject to existing building and use restrictions, easements of record, and zoning ordinances, if any

Dated this 1st day of Oct, 2013

Signed by:

Mary Ellen Brown
[Seller] Mary Ellen Brown

[Seller]

State of: Nevada)
County of: Clark) SS.

The foregoing instrument was acknowledged before me on 10/17/13 by Mary Ellen Brown



[Signature]
Notary Public: _____
Notary County: Clark, State: NV
Commission Expires: 1/1/17

2013 OCT 31 AM 11:47

Bernard J. Youngblood
Wayne County Register of Deeds

December 03, 2013 11:56 AM
Inst: 2013487850 WD Pages: 3
Liber: 51205 Page: 770



Real Estate Transfer Tax



County: \$89.10
State: \$607.50
Receipt: 505542
Stamp: 322328

2013 DEC -3 AM 11:56

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That: Mary Ellen Brown

the address of which is: 6 Rue Grimaldi Way, Henderson, Nevada 89011.

convey(s) and warrant(s) to: The Charter Township of Van Buren, a Michigan Municipal Corporation

whose street number and post office address is: 46425 Tyler Road, Belleville, MI 48111

the following described premises situated in the Charter Township of Van Buren, County of Wayne, State of Michigan, to wit:

SEE EXHIBIT A and B

also known as Property Address: Vacant Land located in Part of the SW 1/4 of Section 10 Parcel #33
Parcel ID No. V125-83-039-99-0009-717

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

If the land being conveyed is unplatted, the following is deemed to be included: The Grantor grants the Grantee the right to make 0 division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Eighty-one Thousand and 00/100 Dollars, (***\$ 81,000.00**) Dollars

Subject to existing building and use restrictions, easements of record, and zoning ordinances, if any

Dated this 7th day of OCT., 2013

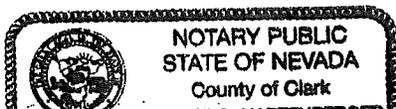
Signed by:

Mary Ellen Brown
[Seller] Mary Ellen Brown

[Seller]

State of: Nevada)
County of: Clark) SS.

The foregoing instrument was acknowledged before me on 10/7/13 by Mary Ellen Brown



Notary Public: [Signature]
Notary County: Clark, State: NV
Commission Expires: 1/1/17
Acting In: Clark County NV

QUIT CLAIM DEED

The Grantor(s), the Charter Township of Van Buren, a Michigan Municipal Corporation

Whose address is 46425 Tyler Road, Van Buren Township, Michigan 48111

Quit Claims to The Downtown Development Authority of the Charter Township of Van Buren, a public body corporate existing under the laws of the State of Michigan

Whose address is 46425 Tyler Road, Van Buren Township, Michigan 48111

The following described premises situated in the Charter Township of Van Buren, County of Wayne and State of Michigan:

PRT OF THE SW 1/4 OF SECTION 10, T3S, R8E DESCRIBED AS: BEGINNING AT THE SW CORNER OF SAID SECTION 10; THENCE NORTH 00D 40M 25S EAST ALONG THE WEST LINE OF SAID SECTION. A DISTANCE OF 334.58 FT; TH NORTH 88D 53M 00S EAST, A DISTANCE OF 60.03 FT; TH SOUTH 00D 40M 25S WEST, A DISTANCE OF 334.58 FT; TH SOUTH 88D 53M 00S WEST, A DISTANCE OF 60.03 FT TO THE POB. CONTAINING .046 ACRES

Also known as: .046 acres vacant land
Tax ID No. 83-039-99-0009-722

For the sum of One Dollar (\$1.00), Exempt from taxation pursuant pursuant to MCL 207.526(i) and MCL 707.505(h) (i)

Dated this _____ day of _____, 20 _____

Witness

Kevin McNamara, Township Supervisor

Witness

Leon Wright, Township Clerk

State of Michigan)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20 _____ by Kevin McNamara, Van Buren Township Supervisor and Leon Wright, Van Buren Township Clerk.

Notary Public
State of _____
County of _____
My commission expires: _____

When Recorded return to:
Susan Ireland
Van Buren Township – DDA
46425 Tyler Road
Van Buren Township, MI 48111
Tax Parcel No. 83-039-99-0009-720

Drafted by:
Susan Ireland
Van Buren Township DDA
46425 Tyler Road
Van Buren Township, MI 48111
Recording Fee \$ _____

QUIT CLAIM DEED

The Grantor(s), the Charter Township of Van Buren, a Michigan Municipal Corporation

Whose address is 46425 Tyler Road, Van Buren Township, Michigan 48111

Quit Claims to The Downtown Development Authority of the Charter Township of Van Buren, a public body corporate existing under the laws of the State of Michigan

Whose address is 46425 Tyler Road, Van Buren Township, Michigan 48111

The following described premises situated in the Charter Township of Van Buren, County of Wayne and State of Michigan:

PRT OF THE SOUTHWEST 1/4 OF SECTION 10, T3SR8E: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 00D 40M 25S EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 334.58 FT TO THE POB; THENCE CONTINUING NORTH 00D 40M 25S EAST, A DISTANCE OF 748.51 FT; THENCE SOUTH 89D 22M 00S EAST, A DISTANCE OF 60 FT; THENCE SOUTH 00D 40M 25S WEST, A DISTANCE OF 746.68 FT; TH SOUTH 88D 53M 00S WEST, A DISTANCE OF 60.03 FT TO THE POB. CONTAINING 1.03 ACRES

Also known as: 1.03 acres vacant land
Tax ID No. 83-039-99-0009-720

For the sum of One Dollar (\$1.00), Exempt from taxation pursuant pursuant to MCL 207.526(i) and MCL 707.505(h) (i)

Dated this ___ day of ___, 20__

Witness

Kevin McNamara, Township Supervisor

Witness

Leon Wright, Township Clerk

State of Michigan)
) ss
County of _____)

The foregoing instrument was acknowledged before me this ___ day of ___, 20__ by Kevin McNamara, Van Buren Township Supervisor and Leon Wright, Van Buren Township Clerk.

Notary Public
State of _____
County of _____
My commission expires: _____

When Recorded return to:
Susan Ireland
Van Buren Township – DDA
46425 Tyler Road
Van Buren Township, MI 48111
Tax Parcel No. 83-039-99-0009-720

Drafted by:
Susan Ireland
Van Buren Township DDA
46425 Tyler Road
Van Buren Township, MI 48111
Recording Fee \$ _____

QUIT CLAIM DEED

The Grantor(s), the Charter Township of Van Buren, a Michigan Municipal Corporation

Whose address is 46425 Tyler Road, Van Buren Township, Michigan 48111

Quit Claims to The Downtown Development Authority of the Charter Township of Van Buren, a public body corporate existing under the laws of the State of Michigan

Whose address is 46425 Tyler Road, Van Buren Township, Michigan 48111

The following described premises situated in the Charter Township of Van Buren, County of Wayne and State of Michigan:

PRT OF THE SOUTHWEST 1/4 OF SECTION 10, T3SR8E: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 10; THENCE SOUTH 00D 38M 00S WEST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 555 FT TO THE POB; CONTINUING THENCE ALONG SAID WEST LINE SOUTH 00D 38M 00S WEST, A DISTANCE OF 100 FT; THENCE DUE EAST, A DISTANCE OF 60 FT; TH NORTH 00D 38M 00S EAST, A DISTANCE OF 100 FT; THENCE DUE WEST, A DISTANCE OF 60 FT TO THE POB. CONTAINING .14 ACRES

Also known as: 8559 Belleville Road
Tax ID No. 83-039-99-0006-702

For the sum of One Dollar (\$1.00), Exempt from taxation pursuant pursuant to MCL 207.526(i) and MCL 707.505(h) (i)

Dated this _____ day of _____, 20 ____

Witness

Kevin McNamara, Township Supervisor

Witness

Leon Wright, Township Clerk

State of Michigan)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20 ____
by Kevin McNamara, Van Buren Township Supervisor and Leon Wright, Van Buren Township Clerk.

Notary Public
State of _____
County of _____
My commission expires: _____

When Recorded return to:
Susan Ireland
Van Buren Township – DDA
46425 Tyler Road
Van Buren Township, MI 48111
Tax Parcel No. 83-039-99-0009-720

Drafted by:
Susan Ireland
Van Buren Township DDA
46425 Tyler Road
Van Buren Township, MI 48111
Recording Fee \$ _____



REQUEST FOR ACTION

Agenda Item: _____

WORK STUDY MEETING Nov 20 2017

BOARD MEETING: Nov 21, 2017

X New Business	Unfinished Business	Public Hearing
ITEM (SUBJECT)	Consider accepting the resignation of Robert Bechtel from the DDA and appoint Joyce Rochowiak to fill the vacancy with a term to expire March 9, 2018	
DEPARTMENT	Downtown Development Authority	
PRESENTER	Supervisor Kevin McNamara	
PHONE NUMBER	734-699-8910	
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)		

Agenda topic

ACTION REQUESTED
Accept the resignation of Robert Bechtel from the Downtown Development Authority and appoint Joyce Rochowiak to fill the vacancy with a term to expire March 9, 2018
Background – (Supporting and reference Data, Include attachments)
<p>Mr. Robert Bechtel and his strong business background has been a valuable participant in the many accomplishments of the Downtown Development Authority. Some of his contributions have been the construction of Fire Station #2, Belleville Road widening, Streetscape, modifications to the Senior Center, acquisition of Quirk School which is now part of the Township’s Park System, Belleville/Ecorse Intersection, Belleville Road traffic re-signalization, 800 MH radio system and the DDA website to name a few. The community will see his impact for years. Mr. Bechtel is an adjunct business instructor at Mott Community College that has become a conflict with meeting dates. For that reason, he has submitted a letter of resignation from the Downtown Development Authority.</p> <p>The DDA has received an application from Ms. Joyce Rochowiak requesting consideration for appointment to the DDA. She has always been a businessperson and active within her community. She is a long-standing member of Rotary, Professional Women’s Club, St. Anthony’s and the Chamber. It is virtually impossible to name all of the community-based associations in which she is involved. Ms. Rochowiak unselfishly gives back to her community.</p> <p>The appointment of Ms. Rochowiak is consistent and compliant with the requirements of the DDA Act. She would serve as a member “at large.” If appointed she will be a champion of the Van Buren Township Downtown Development Authority.</p>

BUDGET IMPLICATION	Non-Compensated
IMPLEMENTATION NEXT STEP	Clerk to notify applicants
DEPARTMENT RECOMMENDATION	approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	n-a
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	

Kevin McNamara

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

Work Study Date: 11/20/17
 Board Meeting: 11/21/17

Consent Agenda X New Business _____ Unfinished Business: _____ Public Hearing _____

ITEM (SUBJECT)	Granting approval of the Commercial Fireworks Display Permit Application by Great Lakes Fireworks LLC.
DEPARTMENT	Planning
PRESENTER	Matthew R. Best, Deputy Director of Planning and Economic Development
PHONE NUMBER	(734) 699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Paul Henning – Belleville <i>Area Chamber of Commerce</i>

Agenda topic

ACTION REQUESTED

Granting approval of the Commercial Fireworks Display Permit Application by Great Lakes Fireworks LLC to set off fireworks on Saturday, December 2, 2017 from the (closed) Denton Road Bridge, and authorize the Supervisor or his designee to sign the permit.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

The fireworks show takes place the same evening as the Belleville Chamber of Commerce Christmas Parade. This application is in compliance with the Fireworks Ordinance. Enclosed for your review are...

1. Documents from Great Lakes Fireworks LLC (Application, permit, license, itinerary, insurance and map.)
2. Review letter from David McNally (Fire Marshal/Battalion Chief) which approves the application.

BUDGET IMPLICATION None

IMPLEMENTATION NEXT STEP Supervisor or his designee to sign permit.

DEPARTMENT RECOMMENDATION Approval

COMMITTEE/COMMISSION RECOMMENDATION N/A

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

ADDITIONAL REMARKS This request is the same that has been previously approved each year since 2007.

APPROVAL OF SUPERVISOR *[Signature]*

David C. McInally II
Fire Marshal
O: 734-699-8900 ext9416

Van Buren Fire Department
46425 Tyler Rd
Van Buren Twp., MI 48111



To: Director Best
From: Fire Marshal David McInally
Date: 11-8-2017

Re: Great Lakes Fireworks LLC.

I have reviewed the submitted plan for the Belleville Area Chamber of Commerce fireworks display.

Per the plan submitted, I find that this plan is compliant and acceptable when the items listed below are met in accordance with the respective NFPA 1 and NFPA 1123 codes.

1. Minimum diameter for 4 inch shells is 560 ft. The center point of the show shall be just west of the concrete bridge.
NFPA 1123 5.1.3.1
2. Any time the fireworks or pyrotechnic materials are on location, they shall not be left unattended or unsecured
NFPA 1123 7.5.7.2
3. During the display, approved support personnel (FD&PD) shall be positioned to visually observe the roofs of any structures with in the fallout area.
NFPA 1123 7.6.4.1
4. The approved support personnel shall be in communication with the shooter and the fire service assigned to the display.
NFPA 1123 7.6.4.2

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

5. During the display, **(two-way)** voice communication shall be present on site from which fireworks and other pyrotechnic materials are being discharged with communication between each shooter, the operator and the AHJ.

NFPA 1123 7.6.5

6. Monitors shall be positioned around the display site to prevent spectators or any other unauthorized persons from entering the discharge site.

NFPA 1123 8.1.2.1

7. Only the operator, authorized assistants and inspectors representing the AHJ shall be permitted in the display site while the display is in progress

NFPA 1123 8.1.3.2

8. The operator shall have primary responsibility for safety.

NFPA 1123 8.1.3*

9. Denton Rd West of Hillside cemetery entrance along with Main/Denton access points will need to be blocked with fire apparatus to cover any fire that might occur on either side of the display area during the event.

AHJ

10. Dispatch shall be notified 5 minutes prior to beginning of display.

AHJ

This review does not relieve Great Lakes LLC, from following all applicable parts of NFPA 1123 pertaining to their display permit request.

Respectfully Submitted,

David C. McNally

Fire Marshal

Case number: 17-035

Dated submitted: 10-23-17

Commercial Fireworks Display Permit Application

A-11

APPLICANT INFORMATION

Applicant's Business Name GREAT LAKES FIREWORKS LLC Phone 586-779-8062
Name of Applicant or Agent JASON LYNCH Email jlynch65@aol.com
Property Owner (if different than applicant) VAN BUREN CHARTER TOWNSHIP Phone 734-699-8900
Address 46425 TYLER RD Fax 734-699-5213
City, State BELLEVILLE MI Zip 48111 E-Mail Address _____

SITE INFORMATION

Location or address of display: DENTON ROAD BRIDGE BELLEVILLE, MI

Tax ID: 27-1366153

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

REQUIRED INFORMATION

The applicant is responsible for submitting **ALL** of the following information with this application and checking the corresponding boxes below. Failure to submit **ALL** of the following information will result in review delays or application denial.

- Copy of applicant's driver license (applicant must be over 18 years in age).
- License or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- Completed Application for Fireworks Display Permit from the State of Michigan.
- Description of the display, including the type and number of fireworks to be discharged.
- Scale drawing of the subject site, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area(s), and the parking area(s).
- Proof of insurance, meeting the Fireworks Safety Act Ordinance, including the following:
 - Worker's Compensation and Employers Liability coverage covering the statutory requirements of the State of Michigan and insuring the applicant with an Employer's Liability limit of at least \$500,000.
 - Occurrence-based Commercial General Liability coverage covering liability arising out of the operations of the applicant, with limits of at least \$3,000,000 per occurrence.
 - Automobile Liability with a limit of \$1,000,000 per occurrence CSL covering all owned, non-owned, and hired automobiles, and shall comply with all requirements of Michigan's No-Fault law.
- For non-resident applicants, a written appointment of a resident member of the bar of Michigan or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.
- Proof that the applicant is knowledgeable of the recommended safety requirements of NFPA 1123. This will be reviewed by the Charter Township of Van Buren Fire Department.

OWNER'S AND APPLICANT'S AFFIDAVIT

Print Property Owner's Name

Signature of Property Owner

Date

GREAT LAKES FIREWORKS

Print Applicant's Name
JASON LYNCH

[Handwritten Signature]
Signature of Applicant
AGENT

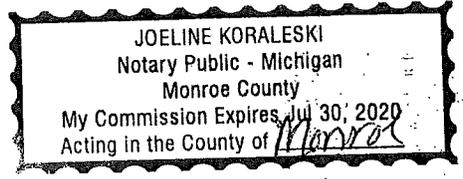
10/16/17
Date

Print Agent's Name

Signature of Agent

Date

STATE OF MICHIGAN
COUNTY OF Monroe



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 16th day of Oct 2017
Joeline Koraleski Notary Public, Monroe County, Michigan
My Commission expires July, 2020

THIS PORTION FOR OFFICIAL USE ONLY

STANDARDS OF REVIEW

Pursuant to Section 5 the Fireworks Safety Act Ordinance, a permit shall only be issued if the following standards are satisfied:

1. The permit application is complete and conforms to the requirements of the Ordinance.
2. The proposed discharge of fireworks shall not have an adverse effect upon public safety.
3. The time, duration, and location of fireworks will not unreasonably disturb the peace of neighboring property owners.

TOWNSHIP DEPARTMENT REVIEW

- Recommendation letter from the Planning and Economic Development Director, dated _____
- Recommendation letter from the Fire Department, dated _____
- Township Board of Trustees action to _____ the application on _____
Approve or Deny *Date*

GREAT LAKES FIREWORKS

24805 Marine • Eastpointe, MI 48021 • Office: (586) 779-8062 • Fax: (586) 779- 8439 • www.greatlakesfireworks.com

October 16, 2017

Anna Halstead
Van Buren Charter Twp / Bldg & Maint
46425 Tyler Rd
Belleville, MI 48111

Dear Anna:

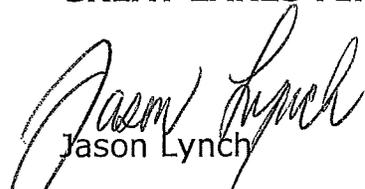
It was pleasure to speak with you. Thank you in advance for your assistance with the December 2nd fireworks application on behalf of the Belleville Area Chamber of Commerce. As discussed, the program and particulars are substantially the same as in previous years. Application and attachments as follows:

- Commercial Fireworks Display Permit Application **A**
- Applicant's Driver's License **B**
- BATF Licenses w/extension letters **C**
- Completed Application for Fireworks Display Permit **D**
- Description of Display include type and number of fireworks **E**
- Scale drawing of the subject site **F**
- Proof of insurance **G**
- Resume – William Shaffer **H**
- Temporary Land Use/Special Permit Application **I**

We certainly look forward to providing the Chamber with another spectacular display. If you have questions or need further information, please call me at 419-476-8808 or 734-652-5812 (cell).

Sincerely,

GREAT LAKES FIREWORKS


Jason Lynch

Enclosures

CC: Paul Henning

RECEIVED

OCT 23 2017

BY: _____

CY

ATF Form 5400-14/5400-15-Part I
Revised October 2011

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit Number
4-MI-099-51-7L-01173

Chief, Federal Explosives Licensing Center (FELC)

Expiration Date
November 1, 2017

Christopher R. Reers

Name
GREAT LAKES FIREWORKS LLC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
**24805 MARINE
EASTPOINTE, MI 48021-**

Type of License or Permit
51-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement
The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the license status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit".

Mailing Address (Changes? Notify the FELC of any changes.)

GREAT LAKES FIREWORKS LLC
24805 MARINE
EASTPOINTE, MI 48021-

Barry J. Beltz
Licensee/Permittee Responsible Person Signature
BARRY J. BELTZ
Printed Name

CO-OWNER
Position/Title
11/12/15
Date

Previous Edition is Obsolete GREAT LAKES FIREWORKS LLC 24805 MARINE 48021 MI 48021-48021 4-MI-099-51-7L-01173 November 1, 2017 51-IMPORTER OF EXPLOSIVES

ATF Form 5400-14/5400-15-Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card	
License/Permit Name:	GREAT LAKES FIREWORKS LLC
Business Name:	
License/Permit Number:	4-MI-099-51-7L-01173
License/Permit Type:	51-IMPORTER OF EXPLOSIVES
Expiration:	November 1, 2017
Please Note: Not Valid for the Sale or Other Disposition of Explosives.	



C 1-1/
DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

October 6, 2017

Great Lakes Fireworks LLC
24805 Marine
Eastpointe, MI 48021-

901090:CRR/SCC
5400
File Number: 4-MI-01173

Premises Address: 24805 Marine, Eastpointe, MI 48021

Dear Sir:

This letter acknowledges receipt of your timely application to renew your Federal explosives license/permit 4MI01173.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is not able to process your application prior to the expiration date of your license/permit. However, Federal law allows you to continue operations under your current license/permit until such time as ATF completes processing your application. See 5 U.S.C. § 558. This letter, or as explained below, a follow-up letter, will serve as your license/permit until we complete action on your renewal. It is referred to as a Letter of Authorization (LOA).

Since we have not completed processing your application, you may supply a copy of this letter to other licensees/permittees, e.g., your distributors, for the next six months (or until we complete action on your renewal, if that occurs in less than six months) as evidence of your licensed/permitted status. If we have not completed processing your application for renewal within six months of the date of this letter, we will send you another letter, which will also be valid for six months (or until we complete action on your renewal, if that occurs in less than six months). This is of course contingent upon your remaining entitled to continue operations under your current license/permit.

Please direct questions or concerns regarding this letter to Sandy Curtis at 304-616-4406.

Sincerely,

Christopher R. Reeves
Chief, Federal Explosives Licensing Center

ATF web address: www.atf.gov

C 2/

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

Chief, Federal Explosives Licensing Center (FELC)

Name
GREAT LAKES FIREWORKS LLC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
24805 MARINE
EASTPOINTE, MI 48021-

Type of License or Permit
27-DEALER OF EXPLOSIVES

Purchasing Certification Statement
The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

GREAT LAKES FIREWORKS LLC
24805 MARINE
EASTPOINTE, MI 48021-

Licensee/Permittee Responsible Person Signature
Barry J. Beltz

Position/Title
CO-OWNER

Printed Name
BARRY J. BELTZ

Date
11/12/15

Previous Edition is Obsolete GREAT LAKES FIREWORKS LLC 24805 MARINE 48021-4 MI 27-7L-91174 November 1, 2017 27-DEALER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

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Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: GREAT LAKES FIREWORKS LLC

Business Name:

License/Permit Number: 4-MI-099-27-7L-01174

License/Permit Type: 27-DEALER OF EXPLOSIVES

Expiration: November 1, 2017

Please Note: Not Valid for the Sale or Other Disposition of Explosives.





DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco,
Firearms and Explosives

C 2-1/

Martinsburg, WV 25405

October 11, 2017

Great Lakes Fireworks LLC
24805 Marine
Eastpointe, MI 48021

901090:CRR/SCC
5400
File Number: 4-MI-01174

Premises Address: 24805 Marine, Eastpointe, MI 48021

Dear Sir:

This letter acknowledges receipt of your timely application to renew your Federal explosives license/permit 4MI01174.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is not able to process your application prior to the expiration date of your license/permit. However, Federal law allows you to continue operations under your current license/permit until such time as ATF completes processing your application. See 5 U.S.C. § 558. This letter, or as explained below, a follow-up letter, will serve as your license/permit until we complete action on your renewal. It is referred to as a Letter of Authorization (LOA).

Since we have not completed processing your application, you may supply a copy of this letter to other licensees/permittees, e.g., your distributors, for the next six months (or until we complete action on your renewal, if that occurs in less than six months) as evidence of your licensed/permitted status. If we have not completed processing your application for renewal within six months of the date of this letter, we will send you another letter, which will also be valid for six months (or until we complete action on your renewal, if that occurs in less than six months). This is of course contingent upon your remaining entitled to continue operations under your current license/permit.

Please direct questions or concerns regarding this letter to Sandy Curtis at 304-616-4406.

Sincerely,

Christopher R. Reeves
Chief, Federal Explosives Licensing Center

ATF web address: www.atf.gov

2017 Application for Fireworks Other Than Consumer or Low Impact

D 11

FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY

Authority: 2011 PA 256	The Legislative Body of City, Village or Township Board will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.		DATE OF PERMIT(S) EXPIRE:
TYPE OF PERMIT(S) (Select all applicable boxes)			
<input type="checkbox"/> Agricultural or Wildlife Fireworks	<input type="checkbox"/> Articles Pyrotechnic	<input type="checkbox"/> Display Fireworks	
<input checked="" type="checkbox"/> Public Display	<input type="checkbox"/> Private Display		
<input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes			
NAME OF APPLICANT GREAT LAKES FIREWORKS, LLC F/B/O BELLEVILLE AREA CHAMBER OF COMMERCE		ADDRESS OF APPLICANT 6480 TOMER RD CLAYTON MI 49235	AGE (18 or over) <input type="checkbox"/> Yes <input type="checkbox"/> No
IF CORPORATION, NAME OF PRESIDENT BRUCE TYREE		ADDRESS PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER 5508 WATERMAN RD EAST JORDAN, MI 49727	
IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT MICHIGAN RESIDENT CORPORATION		ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) 24805 MARINE EASTPOINTE, MI 48021	TELEPHONE NUMBER 586-779-8062
NAME OF PYROTECHNIC OPERATOR WILLIAM SHAFFER		ADDRESS OF PYROTECHNIC OPERATOR 15761 WEST YEASTING ELMORE OH 43416	AGE (18 or over) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NO. YEARS EXPERIENCE 37+	NO. DISPLAYS 250+	WHERE THROUGHOUT MICHIGAN AND OHIO	
NAME OF ASSISTANT		ADDRESS OF ASSISTANT	AGE (18 or over) <input type="checkbox"/> Yes <input type="checkbox"/> No
NAME OF OTHER ASSISTANT		ADDRESS OF OTHER ASSISTANT	AGE (18 or over) <input type="checkbox"/> Yes <input type="checkbox"/> No
EXACT LOCATION OF PROPOSED DISPLAY DENTON ROAD BRIDGE			
DATE OF PROPOSED DISPLAY DECEMBER 2, 2017	RAINDATE: NONE	TIME OF PROPOSED DISPLAY APPROX 7:00PM	
MANNER AND PLACE OF STORAGE PRIOR TO DISPLAY SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDIANCE WITH NFPA 1123, 1124, & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT GREAT LAKES FIREWORKS, LLC COMPANY VEHICLE			
AMOUNT OF BOND OR INSURANCE (To be set by local government) \$5 MILLION		NAME OF BONDING CORPORATION OR INSURANCE COMPANY ALLIED SPECIALTY INSURANCE, INC	
ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY 10451 GULF BLVD TREASURE ISLAND, FL 33706-4814			
NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed)		
192	3" AERIAL DISPLAY SHELLS		
60	4" AERIAL DISPLAY SHELLS		
6	MULTIPLE SHOT, BARRAGE-TYPE ITEMS (CAKES <3")		
SIGNATURE OF APPLICANT Jason Lynch {electronically signed}			DATE 10/12/2017

2017 Permit for Fireworks Other than Consumer or Low Impact

D 2/

Authority: 2011 PA 256	The Legislative Body of City, Village or Township Board will not discriminate against any individual or group because of race, sex, religion, age, national origin, color marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.
------------------------	--

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.

TYPE OF PERMIT(S) (Select all applicable boxes) <input type="checkbox"/> Agricultural or Wildlife Fireworks <input type="checkbox"/> Articles Pyrotechnic <input type="checkbox"/> Display Fireworks <input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display <input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes	FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY. PERMIT(S) EXPIRATION DATE (ENTER DATE OF EXPIRATION)
---	--

NAME OF PERSON PERMIT ISSUED TO WILLIAM SHAFFER	AGE (18 or over) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

ADDRESS OF PERSON PERMIT ISSUED TO
15761 WEST YEASTING ELMORE OH 43416

NAME OF ORGANIZATION, GROUP, FIRM, OR CORPORATION
GREAT LAKES FIREWORKS, LLC F/B/O BELLEVILLE AREA CHAMBER OF COMMERCE

NUMBER AND TYPES OF FIREWORKS

- 192 3" AERIAL DISPLAY SHELLS
- 60 4" AERIAL DISPLAY SHELLS
- 6 MULTIPLE SHOT, BARRAGE-TYPE ITEMS (CAKES <3")

EXACT LOCATION OF DISPLAY
DENTON ROAD BRIDGE

CITY, VILLAGE, TOWNSHIP VAN BUREN CHARTER TOWNSHIP	DATE DECEMBER 2, 2017	TIME APPROX 7:00PM
--	---------------------------------	------------------------------

BOND OR INSURANCE FILED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AMOUNT \$5 MILLION
--	------------------------------

Issued by action of the Legislative Body of a

city village township of _____ on the _____ day of

(Signature and Title of Legislative Body Representative)

*** THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT ***

D 3/

GREAT LAKES FIREWORKS

ITINERARY DECEMBER 2, 2017 FIREWORKS DISPLAY

BELLEVILLE, MI

Please Note: Great Lakes Fireworks must be permitted to follow all guidelines as set forth by the NFPA 1123 – as amended, in its entirety.

December 2, 2017

- | | |
|--------------|--|
| 11:30 AM | Great Lakes Fireworks arrival at discharge site, Denton Rd bridge and commence up in secure area of Hillside Cemetery. |
| 6:30 PM | Stop all traffic on roadway; block off with trucks at both ends of roadway (upon completion of parade) |
| 7:00-7:30 PM | Start show execution after parade, firing on command by Randy Brown; will use cell phone communication |
| 7:45 PM | About 10 minutes after the show is complete, the breakdown of equipment and upload truck will begin; also, search for duds on ground and in lake |
| 8:00 PM | Sweep roadway and pick up debris |
| 8:15 PM | Open road to traffic |

NOTE: Tentative time-line only, subject to review and approval by local AHJ.



U.S. Department
of Transportation

Eastern Service Center
Operations Support Group
AJV-E2

1701 Columbia Ave.
College Park, GA 30337

D
4 /

REQUEST FOR FIREWORKS DISPLAY

Name of Fireworks Company and Email Address (To Send Approval Letters):

GREAT LAKES FIREWORKS c/o JLYNCH65@AOL.COM

Event Name: BELLEVILLE AREA CHAMBER OF COMMERCE FIREWORKS DISPLAY

Display Date: DECEMBER 2, 2017 Rain Date: N/A

Display Start Time: APPROX 7:00PM

Duration of Fireworks Display: APPROXIMATELY 15 MINUTES

Max Height of Fireworks < 300 FEET

City or Town and State (Physical Address): DENTON STREET BRIDGE, BELLEVILLE, MI

Latitude: 42 12'37.6745 (North) Longitude: 83 29'42.8476 (West)

Location or Special Notes: Annual fireworks display – same location as prior years

GREAT LAKE FIREWORKS

BELLEVILLE CHAMBER OF COMMERCE
BELLEVILLE, MICHIGAN

OCTOBER 11, 2017

E

SYNOPSIS

December 2, 2017

DESCRIPTION	QUANTITY
-------------	----------

BODY OF PROGRAM

Three Inch Assorted Color Shells and Salutes	72
Four Inch Assorted Color Shells and Salutes	48

GRAND FINALE

Three Inch Assorted Color Shells and Salutes	120
Four Inch Assorted Color Shells and Salutes	12

LOW LEVEL

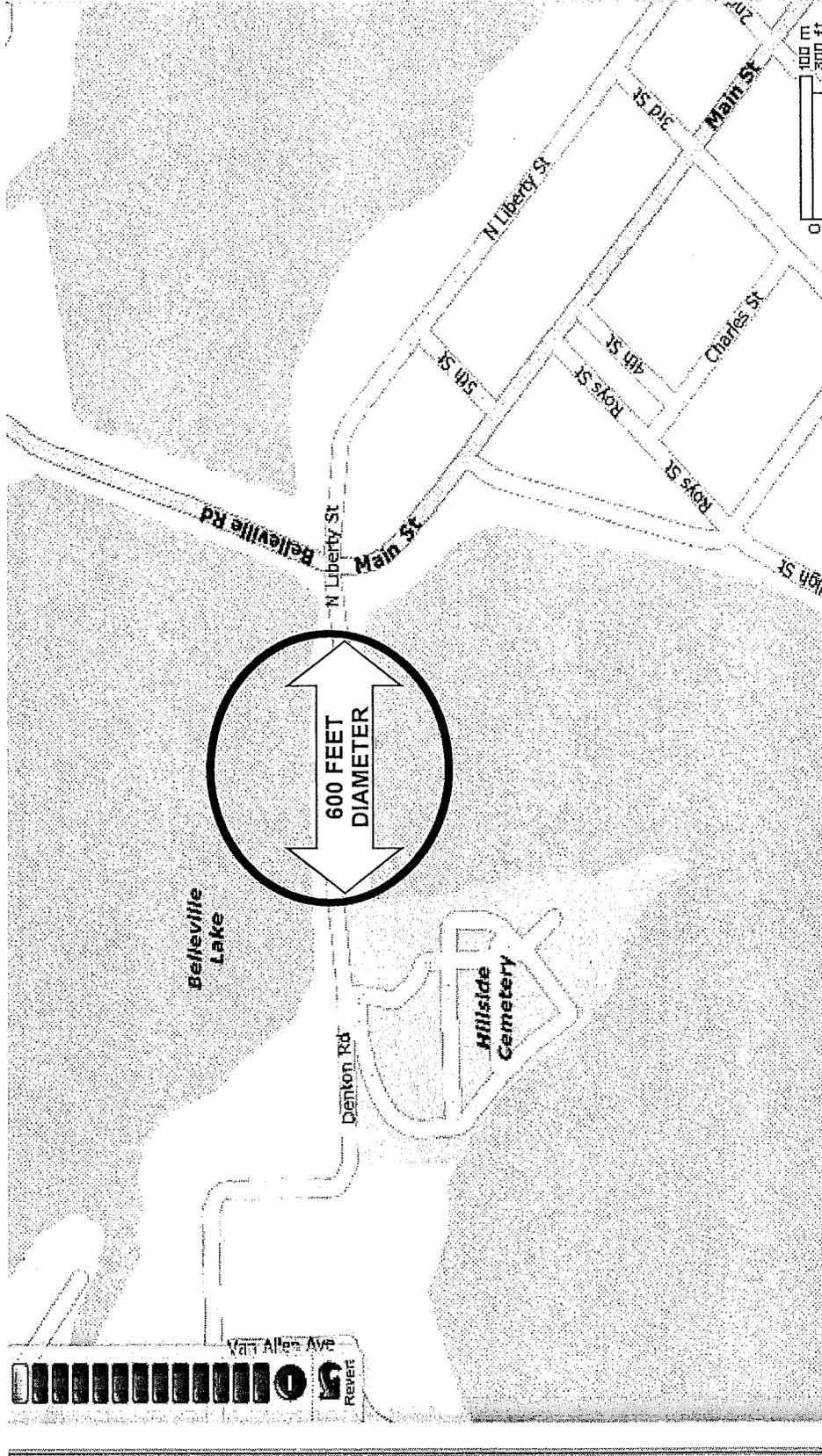
6 Multi-Shot Barrage Cakes Items < 3 Inch	approximately 600 shots
---	-------------------------

This is an electrically-fired display conducted in accordance with NFPA 1123, as amended, subject to local rules and restrictions.

**GREAT LAKES FIREWORKS
FIREWORKS DISPLAY
DECEMBER 2, 2017
BELLEVILLE AREA CHAMBER OF COMMERCE**

MAXIMUM SHELL SIZE: 4" (REQUIRES 280 FEET TABLE OF DISTANCE)
Display to be electrically fired in accordance with NFPA 1123, as amended.

Statement: Fireworks display to be electrically-fired in accordance with NFPA 1123 and all state and local regulations and ordinances.



F 11

F 2/

DIAGRAM AND FIRING SITE INFORMATION

(to accompany site diagram / map)

At Colonial Fireworks safety is our utmost concern, in order to provide that it is imperative that you supply us with a diagram and/or map of the display area. This will allow us to review the area and see where the spectators, parking areas and buildings will be in relationship to the firing site.

Below is a checklist that will assist you in completing the map and/or diagram. If the item listed does not apply - do not leave the space blank, please insert "N/A" - this will help us in determining if the omission was an oversight or that it really does not apply.

When completing the next section, please use distance in feet from the firing site to the following areas:

- | | |
|--|----------------------|
| 1) Spectators/Audience/Viewing Area | <u>350</u> feet |
| 2) Parking Areas | <u>> 350</u> feet |
| 3) Occupied Buildings | <u>> 350</u> feet |
| 4) Public Buildings (schools, hospitals, etc.) | <u>N/A</u> feet |
| 5) Explosive/Toxics, Gasoline Pumps, etc. | <u>N/A</u> feet |
| 6) Temporary Event Set-ups (Tents, rides, etc.) | <u>N/A</u> feet |
| 7) Highways, Streets, Roads | <u>> 350</u> feet |
| 8) Obstructions Overhead (Power lines, lights, etc.) | <u>N/A</u> feet |
| 9) Active Railroads | <u>N/A</u> feet |

I have completed the above information to the best of my knowledge.

JASON LYNCH
Print Name

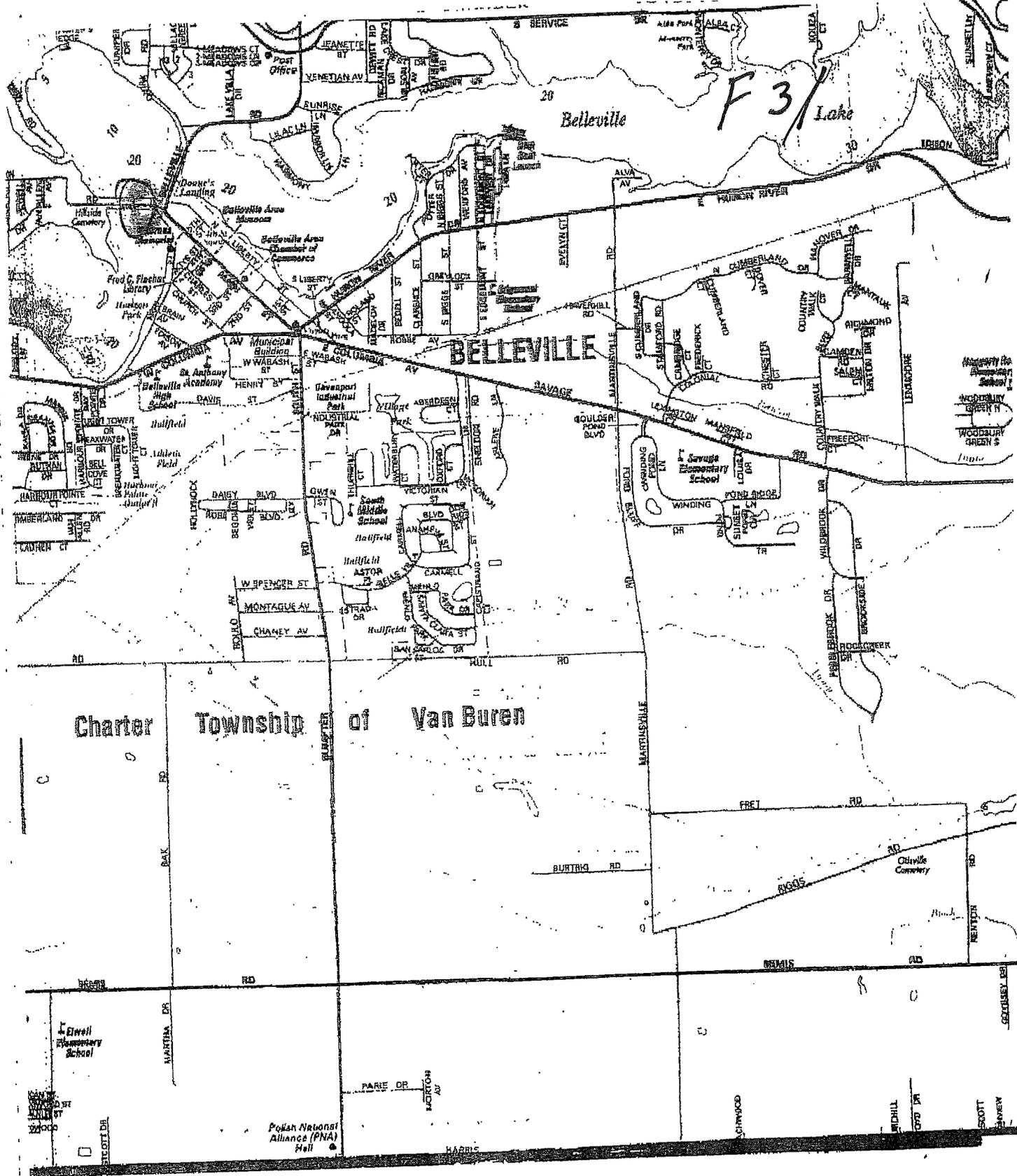
Jason Lynch
Signature

BELLEVILLE CHAMBER
Event Name

10/12/17
Date

Safe shows are a result of proper planning. As always, it is our goal to provide you with the best display for your event dollar, with safety being out number one concern.

GPS or Lats / Longs if known: _____



Charter Township of Van Buren

Belleville

F 31 Lake

BELLEVILLE

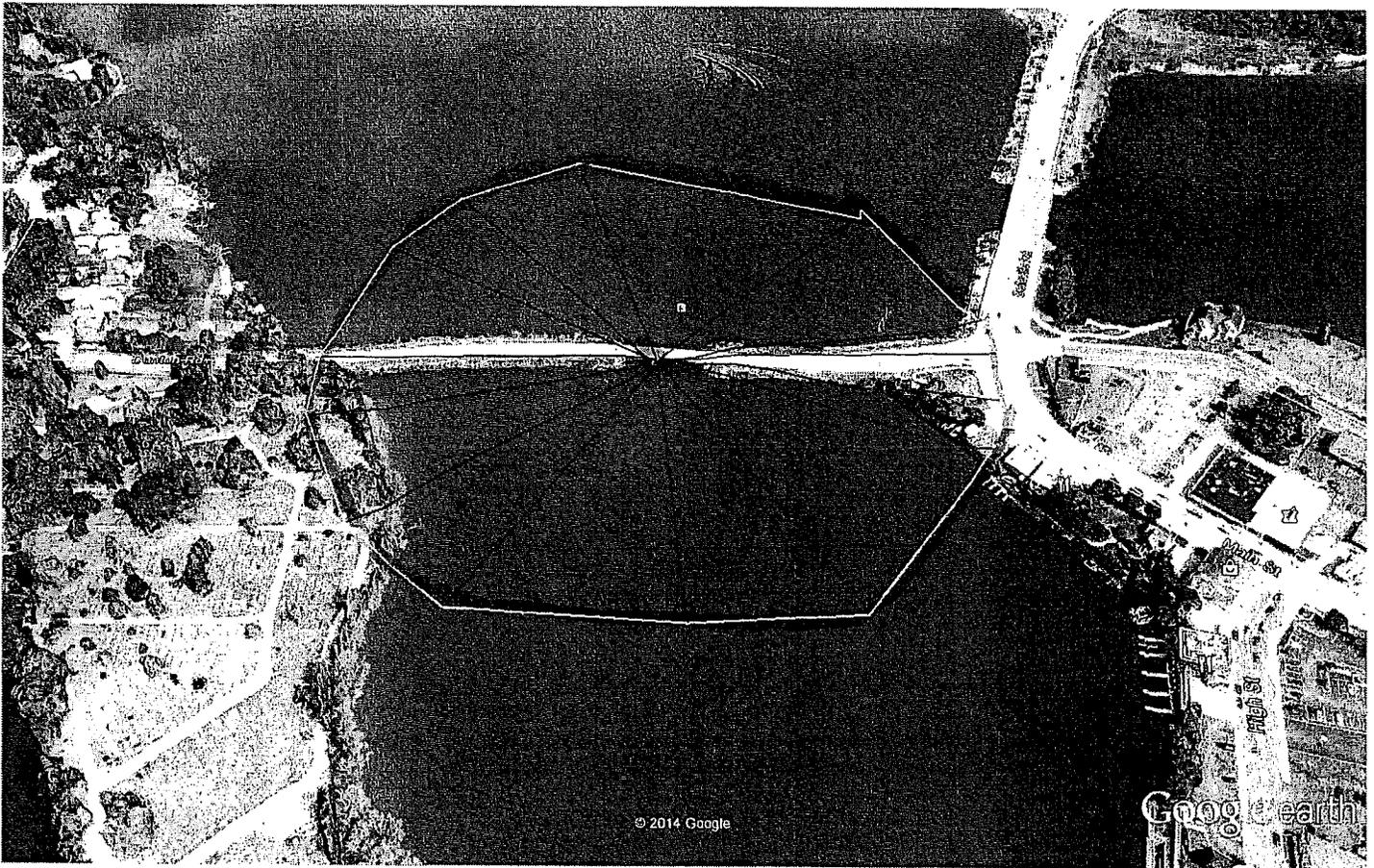
Ewell Elementary School

Pokan National Alliance (PNA) Hall

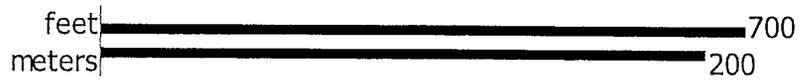
Chavez Cemetery

Scott Elementary

F 41



Google earth



GREAT LAKES FIREWORKS

H //

24805 Marine • Eastpointe, MI 48021 • Office: (586) 779-8062 • Fax: (586) 779- 8439 • www.greatlakesfireworks.com

LEAD PYROTECHNICIAN

WILLIAM SHAFFER
15761 WEST YEASTING RD
ELMORE, OH 43416

D.O.B. JANUARY 18, 1949

Mr. Shaffer has over 36 years of experience as a pyrotechnician. He has experience in electronic, electrical, and manual firing. He is experienced in all manner of fireworks displays including barge, rooftop, indoor and outdoor displays in many venues throughout Michigan and Ohio.

Following are some of Mr. Shaffer's displays include the following:

- Southeast Michigan Antique Tractor & Engine Association
- Winterfest – Belleville, MI
- Lenawee County Fair, Lenawee, MI
- Ida, MI
- Belleville, MI
- Rochester, MI
- Upper Arlington, OH
- Mt. Gilead, OH
- Elmore, OH
- Galion, OH
- Candlewood Lake Association, Mt. Gilead, OH
- Deshler, OH
- Walbridge, OH

Mr. Shaffer has fired over 500 fireworks displays and has an outstanding safety record. He is a lead instructor and Training Officer in our Annual Pyrotechnicians' Shooter/Safety Seminar.

Mr. Shaffer is licensed Exhibitor with the State of Ohio and has a Commercial Drivers License with a hazardous materials (haz-mat) endorsement. Mr. Shaffer has also been cleared by the ATF as required by the 2003 U.S. Patriot Act.



H 2/

Ohio Division of State Fire Marshal, Bureau of Testing & Registration

Lookup Detail View

Contact Information

Name	Address
WILLIAM SHAFFER	ELMORE, OH 43416 Work Number: (419) 332-6401

Credential Information

Credential	License Type	Expiration Date	Status	Reason
56.62.0008	Fireworks - Exhibitor	04/01/2018	ACTIVE	ACTIVE

Categories

Category	Status	Date Added
Fireworks and Pyrotechnics - NFPA 1123 and 1126	Active	03/06/1997

Generated on: 10/12/2017 10:07:39 AM



**CHARTER TOWNSHIP OF VAN BUREN
APPLICATION FOR
TEMPORARY LAND USE/SPECIAL EVENT
46425 TYLER ROAD
BELLEVILLE, MI 48111**

I

DATE: OCTOBER 12, 2017

BUSINESS NAME: GREAT LAKES FIREWORKS, LLC

CONTACT PERSON: JASON LYNCH PHONE # 419-476-8808

SUPERVISOR FOR SITE: WILLIAM SHAFFER PHONE # 419-351-3111

EVENT TITLE: WINTER FEST 2017

TYPE OF EVENT: WINTER PARADE / FIREWORKS DATE(S): 12/2/2017

LOCATION OF EVENT: DENTON ROAD BRIDGE / VAN BUREN CHARTER TWP / BELLEVILLE

ADDRESS OF LOCATION: DENTON ROAD BRIDGE

PROPERTY OWNER REPRESENTATIVE: VAN BUREN/BELLEVILLE PHONE # _____

ARE SIGNS PROPOSED FOR ADVERTISING: YES NO IF YES, INCLUDE LOCATIONS & DETAILS

OTHER _____

IF OUTSIDE USE OF THE SITE IS PROPOSED, SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS (ATTACHED)

NOTES:
IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, VIBRATION ARE EXPECTED BEYOND THE PROPERTY BOUNDRIES PLEASE EXPLAIN IN SEPARATE LETTER.

ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.

PROCESSING FEE \$ _____ BOND FEE \$ _____ TOTAL \$ _____

Jason Lynch, agent

(SIGNATURE OF APPLICANT)
JASON LYNCH, GREAT LAKES FIREWORKS

10/12/17

(DATE SIGNED)

(APPROVED BY)

(DATE SIGNED)

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: 11/20/2017

BOARD MEETING

DATE: 11/21/2017

Consent Agenda _____

New Business

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Refinancing of 2006 CIP Bonds [Fire Station 1, Township Property]
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734.699.8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Thomas Colis of Miller Canfield (Work Study)

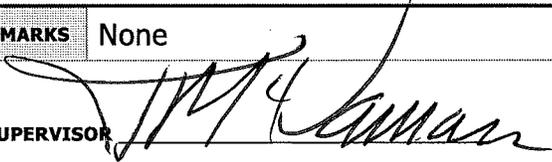
Agenda topic

ACTION REQUESTED	To allow Supervisor McNamara and Clerk Wright to authorize Resolution: 2017-29 [Charter Township of Van Buren Issuance of 2017 General Obligation Limited Tax Refunding Bonds].
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	See attachment.

BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	Supervisor McNamara and Clerk Wright to authorize Resolution: 2017-29.

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	n/a

ATTORNEY RECOMMENDATION	n/a
(May be subject to Attorney/Client Privilege and not available under FOIA)	

ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

**RESOLUTION AUTHORIZING ISSUANCE OF
2017 GENERAL OBLIGATION LIMITED TAX REFUNDING BONDS**

Resolution: 2017-29

Charter Township of Van Buren
County of Wayne, State of Michigan

Minutes of a regular meeting of the Board of Trustees of the Charter Township of Van Buren, County of Wayne, State of Michigan, held on November 21, 2017, at 7:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the Charter Township of Van Buren previously issued its Capital Improvement Bonds, Series 2006 (General Obligation Limited Tax), dated April 27, 2006, in the original principal amount of \$5,165,000 (the "Prior Bonds"), which were issued to finance the cost to acquire and construct various capital improvements for the Township, including, but not limited to, the acquisition of land and the construction of a fire station; and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorizes the Township to refund or advance refund all or part of its outstanding securities; and

WHEREAS, the Township has been advised that it may be able to accomplish a net savings of debt service costs by refunding all or a portion of the outstanding Prior Bonds through the issuance of refunding bonds by the Township; and

WHEREAS, the Township desires to issue refunding bonds pursuant to Act 34 in the aggregate principal amount of not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000) for the purpose of paying all or part of the cost of refunding all or part of the Prior Bonds in order to achieve interest cost savings for the benefit of the Township; and

WHEREAS, the Township desires to solicit proposals from financial institutions and other prospective purchasers and negotiate the sale of the bonds to a purchaser within the parameters established by this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the Township designated 2017 General Obligation Limited Tax Refunding Bonds (the "Bonds") are authorized to be issued in

the aggregate principal sum of not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000) for the purpose of paying the costs of refunding all or part of the Prior Bonds, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form in denominations of \$100,000 or integral multiples of \$5,000 in excess thereof, not exceeding for each maturity the maximum principal amount of that maturity. The Bonds will be dated as of the date of delivery, or such other date as determined by the Township Supervisor or Treasurer (each, an "Authorized Officer" and together, the "Authorized Officers"), be payable on October 1 (or such other date as determined at the time of sale thereof) in the years and in the annual amounts determined at the time of sale. The Bonds may be subject to mandatory redemption prior to maturity as determined at the time of sale.

The Bonds shall bear interest at a rate or rates to be determined upon negotiated sale thereof, payable on April 1, 2018 (or such other date as determined at the time of sale thereof), and semiannually thereafter, by check or draft mailed by the Transfer Agent (as hereinafter defined) to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Township to conform to market practice in the future.

2. Execution of Bonds; Book-Entry-Only Form. The Bonds of this issue shall be executed in the name of the Township with the manual or facsimile signatures of the Supervisor and Clerk of the Township and shall have the seal of the Township, or a facsimile thereof, printed or impressed on the Bonds. Bonds authorized by this resolution executed by facsimile signatures shall not be valid until authenticated by an authorized representative of the Transfer Agent. The principal of the Bonds shall be payable at a bank or trust company located in Michigan and qualified to act as bond registrar, paying agent and transfer agent or, if acceptable to the purchaser of the Bonds, by the Treasurer of the Township who may be appointed to act as transfer agent for the bonds (the "Transfer Agent"). The Authorized Officers are each authorized to select and appoint the Transfer Agent.

The Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any officer of the Township is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the bonds in book-entry-only form and to make such changes in the bond form within the parameters of this resolution as may be required to accomplish the foregoing.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the Township. Any bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond or bonds shall be surrendered for transfer, the Township shall execute and the Transfer Agent shall authenticate and deliver a new bond or bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

4. Security for the Bonds; Debt Retirement Fund; Defeasance of the Bonds. The Township hereby pledges its limited tax full faith and credit for the prompt payment of the principal and interest on the Bonds. The Township shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary levy taxes upon all taxable property in the Township subject to applicable constitutional and statutory tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The Treasurer is authorized and directed to open a separate fund with a bank or trust company designated by the Board of Trustees to be known as the 2017 General Obligation Limited Tax Refunding Bonds Debt Retirement Fund (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. Into said fund there shall be placed the accrued interest, if any, received at the time of delivery of the Bonds.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay the principal of and interest on the bond when due, shall be deposited in trust, this resolution shall be defeased and the owners of the bond shall have no further rights under this resolution except to receive payment of the principal of and interest on the bond from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bond as provided herein.

5. Issuance Fund; Escrow Fund; Proceeds of Bond Sale. The proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds and to secure payment of the Prior Bonds as provided in this paragraph. Upon receipt of the proceeds of sale of the Bonds, the accrued interest and premium, if any, shall be deposited in the Debt Retirement Fund and used to pay interest on the Bonds on the first interest payment date, provided, however, that at the discretion of an Authorized Officer in consultation with bond counsel, all or a portion of any premium received upon delivery of the Bonds may be deposited in the Escrow Fund (defined below). From the proceeds of the Bonds there shall next be set aside a sum sufficient to pay the costs of issuance of the Bonds in a fund designated 2017 General Obligation Limited Tax Refunding Bonds Issuance Fund (the "Issuance Fund"). Moneys in the Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. At the option of an Authorized Officer, the Issuance Fund may be established and administered by the Escrow Agent (defined below). Any amounts remaining in the Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund.

The balance of the proceeds of the Bonds, together with other available funds of the Township, if any, shall be deposited in an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Securities") and used to pay the principal of and interest on all or a portion of the Prior Bonds as determined by an Authorized Officer at the time of sale. The Escrow Fund shall be held in trust by a Michigan

bank or trust company eligible to act as escrow agent (the “Escrow Agent”), pursuant to an escrow agreement (the “Escrow Agreement”) which shall irrevocably direct the transfer agent for the Prior Bonds to take all necessary steps to pay the principal of, interest and redemption premium, if any, on the Prior Bonds to be refunded when due, and to call the Prior Bonds to be refunded for redemption on the first date such Prior Bonds to be refunded may be called for redemption. The Authorized Officers are each individually authorized and directed to appoint an Escrow Agent and execute the Escrow Agreement on behalf of the Township. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal of and interest on the Prior Bonds when due at maturity or call for redemption as required by this section. The Authorized Officers are each authorized and directed to purchase or cause to be purchased, Escrow Securities, including United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund.

6. Bond Form. The Bonds shall be in substantially the following form:

[THIS BOND HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR THE MICHIGAN UNIFORM SECURITIES ACT, AS AMENDED, IN RELIANCE UPON EXEMPTIONS THEREUNDER. ANY RESALE OR OTHER TRANSFER OF THIS BOND MAY BE MADE ONLY UPON REGISTRATION UNDER SUCH ACTS OR IN AN EXEMPT TRANSACTION UNDER SUCH ACTS AND UPON COMPLIANCE WITH THE CONDITIONS SET FORTH HEREIN AND MAY BE OFFERED AND SOLD ONLY IF REGISTERED PURSUANT TO THE PROVISIONS OF THOSE ACTS OR IF AN EXEMPTION FROM REGISTRATION IS AVAILABLE.]

R-
**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF WAYNE**

CHARTER TOWNSHIP OF VAN BUREN

2017 GENERAL OBLIGATION LIMITED TAX REFUNDING BOND

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	October 1, 20__	_____, 2017	

Registered Owner:

Principal Amount:

The Charter Township of Van Buren, County of Wayne, State of Michigan (the "Township"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date [specified above] [set forth in Exhibit A attached hereto and made a part hereof], with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on April 1, 2018 and semiannually thereafter. Principal of this bond is payable [at the _____ office of _____, _____, Michigan,] [by the Treasurer of the Township] or such other paying agent as the Township may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the Township kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Township are hereby irrevocably pledged.

This bond is [a single, fully-registered, non-convertible bond][one of a series of bonds] of even Date of Original Issue [in][aggregating] the principal sum of \$ _____, issued pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended and pursuant to a resolution of the Board of Trustees of the Township adopted November 21, 2017 for the purpose of defraying the costs of refunding that portion of the Township's Capital Improvement Bonds, Series 2006 (General Obligation Limited Tax) maturing in the years 2018 to 2022.

[Bonds of this issue shall not be subject to [optional] redemption prior to maturity.]

[Insert Term Bond Provisions, if applicable.]

[This][Any] bond is transferable only upon the registration books of the Township kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Township, and the Township is required, if necessary, to levy ad valorem taxes on all taxable property in the Township for the payment thereof, subject to applicable constitutional and statutory tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Township, including this bond and the series of bonds of which this is one, does not exceed any constitutional and statutory debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the Township, by its Board of Trustees, has caused this bond to be executed with the [manual/facsimile] signatures of its Supervisor and its Clerk and its corporate seal or a facsimile thereof to be [impressed/printed] hereon, all as of the Date of Original Issue.

CHARTER TOWNSHIP OF VAN BUREN
County of Wayne
State of Michigan

By: _____
Its: Supervisor

(SEAL)

By: _____
Its: Clerk

(Form of Transfer Agent's Certificate of Authentication)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

Transfer Agent

By: _____
Authorized Signatory

AUTHENTICATION DATE: _____

[Bond printer to insert form of assignment]

7. Tax Covenant; Qualified Tax-Exempt Obligations. The Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds. The Township hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to Section 265(b)(3) of the Code.

8. Negotiated Sale; Delegation to Authorized Officers; Sale Order. The Board of Trustees has considered the option of selling the Bonds through a competitive sale and a negotiated sale, and pursuant to the requirements of Act 34, based on the advice of its financial advisor, determines that a negotiated sale of the Bonds will allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to best achieve the most advantageous interest rates and costs to the Township, and will provide the Township with greater flexibility in structuring bond maturities and adjusting terms for the Bonds.

The Authorized Officers are each authorized hereby authorized to select a purchaser for the Bonds (the "Purchaser"), negotiate the sale of the Bonds with the Purchaser, and to place the Bonds with the Purchaser, subject to the parameters set forth in this resolution. The Authorized Officers are each authorized to award the sale of the Bonds to the Purchaser pursuant to a sale order, subject to the parameters set forth in this resolution; *provided that* the maximum true interest cost of the Bonds does not exceed 3.00% and that the refunding shall result in a net present value savings to the Township of at least 3.00% of the principal amount of the Prior Bonds to be refunded.

9. Adjustment of Bond Terms and Other Actions. The Authorized Officers are each authorized to (a) adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Sections 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, the portion or portions of the Prior Bonds to be refunded, and other matters within the parameters established by this resolution, pursuant to a sale order; (b) execute and deliver such certificates and documents and do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds, to revise the bond form; (c) solicit bids for and approve the purchase of a municipal bond insurance policy for the Bonds, if deemed economically advantageous to the Township; and (d) make such other filings with the Michigan Department of Treasury or with other parties, to enable the sale and delivery of the Bonds as contemplated herein, including, if necessary, a long-form application for prior approval to issue the Bonds.

10. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby retained to serve as bond counsel for the Bonds, notwithstanding the periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution.

11. Placement Agent. The Township hereby appoints Hutchinson, Shockey, Erley & Co. as placement agent with respect to the Bonds.

12. Financial Advisor. The Township hereby approves the appointment of PFM Financial Advisors LLC of Ann Arbor, Michigan as financial advisor with respect to the Bonds.

13. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members _____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

Leon Wright
Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a regular meeting held on November 21, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Leon Wright
Township Clerk

30204988.1\088888-04425



FINANCING TIMETABLE
Charter Township of Van Buren
County of Wayne, State of Michigan
Capital Improvement Refunding Bonds, Series 2017
(Limited Tax General Obligation)

NOVEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

DATE	✓	ACTION REQUIRED	RESPONSIBLE PARTY
Tue, Nov 07, 2017	✓	PFM provided bond counsel with bond specifications	PFM
Fri, Nov 10, 2017	✓	Bond Counsel to provide Township with Bond Authorizing Resolution	BC
Tue, Nov 14, 2017		PFM to request information needed to update Township financial section of RFP	PFM
Tue, Nov 14, 2017		Placement Agent to circulate draft Request for Proposals ("RFP") for review & comment	PA
Fri, Nov 17, 2017		Initial comments due on draft RFP	All
Fri, Nov 17, 2017		Determine preliminary bond size and structure for RFP	PFM
Mon, Nov 20, 2017		Draft final RFP is circulated to working group	PA
Mon, Nov 20, 2017		Township Board Work Study	Township
Tue, Nov 21, 2017		Township adopts Bond Authorizing Resolution	Township
Wed, Nov 22, 2017		RFP is circulated to prospective bidders	PA
Tue, Dec 12, 2017		Proposals due - 1:00 pm - PFM to tabulate proposals	All
Tue, Dec 12, 2017		Conference call to discuss the bidding results - 2:00 pm	All
Tue, Dec 12, 2017		PFM to finalize bond size and structure and circulate final numbers	PFM
Tue, Dec 12, 2017		Township to Award Bonds	Township
Thu, Dec 14, 2017		Draft Closing Memorandum distributed	PFM
Tue, Dec 19, 2017		Comments due on draft Closing Memorandum	PFM
Wed, Dec 20, 2017		Final Closing Memorandum distributed	PFM
Thu, Dec 28, 2017		Tentative Bond closing - via phone/wire	All
January 2018		Closing transcripts and security report filed with Department of Treasury	BC

Legend:

Township = Charter Township of Van Buren

PA = Placement Agent (Hutchinson Shockey Erley and Co.)

BC = Miller Canfield Paddock and Stone PLC (Bonds Counsel)

PFM = PFM Financial Advisors LLC (Financial Advisor)



Project Participants

Issue: \$2,200,000.00 Charter Township of Van Buren, County of Wayne, State of Michigan, Capital Improvement Refunding Bonds, Series 2017 (General Obligation Limited Tax)

Issuer	Sharry Budd, Treasurer Van Buren Charter Township 46425 Tyler Rd Belleville, MI 48111-5217	Phone 734-699-8903 Fax 734-699-8955 E-mail sbudd@vanburen-mi.org	
	Kevin McNamara, Supervisor	Phone 734-699-8910 Fax 734-699-8952 E-mail kmcnamara@vanburen-mi.org	
	Sean Bellingham, Deputy Treasurer	Phone 734-699-8900 Fax 734-699-8952 E-mail sbellingham@vanburen-mi.org	Phone Ext- 9214
Bond Counsel	Thomas D. Colis, Bond Attorney Miller, Canfield, Paddock and Stone, P.L.C. 150 W Jefferson, Ste 2500 Detroit, MI 48226-4415	Phone 313-496-7677 Fax 313-496-8450 E-mail Colis@MillerCanfield.com	
Financial Consultant	Nate Watson, Senior Managing Consultant PFM Financial Advisors LLC 555 Briarwood Cr Ste 333 Ann Arbor, MI 48108	Phone 734-994-9700 Fax 734-994-9710 E-mail watsonn@pfm.com	
	Kari Blanchett, Managing Director	E-mail blanchettk@pfm.com	
	Sean Wahl, Analyst	E-mail wahls@pfm.com	
Jay'ne McClellan, Associate	E-mail mccllellanj@pfm.com		
Placement Agent	Michael Gormely, Managing Director Hutchinson Shockey Erley & Co 100 Maple Park Blvd Suite 142 St Clair Shores, MI 48081	Phone 586-782-7059 Fax 586-778-3548 E-mail mgormely@hsemuni.com	
	Mark Ridgely, Analyst	Phone 312-443-1562 Fax 312-443-1082 E-mail mriddgely@hsemuni.com	
	Steven DiClaudio	Phone 312-443-1555 Fax 312-443-7225 E-mail sdiclaudio@hsemuni.com	
Paying/Escrow Agent	TBD		
Verification Agent	TBD		

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:
2017-11-20

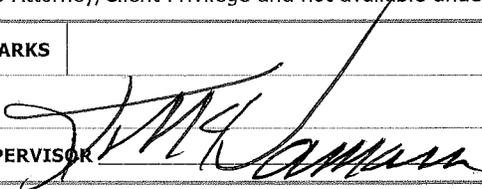
BOARD MEETING DATE:
2017-11-21

Consent Agenda New Business Unfinished Business Public Hearing

ITEM (SUBJECT)	Approval of FY2017 Amended and FY2018 Proposed Water & Sewer Budgets
DEPARTMENT	Public Services – Water & Sewer
PRESENTER	Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
That the Township Board approve the amended FY2017 and FY 2018 proposed water & sewer budget as presented.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The Board has approved an overall 5% rate increase and associated fees presented in Resolution 2017-24. These were approved to establish the recommended budgets for FY2017 and FY2018.	

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Board approval of recommended budgets for FY2017 and FY2018.
DEPARTMENT RECOMMENDATION	Approval of recommended budgets.
COMMITTEE/COMMISSION RECOMMENDATION	Water & Sewer Commission
ATTORNEY RECOMMENDATION	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	



THE DEPARTMENT OF PUBLIC SERVICES – WATER & SEWER 2017 AMENDED BUDGET AND 2018 BUDGET PROPOSAL

“Working together for a clean and safe environment”

DATE: November 20, 2017
TO: Board of Trustees
FROM: James T. Taylor, Director of Public Services

Trustees:

I am requesting the Board of Trustees approve the amended FY2017 and Proposed FY2018 Water & Sewer Budget. All the information on the proposed budgets has been presented and reviewed by the Board during prior meetings and hearings. No changes have been made since its publication in the Van Buren Township Annual Report 2018, and the information is attached for your review. The Water & Sewer Commission on July 25th recommended approval to the Board of Trustees.

The Board of Trustees previously approved a 5% rate increase for all Water & Sewer customers to support the proposed FY2018 budget. Over the past few years, it has been one of our goals to keep increases of internal operating costs to no more than 3% annually. This is the biggest area of the budget we have direct control. The portion we do not have direct control is the costs of water purchase and sanitary service agencies.

As noted to the Board previously, our water is purchased from the Great Lakes Water Authority (GLWA), previously, Detroit Water & Sewer (DWSD). The sanitary services are provided to Van Buren Township by four systems we are connected to; South Huron Valley System (SHVUA), Downriver System (DUWA), Rouge Valley System (NH-RV), and Ypsilanti Utilities (YUCA). While our township sanitary system has very little infiltration and is maintained in good operating condition, the costs of belonging to these four collection systems are shared among a number of communities, including Van Buren Township.

The proposed FY2018 budget is to provide for all the accumulative costs of operating and maintaining a public water distribution and sanitary collection system.

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.”

James T. Taylor

Director

734.699.8947

jtaylor@vanburen-mi.org

www.vanburen-mi.org

Re: WATER & SEWER DIVISION

With the proposed budget for FY-2018, we will be recommending a 5% rate increase for all Water & Sewer customers. Over the past few years, it has been one of our goals to keep increases of internal operating costs to no more than 3% annually. This is the biggest area of the budget we have direct control. The portion we do not have direct control is the costs of water purchase and sanitary service agencies.

The water volumes have basically flattened out over the past four years for Van Buren Township. The entire state has experienced significant drops in water pumpage, and particularly in Southeast Michigan. Our annual pumpage significantly decreased from 2008 to 2011, and have slightly decreased from 2011 to present. Other communities are still dropping in volumes at alarming rates, causing financial stress. A major contributor to the increase in overall rates is due to the drop in volumes, as systems still have the fixed costs associated with operations. ***If sales continue to drop regionally, unit prices and rates from the Great Lakes Water Authority (GLWA) will continue to increase.***

The sanitary services are provided to Van Buren Township by four systems we are connected to; South Huron Valley System (SHVUA), Downriver System (DUWA), Rouge Valley System (NH-RV), and Ypsilanti Utilities (YUCA). While the Township sanitary system has very little infiltration and is maintained in good operating condition, the costs of belonging to these four collection systems are shared among a number of communities, including Van Buren Township. The rates, while we are represented on various boards and committees, are not our final decision to make. As with water, the systems require continual maintenance and replacement to maintain their operations.

Factors impacting Van Buren Water & Sewer Rates:

- SHVUA – rate increase in 2018 is at 4.5%.
- GLWA – rate increase in 2017 is at 4.1%.
- Downriver Sewage - rate increase in 2017 is at 3.5%.
- Rouge Valley - rate increase in 2017 is at 18.0%.
- YCUA - rate increase in 2017 is estimated to be at 5.0%.

Proposed 5% rate increase for both water/sewer in an effort to again basically break even in the water/sewer operational budget.

- Every 1% increase in rates generates approximately \$70,000.00 in new revenue.
- 5% proposed rate increase for Van Buren Township's water and sewer rates will generate roughly \$350,000 in additional revenue over FY2017 which will be used to offset the increase in our provider costs, Township operations and employee increases.
- Remaining provider expenses are offset by keeping a number of expense line items "flat" for 2018.

Break Down/Justification

Van Buren Charter Township Budget Proposal 2017-18

734.699.8900

46425 Tyler Road

Van Buren Charter Township, MI 48111

www.vanburen-mi.org

Re:

Water and Sewer 2018 Budget Proposed



Water & Sewer Projected Revenues

Description	2017	2018
	Amended	Proposed
Water Tap Fees	75,000	50,000
Hydrant Rental Permits	4,000	4,000
Debt Service	-	-
Water Meter Charges	500,000	500,000
Construction Administration	5,000	5,000
Finals, Turn On/Off, Other	20,000	20,000
Inspection Fees	4,000	4,000
Water Sales	3,044,153	3,141,500
Meter/Materials Sales	30,000	30,000
Late Penalties	50,000	50,000
Interest Income	300,000	300,000
Sale of Fixed Assets	-	-
Miscellaneous Revenue	30,000	30,000
Bond Proceeds		
DWRF Loan Proceeds		
Water Revenues	4,062,153	4,134,500
Sewer Assessments	200	200
Sewer Tap Fees	200,000	200,000
Debt Service	400	400
Sewer Maintenance Charges	705,690	726,150
Construction Administration	-	-
Finals, Turn On/Off, Other	-	-
Inspections Fees	-	-
Sewage Disposal	3,050,201	3,141,500
Non-Res. User Fees	70,000	70,000
Late Penalties	50,000	50,000
Miscellaneous Revenue	5,000	5,000
Sewer Revenues	4,081,491	4,193,250
Miscellaneous Revenue	-	-
Water/Sewer Tax Levy Revenues	-	-
Total Revenues	8,143,644	8,327,750

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	ACTIVITY	2016	ORIGINAL BUDGET	2017	PROJECTED DIRECTOR REQUESTED BUDGET	2018
Fund: 592 Water/Sewer Fund							
APPROPRIATIONS							
Dept 536-Water	Department						
592-536-701-000	Salary - Director of Publ.		72,129.73	75,279.00	75,279.00	40,500.00	
592-536-702-000	Salary-Director of Water/;		57,703.95	60,424.00	60,424.00	76,136.00	
592-536-703-000	Salary-Superintendent		5,000.00	5,000.00	5,000.00	60,910.00	
592-536-704-000	Salary - Deputy Treasurer		135,434.13	145,000.00	145,000.00	5,000.00	
592-536-705-000	Wages-Office		409,052.42	420,000.00	420,000.00	422,000.00	
592-536-706-000	Wages - Field Operations		97,751.28	105,000.00	105,000.00	100,000.00	
592-536-719-000	Allocated Fringes		392,689.79	430,000.00	430,000.00	451,700.00	
592-536-719-001	Fringes-Retiree/Cobra		332,075.90	160,000.00	335,000.00	335,000.00	
592-536-719-002	Compensated Absences		2,364.21	3,000.00	3,000.00	3,000.00	
592-536-720-000	Workers Comp		52,411.80	40,000.00	77,000.00	80,000.00	
592-536-721-000	VIA Benefits Paid						
592-536-727-000	Office Supplies		3,301.72	4,500.00	4,500.00	4,500.00	
592-536-728-000	Postage		17,725.00	27,500.00	27,500.00	27,500.00	
592-536-740-000	Operating Supplies		87,350.76	70,000.00	70,000.00	70,000.00	
592-536-741-000	Uniforms		3,202.51	5,000.00	5,000.00	5,000.00	
592-536-751-000	Gas & Diesel Fuel		20,665.96	25,000.00	25,000.00	25,000.00	
592-536-801-001	Accounting & Auditing		31,752.00	32,000.00	32,000.00	32,000.00	
592-536-801-002	Attorney		85,561.52	100,000.00	100,000.00	100,000.00	
592-536-802-000	Administrative Fee		621,225.00	621,225.00	621,225.00	621,225.00	
592-536-810-000	Membership & Dues		12,663.03	3,000.00	3,000.00	12,000.00	
592-536-816-000	GIS Implementation						
592-536-818-000	Commissions		682.28	1,000.00	1,000.00	1,000.00	
592-536-819-000	Contracted Services		92,069.99	100,000.00	100,000.00	100,000.00	
592-536-820-000	Engineering Fees		19,729.55	30,000.00	30,000.00	30,000.00	
592-536-860-000	Transportation			300.00	300.00	7,500.00	
592-536-861-000	Training		6,278.38	6,000.00	6,000.00	6,000.00	
592-536-900-000	Printing & Publishing		2,505.50	2,500.00	2,500.00	2,500.00	
592-536-910-000	Insurance & Bonds		245,544.49	175,000.00	175,000.00	175,000.00	
592-536-920-000	Utilities		70,131.81	80,000.00	80,000.00	80,000.00	
592-536-927-000	Water Purchases		2,633,175.56	2,894,000.00	2,910,000.00	3,085,500.00	
592-536-931-000	Building Maintenance		3,574.00	3,000.00	3,000.00	3,000.00	
592-536-932-000	Building Mainte - Water Tr		2,400.00	10,000.00	10,000.00	10,000.00	
592-536-933-000	Vehicle Maintenance		21,653.04	15,000.00	17,000.00	30,000.00	
592-536-936-000	Equipment Maintenance		13,776.64	10,000.00	10,000.00	10,000.00	
592-536-937-000	Water System Repair						
592-536-940-000	Office Equipment Maint		5,933.39	5,000.00	5,000.00	5,000.00	
592-536-940-001	Rental		747.00	1,000.00	1,000.00	1,000.00	
592-536-956-000	Other		2,008.29	5,000.00	5,000.00	5,000.00	
592-536-968-000	Depreciation		2,253,543.41	2,250,000.00	2,250,000.00	2,250,000.00	
592-536-969-000	Asset Contribution to Govt						
592-536-970-000	Wtr Capital Outlay-Veh & ;		1,300.00	70,000.00	70,000.00	40,000.00	
592-536-970-001	Capital Outlay-System Imp.		(0.40)	10,000.00	10,000.00		
592-536-970-002	Capital Outlay-Off Equip/;		6,733.33				
592-536-970-003	Capital Outlay-Metering S;		0.10	100,000.00	100,000.00	545,900.00	
592-536-970-004	Capital Outlay-Facilities		150,000.00				
592-536-990-000	Water Meter Loan Interest						
592-536-995-000	Interest Expense		65,961.16				
592-536-996-000	Handling Fees		6,150.40			6,000.00	
Totals for dept 536-Water Department			8,043,958.63	8,099,728.00	8,339,728.00	9,010,871.00	
* NOTES TO BUDGET: DEPARTMENT 536 Water Department							

702-000

Salary-Director of Water/Sewer

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 PROJECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund					
APPROPRIATIONS					
Dept 536-Water Department					
		FOOTNOTE AMOUNTS:			
		PROPOSED 2.5% INCREASE	75,279.00		76,136.00
703-000	Salary-Superintendent				
		FOOTNOTE AMOUNTS:			
		PROPOSED 2.5% INCREASE	59,424.00		60,910.00
704-000	Salary - Deputy Treasurer				
		FOOTNOTE AMOUNTS:			
		PROVIDES ACCOUNTING SERVICES AND ASSISTANCE FOR SHVDA , NHV, DOWA	5,000.00		5,000.00
705-000	Wages-Office				
		FOOTNOTE AMOUNTS:			
		PROPOSED 2.5% INCREASE / 3FT CLERICAL STAFF	145,000.00		146,000.00
706-000	Wages-Field Operations				
		FOOTNOTE AMOUNTS:			
		PROPOSED 2.5% INCREASE / 9 FTT FIELD STAFF	420,000.00		422,000.00
707-000	Wages - Field Ops Overtime				
		FOOTNOTE AMOUNTS:			
		25% BENCHMARK OF BASE WAGE	100,000.00		105,000.00
719-000	Allocated Fringes				
		FOOTNOTE AMOUNTS:			
		BASED ON HISTORICAL AVERAGE	430,000.00		435,000.00
719-001	Fringes-Retiree/Cobra				
		FOOTNOTE AMOUNTS:			
		OPER ANNUAL OBLIGATION EXPENSE	335,000.00		335,000.00
719-002	Compensated Absences				
		FOOTNOTE AMOUNTS:			
		BASED ON HISTORICAL AVERAGE	3,000.00		3,000.00
720-000	Workers Comp				
		FOOTNOTE AMOUNTS:			
		2017 PROJECTED TO \$77,000 DUE TO PREMIUM INCREASES	77,000.00		80,000.00
727-000	Office Supplies				
		FOOTNOTE AMOUNTS:			
		BASED ON HISTORICAL AVERAGE	4,500.00		4,500.00

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 PROJECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund APPROPRIATIONS Dept 536-Water Department 728-000 Postage					
740-000	Operating Supplies			27,500.00	27,500.00
	FOOTNOTE AMOUNTS: WATER BILL MAILING, CCR, OTHER NOTICES				
740-000	Operating Supplies			70,000.00	70,000.00
	FOOTNOTE AMOUNTS: TOOLS, EQUIPMENT, SUPPLIES, MATERIALS, STONE, SAND, ETC.				
741-000	Uniforms			5,000.00	5,000.00
	FOOTNOTE AMOUNTS: EMPLOYEE UNIFORM RENTAL COSTS				
751-000	Gas & Diesel Fuel			25,000.00	25,000.00
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
801-001	Accounting & Auditing			32,000.00	32,000.00
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
801-002	Attorney			100,000.00	100,000.00
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
802-000	Administrative Fee			621,225.00	621,225.00
	FOOTNOTE AMOUNTS: TRANSFER TO GENERAL FUND FOR TOWNSHIP SERVICES RENDERED TO WATER & SEWER				
810-000	Membership & Dues			3,000.00	12,000.00
	FOOTNOTE AMOUNTS: AMWA, MREA, APWA, MRWA, / ADDED ARC, ADW				
818-000	Commissions			1,000.00	1,000.00
	FOOTNOTE AMOUNTS: W/S COMMISSION				
819-000	Contracted Services			100,000.00	100,000.00
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
820-000	Engineering Fees			30,000.00	30,000.00
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 PROJECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund					
APPROPRIATIONS					
Dept 536-Water Department					

860-000	Transportation	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE (MILEAGE) / CONTRIBUTION TO GPS/SOFTWARE FOR VEHICLE TRACKING	300.00	7,500.00	
861-000	Training	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	6,000.00	6,000.00	
900-000	Printing & Publishing	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	2,500.00	25,000.00	
910-000	Insurance & Bonds	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	175,000.00	175,000.00	
920-000	Utilities	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	80,000.00	80,000.00	
927-000	Water Purchases	FOOTNOTE AMOUNTS: CALCULATED WITH PROJECTED 5% INCREASE AND ESTIMATED PURCHASES BASED UPON TRENDS	2,910,000.00	3,085,000.00	
931-000	Building Maintenance	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	3,000.00	3,000.00	
931-001	Building Mainte - Water Tower	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	10,000.00	10,000.00	
932-000	Vehicle Maintenance	FOOTNOTE AMOUNTS: INCREASED FOR ANTICIPATED RECONSTRUCTION OF BED FOR SMALL DUMP TRUCK	17,000.00	30,000.00	
933-000	Equipment Maintenance	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	10,000.00	10,000.00	
937-000	Office Equipment Maint	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE	5,000.00	5,000.00	

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 PROJECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund					
APPROPRIATIONS					
Dept 536-Water Department					
BASED ON HISTORICAL AVERAGE					
940-000	Rental			1,000.00	1,000.00
	FOOTNOTE AMOUNTS:				
	BASED ON HISTORICAL AVERAGE				
956-000	Other			5,000.00	5,000.00
	FOOTNOTE AMOUNTS:				
	BASED ON HISTORICAL AVERAGE				
968-000	Depreciation			2,250,000.00	2,250,000.00
	FOOTNOTE AMOUNTS:				
	BASED UPON CALCULATION OF ASSETS				
970-000	Wtr Capital Outlay-Veh & Equip			70,000.00	
	FOOTNOTE AMOUNTS:				
	PURCHASE OF 2 F-150 PICK-UP TRUCKS TO REPLACE AGING VEHICLES (2017) / NO PURCHASES IN 2018				
970-001	Capital Outlay-System Improve			10,000.00	40,000.00
	FOOTNOTE AMOUNTS:				
	2018 - ANTICIPATED EXPENSES FOR EQUIPMENT UPGRADES, SCADA, METER CALIBRATIONS / DRIVEWAY REPAIRS				
970-002	Capital Outlay-Off Equip/Comp				1,000.00
	FOOTNOTE AMOUNTS:				
	TABLETS FOR FIELD USE				
970-003	Capital Outlay-Metering System				545,900.00
	FOOTNOTE AMOUNTS:				
	2018 METER SYSTEM / \$2.5 MILLION BOND ISSUE PAID BY EXISTING RESTRICTED FUNDS				
996-000	Handling Fees			6,000.00	6,000.00
	FOOTNOTE AMOUNTS:				
	BONDS - BASED ON HISTORICAL AVERAGE				
	DEPT '536' TOTAL	8,043,958.63	8,099,728.00	8,229,728.00	8,981,671.00
TOTAL APPROPRIATIONS					
		59,849,774.94	58,002,100.70	58,002,100.70	49,662,372.70
	BEGINNING FUND BALANCE	(2,024.00)			
	FUND BALANCE ADJUSTMENTS	51,803,792.31	49,902,372.70	49,662,372.70	40,651,501.70
	ENDING FUND BALANCE				

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	ACTIVITY	2016	2017 ORIGINAL BUDGET	2017 PROTECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund						
ESTIMATED REVENUES						
Dept 536-Water Department						
592-536-477-000 *	Tap Fees		94,298.98	50,000.00	160,000.00	170,000.00
592-536-478-000 *	Hydrant Rental Permits		3,440.00	4,000.00	4,000.00	4,000.00
592-536-608-000 *	Water Meter Charges		519,997.85	517,522.00	535,598.00	562,378.00
592-536-609-000 *	Construction Administration		7,114.64	5,000.00	5,000.00	5,000.00
592-536-626-000 *	Finals, Turn On/Off, Other		25,955.00	25,000.00	25,000.00	25,000.00
592-536-627-000 *	Inspection Fees		5,900.00	3,000.00	3,500.00	3,500.00
592-536-643-001 *	Water Sales		3,337,960.86	3,141,500.00	3,280,000.00	3,444,000.00
592-536-650-000 *	Water/Materials Sales		36,174.25	30,000.00	30,000.00	30,000.00
592-536-662-000 *	Late Penalties		67,959.50	50,000.00	50,000.00	50,000.00
592-536-664-000 *	Interest Income		354,290.00	300,000.00	325,000.00	325,000.00
592-536-693-000 *	Sale Of Fixed Assets					
592-536-694-000 *	Miscellaneous Revenue		32,970.64	30,000.00	30,000.00	30,000.00
	Totals for dept 536-Water Department		4,486,061.72	4,156,022.00	4,448,098.00	4,648,878.00
* NOTES TO BUDGET: DEPARTMENT 536 Water Department						
477-000	Tap Fees					
	FOOTNOTE AMOUNTS:					
	MEMARDS 2017 TAP FEES				160,000.00	170,000.00
478-000	Hydrant Rental Permits					
	FOOTNOTE AMOUNTS:					
	BASED ON HISTORICAL AVERAGE				4,000.00	4,000.00
608-000	Water Meter Charges					
	FOOTNOTE AMOUNTS:					
	CALCULATED WITH PROJECTED 5% INCREASE				535,598.00	562,378.00
609-000	Construction Administration					
	FOOTNOTE AMOUNTS:					
	BASED ON HISTORICAL AVERAGE				5,000.00	5,000.00
626-000	Finals, Turn On/Off, Other					
	FOOTNOTE AMOUNTS:					
	BASED ON HISTORICAL AVERAGE				25,000.00	25,000.00
627-000	Inspection Fees					
	FOOTNOTE AMOUNTS:					
	BASED ON HISTORICAL AVERAGE				3,500.00	3,500.00
643-001	Water Sales					
	FOOTNOTE AMOUNTS:					
	CALCULATED WITH PROJECTED 5% INCREASE AND ESTIMATED SALES BASED UPON TRENDS				3,280,000.00	3,444,000.00
650-000	Meter/Materials Sales					
	FOOTNOTE AMOUNTS:				30,000.00	30,000.00

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 PROJECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund					
ESTIMATED REVENUES					
Dept 536-Water Department					
BASED ON HISTORICAL AVERAGE					
662-000	Late Penalties				
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
			50,000.00		50,000.00
664-000	Interest Income				
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
			325,000.00		325,000.00
694-000	Miscellaneous Revenue				
	FOOTNOTE AMOUNTS: BASED ON HISTORICAL AVERAGE				
			30,000.00		30,000.00
	DEPT '536' TOTAL		4,448,098.00		4,648,878.00

BUDGET REPORT FOR VAN BUREN TOWNSHIP

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 PROJECTED DIRECTOR ACTIVITY	2018 REQUESTED BUDGET
Fund: 592 Water/Sewer Fund					
ESTIMATED REVENUES					
DEPARTMENT 537 Sewer Department					
592-537-411-000	Sewer Assessments	16.57	50.00	50.00	50.00
592-537-477-000	Tap Fees	292,525.23	150,000.00	480,000.00	240,000.00
592-537-607-000	Debt Service	(5,945.11)	400.00	400.00	400.00
592-537-608-000	Sewer Maintenance Charges	717,294.37	726,150.00	726,150.00	775,753.00
592-537-626-000	Finals, Turn On/Off, Othe				
592-537-627-000	Inspection Fees				
592-537-643-001	Sewage Disposal	3,165,671.49	3,141,500.00	3,141,500.00	3,330,000.00
592-537-643-002	Non-Res. User Fees	74,456.26	70,000.00	70,000.00	70,000.00
592-537-662-000	Late Penalties	67,257.88	50,000.00	50,000.00	50,000.00
592-537-694-000	Miscellaneous Revenue	5,941.81	5,000.00	5,000.00	5,000.00
592-537-695-000	Contribution From DDA				
Totals for dept 537-Sewer Department		4,317,218.50	4,143,100.00	4,473,100.00	4,471,203.00
* NOTES TO BUDGET: DEPARTMENT 537 Sewer Department					
411-000	Sewer Assessments			50.00	50.00
FOOTNOTE AMOUNTS:					
BASED ON HISTORICAL AVERAGE					
477-000	Tap Fees			480,000.00	240,000.00
FOOTNOTE AMOUNTS:					
MENARDS 2017 TAP FEES					
607-000	Debt Service			400.00	400.00
FOOTNOTE AMOUNTS:					
BASED ON HISTORICAL AVERAGE					
608-000	Sewer Maintenance Charges			726,150.00	775,753.00
FOOTNOTE AMOUNTS:					
CALCULATED WITH PROJECTED 5% INCREASE					
643-001	Sewage Disposal			3,141,000.00	3,330,000.00
FOOTNOTE AMOUNTS:					
CALCULATED WITH PROJECTED 5% INCREASE AND ESTIMATED FLOWS BASED UPON TRENDS					
643-002	Non-Res. User Fees			70,000.00	70,000.00
FOOTNOTE AMOUNTS:					
BASED ON HISTORICAL AVERAGE					
662-000	Late Penalties			50,000.00	50,000.00
FOOTNOTE AMOUNTS:					
BASED ON HISTORICAL AVERAGE					
694-000	Miscellaneous Revenue			5,000.00	5,000.00
FOOTNOTE AMOUNTS:					
BASED ON HISTORICAL AVERAGE					



**CHARTER TOWNSHIP OF VAN BUREN
WATER & SEWER COMMISSION
Tuesday July 25, 2017
Van Buren Township Hall
46425 Tyler Road**

The meeting was called to order at 6:31 p.m. in Otisville/Sheldon Room by Chairperson Partridge. Members present: Chairperson Partridge, Commissioner Speaks, Commissioner Rochowiak, Trustee Frazier, Commissioner Graf Absent-Excused. Also, Present Director James Taylor, Deputy Treasurer Sean Bellingham and Recording Secretary Karen Pecsenye

APPROVAL OF AGENDA:

Motion Trustee Frazier to approve the agenda Second Commissioner Speaks, Motion Carried.

APPROVAL OF MINUTES:

Motion Commissioner Speaks, to approve the minutes of the April 25, 2017 meeting as presented, Second Trustee Frazier, Motion Carried.

REPORTS:

1. Monthly Operations Reports- Director Taylor

a. July Activities

- Sewer Items- Harbor Club Lift Station has passed final checks and is back under Township Controls. Seasonal Sewer main cleaning is still ongoing. Problem sewers for Belleville are being televised for lead locations, and possible infiltration on Denton road.
- Water Items-We have been repairing curb boxes at the meadows, cleaning around fire hydrants for access, repaired a flow meter for the Water PRV stations, and collecting water for lead and copper sampling to go to MDEQ

2. Administrative Reports – Director Taylor

a. Budget Review

- Director Taylor gave a detailed overview of water pumpage amounts over the last several years showing the trend to be going downward. He reviewed the revenue and expense trends since 2013, showed the anticipated rate increase to the township from the sewer and water suppliers. Director Taylor reviewed the 2017 amended budget. Presented the 2018 proposed budget and the 2018 Rates and

MISSION STATEMENT

“The Van Buren Public Works 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.”



**CHARTER TOWNSHIP OF VAN BUREN
WATER & SEWER COMMISSION
Tuesday July 25, 2017
Van Buren Township Hall
46425 Tyler Road**

Fees proposal with a recommended increase of 5%. He showed the impact of the rate increase on an average customer, even showing with the recommended rate increase VBT's water and sewer rates are still the lowest of the surrounding communities. Capital financing was then discussed as far as what it is for what our current levels are and what our prospects for maintaining the water and sewer capital funds in the future. Lastly the 2018 Proposed Capital Projects were submitted to the commission for review. Those projects include, Meter reading system and meter replacement, Parkwood sanitary sewer pump station upgrade, sewer rehab in Greenbriar subdivision, I-94 South Service Dr. sewer rehab project, preparations for State mandated residential cross connection program to commence in 2019 and maintaining the water and sewer asset management programs

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS:

- Recommendation on 2017 Amended Water & Sewer Budget

Motion Commissioner Rochowiak, Second Commissioner Partridge to recommend the proposed 2017 Amended Water and Sewer Budget to be presented to the Township Board for approval.

Yeas: Speaks, Rochowiak, Partridge, Frazier
Nays:
Absent: Graf
Motion: Carried

- Recommendation on 2018 Proposed Water & Sewer Budget

Motion Commissioner Rochowiak second Commissioner Partridge to recommend the proposed 2018 Water & Sewer Budget to be presented to the Township Board for approval.

Yeas: Speaks, Rochowiak, Partridge, Frazier
Nays:
Absent: Graf
Motion: Carried

MISSION STATEMENT

"The Van Buren Public Works 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."



CHARTER TOWNSHIP OF VAN BUREN
WATER & SEWER COMMISSION
Tuesday July 25, 2017
Van Buren Township Hall
46425 Tyler Road

- Recommendation on 2018 Proposed Water & Sewer Rate Increase of 5%

Motion Trustee Frazier, Second Commissioner Speaks to recommend the 2018 Proposed Water & Sewer Rate increase of 5% be presented to the Township Board for approval.

Yeas: Speaks, Rochowiak, Partridge, Frazier
Nays:
Absent: Graf
Motion: Carried

- Recommendation on the 2018 Proposed Water & Sewer Capital Fee.

Motion Trustee Frazier, Second Commissioner Rochowiak to pursue further discussion on the 2018 Water & Sewer Capital fees within the commission.

Yeas: Speaks, Rochowiak, Partridge, Frazier
Nays:
Absent: Graf
Motion: Carried

- Recommendation on 2018 Proposed Water & Sewer Capital Projects.

Motion Commissioner Rochowiak, second Trustee Frazier to recommend the 2018 Proposed Water & Sewer Capital Projects be presented to the Township Board for approval.

Yeas: Speaks, Rochowiak, Partridge, Frazier
Nays:
Absent: Graf
Motion: Carried

NON-AGENDA ITEMS:

NEXT MEETING: August 22, 2017 (Sheldon Room)

ADJOURNMENT: Motion to adjourn Trustee Frazier, Second Commissioner Rochowiak meeting adjourned 7:41 p.m.

Respectfully Submitted by Karen E. Pecsénye

Approved _____

Chairperson Steve Partridge

MISSION STATEMENT

"The Van Buren Public Works 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."

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE:11/20/2017

BOARD MEETING

DATE: 11/21-2017

Consent Agenda _____

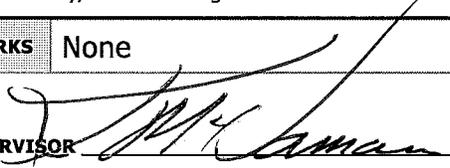
New Business X

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Environmental Commission Reappointment
DEPARTMENT	Supervisor's Department
PRESENTER	Supervisor McNamara
PHONE NUMBER	734.699.8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
To consider the reappointment of Kess Emekpe to the Environmental Commission effective immediately, with a term expiring 10-01-2020.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Kess Emekpe has been a valuable member of the Environmental Commission. He has expressed interest in serving a new term which will expire 10-01-2020.	
BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: 11-20-2017

BOARD MEETING

DATE: 11-21-2017

Consent Agenda _____

New Business X

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Environmental Commission Appointment
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734.699.8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
To consider appointing Benjamin Ross to the Environmental Commission effective immediately for a term to expire: 10-01-2018.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Please see attached application and resume.	

BUDGET IMPLICATION	none
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IMPLEMENTATION NEXT STEP	
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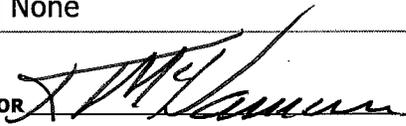
DEPARTMENT RECOMMENDATION	Approval
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COMMITTEE/COMMISSION RECOMMENDATION	
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ATTORNEY RECOMMENDATION	n/a
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(May be subject to Attorney/Client Privilege and not available under FOIA)

ADDITIONAL REMARKS	None
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APPROVAL OF SUPERVISOR	
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Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: 11/20/2017

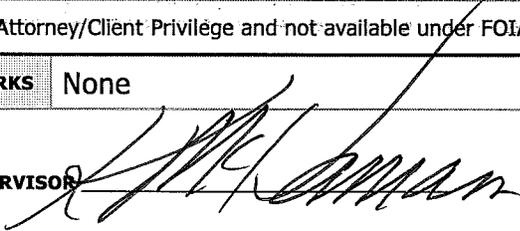
BOARD MEETING

DATE: 11/21/2017

Consent Agenda _____ New Business X Unfinished Business _____ Public Hearing _____

ITEM (SUBJECT)	Planning Commission Appointment
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734.699.8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Director Akers

Agenda topic

ACTION REQUESTED	
To consider the reappointment of Medina Atchinson and Byron Kelley to the Planning Commission.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Both Medina Atchinson and <i>Byron</i> Kelley have been valuable assets to the Planning Commission. They have expressed interest in serving another term as members. Their new term will expire: 10/01/2020	
BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: 11/20/2017

BOARD MEETING

DATE: 11/21/2017

Consent Agenda _____

New Business X

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Planning Commission Appointment
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734.699.8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Director Akers

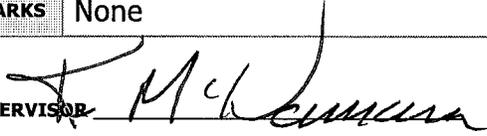
Agenda topic

ACTION REQUESTED	
To consider the appointment of Jeff Jahr Jr. to the Planning Commission effective immediately, with a term expiring 10/1/2018.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
See Attachment.	

BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	

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

ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 11/20/17

BOARD MTG. DATES: N/A

Consent Agenda _____ New Business _____ Unfinished Business _____ Public Hearing _____

ITEM (SUBJECT)	To consider available options to spend the anticipated 2018 local road funding from Wayne County.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers, AICP Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Matthew Best, Deputy Director of Planning & Economic Development

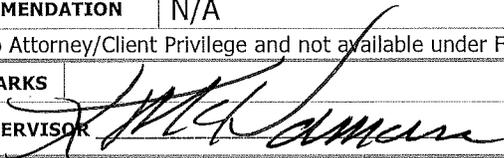
Agenda topic

ACTION REQUESTED	To consider available options to spend the anticipated 2018 local road funding from Wayne County.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	See attached

BUDGET IMPLICATION	N/A
IMPLEMENTATION NEXT STEP	Depending on direction, either submitting solicitation requests to the local newspaper, or contacting the specified HOA's to draft Memorandum of Understandings.

DEPARTMENT RECOMMENDATION	N/A
COMMITTEE/COMMISSION RECOMMENDATION	N/A

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

ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	



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

November 14, 2017

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

RE: Options for Utilizing Additional Local Road Funding

Honorable Trustees,

It has been indicated in prior meetings that Wayne County has approved an additional round of local road funding. This local road funding is projected to be approximately \$300,000 to \$400,000. The question that I want to discuss today is how we make this money available to our residents. There are essentially two different paths for how to ensure this money is spent and they are as follows:

- A. Offer Funds to Prior Subdivision Submittals: Last February/March we solicited eligible subdivisions within the community to propose projects for the local road funds. We received requests from several different groups and elected to move forward with the McBride road project. The other groups who applied for these funds were:
- Robinson River Park Subdivision
 - Walden Woods Subdivision
 - Andover Farms Subdivision
 - Charter Club Subdivision

The amount of funds available in this program is close to the amount of road work we could do at the match level offered by these subdivisions. Rather than pursuing the open solicitation process again, we could offer the funds to these groups. I have reached out to three of the subdivisions as of this date and they have all been interested in participating. I am still, however, awaiting verification of the level of funding they can provide.

- B. Re-Open the Solicitation Process: The second option is to reopen the solicitation process and give all of the eligible subdivisions the option to participate in the program. If this direction is given we will work towards publishing the request for solicitation as soon as possible to move forward on these projects.

I look forward to the Township Boards discussion on this matter and if you have any questions or would like to discuss this matter further, please contact me.

Sincerely,

Ron Akers, AICP
Director of Planning and Economic Development

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

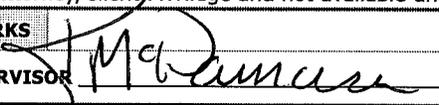
Agenda Item: _____

WORK STUDY: 11-20-2017
1ST READING DATE: 11-21-2017
2ND READING DATE: 12-05-2017

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	First reading of Ordinance 11-21-17(1) to discuss an approval of the amendment of Sec. 42-79 of Division 3 (Blight Prevention) of Article II (Nuisances) of Chapter 42 (Environment).		
DEPARTMENT	Police Department		
PRESENTER	Lt. Charles Bazzy		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Angela Mannarino		

Agenda topic

ACTION REQUESTED	First reading of Ordinance 11-21-17(1) to discuss an approval of the amendment of Sec. 42-79 of Division 3 (Blight Prevention) of Article II (Nuisances) of Chapter 42 (Environment).
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	The amendment of the enforcement provision of the blight ordinances, Sec. 42-79, provides for civil infraction penalties.

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

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

**Ordinance No.: 11-21-17(1)
(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 _____, 2017 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. 42-79 of Division 3 (Blight Prevention) of Article II (Nuisances) of Chapter 42 (Environment) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 42-79. - Enforcement of division; penalties for violation of division.

- (a) This division shall be enforced by such persons who shall be so designated by the township board.
- (b) The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in section 42-78 is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice may be served by first class mail and posting a notice in a conspicuous location on the property or such notice may be served by personal service. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- (c) Violation of this division shall be a municipal civil infraction. The fine for violation of this section shall be one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offense. Each day that a violation continues to exist shall constitute a separate offense.

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 _____, 2017.

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: _____

Sec. 42-79. - Enforcement of division; penalties for violation of division.

- (a) This division shall be enforced by such persons who shall be so designated by the township board.
- (b) The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in section 42-78 is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice may be served first class mail and posting a notice in a conspicuous location on the property or such notice may be served by personal service personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- (c) Violation of this division shall be a municipal civil infraction. The fine for violation of this section shall be one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offense. Each day that a violation continues to exist shall constitute a separate offense misdemeanor which shall be punishable, upon conviction, as provided in section 1-13.

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

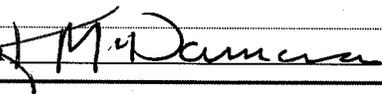
Agenda Item: _____

WORK STUDY: 11-20-2017
1ST READING DATE: 11-21-2017
2ND READING DATE: 12-05-2017

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	First reading of Ordinance 11-21-17(2) to discuss an approval of the amendment of Sec. 42-55 of Division 2 (Trailers & Vehicles) of Article II (Nuisances) of Chapter 42 (Environment).		
DEPARTMENT	Police Department		
PRESENTER	Lt. Charles Bazzy		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Angela Mannarino		

Agenda topic

ACTION REQUESTED	First reading of Ordinance 11-21-17(2) to discuss an approval of the amendment of Sec. 42-55 of Division 2 (Trailers & Vehicles) of Article II (Nuisances) of Chapter 42 (Environment).
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	The amendment of the enforcement provision of the trailers and vehicles ordinance, Sec. 42-55, provides for civil infraction penalties.

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

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

Ordinance No.: 11-21-17(2)
(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 _____, 2017 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. 42-55 of Division 2 (Trailers & Vehicles) of Article II (Nuisances) of Chapter 42 (Environment) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 42-55. - Penalty for violation of division.

- (a) Any person who violates any of the provisions of this division shall be deemed responsible for a civil infraction. The fine for violation of this section shall be one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offense. Each day that a violation continues to exist shall constitute a separate offense.
- (b) In addition to the imposition of the fines and penalties described in subsection (a) of this section and Sec. 1-13, the township building and zoning inspector, any township police officer, or such other officer as the township board may designate may cause any vehicle, trailer, or parts thereof, which violate the provisions of this division, to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of such officer, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which the same are located. Any sums of money realized on the sale over and above the costs incurred by the township shall be reimbursed to the owner of such vehicle, trailer or parts thereof.

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 _____, 2017.

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: _____

Sec. 42-55. - Penalty for violation of division.

- (a) Any person who violates any of the provisions of this division shall be deemed responsible for a civil infraction. The fine for violation of this section shall be one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offense. Each day that a violation continues to exist shall constitute a separate offense~~guilty of a misdemeanor and shall be punished as provided in section 1-13.~~ Each day that a violation continues to exist shall constitute a separate offense.
- (b) In addition to the imposition of the fines and penalties described in subsection (a) of this section and Sec. 1-13, the township building and zoning inspector, any township police officer, or such other officer as the township board may designate may cause any vehicle, trailer, or parts thereof, which violate the provisions of this division, to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of such officer, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which the same are located. Any sums of money realized on the sale over and above the costs incurred by the township shall be reimbursed the owner of such vehicle, trailer or parts thereof.

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY: 11-20-2017
1ST READING DATE: 11-21-2017
2ND READING DATE: 12-05-2017

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	First reading of Ordinance 11-21-17(3) to discuss an approval of the amendment of Sec. 46-32 of Article II (Fire Prevention Code) of Chapter 46 (Fire Prevention and Protection).		
DEPARTMENT	Police Department		
PRESENTER	Lt. Charles Bazy		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Angela Mannarino		

Agenda topic

ACTION REQUESTED	First reading of Ordinance 11-21-17(3) to discuss an approval of the amendment of Sec. 46-32 of Article II (Fire Prevention Code) of Chapter 46 (Fire Prevention and Protection).
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	The amendment of the enforcement provision of the fire prevention code ordinance, Sec. 46-32, provides for civil infraction penalties.
BUDGET IMPLICATION	None anticipated
IMPLEMENTATION NEXT STEP	If approved, after the 1 st and 2 nd reading, a notice of adoption will be placed in the newspaper and the Ordinance will go into effect.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	Approval (May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

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

**Ordinance No.: 11-21-17(3)
(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 _____, 2017 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. 46-32 of Article II (Fire Prevention Code) of Chapter 46 (Fire Prevention and Protection) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 46-32. - Violation and penalty.

Any person, firm, corporation or legal entity that violates disobeys, omits, neglects or refuses to comply with any provision of this code or standard hereby adopted or fails to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or fails to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed by the code, shall jointly and severally for each and every such violation and noncompliance, respectively, be responsible for a municipal civil infraction, punishable by a fine of one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

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 _____, 2017.

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: _____

Sec. 46-32. - Violation and penalty.

Any person, firm, corporation or legal entity that violates disobeys, omits, neglects or refuses to comply with any provision of this code or standard hereby adopted or fails to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or fails to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed by the code, shall jointly and severally for each and every such violation and noncompliance, respectively, be responsible for a municipal civil infraction, punishable by a fine of one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offenses shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable upon conviction by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment in the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

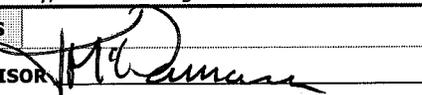
Agenda Item: _____

WORK STUDY: 11-20-2017
1ST READING DATE: 11-21-2017
2ND READING DATE: 12-05-2017

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	First reading of Ordinance 11-21-17(4) to discuss an approval of the amendment of Sec. 58-106 of Division 2 (Trespass) of Article IV (Offenses against Property) of Chapter 58 (Offenses and Miscellaneous Provisions).		
DEPARTMENT	Police Department		
PRESENTER	Deputy Director Jason Wright		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Angela Mannarino		

Agenda topic

ACTION REQUESTED	First reading of Ordinance 11-21-17(4) to discuss an approval of the amendment of Sec. 58-106 of Division 2 (Trespass) of Article IV (Offenses against Property) of Chapter 58 (Offenses and Miscellaneous Provisions).
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	The amendment of the trespassing ordinance clarifies the notification process when an individual is trespassing to allow the police officer to make notification upon authorization of the property owner and to allow for notification by posting the property.

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

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

**Ordinance No.: 11-21-17(4)
(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 _____, 2017 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. 58-106 of Division 2 (Trespass) of Article IV (Offenses against Property) of Chapter 58 (Offenses and Miscellaneous Provisions) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 58-106. - Unlawful entry; refusal to leave.

It shall be unlawful for any person within the township to willfully enter upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner, occupant, agent or servant of the owner or occupant, a police officer acting at the request of or on behalf of the property owner, or a notice posted by the owner in one or more places as to be plainly visible to persons unfamiliar with such property for the purpose of giving notice that trespassing is prohibited. It shall be unlawful for any person, being upon the land or premises of another, upon being notified to depart therefrom by the owner, occupant, agent or servant of either, or a police officer acting at the request of or on behalf of the property owner, to, without lawful authority, neglect or refuse to depart therefrom.

State Law reference— Similar provisions, MCL 750.552.

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 _____, 2017.

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: _____

Sec. 58-106. - Unlawful entry; refusal to leave.

It shall be unlawful for any person within the township to willfully enter upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner, occupant, agent or servant of the owner or occupant, a police officer acting at the request of or on behalf of the property owner, or a notice posted by the owner in one or more places as to be plainly visible to persons unfamiliar with such property for the purpose of giving notice that trespassing is prohibited. It shall be unlawful for any person, being upon the land or premises of another, upon being notified to depart therefrom by the owner, occupant, agent or servant of either, or a police officer acting at the request of or on behalf of the property owner, to, without lawful authority, neglect or refuse to depart therefrom

- ~~(a) Any person who willfully enters upon the premises of another, without lawful authority, after having been forbidden to do so by the owner or occupant, or agent, servant, or employee of the owner or occupant, shall be guilty of a misdemeanor.~~
- ~~(b) Any person being on the land or premises of another, upon being notified to depart therefrom by the owner or occupant or by the agent, servant or employee of the owner or occupant, who refuses to depart therefrom forthwith shall be guilty of a misdemeanor.~~

~~(Ord. No. 1-28-86, § 6.09(a), (b), eff. 2-5-86)~~

State Law reference— Similar provisions, MCL 750.552, MSA 28.820(1).

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY MEETING DATE: 11/20/17

BOARD MTG (1ST READING): 11/21/17

BOARD MTG (2ND READING): 12/05/17

Consent Agenda _____

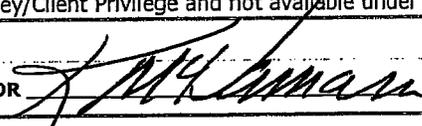
New Business _____

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	To consider the first reading of Ordinance 11-21-17 (6) ⁽⁵⁾ to amend the Charter Township of Van Buren Zoning Ordinance 5-02-17(2) to provide for repeal zoning regulations governing Medical Marijuana Cultivation Facilities.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers – Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Matthew R. Best, Deputy Director of Planning & Economic Development

Agenda topic

ACTION REQUESTED	To consider the first reading of Ordinance 11-21-17 (5) ⁽⁵⁾ to amend the Charter Township of Van Buren Zoning Ordinance 5-02-17(2) to provide for repeal zoning regulations governing Medical Marijuana Cultivation Facilities.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	Van Buren Township is opting-out of PA 281 of 2016. Resolution 2017-28 clearly states the Townships intention of declining the adoption of an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016. Resolution 2017-28 confirms that a "marijuana facility" shall not operate in the Township. As part of the opt-out process, sections of the zoning ordinance regarding medical marijuana must be amended.
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Conduct a second reading of the proposed ordinance repeal and publish a notice of adoption in the newspaper of record upon approval.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval (See attached minutes)
ATTORNEY RECOMMENDATION	Reviewed by Township Attorney (May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

MEMORANDUM

TO: Charter Township of Van Buren Planning Commission

CC: Ron Akers, AICP, Director of Planning & Economic Development
Matt Best, M.S., Deputy Director of Planning & Economic Development

FROM: Patrick Sloan, AICP; Senior Principal Planner
Stephen Hannon, AICP; Assistant Planner

SUBJECT: Medical Marihuana Cultivation Facilities Regulations

DATE: October 6, 2017

The Van Buren Township Zoning Ordinance currently permits Medical Marihuana Cultivation Facilities in the General Industrial (M-2) zoning district as special land uses. These regulations were adopted in response to the Michigan Medical Marihuana Act (MMMA), Public Act 1 of 2008, which was the first law allowing medical marihuana in Michigan. While the MMMA allowed for primary caregivers to produce medical marihuana and qualified patients to receive it, it was silent on large growing facilities, dispensaries (a.k.a., provisioning centers), and related uses. Therefore, Van Buren Township's current regulations on Medical Marihuana Cultivation Facilities was based on our understanding of what was decriminalized by the MMMA.

In response to some of the obvious ambiguities in MMMA, the Medical Marihuana Facilities Licensing Act (MMFLA) was adopted by the State Legislature and signed into law in 2016. The MMFLA provides for and regulates the growth, processing, testing, transport, and provisioning of medical marihuana. Public Act 281 creates the Medical Marihuana Facilities Licensing Act (MMFLA) to license and regulate the growth, processing, transport, and provisioning of medical marihuana. The MMFLA does the following:

1. **Allows five (5) types of medical marihuana facilities:**
 - a. **Grow Operations.** These fall into three sub-categories with limits of 500, 1,000, or 1,500 plants.
 - b. **Processing Facilities.** These are facilities that extract resin from marihuana to create marihuana-infused products, including edibles.
 - c. **Safety Compliance Facilities ("Testers").** These facilities test marihuana for contaminants.
 - d. **Provisioning Centers ("Dispensaries").** Retail sales, which is the point at which taxes are collected.
 - e. **Secure Transportation.** This is not necessarily a land use. This could simply be a vehicle or person authorized to transport. However, if someone had a fleet of vehicles and a dispatch center, it would certainly be subject to zoning.

- 2. Allows local governments to allow, prohibit, regulate, and charge a licensing fee.** The MMFLA gives communities broad authority to allow some, all, or none of the newly legal uses, as well as to require Special Land Use, restrict them to certain zoning districts, and place other zoning regulations on them. The community can also restrict the total number of facilities. The MMFLA also allows communities to charge a licensing fee of up to \$5,000, which can be required to be renewed annually.

The MMFLA is worded that the community “may adopt an ordinance to allow,” and our understanding is that doing nothing would prohibit all of the newly legal uses unless preexisting ordinance language already permitted the use. However, to be safe, if the Township wants to prohibit the newly legal uses, it may wish to adopt an ordinance that explicitly prohibits these uses. Regardless, because the Zoning Ordinance regulations for Medical Marihuana Cultivation Facilities predate the State MMFLA, the Zoning Ordinance regulations must be reviewed for consistency with the MMFLA.

- 3. Establishes a Statewide licensing procedure.** The State will begin issuing licenses as early as December of 2017. Until then, the newly legal uses are not permitted to operate under the MMFLA. State licenses will not be issued without evidence of a local approval.
- 4. Creates a new tax and shares it with communities that have facilities in their boundaries.** The State will collect a 3% tax on all retail sales. Thirty percent (30%) of the money collected will be distributed to municipalities, with each municipality getting a set amount based on the number of facilities located within their borders, regardless of the type of facility.
- 5. Does not impact previously legal and licensed caregivers.** Individual caregivers are still limited to their previous number of plants (up to 12 plants per patient and up to 5 patients per caregiver), and still enjoy their protection from being prohibited within a community.

The Michigan Department of Licensing and Regulatory Affairs (LARA) is still in the process of adopting State regulations for these 5 types of facilities. For example, enclosed is an Advisory Bulletin from LARA, dated September 21, 2017 that addresses Co-Location of Medical Marihuana Facilities. Because additional Advisory Bulletins are expected from LARA, the full extent of State regulation is unknown.

RECOMMENDATION

Since the MMFLA was adopted, we have worked with the Public Safety Department, Developmental Services staff, and Township legal counsel to discuss the implications of this new law on Van Buren Township and what regulatory options are available to the Township. Based on many unknown factors, not the least of which are the yet-to-be-determined regulations that will come from LARA, we recommend repealing the provisions for Medical Marihuana Cultivation Facilities in the Zoning Ordinance, thereby prohibiting all of the 5 uses provided for in the MMFLA. If the Township decides later to permit one or more of these 5 uses, the appropriate regulations can be added to the Zoning Ordinance at that time.

The following sections proposed for amendment are attached to this memo (deletions are in ~~strickethrough~~):

- Section 3.104 (Deletion of the reference to Medical Marihuana Cultivation Facilities)
- Section 3.117 (Deletion of the reference to Medical Marihuana Cultivation Facilities)
- Section 5.125 (Deletion of the section in its entirety)

If the proposed amendments are in acceptable form, we recommend scheduling a public hearing. If you have any questions or comments in the meantime, please let us know. Thank you.

September 21, 2017

Co-Location of Medical Marijuana Facilities

Operation of grower, processor, and/or provisioning center facilities at the same location

The purpose of this bulletin is to advise the public and potential medical marijuana licensees of the Bureau of Medical Marijuana Regulation's intention to allow for the operation of licensed grower, processor, and/or provisioning center facilities at the same location. This bulletin is only for advisory purposes and is subject to change.

A potential licensee may apply for and be granted a license to operate as a grower, processor, and/or provisioning center.

It is the Bureau's intention that growers, processors, and provisioning centers may operate at the same location under the following conditions:

- Each licensed entity remains distinct and separate within different working areas.
- Each licensed entity has separate entrances and exits, point of sale operations (if applicable), and record keeping systems.
- The municipality in which the facility is located does not prohibit co-location of facilities through its local ordinance or zoning regulations.
- Each licensed entity is compliant with local and state public health standards and building inspection and fire safety regulations.
- Each entity's license is posted on the wall in its distinct working area.
- The Department has authorized the licensees to operate at the same location.

Other considerations regarding co-location of facilities:

- Additional inspections and/or permits may be required for licensed entities operating at the same location.
- Each grower, processor, and provisioning center requires its own separate application, regulatory assessment, and license.

This bulletin does not constitute legal advice and is subject to change. It is intended to be advisory only, in anticipation of the Department of Licensing and Regulatory Affairs' promulgation of emergency rules consistent with statutory requirements. Potential licensees are encouraged to seek legal counsel to



ADVISORY BULLETIN

September 21, 2017

ensure their licensure applications and operations comply with the Medical Marihuana Facilities Licensing Act and associated administrative rules.

More information on the Bureau of Medical Marihuana Regulation can be found at www.michigan.gov/bmmr.

For more information about LARA, please visit www.michigan.gov/lara

Follow us on Twitter www.twitter.com/michiganLARA

“Like” us on Facebook or find us on YouTube www.youtube.com/michiganLARA

**CHARTER TOWNSHIP OF VAN BUREN
WAYNE COUNTY, MICHIGAN
ORDINANCE 11-21-17(1)**

(5)

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF VAN BUREN ZONING ORDINANCE 05-02-17(2) AS AMENDED, BY REPEALING THE ZONING ORDINANCE TEXT GOVERNING MEDICAL MARIHUANA CULTIVATION FACILITIES.

The Charter Township of Van Buren Ordains:

SECTION 1. ORDINANCE AMENDMENT.

The Charter Township of Van Buren Zoning Ordinance shall be amended as follows:

Ordinance No. 11-21-17(1) (5)

The following modifications shall be made to the Charter Township of Van Buren Zoning Ordinance:

- Section 3.104 – Deletion of the reference to Medical Marihuana Cultivation Facilities.
- Section 3.117 – Deletion of the reference to Medical Marihuana Cultivation Facilities.
- Section 5.125 – Deletion of the section in its entirety.

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 5th day of December, 2017.

YEAS:

NAYS:

ABSENT:

ABSTAINED:

I hereby approve the foregoing Ordinance,

Leon Wright, Clerk

Kevin McNamara, Supervisor

Adopted: December 05, 2017 (Proposed)
Published: December 14, 2017
Effective: December 22, 2017

Article 3: Zoning Districts and Permitted Uses

Key: ■ Principal Permitted Use ○ Special Land Use [blank] Use Not Permitted

USE	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B), (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)	M-U	DEVELOPMENT STANDARD
Laboratories, Major									■	■	■				
Manufacturing and Processing, Light									■	■	■				
Manufacturing and Processing, Heavy												■			
Medical Marijuana Cultivation Facilities												○			<u>Section 5.125</u>
Retail Dry Cleaning Plants and Laundries									■			■			
Truck Repair and Maintenance Facility, Major												○			
Truck Repair and Maintenance Facility, Minor									○			○			
Truck and Railroad Terminals												■	■		
Warehousing (Excluding Outdoor Storage and Distribution Center)						■									
Warehousing (Excluding Distribution Center)									■	■	■				
COMMUNITY, EDUCATION, AND INSTITUTIONAL USES															
Adult Day Care Center	○	○	○	○	○	○	○							○	<u>Section 5.110</u>
Adult Foster Care, Family Home	■	■		■											■
Adult Foster Care, Large Group Home		○													○
Adult Foster Care, Small Group Home		○													○
Bus Passenger Station						■	■	■							■
Cemeteries					■										
Child Care Centers	○	○	○	○	○	○	○								○ <u>Section 5.108</u>
Day Care or Child Care, Family Home	■	■	■	■											■
Day Care or Child Care, Group Home	○	○		○											○ <u>Section 5.111</u>
Hospitals and Nursing Homes		■													○ <u>Section 5.120</u>
Places of Assembly	○	○	■	○		■	■		○						■ <u>Section 5.140</u>
Public Buildings and Uses	■					○	■	■	○						■
Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (excluding storage yards) when necessary to serve the immediate vicinity	○	■	■	○	○	■	■			■	■	■			○
Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (including storage yards) when necessary to serve the immediate vicinity										■	■	■			
Religious Institutions	○	○	■	○		■	■		○						■ <u>Section 5.140</u>
School, College or University and Public or Non-Profit	■	■	■		■	■	■		■						■
School, College or University, Private						■	■		■						■
School, Primary or Secondary	■	■	■		■	■	■								■
School, Vocational or Technical						■	■		■						
RECREATION USES															
Campgrounds				■		○	○								<u>Section 5.107</u>
Country Clubs	○				○										
Golf Courses	○				○										<u>Section 5.118</u>
Horses for Personal, Non-Commercial Use	■			■											<u>Section 5.123</u>
Indoor Recreation						○	■			■		■		○	
Outdoor Recreation, Amusement						○	○								<u>Section 5.131</u>
Outdoor Recreation, Golf Driving Range	○				○										<u>Section 5.132</u>
Outdoor Recreation, Gun Club					○										<u>Section 5.132</u>

Article 3: Zoning Districts and Permitted Uses

Section 3.117 M-2, General Industrial District

(A) STATEMENT OF PURPOSE
The intent of this Section is to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services.

(B) PERMITTED USES	(C) SPECIAL LAND USES
<ul style="list-style-type: none"> • All Permitted Uses in the M-1, Light Industrial District (<u>Section 3.115</u>) • Manufacturing and Processing (Heavy) • Truck and Railroad Terminals • Accessory structures and uses customarily incidental to the above permitted uses 	<ul style="list-style-type: none"> • Outdoor storage of Building or Contracting Equipment and Supplies • Drive-In Theaters • Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth • Air Freight Forwarders • Junk Yards • Medical Marihuana Cultivation Facilities • Recreational Vehicle Storage Yards • Truck Repair and Maintenance Facility, Minor • Truck Repair and Maintenance Facility, Major • Accessory Caretaker Dwelling • Regulated Uses (Sexually Oriented Businesses)

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	-	<i>Front Yard</i>	60 <u>(O)</u>
<i>Min. Lot Width (ft.)</i>	--	<i>Side Yard (one)</i>	50 <u>(P)</u>
<i>Min. Lot Depth (ft.)</i>	--	<i>Side Yard (total of 2)</i>	100
<i>Max. Lot Coverage (%)</i>	35	<i>Rear Yard</i>	50
<i>Min. Floor Area/Unit (ft.)</i>	--		
<i>Max. Building Height (ft.)</i>	40 <u>(S)</u>		
<i>Max. Building Height (stories)</i>	4 <u>(S)</u>		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Article 5: Development Standards for Specific Uses

continued under the nonconforming use provisions of this Ordinance subject to all conditions therein.

Foals born on parcels where horses are presently kept may be kept on the parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the limit stated above, but in no case shall there be more than one (1) horse and one (1) foal per acre.

- (C) **Livestock Setbacks and Locations.** All land used for the keeping of livestock, except for bona fide commercial farm operations regulated under the Michigan Right to Farm Act, shall be located in the rear yard of the lot, no closer than fifty (50) feet from any abutting property line, and encompassed by a suitable fence or enclosure around the entire premises reserved for outside use of animals.
- (D) **Structure Setbacks and Locations.** No barns, pens, corrals or animal enclosure shall be located closer than one hundred (100) feet to any residentially-zoned district or fifty (50) feet from any other lot line or closer than fifty (50) feet from any dwelling on the same premises. All such structures shall be located behind any residence on the property.
- (E) **Open Area in Front of Dwelling.** There shall be provided, for any bona fide farm operation containing a dwelling unit, an open space unobstructed by buildings or equipment in the front of every dwelling unit equal to the width of the dwelling extending to the front lot line.
- (F) **Nuisances.** The keeping of any animal is prohibited if the same became obnoxious by reason of odor, noise or other nuisance. The determination of the Ordinance enforcement officer shall, in the absence of fraud, be conclusive on the question of whether the same are obnoxious under the terms of this Ordinance and consistent with the provisions of Michigan Right to Farm Act (Public Act 93, 1981, as amended).

Section 5.124 Kennels and Raising of Fur Bearing Animals

Kennels and the raising of fur bearing animals, including mink, rabbit, cat and canine establishments, shall meet the following requirements:

- (A) The use shall be located on a continuous parcel of land ten (10) acres or more in area.
- (B) All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height.
- (C) All outdoor runs and breeding areas shall be located at least fifty (50) from any lot line and shall be not be located in the front yard.

Section 5.125 ~~Medical Marijuana Cultivation Facilities~~

~~(A) Purpose.~~

- ~~(1) It is the intent of this section to provide reasonable conditions for the cultivation of marijuana allowed by the Michigan Medical Marijuana Act, MCL 333.26421 et seq, as~~

Article 5: Development Standards for Specific Uses

amended (MMMA). Due to conflicts between the federal Controlled Substances Act and the MMMA, the cultivation of medical marihuana is a specialized land use with ramifications that need to be addressed by a local ordinance. Although some specific uses of marihuana may not be prosecuted according to the MMMA, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marihuana. Due to its conflicting legal status, such businesses are generally not funded, financed or supported by banks and similar financial institutions as other federally lawful enterprises may be. As a consequence, medical marihuana enterprises are primarily cash-based operations, making them targets for crime and theft. The regulations set forth herein are intended to take into account these issues and thereby take steps to protect public safety and welfare of the community at large.

- (2) It is further the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana cultivation to the district that is most compatible with this use. Additional regulations in this section are intended to provide reasonable restrictions within a zoning district so that this use does not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in the district.
- (3) While the MMMA generally allows a primary caregiver to grow medical marihuana on his/her own property in accordance with the Act, there are negative impacts and circumstances that could be deemed a nuisance including, but not limited to, the inadequacy of the property or home for safe growing of medical marihuana, and noxious odors from medical marihuana plants and growing that impact neighboring residents in violation of Township ordinances. Therefore, providing for and regulating medical marihuana cultivation facilities allows primary caregivers to cultivate medical marihuana at a non-residential facility that is better suited for such use.

~~(B) **Medical Marihuana Definitions.** Some of the words and phrases defined below are also defined in the MMMA, MCL 333.26421 et seq, as amended. If the definition of a word or phrase set forth below conflicts with the definition in the MMMA or if a term is not defined below but is defined in the MMMA, then the definition in the MMMA shall apply. The words and phrases below are defined as follows:~~

- ~~(1) **Marihuana.** That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.~~
- ~~(2) **Medical Use.** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.~~
- ~~(3) **Primary Caregiver.** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.~~

Article 5: Development Standards for Specific Uses

- (4) ~~**Qualifying Patient.**~~ A person who has been diagnosed by a physician as having a debilitating medical condition.
 - (5) ~~**Registry Identification Card.**~~ A document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.
 - (6) ~~**Medical Marihuana Cultivation Facility (“Cultivation Facility”).**~~ A building other than the personal residence of a primary caregiver where one or more primary caregivers are growing medical marihuana in compliance with the MMMA. A medical marihuana cultivation facility may also be referred to as growing facility. A “medical marihuana cultivation facility” shall not include a primary caregiver or a qualifying patient growing medical marihuana at his/her personal residence in accordance with the Michigan Medical Marihuana Act and all applicable Township ordinances including, but not limited to, ordinances prohibiting noxious odors.
 - (7) ~~**Medical Marihuana Dispensary (“Dispensary”).**~~ A building, part of a building, a facility, a club or other set-up where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended. A “dispensary” shall not include a primary caregiver assisting a qualifying patient with whom he/she is connected through the Michigan Department of Community Health’s registration process with the medical use of marihuana in the qualifying patient’s residence in accordance with the Michigan Medical Marihuana Act.
 - (8) ~~**Plant.**~~ Any marihuana plant with not more than one readily observable root formation.
 - (9) ~~**Unit.**~~ A portion of a building that is separate from the remainder of the building by a fireproof wall, and accessible only through an exterior door.
- (C) ~~**Medical Marihuana Dispensaries Prohibited.**~~ Medical marihuana dispensaries are prohibited in all districts.
- (D) ~~**Special Site Design and Use Standards.**~~
- (1) ~~**Indoor Growing.**~~ The growing of medical marihuana at a cultivation facility shall be indoors only and shall not be visible from any point outside the medical marihuana cultivation facility.
 - (2) ~~**Drive-Through Prohibited.**~~ The medical marihuana cultivation facility shall not be permitted to have drive-through facilities.
 - (3) ~~**Setback From Protected Areas.**~~ The lot lines of a cultivation facility shall be no less than one thousand (1,000) feet from the nearest lot lines of the following: a religious institution, a public park, a residential zoning district, a residential land use, a child care

Article 5: Development Standards for Specific Uses

facility, a public or private educational facility including but not limited to pre-schools, nurseries, elementary, secondary and high schools. The setback distance shall be measured as a straight line from the nearest points of the lot lines.

- (4) **Maximum Number of Cultivation Facility Buildings Per Lot.** There shall be not more than one (1) building housing a medical marihuana cultivation facility per lot.
- (5) **Setback From Other Cultivation Facilities.** The lot lines of a cultivation facility shall be at least one thousand (1,000) feet from the lot lines of another cultivation facility, as measured from the edges of the property on which the use is located.
- (6) **State and Local Licensing.** Medical marihuana cultivation facilities shall comply with all applicable state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval.
- (7) **On-Site Consumption Prohibited.** No smoking, inhalation, or other consumption of marihuana shall take place on the premises of a medical marihuana cultivation facility.
- (8) **On-Site Transfer Prohibited.** Any person-to-person transfer of marihuana is prohibited at a cultivation facility. All transfers of medical marihuana between persons shall take place off-site only and in accordance with the MMMA and this Ordinance.
- (9) **Retail Sales Prohibited.** Retail sales, including sales of products customarily incidental to the use of medical marihuana, is prohibited at medical marihuana cultivation facilities.
- (10) **Indoor Activities Only.** All activities of medical marihuana cultivation facilities shall be conducted indoors.
- (11) **Outdoor Storage Prohibited.** Outdoor storage is prohibited.
- (12) **State and Local Compliance.** Medical marihuana cultivation facilities shall comply with all applicable provisions of this Ordinance, all other Township ordinances, regulations, and codes, and the MMMA. This section preempts any other section of this Ordinance when there is a conflict between this section and another section. This section does not preempt the Michigan Medical Marihuana Act.
- (13) **Maximum Units and Maximum Plants Per Unit.** The maximum number of individual plants permitted within a single unit shall not exceed seventy-two (72) plants, and there shall be no more than six (6) primary caregivers or units in any building housing a medical marihuana cultivation facility.
- (14) **Security.** A security system shall be installed in each unit of a medical marihuana cultivation facility which shall include monitoring cameras with audio capability which are operating continuously. Recordings and data from the security system shall be kept a minimum of three hundred and sixty five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

Article 5: Development Standards for Specific Uses

- (15) ~~**Odors.** Odors generated by the medical marihuana cultivation facility shall be contained within the building or the portion of building used by the medical marihuana cultivation facility. The primary caregiver's proposed method of addressing odors generated through use of air filters or air scrubbers must be demonstrated and found to be satisfactory to the Township.~~
- (16) ~~**Access to Minors Prohibited.** No minors under the age of eighteen (18) are permitted on the site.~~
- (17) ~~**Limited Accessibility to the Site.** The medical marihuana cultivation facility shall not be accessible to anyone but the primary caregiver lawfully growing medical marihuana in the cultivation facility and lawful visitors to the site, which include contractors working on the site and representatives of the Township administering or enforcing an ordinance or law.~~
- (18) ~~**Parking.** Off street parking shall be provided consistent with that of "Industrial Establishments, Assembly, Processing" set forth in Section 9.102(E)(1) of Off Street Parking Requirements of this Ordinance.~~
- ~~(E) **Access & Identification.** Each primary caregiver growing medical marihuana in a medical marihuana cultivation facility shall assign an identifying number to each qualifying patient for whom that primary caregiver intends to grow and cultivate medical marihuana including the primary caregiver if the primary caregiver is also a qualifying patient. The primary caregiver shall keep a list identifying the registry identification card of the qualifying patient to whom a number is assigned which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.~~
- (1) ~~**Separate Grow Areas.** The primary caregiver shall keep the marihuana plants grown for each qualifying patient of the primary caregiver separate from the marihuana plants grown for any other qualifying patient. Each qualifying patient's plants shall be kept in a separate enclosed locked facility to which only the primary caregiver has access. The identifying number of the qualifying patient for whom the medical marihuana is grown and cultivated shall be prominently and permanently displayed on each enclosed locked facility.~~
- (2) ~~**Access Log.** Each primary caregiver shall keep a written log including the identifying number, date and time of every person entering the medical marihuana cultivation facility, which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant. Each primary caregiver shall also keep a written log including the date and time marihuana was removed by the licensed caregiver from the enclosed locked facility and the amount of marihuana removed.~~
- (3) ~~**Correct and Accurate Records.** The primary caregiver shall certify under oath that the written records kept are correct and accurate.~~
- ~~(F) **Inspections.**~~

Article 5: Development Standards for Specific Uses

- ~~(1) **Initial Inspection.** A cultivation facility shall be subject to the same inspections as all other buildings and uses as required by this Ordinance and the Charter Township of Van Buren Code of Ordinances.~~
- ~~(2) **Inspections.** The cultivation facility may be inspected annually by the Township to confirm that it is being operated in compliance with the MMMA and any Township ordinance. The cultivation facility may be inspected more frequently at the discretion of the Township. Representatives of the Township for the on-site inspection include, but are not limited to, the Planning Director, Building Official(s), and Public Safety Department. The Township shall limit its inspection to only those issues associated with compliance with the MMMA and Township ordinances, and shall not make inquiry into the identity of any qualifying patient. The cultivation facility shall be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. Eastern Time upon two (2) hours notice.~~
- ~~(G) **Application Requirements and Review.** In addition to the application for and review of a site plan in accordance with Article 12, Chapter 2 and a special land use permit for a medical marijuana cultivation facility in accordance with Article 12, Chapter 3, the following shall also be required:~~

 - ~~(1) **Security Plan.** A security plan and floor plan shall be submitted with the special land use application. The security plan shall:~~

 - ~~(a) Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.~~
 - ~~(b) The security plan shall identify the number of plants to be grown, the location of the secured locked facilities assigned to qualifying patients, the location where chemicals and fertilizers are stored, and the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of Information Act unless required by the Act.~~
 - ~~(2) **Waste Disposal Plan.** A waste disposal plan shall be included with all applications for a medical marijuana cultivation facility, which shall detail plans for chemical disposal and plans for plant waste disposal. The Township Building Official shall determine whether the waste disposal plan meets all Township requirements and may require the applicant to provide proof the disposal plan satisfies county and state requirements.~~
 - ~~(3) **Proof of Ownership or Leasehold Interest.** Proof of an ownership or leasehold interest in the building housing the medical marijuana cultivation facility.~~
- ~~(H) **Medical Marijuana State Law.**~~

 - ~~(1) **Medical Marijuana Act.** This Ordinance shall not limit an individual's rights under the MMMA. The MMMA supersedes this Ordinance where there is a conflict between the Act and this Ordinance.~~

Article 5: Development Standards for Specific Uses

- (2) ~~**Medical Marijuana Registered Qualifying Patient.** A qualified patient with a registry identification card may grow and use medical marijuana for his or her own use in accordance with the Michigan Medical Marijuana Act.~~
- (3) ~~**Medical Marijuana Registered Primary Caregiver.** A primary caregiver with a registry identification card may grow medical marijuana in accordance with the Michigan Medical Marijuana Act except that two or more primary caregivers with a registry identification card who seek to grow medical marijuana on the same site are subject to the requirements of this section.~~
- ~~(I) **Unlawfully Established Medical Marijuana Cultivation Facilities.** A medical marijuana cultivation facility which purports to have engaged in the cultivation of marijuana either prior to enactment of this Ordinance, or after enactment of said Ordinance but without having an approved site plan and special land use permit, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance.~~
- ~~(J) **Penalty.** Any violation of the site plan, special land use, or conditions under which the permit for operating a medical marijuana cultivation facility is granted shall subject to the penalty provisions of this Ordinance.~~

Section 5.126 Mini-Warehouse (Self Storage Facility)

- (A) The minimum lot area is three (3) acres.
- (B) Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front-to-rear or equal to the building height, whichever is greater.
- (C) The total lot coverage of all structures may exceed the limits of the zoning district, but shall be limited to fifty (50) percent of the total lot area.
- (D) A sight-proof barrier shall be provided around the perimeter of the development. The barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a wall or fence. If a wall or fence is provided, it shall be a minimum of six (6) feet in height and shall be constructed of brick, stone, masonry units or wood products which are determined by the building inspector to be durable and weather resistant.
- (E) A ten (10) foot wide landscaped greenbelt (see Section 10.103(E)) shall be provided along all lot lines where they abut a street frontage or residential district.
- (F) Two (2) parking spaces shall be provided for the manager's residence plus one (1) parking space for each twenty-five (25) storage units, to be located at the office at the storage complex. In no instance shall less than five (5) parking spaces be provided on-site.
- (G) Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- (H) All ingress and egress from this site shall be directly onto a collector or major thoroughfare.

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

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing on **Wednesday, October 25, 2017 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 proposed amendments to the Charter Township of Van Buren's Zoning Ordinance:

1. Proposed amendments clarifying the zoning district location of stormwater ponds (Section 8.107) and amending the setbacks for off-street parking and loading areas, access drives, and paved surfaces accessory to a distribution center (Section 5.112).
2. A proposed amendment which repeals those sections of the Zoning Ordinance which allows medical marihuana cultivation facilities, provides site development standards for medical marihuana cultivation facilities, and removes those references to the applicable sections in other areas of the Zoning Ordinance.

The proposed amendments can be reviewed at the Planning & Economic Development Department at Van Buren Township Hall during normal business hours (7:30 a.m. to 4:00 p.m.). Written comments will be accepted by the Planning and Economic Development Department until 4:00 p.m. on the hearing date.

In compliance with the Americans with Disabilities Act, reasonable accommodations will be made available with advance notice.

Posted: October 3, 2017
Published: October 5, 2017

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
OCTOBER 25, 2017
MINUTES**

Chairperson Thompson called the meeting to order at 7:34 p.m.

ROLL CALL:

Present: Kelley, Budd, Boynton, Franzoi and Thompson.

Excused: Atchinson.

Staff: Director Akers and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan and Fishbeck Associate, David Potter.

Audience: Seven (7).

APPROVAL OF AGENDA:

Motion Kelley, Boynton second to approve the amended agenda of October 25, 2017 removing item numbers 6 and 7 under New Business. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Boynton second to approve the regular meeting minutes of September 13, 2017 and special meeting minutes of October 4, 2017 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 REPEAL OF MEDICAL MARIJUANA CULTIVATION FACILITIES REGULATIONS

TITLE: THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE VBT ZONING ORDINANCE TO REPEAL THOSE SECTIONS OF THE ZONING ORDINANCE WHICH ALLOWS MEDICAL MARIJUANA CULTIVATION FACILITIES, PROVIDES SITE DEVELOPMENT STANDARDS FOR MEDICAL MARIJUANA CULTIVATION FACILITIES AND REMOVES THOSE REFERENCES TO THE APPLICABLE SECTIONS IN OTHER AREAS OF THE ZONING ORDINANCE.

Motion Boynton, Budd second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his memorandum dated 10-6-17 discussing the Township Zoning Ordinance that currently permits Medical Marijuana Cultivation Facilities in the General Industrial (M-2) zoning district as a special land use. The regulations were adopted in response to the Michigan Medical Marijuana Act (MMMA). State legislature has now adopted the Medical Marijuana Facilities Licensing Act (MMFLA) allowing five (5) types of facilities. McKenna Associates worked with the Public Safety Department, Developmental Services staff and Township legal counsel to discuss implications of the new law to Van Buren Township and regulatory options available to the Township. The recommendation from McKenna Associates is to repeal the provisions for Medical Marihuana Cultivation Facilities in the Zoning Ordinance, thereby prohibiting all of the five (5) uses provided for in the MMFLA. If the Township later decides to permit one or more of the five (5) uses, the appropriate regulations can be added to the zoning ordinance at that time.

Commissioners inquired if any facilities are currently located in Van Buren Township and if there were any changes to the patient/caregiver law. The answer was no.

Motion Kelley, Boynton second to close the public hearing. Motion Carried.

ITEM # 2 ZONING ORDINANCE AMENDMENTS REGARDING DETENTION POND LOCATION, SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTUION CENTER.

DESCRIPTION: THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO SECTION 8.107 REGARDING DETENTION POND LOCATION AND SECTION 5.112 REGARDING SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTION CENTER.

Motion Budd, Franzoi second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his proposed Zoning Ordinance Text Amendments letter dated 9-22-17. The proposed amendments are to Section 8.107 Stormwater Basins; clarifying the zoning district location of stormwater ponds and Section 5.112 Distribution Centers; amending the setbacks for off-street parking and loading areas, access drives and paved surfaces accessory to a distribution center. The proposed amendments are:

Section 8.107 Stormwater Basins: The language addition of (A) Location. Stormwater basins and related landscaping may be located in any zoning district and are not required to be in the same zoning district as the site from which it receives water.

Section 5.112 Distribution Centers: Amendments to (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 sixty (60) feet from any residential district; which must include a greenbelt buffer required in Section 10.103(E).

No questions or comments from the Commission or the audience.

Motion Kelley, Boynton second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 17-031 – 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 EASE SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.

Applicant Phillip Kuntzman gave the presentation. Upland Homes submitted five (5) plans with various home elevations for forty-two (42) sites located in the Country Walk Subdivision. The applicant will make sure that home elevations are on lots that meet setback requirements.

Director Akers presented his staff memo dated 10-20-17 in which he discussed deficiencies with concern to the façade materials on the 2842 colonial elevation. The applicant has discussed with staff his desire to remove elevation 2842 from the submitted plans. Staff recommends the Planning Commission approve an amendment to the site plan for the Country Walk development in order to allow Upland Homes to construct new homes consistent with the provided plans which depict elevations to be constructed in phase 3 and phase 4 of the Country Walk development. This approval to be based upon the staff review letter dated 10-20-17 and conditioned upon the following:

1. Township Planning Staff shall review each application for a new single-family home in Country Walk Phase 3 and Phase 4 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 for the Country Walk development.

Commissioners discussed marketing of the homes, home elevations to be located on lots determined to meet those elevations requirements and the bi-level home elevation submitted by the applicant. No comments from the audience.

Motion Kelley, Boynton second to grant Upland Homes request to amend the approved Country Walk site plan subject to the recommendations in the staff report dated 10-20-17 with the addition of the removal of elevation 2842 from the plans at the request of the applicant. Motion Carried. (Letter attached)

ITEM # 2 17-024 – MASTER PLAN AMENDMENT HAROLD SMITH FARM FUTURE LAND USE

TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING AN AMENDMENT TO THE TOWNSHIP'S FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY SINGLE FAMILY B TO LIGHT INDUSTRIAL.

LOCATION: THE PROPERTY AT 50015 MICHIGAN AVENUE IS THE SUBJECT OF THIS REQUEST. THIS PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE, EAST OF ECORSE ROAD AND WEST OF DENTON ROAD. (APPROXIMATELY 75 ACRES).

Applicant Ben Griffin gave the presentation. Mr. Griffin discussed the site location, a 3-sided parcel with 2 of the sides located on Michigan Avenue and along the railway, not a conducive property for a residential development. The applicant is requesting an amendment to change the Township's future land use map and future land use designation from low-density single family B to light industrial.

Director Akers discussed the request to rezone and compared the request to future land use maps in the Master Plan. The property location on Michigan Avenue is in close proximity to industrial zoned property, rezoning may be appropriate. Director Akers discussed the Master Plan Amendment/Future Land Use projected timeline letter dated 10-20-17. The first step is to send out a Notice of Intent to Plan if Commissioners desire to move forward.

Patrick Sloan of McKenna Associates presented his rezone review letter dated 8-1-17 recommending the Planning Commission defer action on the rezoning application pending a review of the Master Plan

pursuant to the Michigan Planning Enabling Act. If the Planning Commission is interested in pursuing an amendment to the Master Plan to address the applicant's request and the issues noted in the letter, McKenna Associates recommends adopting a motion to that effect.

Commissioners discussed the timeframe difference of addressing the rezone now or including with the Master Plan Update, the applicants timeline and the zoning of the neighboring property in Canton. The Commissions desire is to start the rezone process of this property in regards to the Master Plan update.

Motion Kelley, Boynton second to submit the initial notices of intent to plan for the property located on Michigan Avenue. Motion Carried.

ITEM # 3 17-029 – PRELIMINARY SITE PLAN APPROVAL

TITLE: THE APPLICANT, THE VAN BUREN TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO CONSTRUCT AN OFFICE BUILDING AND A PARK AT THEIR PROPERTY ON BELLEVILLE ROAD.

LOCATION: 10151, 10065, 10085 & 10101 BELLEVILLE ROAD IS THE SUBJECT OF THE AGENDA ITEM. THE PROPERTY IS LOCATED ON THE EAST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 SERVICE DRIVE AND SOUTH OF TYLER ROAD.

Downtown Development Authority (DDA) Director, Susan Ireland gave the presentation. The DDA is requesting preliminary site plan approval to construct an office building and park on their property located on Belleville Road as part of a place making initiative. Director Ireland displayed the preliminary site plan, a color rendering and the exterior façade materials for the office building. Ireland also discussed the underground storm water retention, the size of the sign and the owner of the neighboring Remerica real estate office is willing to allow cross access to the site.

Director Akers presented his staff review letter dated 10-20-17 recommending the Planning Commission grant preliminary site plan approval based on the analysis and findings by staff and subject to the nine (9) conditions in his letter.

Fishbeck Associate David Potter presented his preliminary site plan review letter dated 9-1-17 recommending the Planning Commission grant preliminary site plan approval at this time.

Director Akers presented the Fire Department review letter dated 10-20-17 approving the plan. Outstanding items are to be addressed during construction and before certificate of occupancy.

Commissioners discussed removal of the existing buildings, exterior façade materials and the lack of red brick in the proposed materials and waiving the greenbelt requirement. The applicant is to look into a hybrid façade design to include the commercial red brick requirement

Motion Boynton, Franzoi second to grant preliminary site plan approval to the Van Buren Township Downtown Development Authority to construct an office building and a park at 10151, 10065, 10085 and 10101 Belleville Road located on the east side of Belleville Road, north of the I-94 Service Drive subject to the recommendations in the staff review letter dated 10-20-17, Fishbeck Associates review later dated 10-20-17 and Fire Department review letter dated 10-03-17. Motion Carried. (Letters Attached)

ITEM # 4 REPEAL OF MEDICAL MARIJUANA CULTIVATION FACILITIES REGULATIONS

TITLE: THIS PUBLIC HEARING IS TO CONSIDER PROPOSED AMENDMENTS TO THE VBT ZONING ORDINANCE TO REPEAL THOSE SECTIONS OF THE ZONING ORDINANCE WHICH ALLOWS MEDICAL MARIJUANA CULTIVATION FACILITIES, PROVIDES SITE DEVELOPMENT STANDARDS FOR MEDICAL MARIJUANA CULTIVATION FACILITIES AND REMOVES THOSE REFERENCES TO THE APPLICABLE SECTIONS IN OTHER AREAS OF THE ZONING ORDINANCE.

Director Akers gave the staff recommendation. Staff from both Public Safety and Developmental Services met and the consensus was to move forward with opting out by repealing sections 3.104, 3.117 and 5.125 of the Township Zoning Ordinance and sending a resolution to LARA.

Motion Kelley, Boynton second to recommend to the Township Board of Trustees the proposed amendments to the Van Buren Township Zoning Ordinance to repeal the sections of the Zoning Ordinance which allow medical marijuana cultivation facilities and remove those references to applicable sections in other areas of the Zoning Ordinance.

Roll Call:

Yeas: Franzoi, Boynton, Kelley, Budd and Thompson.

Nays: None.

Absent: Atchinson.

Motion Carried.

ITEM # 5 ZONING ORDINANCE AMENDMENTS REGARDING DETENTION POND LOCATION, SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTION CENTER.

No additional comments from Staff, the Commission or the audience.

Motion Kelly, Boynton second to recommend to the Township Board of Trustees the Zoning Ordinance Amendments regarding detention pond location, setbacks for off-street parking and loading areas, access drives and paved surfaces accessory to a distribution center.

Roll Call:

Yeas: Boynton, Kelley, Budd, Franzoi and Thompson.

Nays: None.

Absent: Atchinson.

Motion Carried.

GENERAL DISCUSSION:

- 1. DISCUSSION ON TOWNSHIP MASTER PLAN/FORMATION OF MASTER PLAN SUBCOMMITTEE:**
Director Akers discussed the formation of a Master Plan Subcommittee. Three (3) members of the Planning Commission are required to form the subcommittee. Commissioners Atchinson, Kelley and Budd volunteered to form the Subcommittee. Patrick Sloan of McKenna Associates presented and discussed the Master Plan project schedule and the proposed update to the Master Plan.

- 2. JOINT COMMISSION/COMMITTEE MEETING – NOVEMBER 30, 2017:** Director Akers discussed the invitation to an Open House on November 30, 2017 at the Holiday Inn Express. The open house is a joint commission/committee meeting for all of the boards and commissions for the township. The event is open to the public.

ADJOURNMENT:

Motion Kelley, Boynton second to adjourn at 9:19 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY MEETING DATE: 11/20/17

BOARD MTG (1ST READING): 11/21/17

BOARD MTG (2ND READING): 12/05/17

Consent Agenda _____

New Business X

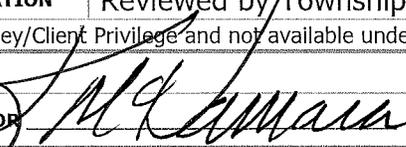
Unfinished Business _____

Public Hearing _____

(6)

ITEM (SUBJECT)	To consider the first reading of Ordinance 11-21-17 (2) to amend the Charter Township of Van Buren General Ordinance 58-299 to provide for repeal regulations governing Medical Marihuana Cultivation Facility Registration.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers – Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Matthew R. Best, Deputy Director of Planning & Economic Development

Agenda topic

ACTION REQUESTED	
To consider the first reading of Ordinance 11-21-17 (2) to amend the Charter Township of Van Buren General Ordinance 58-299 to provide for repeal regulations governing Medical Marijuana Cultivation Facility Registration.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Van Buren Township is opting-out of PA 281 of 2016. Resolution 2017-28 clearly states the Townships intention of declining the adoption of an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016. Resolution 2017-28 confirms that a "marijuana facility" shall not operate in the Township. As part of the opt-out process, Ordinance 58-299, Medical Marijuana, must be repealed.	
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Conduct a second reading of the proposed ordinance repeal and publish a notice of adoption in the newspaper of record upon approval.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval (See attached minutes)
ATTORNEY RECOMMENDATION	Reviewed by Township Attorney (May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

CHARTER TOWNSHIP OF VAN BUREN

COUNTY OF WAYNE

STATE OF MICHIGAN

ORDINANCE # 2017- 11-21-17 ⁽⁶⁾ ~~(2)~~

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 _____, 2017 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 the Code of Ordinances, Charter Township of Van Buren, Michigan, by Repealing *Section 58-299 – Medical Marijuana*, of Chapter 58, Article VI, Division 5 of said Code:

THE CHARTER TOWNSHIP OF VAN BUREN (“Township”), COUNTY OF WAYNE, MICHIGAN, ORDAINS:

SECTION 1. REPEAL *Section 58-299 – Medical Marijuana*, of Chapter 58, Article VI, Division 5 of the Code of Ordinances.

SECTION 2. SEVERABILITY. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the passage by the Van Buren Township Board of Trustees and the publication of the Ordinance in accordance with the Charter of Van Buren Township and the statutes of the State of Michigan.

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 _____, 2017.

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: _____

Sec. 58-299. - Medical marijuana.

- (a) *Purpose.* The purpose of this section is to establish standards and procedures for the review and input of the Charter Township of Van Buren on the issuance, renewal and/or revocation of medical marijuana registrations for medical marijuana cultivation facilities in order to:
- (1) Serve and protect the health, safety and welfare of the general public;
 - (2) Establish a set of rules and regulations which are fair and equitable for those interested in establishing medical marijuana cultivation facilities; and
 - (3) To provide reasonable regulation pursuant to the township's general police power granted to charter townships by the Michigan Constitution of 1963 and The Charter Township Act, MCL 42.1 et seq, as amended.

Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township Code of Ordinances, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, cultivation, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Michigan Medical Marijuana Act (MMMA) or any township ordinance. Also, since federal law is not affected by the MMMA or any other state act or township ordinance, nothing in this section, or in any companion regulatory provision adopted in any other provision of the Code of Ordinances, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

- (b) *Definitions.* Words and terms used in this section are defined in the Charter Township of Van Buren Zoning Ordinance and the MMMA.
- (c) *Adoption of state rules and regulations.* All activities related to medical marijuana shall be in compliance with the general rules of the Michigan Department of Community Health and the Michigan Medical Marijuana Act, MCL 333.26241 et seq, as amended.
- (d) *Registration required.*
- (1) No person shall own or operate a medical marijuana cultivation facility in the township without first applying for and receiving a registration from the department of public safety.
 - (2) Any medical marijuana cultivation facility opened prior to the adoption of this section must file for a registration within 30 days of the adoption of this section. No other applications will be accepted by the township until 45 days after the effective date of this section. Within 30 days after a pre-existing application is denied, the pre-existing cultivation facility shall discontinue all operations unless the building official or other code official determines it must be closed sooner for safety reasons.
 - (3) Registrations are non-transferrable and shall only apply to the person listed on the registration at the address listed on the application.
 - (4) Registrations shall be valid for a period of one year, from January 1 to December 31.
 - (5) A registration shall be issued or renewed upon payment of the required fee and submission of a completed application in compliance with the provisions of this section, and proof of compliance with all provisions and requirements of this section. Application to renew a registration to operate a medical marijuana cultivation facility shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.
 - (6) Every applicant shall pay a fee at the time of the application for an initial or renewal registration, which fee shall be set by the township board of trustees. Said fee is non-refundable if the application is denied.
 - (7) The registration requirements set forth in this section shall be in addition to, and not in lieu of, any other

registration, licensing, and permitting requirements imposed by any other federal, state or local law.

- (8) The issuance of any registration pursuant to this section does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana, possession of drug paraphernalia, or presence in places where drugs are being used, stored or kept.
- (9) All registered medical marijuana cultivation facilities shall have a sign measuring at least 11 × 17 inches installed and maintained in a conspicuous location visible to all persons entering the premises located inside the building that reads as follows:
- THE MICHIGAN MEDICAL MARIJUANA ACT ACKNOWLEDGES THAT "FEDERAL LAW CURRENTLY PROHIBITS ANY USE OF MARIJUANA EXCEPT UNDER VERY LIMITED CIRCUMSTANCES." SEE MCL 333.26422(c). IF YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE CONSULT WITH YOUR ATTORNEY.

(e) *Registration application.* Every applicant for a registration to maintain, operate or conduct a medical marijuana cultivation facility, shall file an application under notarized oath with the department of public safety upon a form provided by the township, which shall fulfill all of the requirements indicated on the form, including but not limited to:

- (1) The name, age, and address of applicant(s) and operator(s), including:
- a. Name, age and address of the applicant and all partners of the applicant, including proof that the applicant and/or proposed employees are at least 21 years of age.
 - b. Name, age and address of the operator of the facility in cases where this differs from the applicant.
 - c. In the case of corporations, partnerships, non-profit organizations, or other business types, the applicant shall be the highest level official or employee of the entity such as, board president, chief executive officer, executive director, or comparable position.
 - d. If the applicant is a corporation, a copy of the articles of incorporation and current corporation records disclosing the identity and residential addresses of all directors, officers, and shareholders. Include the address of the corporation itself, if different from the address of the medical marijuana cultivation facility and the name and address of the resident agent for the corporation.
 - e. If the applicant is a partnership, the names and residence address of each of the partners and the partnership itself, if different from the address of the medical marijuana cultivation facility, and the name and address of the resident agent(s).
 - f. Photo identification of the applicant and operator and/or driver's license.
 - g. The medical marijuana facility history of the applicant; whether such person has had a business license or registration revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
 - h. Proof that the applicant and/or its employees are primary caregivers if required under the MMMA.
- (2) The location and mailing address and all telephone numbers where the business is to be conducted, and the name and address of the owner, if different from the holder of the registration, and written evidence of the applicant's right to possession of the premises.
- (3) Proof that the planning commission and township board have approved the cultivation facility and that the cultivation facility meets all requirements of the zoning ordinance.
- (4) A certificate of occupancy or similar clearance from the building department verifying the structure and premises at which the registration will be utilized is in compliance with building, property maintenance and all other applicable local code provisions. The certificate of occupancy is required within 60 days of the registration being issued, and is required before opening of the facility.

- (5) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of t Township of Van Buren in conducting the business in which the registration will be used, and that a violatio may be cause for objecting to renewal of the registration, or for requesting revocation of the registration.
- (6) A signed release included with the application form permitting the public safety department to perform a criminal background check to ascertain whether the applicant and operator named on the application have been convicted of a felony.
- (7) A description of the security plan for the cultivation facility, including, but not limited to, any lighting alarms, barriers, recording/monitoring devices, and /or security guard arrangements proposed for the cultivation facility and premises.
- (8) Proof of insurance for fire damage in the amount of the value of the premises and liability insurance with minimum limits of \$500,000.00.
- (9) Description of the process for tracking medical marijuana quantities and inventory controls including on-site cultivation and processing, medical marijuana products received from outside sources, as well as caregivers and any other people on the premises.
- (10) Detailed description of all medical marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the MMMA and/or the zoning ordinance.

(f) *Approval or renewal of application.* The Charter Township of Van Buren Public Safety Director or designee may issue or renew a registration for a medical marijuana cultivation facility if inspections for safety, zoning compliance, criminal history background checks, and all other information available to the township verify that the applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application and is prepared to operate the business with in compliance with this section and any other applicable law, rule, ordinance, or regulation. The public safety director or designee will deny any application that does not meet the requirements of this section or any other applicable law, rule, ordinance, or regulation or that contains any false or incomplete information.

(g) *Violations and penalties.* Any person who is found to be in violation of this section shall be responsible for a misdemeanor and shall be subject to a fine of up to 90 days in jail and/or not more than \$500.00.

(h) *Conditions necessary.* No registration to establish or continue a medical marijuana cultivation facility shall be issued unless the township confirms the proposed medical marijuana cultivation facility complies with all of the following minimum requirements:

- (1) All provisions of the township building, fire, electrical and health codes have been fulfilled.
- (2) All provisions of the zoning ordinance for medical marijuana cultivation facilities have been fulfilled and that the facility has been approved by the planning commission and township board of trustees.
- (3) The applicant and operator shall not have any felony convictions.
- (4) The applicant or business has no outstanding back taxes, fines, fees, or liens owed to the township.
- (5) All applicable licenses, registrations, and permits have been obtained from the township or other governmental agencies.

(i) *Non-renewal or revocation.* The director of public safety may choose to not renew or revoke a registration based on any of the following:

- (1) A failure to meet the conditions or maintain compliance with the standards established by this section in reference to applications for a new registration or the renewal of an existing registration; or
- (2) One or more violations of any township ordinance on the premises; or
- (3) Maintenance of a nuisance on the premises; or
- (4) A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or

(5) Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the township.

- (j) *Appeal process.* If an applicant or registrant chooses to appeal denial of a registration or revocation of a registration, the applicant or registrant can enter in a written appeal to the clerk's office using a township generated form including the appellant's signature, the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. The applicable fee shall be submitted with the notice of the appeal; such fee shall be nonrefundable. Appeals shall be filed within 30 days of the decision in question. The township board of trustees shall consider the appeal within 30 days of receipt of the appeal.

(Ord. No. 5-16-16, § 1-1—1-10, 6-16-16)

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY MEETING DATE: 11/20/17

BOARD MTG (1ST READING): 11/21/17

BOARD MTG (2ND READING): 12/05/17

Consent Agenda _____

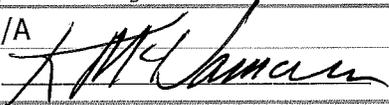
New Business

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	To consider the first reading of Ordinance 11-21-17 ⁽⁷⁾ (3) to amend the Charter Township of Van Buren Zoning Ordinance 05-02-17(2) to amend the regulations regarding detention pond location and setbacks for off-street parking and loading areas, access drives, and paved surfaces accessory to a distribution center.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers, AICP Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	N/A

Agenda topic

ACTION REQUESTED	To consider the first reading of Ordinance 11-21-17 ⁽⁷⁾ (3) to amend the Charter Township of Van Buren Zoning Ordinance 05-02-17(2) to amend the regulations regarding detention pond location and setbacks for off-street parking and loading areas, access drives, and paved surfaces accessory to a distribution center.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	See attached cover letter.
BUDGET IMPLICATION	N/A
IMPLEMENTATION NEXT STEP	Township Board considers 2 nd reading of ordinance.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	N/A
APPROVAL OF SUPERVISOR	

**CHARTER TOWNSHIP OF VAN BUREN
WAYNE COUNTY, MICHIGAN
ORDINANCE 11-21-17(S) (7)**

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF VAN BUREN ZONING ORDINANCE 05-02-17(2) AS AMENDED, BY AMENDING THE REGULATIONS REGARDING DETENTION POND LOCATION AND SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES, AND PAVED SURFACES ACCESSORY TO A DISTRIBUTION CENTER.

The Charter Township of Van Buren Ordains:

SECTION 1. ORDINANCE AMENDMENT.

The Charter Township of Van Buren Zoning Ordinance shall be amended as follows:

Ordinance No. 11-21-17(S) (7)

The following modifications shall be made to the Charter Township of Van Buren Zoning Ordinance:

The standards of Section 5.112 (Distribution Centers) are as follows. Proposed additions are underlined and proposed deletions are in ~~strike through~~:

Section 5.112 - Distribution Centers

- (A) A building containing a distribution center shall be located not less than two hundred fifty (250) feet from any residential zoning district and five hundred (500) feet from any residential dwelling.
- (B) Any building containing a distribution center shall be located not less than four hundred fifty (450) feet from any public right-of-way, with all buildings conforming to all other minimum requirements. Off-street parking and loading shall be located relative to the building as otherwise required in this Ordinance.
- (C) Truck docks, overhead doors and trailer staging areas accessory to a distribution center shall be located not less than three hundred fifty (350) feet from and residential district. Truck docks, overhead doors, and trailer staging areas accessory to a distribution center shall be oriented away from, or shall be reduced in number and sufficiently screened where oriented toward, 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 trailer staging areas in adjacent building face one another.
- (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 ~~eighty (80)~~ sixty (60) feet from any residential district; which must include a greenbelt buffer required in Section 10.103(E).

The standards of Section 8.107 (Stormwater Basins) are as follows. Proposed additions are underlined and proposed deletions are in ~~strikethrough~~:

Section 8.107 Stormwater Basins

(A) Location. Stormwater basins and related landscaping may be located in any zoning district and are not required to be in the same zoning district as the site from which it receives water.

(AB) Engineering Standards. Stormwater basins shall comply with the Township's engineering standards.

(BC) Design. Stormwater basins, including detention and retention basins, shall be designed as an integral part of the overall site plan. To the extent possible, such basins shall be configured and incorporated into the natural topography. Where this is not practical, the basin shall have an irregular shape to emulate a naturally formed or free form depression.

(CD) Safety. In the interest of the public health, safety, and welfare, basin designs shall incorporate features to discourage unauthorized access. The following methods of restricting access shall be incorporated into the design of stormwater basins:

(1) Fencing. Decorative fencing sufficient to restrict outside access to the stormwater basin shall be provided around the entire perimeter of the stormwater basin. Decorative black wrought iron-appearing fence is preferred, although the Planning Commission may approve decorative fence alternatives that it finds to be more compatible with the site's surroundings. Chain link and other non-decorative fences are specifically prohibited.

(2) Alternatives. In locations that are not readily accessible to populated areas, or that are contained within large sites, remote from developed areas, the Planning Commission may waive or modify the requirement for fencing, upon a finding that sufficient protections, including but not limited to vinyl-coated black chain link fence, graduated side slopes, vegetative and barrier plantings, safety shelves and other features, have been designed into the basin to reasonably protect the public. Notwithstanding, the fencing requirement shall not be waived in locations where steep side slopes increase the potential for slipping into the pond. Following are standards for several protective techniques which are among the alternatives that the Planning Commission may consider when determining if the fencing requirement may be waived for a site:

(a) Shelf and Graduated Side Slopes. A minimum six (6) foot wide shelf at a depth of one (1) foot below the permanent water level shall be provided around the entire perimeter of the basin.

(3) Landscaping. In addition to the landscaping requirements of this Ordinance, a minimum ten (10) foot wide landscape buffer shall be provided around the perimeter of the basin, measured from the top of bank elevation. The landscape buffer shall be planted so that it is sufficient to discourage access to the basin.

(DE) Mosquito Control. Stormwater basins designed to permanently hold water shall incorporate measures to limit mosquito growth, including but not limited to aerators and selective plantings.

(EF) Access for Maintenance. Reasonable and practical access shall be provided to stormwater basins to allow for periodic sedimentation removal and proper maintenance of related structures, pumps, mechanical filtration systems, and related ancillary equipment. The access shall be a minimum of fifteen (15) feet wide, be unpaved, and provide a grass

paver type of subsurface stabilization to support heavy equipment. The access location shall be indicated clearly on the proposed site plan, and the landscape plan shall be designed to prevent obstruction of the access by trees and shrubs. Access shall be located adjacent to a street, drive aisle or paved parking area where practical.

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 5th day of December, 2017.

YEAS:

NAYS:

ABSENT:

ABSTAINED:

I hereby approve the foregoing Ordinance,

Leon Wright, Clerk

Kevin McNamara, Supervisor

Adopted: December 05, 2017 (Proposed)
Published: December 14, 2017
Effective: December 22, 2017

September 22, 2017

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

Subject: Proposed Zoning Ordinance Text Amendments: Distribution Centers and Stormwater Ponds

Dear Commissioners:

We have recently reviewed a site plan application for Ashley Capital Crossroads North, located on the north side of Ecorse Road west of Haggerty Road. The 162-acre site is zoned M-T, and four (4) industrial buildings are proposed for a total gross floor area of 1,575,778 sq. ft. Because of the nature of the use, the 2 larger buildings proposed on the north side of the site are classified as Distribution Centers. During our review of the site plan, there were two (2) items raised regarding the Zoning Ordinance requirements:

- 1. Section 5.112 of the Zoning Ordinance requires off-street parking and loading areas, access drives, and paved surfaces accessory to a Distribution Center to be 80 feet from a residential district.** Ashley's proposed distribution center drives and parking areas are located 54 feet from the residential zones to the west and east. When the current Zoning Ordinance was adopted earlier this year, the Distribution Center setback standards remained the same as the previous Ordinance but new buffering standards were added for industrial-zoned properties that are adjacent to residential zoning districts. These buffering standards now require a 60-foot wide greenbelt buffer with a staggered double row of 8-foot high evergreen trees spaced 15 feet on center on a 6-foot high berm with a flat horizontal area at the crest of 3 feet in width. Additionally, the planting must achieve an opacity of 80% within 3 years and additional evergreen planting will be required if opacity is ever reduced below 80%. If the buffering standards of Article 10 of the Zoning Ordinance are appropriate, then we recommend amendment Section 5.112 as stated on the following page.
- 2. The proposed storm water ponds are located in a residentially-zoned area of Ashley's site.** While Ashley's stormwater ponds are located on Ashley's property, they are located on part of the property zoned R-1B. Customarily, an infrastructure component essential to support the industrial use can't be located on a residentially-zoned parcel. However, with recent County stormwater requirements that have resulted in larger ponds, the demand for industrial-zoned property is increasing just for the sake of having enough land for ponds. Over time, this may lead to industrial zoning requests in areas not supported for industrial use by the Master Plan. While the Zoning Ordinance does not explicitly prohibit a stormwater pond in a residential zone, we recommend that the Zoning Ordinance be amended to provide clarification going forward. There are benefits to allowing ponds in residential zones, which include ensuring an unbuilt buffer that is not zoned for industrial use. We recommend an amendment to Section 8.107 on page 3 of this letter.

The standards of Section 5.112 (Distribution Centers) are as follows. Proposed additions are underlined and proposed deletions are in ~~striketrough~~:

SECTION 5.112 DISTRIBUTION CENTERS

- (A) A building containing a distribution center shall be located not less than two hundred fifty (250) feet from any residential zoning district and five hundred (500) feet from any residential dwelling.
- (B) Any building containing a distribution center shall be located not less than four hundred fifty (450) feet from any public right-of-way, with all buildings conforming to all other minimum requirements. Off-street parking and loading shall be located relative to the building as otherwise required in this Ordinance.
- (C) Truck docks, overhead doors and trailer staging areas accessory to a distribution center shall be located not less than three hundred fifty (350) feet from and residential district. Truck docks, overhead doors, and trailer staging areas accessory to a distribution center shall be oriented away from, or shall be reduced in number and sufficiently screened where oriented toward, 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 trailer staging areas in adjacent building face one another.
- (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 ~~eighty (80)~~ sixty (60) feet from any residential district; which must include a greenbelt buffer required in Section 10.103(E).

The remainder of this page is intentionally blank

The standards of Section 8.107 (Stormwater Basins) are as follows. Proposed additions are underlined and proposed deletions are in ~~striketrough~~:

SECTION 8.107 STORMWATER BASINS

(A) Location. Stormwater basins and related landscaping may be located in any zoning district and are not required to be in the same zoning district as the site from which it receives water.

(AB) Engineering Standards. Stormwater basins shall comply with the Township's engineering standards.

(BC) Design. Stormwater basins, including detention and retention basins, shall be designed as an integral part of the overall site plan. To the extent possible, such basins shall be configured and incorporated into the natural topography. Where this is not practical, the basin shall have an irregular shape to emulate a naturally formed or free form depression.

(CD) Safety. In the interest of the public health, safety, and welfare, basin designs shall incorporate features to discourage unauthorized access. The following methods of restricting access shall be incorporated into the design of stormwater basins:

(1) Fencing. Decorative fencing sufficient to restrict outside access to the stormwater basin shall be provided around the entire perimeter of the stormwater basin. Decorative black wrought iron-appearing fence is preferred, although the Planning Commission may approve decorative fence alternatives that it finds to be more compatible with the site's surroundings. Chain link and other non-decorative fences are specifically prohibited.

(2) Alternatives. In locations that are not readily accessible to populated areas, or that are contained within large sites, remote from developed areas, the Planning Commission may waive or modify the requirement for fencing, upon a finding that sufficient protections, including but not limited to vinyl-coated black chain link fence, graduated side slopes, vegetative and barrier plantings, safety shelves and other features, have been designed into the basin to reasonably protect the public. Notwithstanding, the fencing requirement shall not be waived in locations where steep side slopes increase the potential for slipping into the pond. Following are standards for several protective techniques which are among the alternatives that the Planning Commission may consider when determining if the fencing requirement may be waived for a site:

(a) Shelf and Graduated Side Slopes. A minimum six (6) foot wide shelf at a depth of one (1) foot below the permanent water level shall be provided around the entire perimeter of the basin.

(3) Landscaping. In addition to the landscaping requirements of this Ordinance, a minimum ten (10) foot wide landscape buffer shall be provided around the perimeter of the basin, measured from the top of bank elevation. The landscape buffer shall be planted so that it is sufficient to discourage access to the basin.

(DE) Mosquito Control. Stormwater basins designed to permanently hold water shall incorporate measures to limit mosquito growth, including but not limited to aerators and selective plantings.

(EF) Access for Maintenance. Reasonable and practical access shall be provided to stormwater basins to allow for periodic sedimentation removal and proper maintenance of related structures, pumps, mechanical filtration systems, and related ancillary equipment. The access shall be a minimum of fifteen (15) feet wide, be unpaved, and provide a grass paver type of subsurface stabilization to support heavy equipment. The access location shall be indicated clearly on the proposed site plan, and the landscape plan shall be designed to prevent obstruction of the access by trees and shrubs. Access shall be located adjacent to a street, drive aisle or paved parking area where practical.

We look forward to reviewing these proposed Zoning Ordinance amendments with you at an upcoming meeting.

Respectfully submitted,
McKENNA ASSOCIATES

A handwritten signature in cursive script that reads "Patrick J. Sloan".

Patrick J. Sloan, AICP
Senior Principal Planner

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

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing on **Wednesday, October 25, 2017 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 proposed amendments to the Charter Township of Van Buren's Zoning Ordinance:

1. Proposed amendments clarifying the zoning district location of stormwater ponds (Section 8.107) and amending the setbacks for off-street parking and loading areas, access drives, and paved surfaces accessory to a distribution center (Section 5.112).
2. A proposed amendment which repeals those sections of the Zoning Ordinance which allows medical marihuana cultivation facilities, provides site development standards for medical marihuana cultivation facilities, and removes those references to the applicable sections in other areas of the Zoning Ordinance.

The proposed amendments can be reviewed at the Planning & Economic Development Department at Van Buren Township Hall during normal business hours (7:30 a.m. to 4:00 p.m.). Written comments will be accepted by the Planning and Economic Development Department until 4:00 p.m. on the hearing date.

In compliance with the Americans with Disabilities Act, reasonable accommodations will be made available with advance notice.

Posted: October 3, 2017

Published: October 5, 2017

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
OCTOBER 25, 2017
MINUTES**

Chairperson Thompson called the meeting to order at 7:34 p.m.

ROLL CALL:

Present: Kelley, Budd, Boynton, Franzoi and Thompson.

Excused: Atchinson.

Staff: Director Akers and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan and Fishbeck Associate, David Potter.

Audience: Seven (7).

APPROVAL OF AGENDA:

Motion Kelley, Boynton second to approve the amended agenda of October 25, 2017 removing item numbers 6 and 7 under New Business. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Boynton second to approve the regular meeting minutes of September 13, 2017 and special meeting minutes of October 4, 2017 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 REPEAL OF MEDICAL MARIJUANA CULTIVATION FACILITIES REGULATIONS

TITLE: THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE VBT ZONING ORDINANCE TO REPEAL THOSE SECTIONS OF THE ZONING ORDINANCE WHICH ALLOWS MEDICAL MARIJUANA CULTIVATION FACILITIES, PROVIDES SITE DEVELOPMENT STANDARDS FOR MEDICAL MARIJUANA CULTIVATION FACILITIES AND REMOVES THOSE REFERENCES TO THE APPLICABLE SECTIONS IN OTHER AREAS OF THE ZONING ORDINANCE.

Motion Boynton, Budd second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his memorandum dated 10-6-17 discussing the Township Zoning Ordinance that currently permits Medical Marijuana Cultivation Facilities in the General Industrial (M-2) zoning district as a special land use. The regulations were adopted in response to the Michigan Medical Marijuana Act (MMMA). State legislature has now adopted the Medical Marijuana Facilities Licensing Act (MMFLA) allowing five (5) types of facilities. McKenna Associates worked with the Public Safety Department, Developmental Services staff and Township legal counsel to discuss implications of the new law to Van Buren Township and regulatory options available to the Township. The recommendation from McKenna Associates is to repeal the provisions for Medical Marijuana Cultivation Facilities in the Zoning Ordinance, thereby prohibiting all of the five (5) uses provided for in the MMFLA. If the Township later decides to permit one or more of the five (5) uses, the appropriate regulations can be added to the zoning ordinance at that time.

Commissioners inquired if any facilities are currently located in Van Buren Township and if there were any changes to the patient/caregiver law. The answer was no.

Motion Kelley, Boynton second to close the public hearing. Motion Carried.

ITEM # 2 **ZONING ORDINANCE AMENDMENTS REGARDING DETENTION POND LOCATION, SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTUION CENTER.**

DESCRIPTION: **THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO SECTION 8.107 REGARDING DETENTION POND LOCATION AND SECTION 5.112 REGARDING SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTION CENTER.**

Motion Budd, Franzoi second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his proposed Zoning Ordinance Text Amendments letter dated 9-22-17. The proposed amendments are to Section 8.107 Stormwater Basins; clarifying the zoning district location of stormwater ponds and Section 5.112 Distribution Centers; amending the setbacks for off-street parking and loading areas, access drives and paved surfaces accessory to a distribution center. The proposed amendments are:

Section 8.107 Stormwater Basins: The language addition of (A) Location. Stormwater basins and related landscaping may be located in any zoning district and are not required to be in the same zoning district as the site from which it receives water.

Section 5.112 Distribution Centers: Amendments to (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 sixty (60) feet from any residential district; which must include a greenbelt buffer required in Section 10.103(E).

No questions or comments from the Commission or the audience.

Motion Kelley, Boynton second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 **17-031 – 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 EASE SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.**

Applicant Phillip Kuntzman gave the presentation. Upland Homes submitted five (5) plans with various home elevations for forty-two (42) sites located in the Country Walk Subdivision. The applicant will make sure that home elevations are on lots that meet setback requirements.

Director Akers presented his staff memo dated 10-20-17 in which he discussed deficiencies with concern to the façade materials on the 2842 colonial elevation. The applicant has discussed with staff his desire to remove elevation 2842 from the submitted plans. Staff recommends the Planning Commission approve an amendment to the site plan for the Country Walk development in order to allow Upland Homes to construct new homes consistent with the provided plans which depict elevations to be constructed in phase 3 and phase 4 of the Country Walk development. This approval to be based upon the staff review letter dated 10-20-17 and conditioned upon the following:

1. Township Planning Staff shall review each application for a new single-family home in Country Walk Phase 3 and Phase 4 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 for the Country Walk development.

Commissioners discussed marketing of the homes, home elevations to be located on lots determined to meet those elevations requirements and the bi-level home elevation submitted by the applicant. No comments from the audience.

Motion Kelley, Boynton second to grant Upland Homes request to amend the approved Country Walk site plan subject to the recommendations in the staff report dated 10-20-17 with the addition of the removal of elevation 2842 from the plans at the request of the applicant. Motion Carried. (Letter attached)

ITEM # 2 17-024 – MASTER PLAN AMENDMENT HAROLD SMITH FARM FUTURE LAND USE

TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING AN AMENDMENT TO THE TOWNSHIP'S FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY SINGLE FAMILY B TO LIGHT INDUSTRIAL.

LOCATION: THE PROPERTY AT 50015 MICHIGAN AVENUE IS THE SUBJECT OF THIS REQUEST. THIS PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE, EAST OF ECORSE ROAD AND WEST OF DENTON ROAD. (APPROXIMATELY 75 ACRES).

Applicant Ben Griffin gave the presentation. Mr. Griffin discussed the site location, a 3-sided parcel with 2 of the sides located on Michigan Avenue and along the railway, not a conducive property for a residential development. The applicant is requesting an amendment to change the Township's future land use map and future land use designation from low-density single family B to light industrial.

Director Akers discussed the request to rezone and compared the request to future land use maps in the Master Plan. The property location on Michigan Avenue is in close proximity to industrial zoned property, rezoning may be appropriate. Director Akers discussed the Master Plan Amendment/Future Land Use projected timeline letter dated 10-20-17. The first step is to send out a Notice of Intent to Plan if Commissioners desire to move forward.

Patrick Sloan of McKenna Associates presented his rezone review letter dated 8-1-17 recommending the Planning Commission defer action on the rezoning application pending a review of the Master Plan

pursuant to the Michigan Planning Enabling Act. If the Planning Commission is interested in pursuing an amendment to the Master Plan to address the applicant's request and the issues noted in the letter, McKenna Associates recommends adopting a motion to that effect.

Commissioners discussed the timeframe difference of addressing the rezone now or including with the Master Plan Update, the applicants timeline and the zoning of the neighboring property in Canton. The Commissions desire is to start the rezone process of this property in regards to the Master Plan update.

Motion Kelley, Boynton second to submit the initial notices of intent to plan for the property located on Michigan Avenue. Motion Carried.

ITEM # 3 17-029 – PRELIMINARY SITE PLAN APPROVAL

TITLE: THE APPLICANT, THE VAN BUREN TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO CONSTRUCT AN OFFICE BUILDING AND A PARK AT THEIR PROPERTY ON BELLEVILLE ROAD.

LOCATION: 10151, 10065, 10085 & 10101 BELLEVILLE ROAD IS THE SUBJECT OF THE AGENDA ITEM. THE PROPERTY IS LOCATED ON THE EAST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 SERVICE DRIVE AND SOUTH OF TYLER ROAD.

Downtown Development Authority (DDA) Director, Susan Ireland gave the presentation. The DDA is requesting preliminary site plan approval to construct an office building and park on their property located on Belleville Road as part of a place making initiative. Director Ireland displayed the preliminary site plan, a color rendering and the exterior façade materials for the office building. Ireland also discussed the underground storm water retention, the size of the sign and the owner of the neighboring Remerica real estate office is willing to allow cross access to the site.

Director Akers presented his staff review letter dated 10-20-17 recommending the Planning Commission grant preliminary site plan approval based on the analysis and findings by staff and subject to the nine (9) conditions in his letter.

Fishbeck Associate David Potter presented his preliminary site plan review letter dated 9-1-17 recommending the Planning Commission grant preliminary site plan approval at this time.

Director Akers presented the Fire Department review letter dated 10-20-17 approving the plan. Outstanding items are to be addressed during construction and before certificate of occupancy.

Commissioners discussed removal of the existing buildings, exterior façade materials and the lack of red brick in the proposed materials and waiving the greenbelt requirement. The applicant is to look into a hybrid façade design to include the commercial red brick requirement

Motion Boynton, Franzoi second to grant preliminary site plan approval to the Van Buren Township Downtown Development Authority to construct an office building and a park at 10151, 10065, 10085 and 10101 Belleville Road located on the east side of Belleville Road, north of the I-94 Service Drive subject to the recommendations in the staff review letter dated 10-20-17, Fishbeck Associates review later dated 10-20-17 and Fire Department review letter dated 10-03-17. Motion Carried. (Letters Attached)

ITEM # 4 REPEAL OF MEDICAL MARIJUANA CULTIVATION FACILITIES REGULATIONS

TITLE: THIS PUBLIC HEARING IS TO CONSIDER PROPOSED AMENDMENTS TO THE VBT ZONING ORDINANCE TO REPEAL THOSE SECTIONS OF THE ZONING ORDINANCE WHICH ALLOWS MEDICAL MARIJUANA CULTIVATION FACILITIES, PROVIDES SITE DEVELOPMENT STANDARDS FOR MEDICAL MARIJUANA CULTIVATION FACILITIES AND REMOVES THOSE REFERENCES TO THE APPLICABLE SECTIONS IN OTHER AREAS OF THE ZONING ORDINANCE.

Director Akers gave the staff recommendation. Staff from both Public Safety and Developmental Services met and the consensus was to move forward with opting out by repealing sections 3.104, 3.117 and 5.125 of the Township Zoning Ordinance and sending a resolution to LARA.

Motion Kelley, Boynton second to recommend to the Township Board of Trustees the proposed amendments to the Van Buren Township Zoning Ordinance to repeal the sections of the Zoning Ordinance which allow medical marijuana cultivation facilities and remove those references to applicable sections in other areas of the Zoning Ordinance.

Roll Call:

Yeas: Franzoi, Boynton, Kelley, Budd and Thompson.

Nays: None.

Absent: Atchinson.

Motion Carried.

ITEM # 5 ZONING ORDINANCE AMENDMENTS REGARDING DETENTION POND LOCATION, SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTION CENTER.

No additional comments from Staff, the Commission or the audience.

Motion Kelly, Boynton second to recommend to the Township Board of Trustees the Zoning Ordinance Amendments regarding detention pond location, setbacks for off-street parking and loading areas, access drives and paved surfaces accessory to a distribution center.

Roll Call:

Yeas: Boynton, Kelley, Budd, Franzoi and Thompson.

Nays: None.

Absent: Atchinson.

Motion Carried.

GENERAL DISCUSSION:

- 1. DISCUSSION ON TOWNSHIP MASTER PLAN/FORMATION OF MASTER PLAN SUBCOMMITTEE:**
Director Akers discussed the formation of a Master Plan Subcommittee. Three (3) members of the Planning Commission are required to form the subcommittee. Commissioners Atchinson, Kelley and Budd volunteered to form the Subcommittee. Patrick Sloan of McKenna Associates presented and discussed the Master Plan project schedule and the proposed update to the Master Plan.

- 2. JOINT COMMISSION/COMMITTEE MEETING – NOVEMBER 30, 2017:** Director Akers discussed the invitation to an Open House on November 30, 2017 at the Holiday Inn Express. The open house is a joint commission/committee meeting for all of the boards and commissions for the township. The event is open to the public.

ADJOURNMENT:

Motion Kelley, Boynton second to adjourn at 9:19 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

Work Study Date: 11/20/17

Board Meeting: 11/21/17

Consent Agenda _____

New Business X

Unfinished Business: _____

Public Hearing _____

ITEM (SUBJECT)	Medical Marijuana Cultivation Facilities Temporary Moratorium
DEPARTMENT	Planning
PRESENTER	Ron Akers, Director of Planning and Economic Development
PHONE NUMBER	(734) 699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Matthew R. Best, Deputy Director of Planning and Economic Development

Agenda topic

ACTION REQUESTED	
To consider the extension of a resolution to place a temporary moratorium to defer the review of applications pertaining to Medical Marijuana Cultivation Facilities from December 20, 2017 to December 31 st , 2017.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The Township is in the process of opting out of PA 281 of 2016. The Township is declining to the adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016. This process will take until December 31 st to complete. The moratorium is necessary to complete this process. An explanation of the current moratorium is attached (See May 5 th , 2017 letter)	
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	After adoption of the extended resolution, it will be signed and placed on file in the Township Clerk's office
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	N/A
ATTORNEY RECOMMENDATION	Attorney has reviewed resolution and is comfortable with the language. (May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	



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

May 5, 2017

Kevin McNamara
Township Supervisor
46425 Tyler Road
Van Buren Township, MI 48111

RE: Medical Marihuana Facilities Licensing Act

Supervisor McNamara,

Per our discussion this letter is a brief summary of what the Medical Marihuana Facilities Licensing Act, includes as well as what the Township's options are with regards to Medical Marihuana Facilities in Van Buren Township.

Current Regulations

The Township's current regulations for Medical Marihuana Facilities were adopted in June of 2016. During the review of what could/should be allowed there was confusion over what commercial/industrial uses could be allowed under the voter enacted Michigan Medical Marihuana Act of 2008. Based on other community's regulations and our review of the various court cases, attorney general opinions, etc. We recommended that the best course of action was to allow for Medical Marihuana Cultivation Facilities (a building other than the personal residence of a primary caregiver where one or more primary caregivers are cultivating medical marihuana) and prohibit dispensaries/provisioning centers. The Medical Marihuana Cultivation Facilities would be allowed in the M-2 (Industrial) zoning district and subject to a series of other regulations to limit their impact on adjacent properties.

Medical Marihuana Licensing Act

I have attached to this summary letter, the Michigan Municipal League's Fact Sheet on the Medical Marihuana Licensing Act and McKenna & Associates October 2016 bulletin regarding this legislation. Regarding land use regulation, the Medical Marihuana Facilities Licensing Act allows the Township to choose whether to allow any of the following medical marihuana facilities in its jurisdiction:

- A. Growers (i.e. cultivation facilities)
- B. Processors (i.e. creation of marihuana based products)
- C. Provisioning Centers (i.e. dispensaries)
- D. Secure Transporters
- E. Safety compliance facilities (i.e. marihuana testing labs)

The Township has to enact an Ordinance which allows these uses, but alternatively can also choose to not allow any of these uses in the Township.

Additionally, there are provisions in the law which would provide for additional taxes and fees to the Township from these facilities. These include

- A. Authorizes municipalities to charge an annual fee of up to \$5,000 on licensing marihuana facilities to defray administrative and enforcement costs.

- B. The state imposes a 3% excise tax on the retail sale of medical marihuana by licensed provisioning centers. The tax would go into a single fund administered by the State Treasurer, with 60% being returned to municipalities and counties using the following breakdown:
 - a. 25% to municipalities in which a marihuana facility is located.
 - b. 30% to counties in which a marihuana facility is located.
 - c. 5% to counties to be used to support the county sheriffs.

The 25% being shared with municipalities would be will be allocated in proportion to the number of facilities within its boundaries compared to the total number of facilities in the state, without regard for size or sales of each facility.

Please note that under the new law the state cannot issue licenses for these facilities until December of 2017, but because of our existing zoning regulations there could be opportunities for cultivation facilities to be approved in Van Buren Township before then.

Moving Forward

Further review and discussion with stakeholders is recommended to determine what course of action is best for Van Buren Township. Ultimately, this will be a policy decision made by the Township Board as to whether they want to allow any medical marihuana uses in the community or not. At this time Township staff is proposing a six-month extension of the current moratorium on medical marihuana cultivation facilities (which we currently allow) to evaluate and consider our new options offered by the Medical Marihuana Facilities Licensing Act. If the moratorium is approved, staff will work with the Supervisor's office, Public Safety, the Planning Commission, and legal counsel to develop a recommendation for the Township Board.

If you have any questions or would like to discuss this matter further, please contact me.

Sincerely,



Ron Akers, AICP
Director of Planning and Economic Development

CHARTER TOWNSHIP OF VAN BUREN

RESOLUTION 2017 - 27

November 20, 2017

A RESOLUTION TO EXTEND THE MORATORIUM PASSED ON DECEMBER 20, 2016 TO DEFER THE REVIEW OF APPLICATIONS PERTAINING TO MEDICAL MARIJUANA CULTIVATION FACILITIES

PREAMBLE

A resolution to extend the moratorium passed on May 16, 2016, to defer the consideration and review of applications for uses, rezoning and/or for special land uses pertaining to medical marijuana cultivation facilities within Van Buren Township.

**THE CHARTER TOWNSHIP OF VAN BUREN, WAYNE COUNTY, MICHIGAN,
ORDAINS:**

WHEREAS, Van Buren Township desires to secure the public safety, health, and welfare of the residents and property owners of the Township of Van Buren, Wayne County, Michigan, by providing for the regulation, control, and prohibition where necessary, of medical marijuana cultivation facilities within Van Buren Township.

WHEREAS, the State of Michigan in September of 2016, adopted the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) which created new requirements for Medical Marijuana Facilities including, Growers, Processors, Provisioning Centers, Secure transporters, and Safety compliance facilities;

WHEREAS, the State of Michigan is not currently accepting applications or issuing licenses for any medical marijuana facilities, and will likely not do so until December, 2017;

WHEREAS, Van Buren Township amended its Zoning Ordinance in June of 2016 to allow for and regulate medical marijuana cultivation facilities prior to the adoption of the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016).

WHEREAS, the Van Buren Township Board of Trustees is currently studying the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) to potentially revise the Van Buren Township Zoning Ordinance;

WHEREAS, the Van Buren Township Board of Trustees will require time to study how to regulate these uses under the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) and recommends an extension of the six (6) month moratorium to allow it sufficient time to study and prepare any necessary ordinance amendments;

WHEREAS, allowing the operation of medical marijuana cultivation facilities prior to any potential amendment of the Code of Ordinances would be contrary to the goals, of the current ordinances and master plan;

WHEREAS, Van Buren Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marijuana Act, Being PA 2008; MCL 333.26421, *et. al.*, and the Medical Marihuana Facilities Licensing Act (PA 281-283 of 2016) in order to protect the public health, safety, and welfare;

WHEREAS, the Van Buren Township Board of Trustees has concluded that until the new laws are reviewed and ordinances are revised that it would be counter-productive if new development or expansion of development relating to medical marijuana cultivation facilities or a rezoning or special land use application for such type facilities were permitted to move forward. Therefore, the Van Buren Township Board of Trustees has determined that for this period that there shall be a deferral of consideration or review of any requests for new development, establishment and of the rezoning of property and special land uses for property pertaining to medical marijuana cultivation facilities.

THEREFORE, be it resolved that a moratorium is hereby declared effective from December 20, 2017 until December 31, 2017.

THEREFORE, be it further resolved that, for the period commencing on the date of this Resolution and terminating on December 31, 2017, there shall be no consideration or action taken by a Township entity, official, and/or agent on a proposal for the establishment of a medical marijuana establishment/facility in Van Buren Township and that during the moratorium medical marijuana establishments shall not be permitted in the Township.

CERTIFICATE

Upon the motion made by _____, and seconded by _____ the above Resolution was adopted.

The following members voted:

Yeas:

Nays:

Absent/Abstain:

The Supervisor Declared the Resolution Adopted.

Kevin McNamara, Supervisor

Date

Certification of Clerk

I, LEON WRIGHT, Clerk of Van Buren Township, Wayne County, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Moratorium established, which Resolution was adopted by the Van Buren Township Board at a meeting held on _____, 2017.

Leon Wright, Clerk

Date

CHARTER TOWNSHIP OF VAN BUREN

RESOLUTION 2016 - 21
December 20, 2016

A RESOLUTION TO DEFER THE REVIEW OF APPLICATIONS PERTAINING TO MEDICAL MARIJUANA CULTIVATION FACILITIES

PREAMBLE

A resolution to defer the consideration and review of applications for uses, rezoning and/or for special land uses pertaining to medical marijuana cultivation facilities within Van Buren Township.

THE CHARTER TOWNSHIP OF VAN BUREN, WAYNE COUNTY, MICHIGAN, ORDAINS:

WHEREAS, Van Buren Township desires to secure the public safety, health, and welfare of the residents and property owners of the Township of Van Buren, Wayne County, Michigan, by providing for the regulation, control, and prohibition where necessary, of medical marijuana cultivation facilities within Van Buren Township.

WHEREAS, the State of Michigan in September of 2016, adopted the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) which created new requirements for Medical Marijuana Facilities including, Growers, Processors, Provisioning Centers, Secure transporters, and Safety compliance facilities;

WHEREAS, Van Buren Township amended its Zoning Ordinance in June of 2016 to allow for and regulate medical marijuana cultivation facilities prior to the adoption of the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016).

WHEREAS, the Van Buren Township Board of Trustees is currently studying the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) to potentially revise the Van Buren Township Zoning Ordinance;

WHEREAS, the Van Buren Township Board of Trustees will require time to study how to regulate these uses under the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) and recommends a six (6) month moratorium to allow it sufficient time to study and prepare any necessary ordinance amendments;

WHEREAS, continuing to allow medical marijuana cultivation facilities prior to any potential amendment of the Zoning Ordinance would be contrary to the goals of the current zoning ordinance and master plan;

Certification of Clerk

I, LEON WRIGHT, Clerk of Van Buren Township, Wayne County, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Moratorium established, which Resolution was adopted by the Van Buren Township Board at a meeting held on 12/20/16, 2016

Leon Wright
Leon Wright, Clerk

12/20/16
Date

CHARTER TOWNSHIP OF VAN BUREN

RESOLUTION 2017 - 09

May 16, 2017

A RESOLUTION TO EXTEND THE MORATORIUM PASSED ON DECEMBER 20, 2016 TO DEFER THE REVIEW OF APPLICATIONS PERTAINING TO MEDICAL MARIJUANA CULTIVATION FACILITIES

PREAMBLE

A resolution to extend the moratorium passed on December 20, 2016, to defer the consideration and review of applications for uses, rezoning and/or for special land uses pertaining to medical marijuana cultivation facilities within Van Buren Township.

THE CHARTER TOWNSHIP OF VAN BUREN, WAYNE COUNTY, MICHIGAN, ORDAINS:

WHEREAS, Van Buren Township desires to secure the public safety, health, and welfare of the residents and property owners of the Township of Van Buren, Wayne County, Michigan, by providing for the regulation, control, and prohibition where necessary, of medical marijuana cultivation facilities within Van Buren Township.

WHEREAS, the State of Michigan in September of 2016, adopted the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) which created new requirements for Medical Marijuana Facilities including, Growers, Processors, Provisioning Centers, Secure transporters, and Safety compliance facilities;

WHEREAS, the State of Michigan is not currently accepting applications or issuing licenses for any medical marijuana facilities, and will likely not do so until December, 2017;

WHEREAS, Van Buren Township amended its Zoning Ordinance in June of 2016 to allow for and regulate medical marijuana cultivation facilities prior to the adoption of the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016).

WHEREAS, the Van Buren Township Board of Trustees is currently studying the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) to potentially revise the Van Buren Township Zoning Ordinance;

WHEREAS, the Van Buren Township Board of Trustees will require time to study how to regulate these uses under the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) and recommends an extension of the six (6) month moratorium to allow it sufficient time to study and prepare any necessary ordinance amendments;

WHEREAS, allowing the operation of medical marijuana cultivation facilities prior to any potential amendment of the Code of Ordinances would be contrary to the goals, of the current ordinances and master plan;

WHEREAS, Van Buren Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marijuana Act, Being PA 2008; MCL 333.26421, *et. al.*, and the Medical Marihuana Facilities Licensing Act (PA 281-283 of 2016) in order to protect the public health, safety, and welfare;

WHEREAS, the Van Buren Township Board of Trustees has concluded that until the new laws are reviewed and ordinances are revised that it would be counter-productive if new development or expansion of development relating to medical marijuana cultivation facilities or a rezoning or special land use application for such type facilities were permitted to move forward. Therefore, the Van Buren Township Board of Trustees has determined that for this period that there shall be a deferral of consideration or review of any requests for new development, establishment and of the rezoning of property and special land uses for property pertaining to medical marijuana cultivation facilities.

THEREFORE, be it resolved that a moratorium is hereby declared effective from May 20, 2017 until December 20, 2017.

THEREFORE, be it further resolved that, for the period commencing on the date of this Resolution and terminating on December 20, 2017, there shall be no consideration or action taken by a Township entity, official, and/or agent on a proposal for the establishment of a medical marijuana establishment/facility in Van Buren Township and that during the moratorium medical marijuana establishments shall not be permitted in the Township.

CERTIFICATE

Upon the motion made by _____, and seconded by _____,
the above Resolution was adopted.

The following members voted:

Yeas:

Nays:

Absent/Abstain:

The Supervisor Declared the Resolution Adopted.

Kevin McNamara, Supervisor

Date

Certification of Clerk

I, LEON WRIGHT, Clerk of Van Buren Township, Wayne County, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Moratorium established, which Resolution was adopted by the Van Buren Township Board at a meeting held on _____, 2017.

Leon Wright, Clerk

Date

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

Work Study Date: 11/20/17
Board Meeting: 11/21/17

Consent Agenda _____ **New Business** X Unfinished Business: _____ Public Hearing _____

ITEM (SUBJECT)	Medical Marijuana Cultivation Facilities Opt-Out Resolution.
DEPARTMENT	Planning
PRESENTER	Ron Akers, Director of Planning and Economic Development
PHONE NUMBER	(734) 699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Matthew R. Best, Deputy Director of Planning and Economic Development

Agenda topic

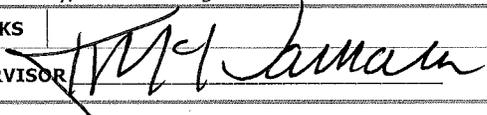
ACTION REQUESTED	Granting approval of a resolution that states the Charter Township of Van Buren declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016. This resolution confirms that a "marijuana facility" shall not operate in the Township. This resolution will be sent by Township Clerk and/or the Township Planning Director to the State of Michigan, Medical Marihuana Licensing Board and/or any applicant in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board.
-------------------------	--

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	The Medical Marijuana subcommittee and the Planning Commission have both recommended to the Township Board that Van Buren opt of adopting an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016. The recommendation cited the probable impact to the Township’s budget. It is believed that opting-in will cost the Township more to license, police and inspect facilities than it will receive back in taxes and fees from the State. With nearby communities participating in this program, ample facilities currently exist or will exist to provide this service.
--	--

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	After adoption of the Resolution, it will be signed and placed on file in the Clerk’s office. A copy will be sent to the State of Michigan’s Medical Marihuana Licensing Board

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	N/A

ATTORNEY RECOMMENDATION	Attorney has reviewed resolution and is comfortable with the language.
<small>(May be subject to Attorney/Client Privilege and not available under FOIA)</small>	

ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

THE CHARTER TOWNSHIP OF VAN BUREN
WAYNE COUNTY, MICHIGAN

RESOLUTION REGARDING MEDICAL MARIJUANA FACILITIES

AUTHORIZED BY PA 281 OF 2016

RESOLUTION NO. 2017-28

DATED: _____, 2017

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that "[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility"; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations..."; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of The Charter Township of Van Buren, Wayne County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

- I. The Charter Township of Van Buren, Wayne County, Michigan ("Township") declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a "marijuana facility shall not operate in the Township"; and
3. The Township Clerk and/or the Township Planning Director is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response

to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marijuana Licensing Board; and

4. The Township Clerk and/or the Township Planning Director is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marijuana grower, processor, secure transporter, provisioning center or safety compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are repealed; and

6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

This RESOLUTION was offered by Board member _____ supported by Board member _____ at a meeting on _____, 20__ . The members of the Township Board voted as follows:

The TOWNSHIP SUPERVISOR declared the RESOLUTION duly adopted.

Leon Wright, Township Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Township Board held on _____, 20__ ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Leon Wright Clerk
Township of Van Buren
Wayne County, Michigan

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 11/20/17

BOARD MTG. DATES: 11/21/17

Consent Agenda _____

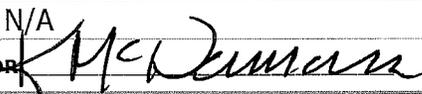
New Business

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	To consider approval to distribute the future land use map amendment for the Harold Smith Farm at 50015 Michigan Ave to our adjacent communities for the required 42-day review and comment period.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers, AICP Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	N/A

Agenda topic

ACTION REQUESTED	To consider approval to distribute the future land use map amendment for the Harold Smith Farm at 50015 Michigan Ave to our adjacent communities for the required 42-day review and comment period.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	See attached
BUDGET IMPLICATION	N/A
IMPLEMENTATION NEXT STEP	Send out the Amendment for the review and comment period.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval
ATTORNEY RECOMMENDATION	N/A (May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	N/A
APPROVAL OF SUPERVISOR	



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

November 14, 2017

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

RE: Case 17-024 Master Plan Amendment Harold Smith Farm Future Land Use Update

Honorable Trustees,

The applicant, Ben Griffin has applied at the owner's request to change the future land use designation of the Harold Smith Farm, which is an approximately 75-acre property on the south side of Michigan Avenue, from Single Family Residential to Light Industrial. The Master Plan Amendment process is a bit different than a rezoning process as it is subject to additional requirements outlined in the Michigan Planning Enabling Act. The following is a summary of what has happened thus far.

October 25, 2017: The Planning Commission reviewed and considered the request from the applicant, they moved to submit the Notice of Intent to Plan (attached) to the adjacent communities.

November 2, 2017: The Notice of Intent to Plan was mailed out on November 2, 2017.

November 8, 2017: The Planning Commission considered the proposed revisions to the Future Land Use Map and recommended that the Township Board make a decision to approve the distribution of the plan amendment to the adjacent communities for a 42-day comment and review period.

The request before the Township Board is to consider the approval of the distribution of the future land use plan amendment to the adjacent communities (same list as the notice of intent to plan) for the required 42-day comment and review period. After this period the application will require a public hearing to be conducted by the Planning Commission and after that public hearing the Township Board will make a final decision.

McKenna & Associates has provided a written review of the request which finds that the area is suitable for a light industrial designation. The report is attached to this letter for the Township Board's review.

If you have any questions or would like to discuss this matter further, please contact me.

Sincerely,

Ron Akers, AICP
Director of Planning and Economic Development

PLANNING & ZONING APPLICATION

Case number 17-024

Date Submitted 7-17-17

APPLICANT INFORMATION

Applicant Ben Griffin Phone (313) 565-2800

Address 24442 Michigan Avenue Fax (313) 565-6182

City, State Dearborn, Michigan Zip 48124

E:mail benjaygriffin46@gmail.com Cell Phone Number (734) 756-2195

Property Owner Harold Smith Trustee and Authorized Owners Phone (734) 482-0360
Representative

Address 50015 Michigan Avenue Fax

City, State Belleville, Michigan Zip 48111

Billing Contact Ben Griffin Phone (313) 565-2800

Address 24442 Michigan Avenue Fax (313) 565-6182

City, State Dearborn, Michigan Zip 48124

SITE/ PROJECT INFORMATION

Name of Project Smith Rezoning

Parcel Id No. See attached

Project Address 50015 Michigan avenue

Attach Legal Description of Property

Property Location: On the South Side of Michigan Avenue Road; Between Denton Road
and Rawsonville Road. Size of Lot Width 4,000 feet Depth 1,800 feet

Acreage of Site 75.57 acres Total Acres of Site to Review 75.57 Current Zoning of Site R-1C Single Family Residential

Project Description: Amend Master Plan from Low Density Single Family B (15,000 Sq. Ft.) to Light Industrial and Rezone from R-1C Single Family Residential to M-1 Light Industrial

Is a re-zoning of this parcel being requested? YES

YES (if yes complete next line) NO

Current Zoning of Site R-1C Single Family Residential

Requested Zoning M-1 Light Industrial

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

Signature of Property Owner:

Harold W. Smith

Harold Smith, Trustee and Authorized Owners' Representative

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 7th day of June 20 17 Amy L. Wess Notary Public,
Wayne County, Michigan My Commission expires 3-20-18, 20 Amy L. Wess

Rev 1/12/06

AMY L. WESS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 20, 2018
ACTING IN COUNTY OF Oakland

Ben Griffin
24442 Michigan Avenue
Dearborn, Michigan 48124

June 28, 2017

Ron Akers
Director Planning & Economic Development
46425 Tyler Road
Van Buren Township, Michigan 48111

Re: Various Parcels c/k/a "Smith Farm" (the subject property)

Dear Mr. Akers,

Please accept this letter and the attached rezoning application as our formal request to rezone the approx. 75-acre tract referenced above -- located on the south side of Michigan Avenue, between Denton and Rawsonville Roads -- from R-1C Single Family Residential to M-1 Light Industrial. We understand this would require that the Master Plan be amended from Low Density Single Family Residential B (15,000 Sq. Ft.) to Light Industrial, and that the amended Master Plan and Zoning Map would include a residential protection (buffer zone) along the east boundary of the property.

In the section below, we have summarized the land use patterns in the vicinity, and have given our justification for the proposed rezoning.

The subject property currently consists of nine parcels and has been farmed by the same family for over 100 years. All utilities (sewer, water, gas, electric) are in the right-of way adjacent to the site. The land uses for the areas adjoining the subject property are as follows:

To the north is 4,000 feet of frontage on Michigan Avenue (US-12), a state divided highway.

To the south is the active Norfolk Southern Rail line and General Motors Service Parts Operations (distribution center).

To the east is The Denton Cemetery and single family residential.

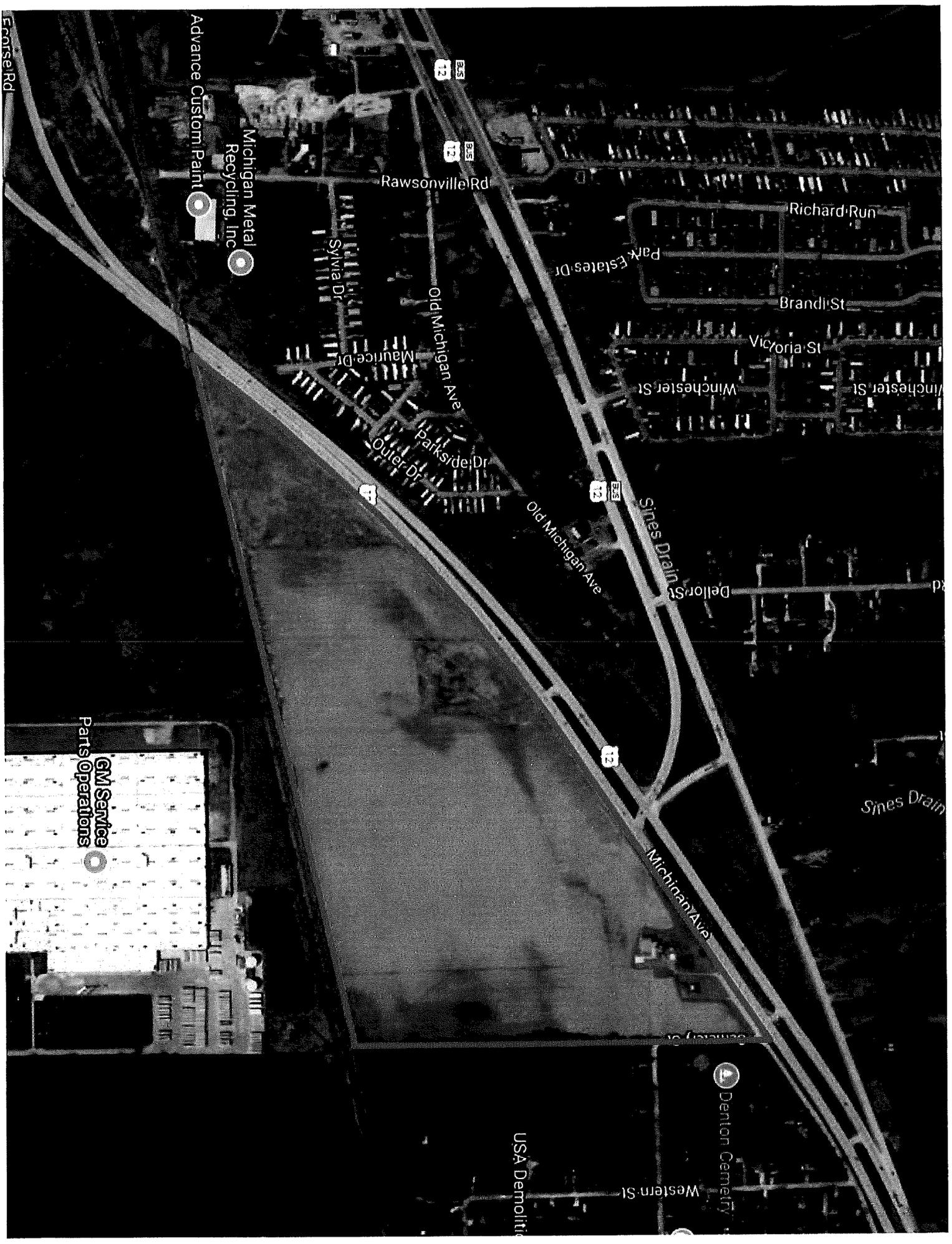
To the west is Michigan Avenue (US-12).

The property is surrounded on three sides (north, south and west) by Michigan Avenue (US-12) and the Norfolk Southern Railroad. We believe this makes the site non conducive for current residential development and that impacts on the established residential neighborhood to the east would be mitigated by the required residential protection (buffer zone).

We feel that this is an appropriate location for an M-1 Light Industrial zone -- and that the requested rezoning will not alter the essential character of the area. Therefore, we feel that the recommendation of the Planning Department and Planning Commission in support of the requested rezoning (and Master Plan amendment) will observe, and be consistent with, the spirit of the Ordinance.

A handwritten signature in black ink, appearing to be 'Ben Griffin', with a long horizontal stroke extending to the right.

Ben Griffin



Michigan Metal Recycling, Inc
Advance Custom Paint

GM Service Parts Operations

Denton Cemetery

USA Demolition

Conse Rd

42

43

Rawsonville Rd

Richard Run

Park Estates Dr

Brandt St

Victoria St

Winchester St

Winchester St

Old Michigan Ave

Sylvia Dr

Maurice Dr

Parkside Dr

Outer Dr

42

Old Michigan Ave

Sines Drain

Dellor St

42

Michigan Ave

Sines Drain

Western St

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:00 AM

Parcel: 83 021 99 0001 000
Owner's Name: SMITH, HAROLD
Property Address: 50061 MICHIGAN AVE
BELLEVILLE, MI 48111
Liber/Page: 203044453 **Created:** / /
Split: / / **Active:** Active
**Public Impr./
Topography:** Gravel Road, Water, Sewer, Electric, Gas
Level

Current Class: 101.AGRICULTURAL IMPROVED
Previous Class: 101.AGRICULTURAL IMPROVED
Gov. Unit: 83 VAN BUREN TOWNSHIP
MAP #
School: 82430 83-VAN BUREN
Neighborhood: 03007 AGRICULTURAL

Mailing Address:

SMITH, HAROLD
50015 MICHIGAN AVE
BELLEVILLE MI 48111

Description:

06A1A PART OF E 1/2 OF SEC 6 T3S R8E BEG AT CEN 1/4 COR SEC 6 TH N87DEG 57M E 82.21FT TH S0DEG 08M 47S W 508.07FT TH N77DEG 39M E 1339.47FT TH N1DEG 22M 30S W 1353.15FT AND N1DEG 06M 03S W 488.90FT TH S57DEG 00M W 225.42FT TH S1DEG 06M 30S E 286. 3FT TH S88DEG 53M 30S W 125FT TH N1DEG 06M 30S W 205.37FT TH S57DEG 00M W 1274.19FT TH S1DEG 28M 23S E 699.30FT POB 47.04 AC

Most Recent Sale Information

Sold on 11/19/2002 for 0 by SMITH,JESSE ESTATE.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 203044453

Most Recent Permit Information

Permit PB15-0469 on 07/22/2015 for \$0 category Res. Add/Alter/Repair.

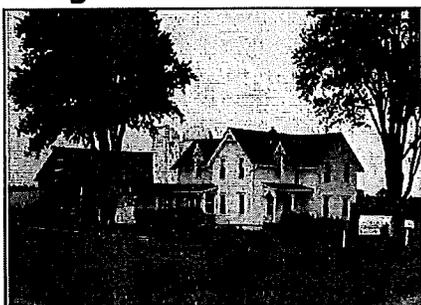
Physical Property Characteristics

2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 156,100	2017 Taxable: 105,176	Acreage: 47.04
Zoning: R1C	Land Value: 192,864	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

# of Residential Buildings: 1	# of Agricultural Buildings: 6
Year Built: 1888	Estimated TCV: 33,104
Occupancy: Single Family	Cmts:
Class: C	
Style: 1.75 STORY	
Exterior: Alum., Vinyl	
% Good (Physical): 56	
Heating System: Forced Air w/ Ducts	
Electric - Amps Service: 100	
# of Bedrooms: 0	
Full Baths: 1 Half Baths: 0	
Floor Area: 1,894	
Ground Area: 1,180	
Garage Area: 672	
Basement Area: 1,012	
Basement Walls:	
Estimated TCV: 83,898	

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:01 AM

Parcel: 83 021 99 0002 000	Current Class: 401.RESIDENTIAL REAL
Owner's Name: SMITH, HAROLD-WILLIAM	Previous Class: 401.RESIDENTIAL REAL
Property Address: 50015 MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit: 83 VAN BUREN TOWNSHIP
	MAP #
	School: 82430 83-VAN BUREN
	Neighborhood: 007 DENTON AREA
Liber/Page: 97275554	Created: //
Split: //	Active: Active
Public Impr.: Gravel Road, Water, Sewer, Gas	
Topography: Level	
Mailing Address:	Description:
SMITH, HAROLD-WILLIAM 50015 MICHIGAN AVE BELLEVILLE MI 48111	06A1B PART OF NE 1/4 SEC 6 T3S R8E BEG S57DEG 00M W 225.42FT FROM INTERSECTION OF S'LY LINE OF MICHIGAN AVE WITH W LINE OF CEMETRY ROAD TH S1DEG 06M 30S E 286.53FT TH S88DEG 53M 30S W 125FT TH N1DEG 06M 30S W 205.37FT TH N57DEG 00M E 149.02FT POB 0.71 AC

Most Recent Sale Information

Sold on 07/08/1997 for 0 by .

Terms of Sale: 09-NO CONSIDERATION

Liber/Page: 97275554

Most Recent Permit Information

Permit PB15-0378 on 06/09/2015 for \$0 category Res. Add/Alter/Repair.

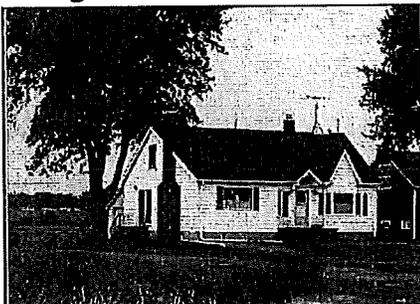
Physical Property Characteristics

2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 60,200	2017 Taxable: 47,708	Acreage: 0.71
Zoning: R1C	Land Value: 24,850	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1930
Occupancy: Single Family
Class: C
Style: 1.50 STORY
Exterior: Alum., Vinyl
% Good (Physical): 71
Heating System: Forced Heat & Cool
Electric - Amps Service: 100
of Bedrooms: 0
Full Baths: 1 Half Baths: 0
Floor Area: 1,526
Ground Area: 1,188
Garage Area: 640
Basement Area: 676
Basement Walls:
Estimated TCV: 93,895

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:01 AM

Parcel: 83 022 01 0003 004	Current Class: 102.AGRICULTURAL VACANT
Owner's Name: SMITH, HAROLD	Previous Class: 102.AGRICULTURAL VACANT
Property Address: MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit: 83 VAN BUREN TOWNSHIP
	MAP #
Liber/Page: 206332805	School: 82430 83-VAN BUREN
Split: //	Neighborhood: 03007 AGRICULTURAL
Public Impr.: None	
Topography: None	
Mailing Address:	Description:
SMITH, HAROLD 50015 MICHIGAN BELLEVILLE MI 48111	06C3B1 THE SE TRIANGULAR PART OF LOT 3 MEAS 122.0 FT ON THE E LINE AND 143.85 FT ON THE S LINE OF SAID LOT DENTON FARMS SUB T3S R8E L40 P4 WCR

Most Recent Sale Information

Sold on 02/27/2006 for 0 by MOORE, FRANK C - RICHARD J ET AL.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 206332805

Most Recent Permit Information

None Found

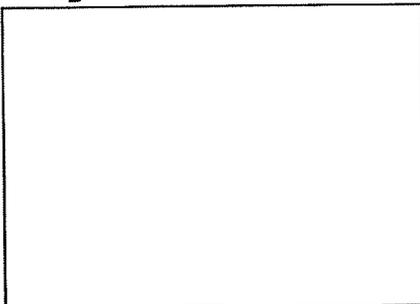
Physical Property Characteristics

2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 400	2017 Taxable: 400	Acreage: 0.20
Zoning: R1C	Land Value: 820	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:04 AM

Parcel: 83 022 01 0004 003	Current Class: 102.AGRICULTURAL VACANT
Owner's Name: SMITH, HAROLD	Previous Class: 102.AGRICULTURAL VACANT
Property Address: MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit: 83 VAN BUREN TOWNSHIP
Liber/Page: 206332805	MAP #
Split: //	School: 82430 83-VAN BUREN
Public Impr.: None	Neighborhood: 03007 AGRICULTURAL
Topography: None	
Mailing Address:	Description:
SMITH, HAROLD 50015 MICHIGAN AVE BELLEVILLE MI 48111	06C4B1 THE S PART OF LOT 4 MEAS 122.0 FT ON THE W LINE AND 230.13 FT ON THE E LINE OF SAID LOT DENTON FARMS SUB T3S R8E L40 P4 WCR

Most Recent Sale Information

Sold on 02/27/2006 for 0 by MOORE, FRANK C - RICHARD J ET AL.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 206332805

Most Recent Permit Information

None Found

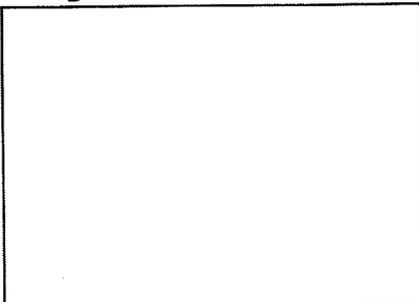
Physical Property Characteristics

2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 1,100	2017 Taxable: 1,100	Acreage: 0.55
Zoning: R1C	Land Value: 2,255	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:04 AM

Parcel:	83 022 01 0005 005	Current Class:	102.AGRICULTURAL VACANT
Owner's Name:	SMITH, HAROLD	Previous Class:	102.AGRICULTURAL VACANT
Property Address:	MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit:	83 VAN BUREN TOWNSHIP
Liber/Page:	206332805	MAP #	
Split:	//	School:	82430 83-VAN BUREN
Public Impr.:	None	Neighborhood:	03007 AGRICULTURAL
Topography:	None		
Mailing Address:		Description:	
SMITH, HAROLD 50015 MICHIGAN AVE BELLEVILLE MI 48111		06C5A2A 5B2 THE S PT OF LOT 5 MEAS 230.13FT ON THE W LINE AND 356.93FT ON THE E LINE OF SAID LOT 1.15 AC DENTON FARMS SUB T3S R8E L40 P4 WCR	

Most Recent Sale Information

Sold on 02/27/2006 for 0 by MOORE, FRANK C - RICHARD J ET AL.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 206332805

Most Recent Permit Information

None Found

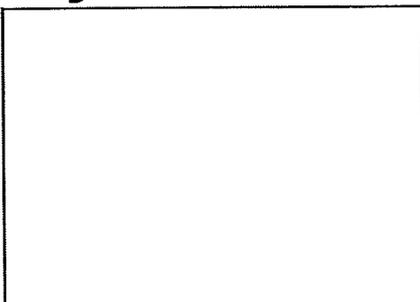
Physical Property Characteristics

2018 S.E.V.:	Tentative	2018 Taxable:	Tentative	Lot Dimensions:	
2017 S.E.V.:	2,400	2017 Taxable:	2,400	Acreage:	1.15
Zoning:	R1C	Land Value:	4,715	Frontage:	0.0
PRE:	100.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:05 AM

Parcel:	83 022 01 0006 001	Current Class:	102.AGRICULTURAL VACANT
Owner's Name:	SMITH, HAROLD	Previous Class:	102.AGRICULTURAL VACANT
Property Address:	MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit:	83 VAN BUREN TOWNSHIP
Liber/Page:	206332805	MAP #	
Split:	//	School:	82430 83-VAN BUREN
Public Impr.:	None	Neighborhood:	03007 AGRICULTURAL
Topography:	None		
Mailing Address:		Description:	
SMITH, HAROLD		06C6A THE S PART OF LOT 6 MEAS 356.93 FT ON THE W LINE AND 458.01 FT ON THE E LINE OF SAID LOT DENTON FARMS	
50015 MICHIGAN AVE		SUB T3S R8E L40 P4 WCR	
BELLEVILLE MI 48111			

Most Recent Sale Information

Sold on 02/27/2006 for 0 by MOORE, FRANK C - RICHARD J ET AL.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 206332805

Most Recent Permit Information

None Found

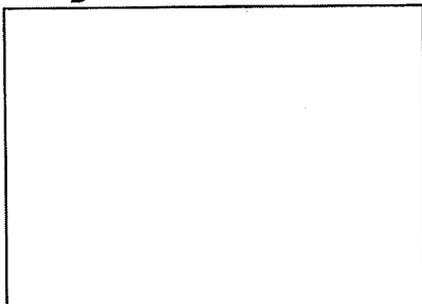
Physical Property Characteristics

2018 S.E.V.:	Tentative	2018 Taxable:	Tentative	Lot Dimensions:	
2017 S.E.V.:	2,800	2017 Taxable:	2,800	Acreage:	1.37
Zoning:	R1C	Land Value:	5,617	Frontage:	0.0
PRE:	100.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:05 AM

Parcel: 83 022 01 0007 001	Current Class: 102.AGRICULTURAL VACANT
Owner's Name: SMITH, HAROLD	Previous Class: 102.AGRICULTURAL VACANT
Property Address: MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit: 83 VAN BUREN TOWNSHIP
	MAP #
Liber/Page: 206332805	School: 82430 83-VAN BUREN
Split: //	Neighborhood: 03007 AGRICULTURAL
Public Impr.: None	
Topography: None	
Mailing Address:	Description:
SMITH, HAROLD 50015 MICHIGAN AVE BELLEVILLE MI 48111	06C7A THE S PART OF LOT 7 MEAS 458.01 FT ON THE W LINE AND 567.19 FT ON THE E LINE OF SAID LOT DENTON FARMS SUB T3S R8E L40 P4 WCR

Most Recent Sale Information

Sold on 02/27/2006 for 0 by MOORE, FRANK C - RICHARD J ET AL.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 206332805

Most Recent Permit Information

None Found

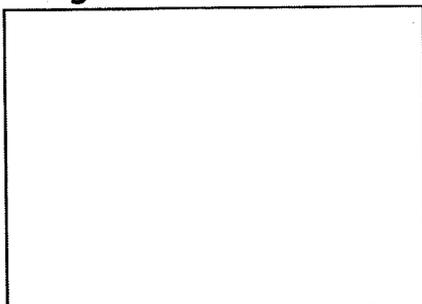
Physical Property Characteristics

2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 4,100	2017 Taxable: 4,100	Acreage: 2.00
Zoning: R1C	Land Value: 8,200	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/01/2017 10:05 AM

Parcel: 83 022 01 0008 003
Owner's Name: SMITH, HAROLD
Property Address: MICHIGAN AVE
BELLEVILLE, MI 48111
Liber/Page: 206332805 **Created:** / /
Split: / / **Active:** Active
Public Impr.: None
Topography: None

Current Class: 102.AGRICULTURAL VACANT
Previous Class: 102.AGRICULTURAL VACANT
Gov. Unit: 83 VAN BUREN TOWNSHIP
MAP #
School: 82430 83-VAN BUREN
Neighborhood: 03007 AGRICULTURAL

Mailing Address:
SMITH, HAROLD
50015 MICHIGAN AVE
BELLEVILLE MI 48111

Description:
06C8A1 THE S PART OF LOT 8 MEAS 567.19 FT ON THE W LINE AND 645.62 FT ON THE E LINE OF SAID LOT DENTON FARMS SUB T3S R8E L40 P4 WCR

Most Recent Sale Information

Sold on 02/27/2006 for 0 by MOORE, FRANK C - RICHARD J ET AL.

Terms of Sale: 19-MULTI PARCEL SALE **Liber/Page:** 206332805

Most Recent Permit Information

None Found

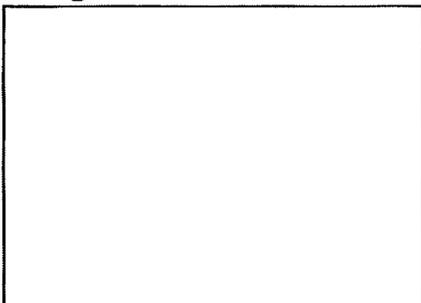
Physical Property Characteristics

2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 3,600	2017 Taxable: 3,288	Acreage: 1.74
Zoning: RIC	Land Value: 7,134	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/06/2017 9:19 AM

Parcel: 83 023 99 0005 000	Current Class: 102.AGRICULTURAL VACANT
Owner's Name: SMITH, HAROLD	Previous Class: 102.AGRICULTURAL VACANT
Property Address: MICHIGAN AVE BELLEVILLE, MI 48111	Gov. Unit: 83 VAN BUREN TOWNSHIP
	MAP #
	School: 82430 83-VAN BUREN
	Neighborhood: 03007 AGRICULTURAL
Liber/Page: 206332805	Created: //
Split: //	Active: Active
Public Impr.: None	
Topography: None	
Mailing Address:	Description:
SMITH, HAROLD 50015 MICHIGAN AVE BELLEVILLE MI 48111	06P2 FT OF W 1/2 OF SEC 6 BEG S2DEG 29M 20S W 998.21FT AND N77DEG 29M 08S E 1011.13FT FROM W 1/4 COR OF SEC 6 TH N77DEG 35M 05S E 1849.85FT TH N0DEG 08M 44S E 508.07FT TH S87DEG 57M W 1044.57FT TH SWLY 1085.11FT POB 20.81 AC

Most Recent Sale Information

Sold on 02/27/2006 for 0 by SMITH, ALVIRA ESTATE.

Terms of Sale: 19-MULTI PARCEL SALE

Liber/Page: 206332805

Most Recent Permit Information

None Found

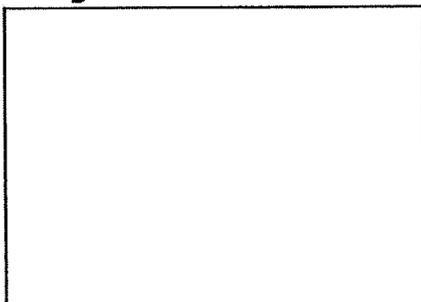
Physical Property Characteristics

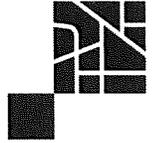
2018 S.E.V.: Tentative	2018 Taxable: Tentative	Lot Dimensions:
2017 S.E.V.: 42,700	2017 Taxable: 30,872	Acreage: 20.81
Zoning: R1C	Land Value: 85,321	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

None

Image





Memorandum

TO: Van Buren Township Planning Commission

CC: Ron Akers, AICP, Director of Planning & Economic Development
Matthew Best, M.S., Deputy Director of Planning & Economic Development

FROM: Patrick Sloan, AICP; Senior Principal Planner
Deanna Dupuy; Assistant Planner

SUBJECT: Proposed Master Plan Amendment for Harold Smith Property

DATE: November 8, 2017

Van Buren Township recently received a rezoning application from We have reviewed the application by Ben Griffin ("applicant") on behalf of Harold Smith Trustee and Authorized Owners ("owner") to rezone 9 parcels from R-1C (Single Family Residential) to M-1 (Light Industrial), which are illustrated in our rezoning review letter of August 1, 2017. These 9 parcels are located in a triangular area bounded on the north side by Michigan Ave., on the south side by Conrail railroad, and on the east side by a single-family residential area. While we stated that the proposed rezoning is not supported by the current Township Master Plan, we acknowledge that the Master Plan should be reviewed to determine if there is a sufficient amount of industrial-planned and -zoned land to accommodate future demand while still preserving the character of the community that is residential, commercial, and rural character.

Van Buren Township has recently experienced a high demand for new industrial development and expansions of existing industrial land uses. Recently approved industrial site plans include L&W Engineering, Bayloff Industries, Constellium, Contractor's Steel, Costco, Ashley Capital, Denski Warehouse, Mayser Polymer, and Continental Canteen. Additionally, a site plan for Ashley Capital Crossroads North is currently under review by the Township. With the continued economic growth of the region and Van Buren Township's proximity to I-94, I-275, and 2 major airports, we expect demand for industrial development to continue in the township.

As part of the general update to the Master Plan that has recently been initiated, we are still in the process of generating an inventory of large vacant parcels that are planned and/or zoned for industrial use. Some of these large areas are reserved for future expansion by the current owner/user, making it unmarketable for a new user. Other areas are not suitable for development because they may contain significant wetlands.

Given the increasing demand for industrial land and the above limitations on some of the existing industrial-zoned areas, it is critical for the Township to identify if there are other areas not already zoned or planned for industrial, that are suitable for future industrial development. The following are the specific criteria that often indicate if an area is suitable for industrial development:

-
1. **Size.** Large contiguous areas that are vacant.
 2. **Convenient Access.** Areas located along major corridors and near expressway interchanges. The proximity of rail is also a consideration.
 3. **Utilities.** Areas connected to (or have potential to be connected to) existing water and sewer services.
 4. **Residential Protection.** Areas that are either separate from residential uses or have sufficient area to provide an adequate buffer.

Using these criteria, we have so far identified two significant areas of the Future Land Use Map that may be suitable for an industrial future land use classification: 1) the Harold Smith property at the intersection of Michigan Avenue and the Conrail Railroad; and 2) the vacant area northeast of the I-94 and Haggerty Road interchange. The following are our recommendations to insure that at these sites, the Future Land Use Plan reflects the areas' highest and best use:

- **Area at Michigan Avenue and the Conrail Rail Road.** This is zoned and planned for Single Family Residential (R1-C) and planned for Low Density Single Family (B). We recommend amending the Future Land Use Map classification of this site to Light Industrial, provided there is a residential protection buffer (similar to the industrial sites to the south and east). Please refer to the attached draft of the Future Land Use Map.
- **Vacant area northeast of I-94 and Haggerty Road interchange, which is south of I-275.** Although this site is zoned M-1, it is classified as Office Research on the Future Land Use Map. While a change to the Future Land Use Map is not imminent in this area, we recommend further review during the Master Plan process to determine if an industrial Future Land Use designation is appropriate.

If the proposed changes to the Future Land Use Plan and attached map are acceptable, we recommend distributing it to surrounding communities and required agencies for review pursuant to the Michigan Planning Enabling Act. If you have any questions or comments in the meantime, please let us know. Thank you.



August 1, 2017

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

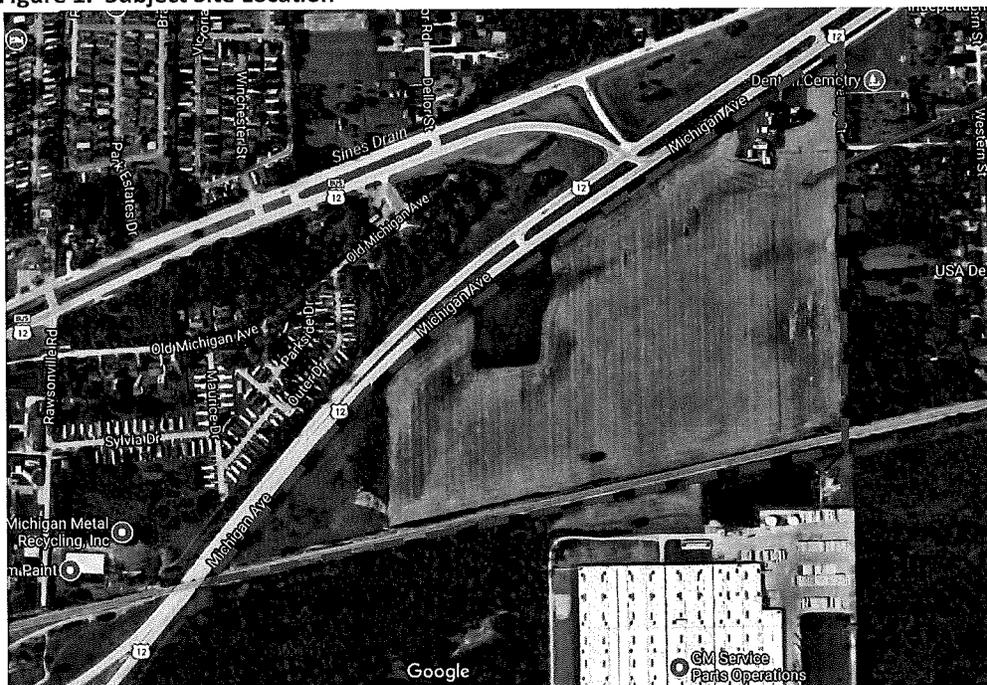
Subject: VBT-17-024 RZ; Review of Ben Griffin Application to Amend the Charter Township of Van Buren Zoning Map

Dear Commissioners:

We have reviewed the application by Ben Griffin ("applicant") on behalf of Harold Smith Trustee and Authorized Owners ("owner") to rezone the following 9 parcels from R-1C (Single Family Residential) to M-1 (Light Industrial), which are also illustrated in the map below. These 9 parcels are located in a triangular area bounded on the north side by Michigan Ave., on the south side by Conrail railroad, and on the east side by a single-family residential area:

- 83-021-99-0001-000
- 83-021-99-0002-000
- 83-022-01-0003-004
- 83-022-01-0004-003
- 83-022-01-0005-005
- 83-022-01-0006-001
- 83-022-01-0007-001
- 83-022-01-0008-003
- 83-023-99-0005-000

Figure 1. Subject Site Location



Subject Site

Source: Google

The application also includes a request to amend the Master Plan Future Land Use classification of the subject site from Low Density Single Family B (15,000 sq. ft.) to Light Industrial. The Master Plan was originally adopted in 1989 and amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan). Our comments on and analysis of this request follows.

Planning and zoning law provides that government has a legitimate interest in maintaining compatibility of surrounding areas, protecting and preserving natural resources, and ensuring adequate infrastructure such as roads, water supply and sanitary sewage disposal. Adoption of a master plan and imposition of zoning restrictions to accomplish those interests, as well as to avoid overcrowding, preserve open space, and protect the aesthetics of an area of land are consistent with the Michigan Planning Enabling Act (P.A. 33 of 2008) and Michigan Zoning Enabling Act (P.A. 110 of 2006).

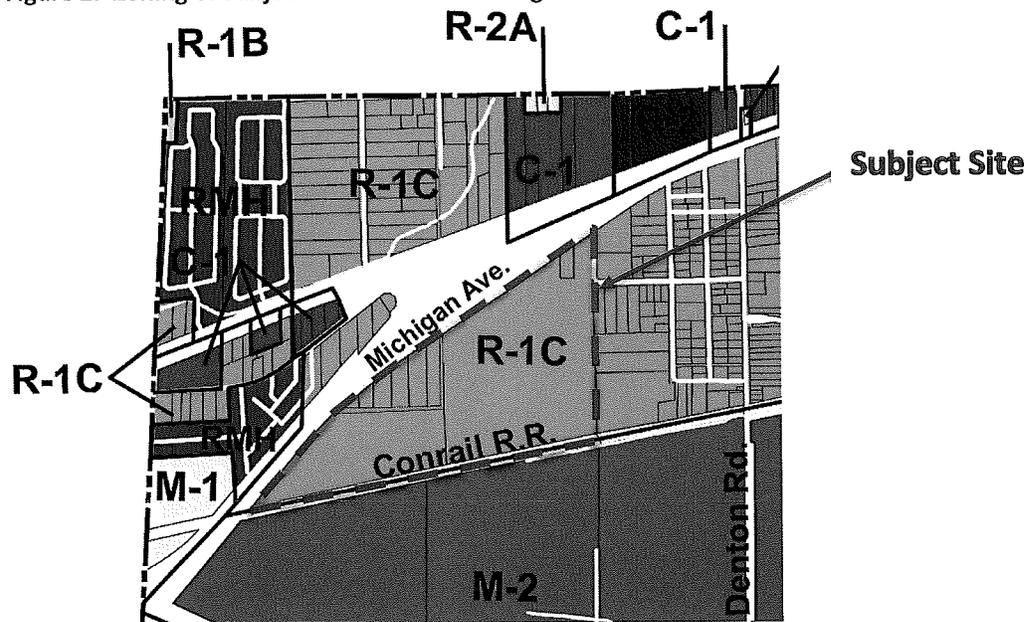
DESCRIPTION

The table below summarizes the existing land use, zoning, and master plan designations in and around the subject site, according to the Master Plans and Zoning Ordinance.

	Existing Land Use	Zoning	Future Land Use Classification
Subject Site	Agriculture/Large Lot Single Family Residential	R-1C (Single Family Residential)	Low Density Single Family B – 15,000 sq. ft.
North	Manufactured Housing Park	R-1C (Single Family Residential), RMH (Mobile Home Park), and C-1 (General Business)	Low Density Single Family B – 15,000 sq. ft. and Medium Density Single Family B – 8,400 sq. ft.
South	Industrial (GM Service Parts Operations) and vacant	M-2 (General Industrial)	Heavy Industrial
East	Single-family residential and cemetery	R-1C (Single Family Residential)	Low Density Single Family B – 15,000 sq. ft.
West	Manufactured Housing Park and industrial uses (Advance Custom Paint and Michigan Metal Recycling)	RMH (Mobile Home Park) and M-1 (Light Industrial)	Medium Density Single Family B – 8,400 sq. ft.

Specifically, the zoning of the subject site and surrounding areas are in the following figure:

Figure 2. Zoning of Subject Site and Surrounding Area



Source: Charter Township of Van Buren Zoning Map

REZONING STANDARDS

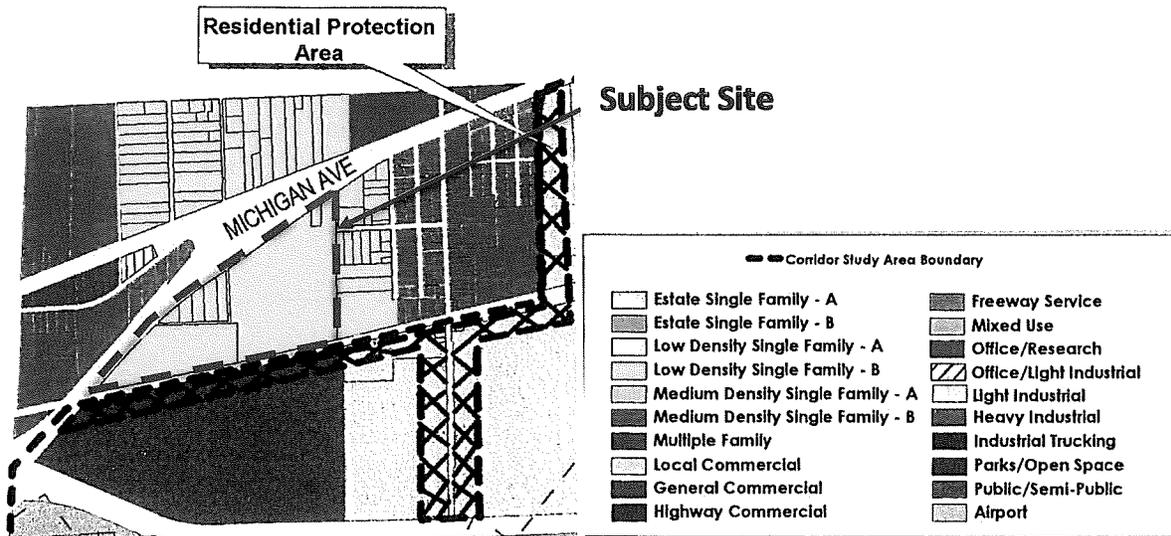
Article 12, Chapter 5 of the Zoning Ordinance includes the procedures and standards for reviewing Zoning Ordinance amendment applications. Section 12.504(A) through (K) includes specific standards of review for the Planning Commission and Township Board of Trustees to consider prior to taking action on an amendment application. These standards are as follows:

(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.

The Michigan Zoning Enabling Act requires a zoning ordinance to be based upon the Master Plan. Although the Master Plan was originally adopted in 1989, it has been amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan).

In 1999, the adoption of the Single Family Residential Plan changed the Future Land Use from Medium Density/Single Family Residential (3-6 units per acre) to Low Density Single Family – B (±15,000 sq. ft. lots – approximately 3 units per acre). Most recently, the 2000 Ecorse and Haggerty Road Corridor Plan added Residential Protection Areas to many areas of the township, including industrial areas that abutted residential areas in the northwest part of the township.

Figure 3. Planned Future Land Use of Subject Site and Surrounding Area



Source: Charter Township of Van Buren Master Plan, Ecorse and Haggerty Road Corridor Plan, 2000

While the proposed rezoning of the site is not supported by the Master Plan as it is currently adopted, the following conditions should be considered to determine whether the M-1 zoning district is appropriate for the site:

- Is the size and location of the current areas zoned M-1, M-T, and M-2 sufficient for meeting the demand for industrial land uses in this area of Van Buren Township? The northern part of Van Buren Township is an attractive location for industrial development because of the area's proximity to I-94 and I-275 and availability of infrastructure. Although there is approximately 1,000 acres of vacant land located between Ecorse Road and the northern Township line that is zoned M-1, M-T, and M-2, most of this land is under consent judgment (with restricted uses), planned for development already, or reserved by the current owner for future use or expansion. Without

knowing the intentions of every owner of industrial-zoned land between Ecorse Road and the northern Township line, we cannot determine whether there is a sufficient supply of M-1, M-T, and M-2 zoned land to meet the demand for industrial land uses in this area of Van Buren Township.

- *Are there any areas of the Township that are not currently zoned M-1, M-T, or M-2 but have an industrial future land use classification on the current Future Land Use Map?* While there are a few areas of the township that meet this classification, most of these areas are too small, are already developed for another use, or have prohibitive natural features such as wetlands. The most viable areas that are not currently zoned M-1, M-T, or M-2 but have an industrial future land use classification are:
 - A 55-acre site at the southwest corner of Van Born Road and Morton Taylor Road that is currently zoned R-1B but is classified as Light Industrial on the Future Land Use Map. However, the southern and northern portions of this site have wetlands, so development could be prohibitive.
 - A 12.5-acre site at the northeast corner of Tyler Road and Haggerty Road that is currently zoned AG and C-1 but is classified as Office/Light Industrial on the Future Land Use Map.

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

The Purpose and intent of Section 1.102 of the Zoning Ordinance includes imposing regulations and restrictions governing the location and construction of structures and buildings to be used for business, industry, residence, social purposes, and other specified purposes. To that end, there are provisions for zoning districts, setbacks, building height, land use, parking and loading, access management, landscaping and screening, and environmental performance. While there are many areas of the township where M-1 zoning districts abut R-1 zoning districts, this does not necessarily mean that all M-1 land uses are compatible with all R-1 land uses. However, because the size of the site is 75.57 acres, there is sufficient area for reasonable industrial land uses while still meeting the other requirements of the Zoning Ordinance with respect to landscape buffering and environmental performance.

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

If the site is rezoned to M-1, the access would likely be from Michigan Avenue only because a railroad crossing to the south would be difficult to obtain and access to the residential road network to the east would be unnecessary. With access on Michigan Avenue, traffic would have easy access to I-94 to the west and I-275 to the east. While upgrades to a future intersection at Michigan Avenue may be necessary, this is a site plan matter that can be deferred.

(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.*

While we are not aware of any constraints on the water and sewer systems that would prevent service to the subject site, we will defer to the Van Buren Township Department of Public Services.

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

We are not aware of any errors in the Zoning Ordinance or Zoning Map, so a rezoning cannot be granted on the grounds that there is an error to correct.

When the current Zoning Ordinance was adopted in 2017, the only change to the Zoning Map was the adoption of the Belleville Road Overlay District. This does not mean that a rezoning cannot be justified; it simply means that no other zoning district changes were considered as part of the amendment process at that time.

Over the last few years, Van Buren Township has experienced a high demand for new industrial development and expansions of existing industrial land uses. Recently approved industrial site plans include L&W Engineering, Bayloff Industries, Constellium, Contractor’s Steel, Costco, Ashley Capital, Denski Warehouse, Maysen Polymer, and Continental Canteen. If the growth of industrial development continues at its current pace, we can expect future applications to rezone land to an industrial zoning district. This prospect raises questions regarding whether it is appropriate to rezone more of the township to an industrial district and, if so, what areas of the township are appropriate for future industrial zoning? We believe these questions are best addressed through a Master Plan amendment process rather than a rezoning process at the present time. At the least, the Master Plan amendment process should address the current inventory of land planned for industrial use, the potential demand for industrial development, and which areas of the township are suitable for future industrial development, if any.

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

In general, exclusionary zoning is a prohibition of a land use when there is a demonstrated need for the use in the community. If the site is rezoned from R-1C to M-1, there are many available areas of the township where uses in the R-1C district can be established. Conversely, if the site is not rezoned from R-1C to M-1, there are many areas of the township that are currently zoned M-1, M-T, and M-2 that can be developed for industrial use. However, as previously stated, we do not know the availability of these areas based on the intentions of the owners.

(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.

Currently, the majority of the site is agricultural and relatively flat. According to the Michigan Department of Environmental Quality (MDEQ) Wetlands Map Viewer, there are some minor wetland areas (hydric soils) in the southeastern corner and in an unfarmed area along Michigan Avenue. According to FEMA, there are no floodplains on the site. Therefore, we are not aware of any major physical, geological, hydrological, or other environmental constraints that would prevent the site from being developed for a permitted use in the M-1 zoning district. However, at the time of site plan review, more detailed site information will be required.

(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.

The permitted uses and special land uses of the M-1 zoning district are listed in the following table:

PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> • Wholesale Sales • Warehousing (excluding Distribution Centers) • Manufacturing and Processing (Light) • Laboratories, Minor • Laboratories, Major • Retail Dry Cleaning Plants and Laundries • Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and including storage yards, when necessary to serve the immediate vicinity. • Accessory Outdoor Industrial Storage • Accessory structures and uses customarily incidental to the above permitted uses • Indoor Recreation 	<ul style="list-style-type: none"> • Automobile Wash Establishment, Automatic • Drive-In Theaters • Private Clubs • Recreational Vehicle Storage Yards • Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors) • Outdoor Storage of Building or Contracting Equipment and Supplies • Instructional Services, Outdoor • Truck Repair and Maintenance Facility, Minor • Accessory Caretaker Dwelling

The area of focus for this standard is the impact that the proposed M-1 zoning district will have on the R-1C-zoned area to the east (Denton Neighborhood). Although it is difficult to predict how one of the above uses could impact an adjacent residential area, there are many areas of the township where industrial zones abut residential zones without creating a nuisance. To minimize the impacts of industrial uses on adjacent residential zones, the Zoning Ordinance includes the following provisions:

- Section 8.102 (Standards Applicable to Specific Uses and Districts) includes environmental provisions for industrial-related land uses in the M-1, M-T, M-2, and AP zoning district for drainage, dust, dirt, fly ash, electromagnetic radiation, fire and explosive hazards, flammable liquids, floodplains, watercourses, wetlands, gases, glare, heat, radioactive materials, industrial sewage waste, light, noise, odors, roads, smoke, vibration, and water quality.
- Section 8.105 (Exterior Lighting) requires full cutoff light fixtures, maximum illumination levels, light trespass limits, and a maximum fixture height of 35 feet.
- Section 10.103(E) (Landscaping Design Standards; Greenbelt Buffering) requires an M-1 zoning district to maintain the following buffer when it is adjacent to a R-1 zoning district: A 60-foot wide buffer with a staggered double row of evergreen trees spaced 15 feet on center on a 6-foot high berm with a flat horizontal area at the crest to be at least 3 feet in width. The planting shall be in a manner where the evergreen trees provide 80% opacity within 3 years of planting, measured from the top of the berm. After 3 years, if this opacity is not achieved then additional evergreen trees and/or shrubs shall be planted to achieve 80% opacity at the time of their planting. A 6-foot high masonry wall or opaque fence may be installed in lieu of the required berm and trees.
- Article 9 (Parking, Loading, and Access Management) includes requirements for driveway spacing and offsets. Article 9 also allows the Planning Commission to require a Traffic Impact Study for any development proposal, which would include existing and projected traffic conditions as well as peak-hour operational conditions at driveways and road intersections.

While the impact of a proposed use in the M-1 district cannot be anticipated, note that Distribution Centers are prohibited. A distribution center is defined in the Zoning Ordinance as a warehouse that is greater than 250,000 sq. ft. or any building over 25,000 sq. ft. that is designed to accommodate the simultaneous loading or unloading of more than 1 truck per 8,000 sq. ft. Therefore, if the site is zoned M-1, no warehouse on the site could exceed 250,000 sq. ft. or have more than 1 bay door per 8,000 sq. ft. These types of restrictions tend to minimize the number of truck trips, but there is no way to anticipate the traffic impact until a traffic impact study is prepared by an applicant.

Finally, the impact that the proposed M-1 zoning will have on surrounding property values is not an analysis that we are qualified to make. We would defer to a certified professional qualified to make such an analysis or appraisal.

(l) *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.*

If the site is rezoned to M-1, the boundaries of this requested district would be reasonable in relationship to the surrounding zoning district to the south, which is zoned M-2. However, we are concerned about the relationship with the Denton Neighborhood site to the east (zoned R-1C) and the site to the north (zoned R-1C, RMH, and C-1 on the north side of Michigan Avenue). Although there are many areas of the township where an industrial zoning district abuts a residential zoning district, this area was not specifically addressed in the 2000 Ecorse and Haggerty Road Corridor Plan, which proposed 300-400-foot deep Residential Protection Areas around the planned industrial areas east and south of the Denton Neighborhood area. If the Master Plan were to be amended to classify

the Future Land Use of the site as Light Industrial and a 300-400-foot deep Residential Protection Area was included on the north and east sides of the site, then the boundaries of the proposed M-1 zoning of the site would be reasonable in relationship to the surrounding zoning districts to the north and east.

Finally, if the site is rezoned to M-1, the size of the site will be sufficient to meet the Zoning Ordinance standards for lot coverage, setbacks, height, parking, and landscaping.

(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.*

Because the site has not yet been developed for residential use despite its convenient location on Michigan Avenue, a residential zoning district might not be the most appropriate district for the site. At the same time, we would not recommend the M-T (Industrial Transportation) and M-2 (General Industrial) districts for this site because of the potential impacts on the adjacent residential neighborhood to the east. The remaining viable zoning districts would be the commercial districts, the Office/Technology district, and the M-1 (Light Industrial) district. These districts can vary considerably, so it is difficult to determine which is/are the most appropriate. We believe this question is best addressed through a Master Plan amendment process rather than a rezoning process at the present time. This recommendation is underscored by the fact that the Michigan Zoning Enabling Act requires a Master Plan to have a Zoning Plan that includes an explanation of how the land use categories on the Future Land Use map relate to the districts on the Zoning Map. Therefore, the Master Plan amendment process should reveal one or more viable zoning districts for the subject site.

(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.*

Because there is no specific use noted on the application, we cannot comment on the appropriateness of the possible uses in the M-1 zone. However, because the R-1C and M-1 zoning districts are dissimilar, it would be inappropriate to amend the list of permitted or special land uses in the R-1C district to accommodate an industrial use, as such an amendment would apply to all R-1C-zoned areas of the township.

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

Because the site is adjacent to the M-2 zoning to the south, M-1 zoning to the west across Michigan Avenue, and will have frontage along Michigan Avenue to the north, proposed M-1 zoning of the site will not create an isolated zone. The proximity of the site to the abutting R-1C district to the east raises questions about whether the proposed M-1 zone would be compatible with the adjacent R-1C zone (Denton Neighborhood). There are many areas of the township where an industrial zoning district abuts a residential zoning district, so the M-1 zone and R-1C zone are not incompatible if the standards of the Zoning Ordinance are met. However, the 2000 Ecorse and Haggerty Road Corridor Plan proposed 300-400-foot deep Residential Protection Areas around the planned industrial areas east and south of the Denton Neighborhood area. Although this Plan did not propose an industrial zoning district for the subject site, it is reasonable to conclude that a Residential Protection Area would have been placed on the north and east sides of this site if it had been planned for an industrial zoning district. Therefore, if the Master Plan is amended to classify the site as Light Industrial, we recommend that a Residential Protection area be added along the north and east sides of the site. At the same time, given the value of the area fronting Michigan Avenue, a commercial use within this area may also be appropriate as a buffer between the road and the industrial use(s).

RECOMMENDATION

At this time, the application to rezone the subject site from R-1C to M-1 does not meet the following standards of Section 12.504(A) through (K) of the Zoning Ordinances:

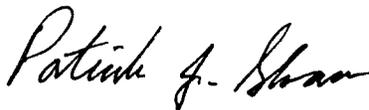
1. Section 12.504(A). The proposed rezoning is not consistent with the goals, policies, and objectives of the Master Plan and its subsequent amendments. Although many conditions have changed since the Master Plan was adopted, we cannot determine whether these changed conditions justify rezoning the site to M-1 based on the information currently available.
2. Section 12.504(E). Although Van Buren Township has experienced a high demand for new industrial development and expansions of existing industrial land uses, we cannot determine whether it is appropriate to rezone more of the township to an industrial district and, if so, which areas of the township are appropriate for future industrial zoning.
3. Section 12.054(I). We cannot determine whether the boundaries of the requested rezoning district would be reasonable in relationship to surrounding zoning districts. If the Master Plan were to be amended to classify the Future Land Use of the site as Light Industrial, we would recommend a 300-400-foot deep Residential Protection Area along the north and east sides of the site to meet this standard. At the same time, a commercial use within the 300-400-foot deep frontage along Michigan Avenue may also be appropriate as a buffer between the road and the industrial use(s).
4. Section 12.054(J). While the R-1C district may not be the most appropriate zoning district for this site, we cannot determine whether a commercial district or the Office/Technology district would be more appropriate than the proposed M-1 district.
5. Section 12.054(L). The proposed M-1 zoning of the site has the potential to be incompatible with the abutting R-1C district to the east (Denton Neighborhood). There are many areas of the township where an industrial zoning district abuts a residential zoning district, so the M-1 zone and R-1C zone are not incompatible if the standards of the Zoning Ordinance are met. However, the 2000 Ecorse and Haggerty Road Corridor Plan proposed 300-400-foot deep Residential Protection Areas around the planned industrial areas east and south of the Denton Neighborhood area. Although this Plan did not propose an industrial zoning district for the subject site, it is reasonable to conclude that a Residential Protection Area would have been placed on the north and east sides of this site if it had been planned for an industrial zoning district.

Resolving these standards would be best addressed through a Master Plan amendment process rather than a rezoning process at the present time. Additionally, the applicant has stated in the application that an amendment to the Master Plan is requested. For these reasons, we recommend that the Planning Commission defer action on the rezoning application pending a review of the Master Plan pursuant to the Michigan Planning Enabling Act. At the least, the Master Plan amendment process should address the current inventory of land planned for industrial use, the potential demand for industrial development, which areas of the township are suitable for future industrial development, if any, whether the Residential Protection Area around the Denton Neighborhood Area should be expanded, and whether there are more appropriate zoning districts for the subject site than M-1.

If the Planning Commission is interested in pursuing an amendment to the Master Plan to address the applicant's request and the issues noted above, we recommend adopting a motion to that effect.

Respectfully Submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP
Senior Principal Planner



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

October 20, 2017

Ben Griffin
Dearborn Real Estate
24442 Michigan Avenue
Dearborn, MI 48124

RE: Case 17-024 Master Plan Amendment Harold Smith Farm Future Land Use Projected Timeline

Mr. Griffin,

The following is a projected timeline for the amendment to the Township's Future Land Use Map if everything is approved in a timely manner by the required boards and commissions:

October 25, 2017:	Introduction to the Planning Commission. Planning Commission considers submitting notice of intent to plan.
October 30, 2017:	Notice of Intent to Plan Sent Out
November 8, 2017:	Planning Commission acts to submit the proposed plan amendments to the Township Board.
November 20, 2017:	Township Board work study.
November 21, 2017:	Township Board approves plan distribution.
November 27, 2017:	Notices for 42 day comment period sent out.
January 10, 2018:	Planning Commission moves to decide to hold a public hearing.
February 14, 2018:	Planning Commission holds public hearing. Votes to adopt Master Plan amendment.
March 5, 2018:	Township Board Workstudy
March 6, 2018:	Township Board decision.
March 9, 2018:	Notice of adoptions sent out.
April 11, 2018:	Public Hearing for Rezoning of property. Recommendation made by the Planning Commission.
April 30, 2018:	Township Board Workstudy
May 1, 2018:	Township Board 1 st reading of Ordinance amendment
May 15, 2018:	Township Board 2 nd reading.

If you have any questions or would like to discuss this matter further, please contact me.

Sincerely,

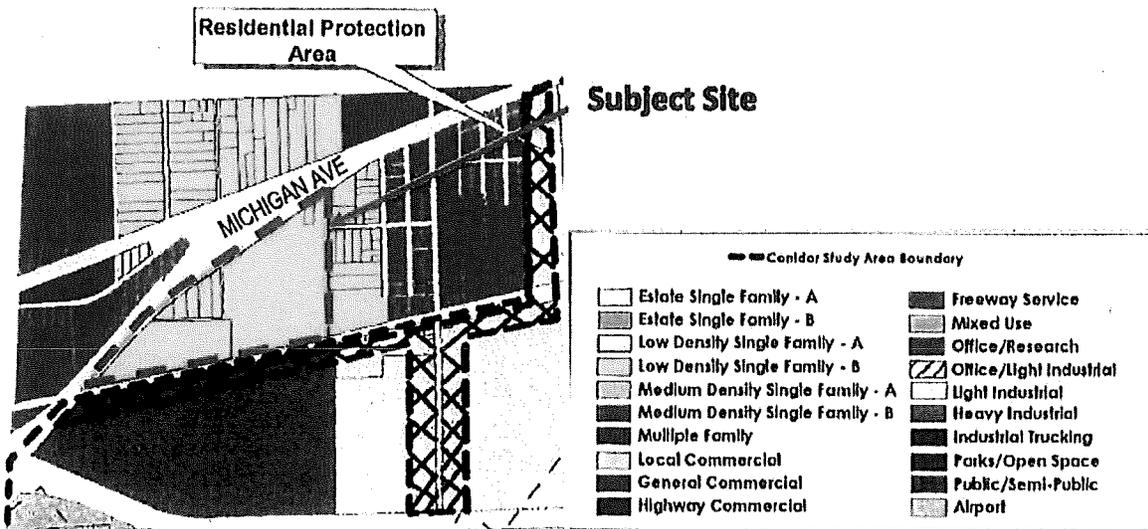
Ron Akers, AICP
Director of Planning and Economic Development

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
NOTICE OF INTENT TO PLAN**

Consistent with the provisions of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended, the Van Buren Township Planning Commission is providing notice that the Township will soon begin the preparation of an amendment to the Township's Future Land Use Map to change the future land use designation of the following property from Low Density Single Family Residential B (15,000 square feet) to Light Industrial:

Parcels:

83-021-99-0001-000	83-022-01-0004-003	83-022-01-0007-001	83-021-99-0002-000
83-022-01-0005-005	83-022-01-0008-003	83-022-01-0003-004	83-022-01-0006-001
83-023-99-0005-000			



Source: Charter Township of Van Buren Master Plan, Ecorse and Haggerty Road Corridor Plan, 2000

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. Regular meetings of the Township Planning Commission are held on the second and fourth Wednesday of each month at 7:30 P.M. at Van Buren Township Hall. We ask for your cooperation and invite your comments regarding this endeavor.

Mailed 11/2/17

Ronald C. Allen

Sumpter Township
Planning Commission
23480 Sumpter Road
Belleville, MI 48111

Ypsilanti Township
Planning Commission
7200 S. Huron River Drive
Ypsilanti, MI 48197

City of Romulus
Planning Commission
11111 Wayne Road
Romulus, MI 48174

Canton Township
Planning Commission
1150 S. Canton Center Road
Canton, MI 48188

City of Belleville
Planning Commission
6 Main Street
Belleville, MI 48111

Huron Township
Planning Commission
22950 Huron River Drive
New Boston, MI 48164

City of Wayne
Planning Commission
3355 S. Wayne Road
Wayne, MI 48184

Superior Township
Planning Commission
3040 N. Prospect
Ypsilanti, MI 48198

Augusta Township
Planning Commission
8021 Talladay Road
Whittaker, MI 48190

SEMCOG
1001 Woodward Ave, Suite 1400
Detroit, MI 48226

Wayne County
Board of Commissioners
500 Griswold St
Detroit, MI 48226

Washtenaw County
Board of Commissioners
220 North Main Street
Ann Arbor, MI 48108

SMART
535 Griswold Street, Suite 600
Detroit, MI 48226

AATA
2700 S. Industrial Hwy
Ann Arbor, MI 48104

Norfolk Southern Railroad
1200 Peachtree Box 7-142
Atlanta, GA 30309

Wayne County Airport Authority
11050 Rogell Drive, Bldg. 602
Detroit, MI 48242

Michigan Department of
Transportation
18101 W. Nine Mile Road
Southfield, MI 48075

DTE Electric Company
P.O. Box 33017
Detroit, MI 48232

DTE Gas Company
P.O. Box 33017
Detroit, MI 48232

Wayne County
Department of Public Services
400 Monroe
Detroit, MI 48226

Airport Manager
Willow Run Airport
801 Willow Run Airport
Ypsilanti, MI 48198

International Transmission Company
27175 Energy Way
Novi, MI 48377

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
OCTOBER 25, 2017
MINUTES**

Chairperson Thompson called the meeting to order at 7:34 p.m.

ROLL CALL:

Present: Kelley, Budd, Boynton, Franzoi and Thompson.

Excused: Atchinson.

Staff: Director Akers and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan and Fishbeck Associate, David Potter.

Audience: Seven (7).

APPROVAL OF AGENDA:

Motion Kelley, Boynton second to approve the amended agenda of October 25, 2017 removing item numbers 6 and 7 under New Business. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Boynton second to approve the regular meeting minutes of September 13, 2017 and special meeting minutes of October 4, 2017 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 REPEAL OF MEDICAL MARIJUANA CULTIVATION FACILITIES REGULATIONS

TITLE: THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE VBT ZONING ORDINANCE TO REPEAL THOSE SECTIONS OF THE ZONING ORDINANCE WHICH ALLOWS MEDICAL MARIJUANA CULTIVATION FACILITIES, PROVIDES SITE DEVELOPMENT STANDARDS FOR MEDICAL MARIJUANA CULTIVATION FACILITIES AND REMOVES THOSE REFERENCES TO THE APPLICABLE SECTIONS IN OTHER AREAS OF THE ZONING ORDINANCE.

Motion Boynton, Budd second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his memorandum dated 10-6-17 discussing the Township Zoning Ordinance that currently permits Medical Marijuana Cultivation Facilities in the General Industrial (M-2) zoning district as a special land use. The regulations were adopted in response to the Michigan Medical Marijuana Act (MMMA). State legislature has now adopted the Medical Marijuana Facilities Licensing Act (MMFLA) allowing five (5) types of facilities. McKenna Associates worked with the Public Safety Department, Developmental Services staff and Township legal counsel to discuss implications of the new law to Van Buren Township and regulatory options available to the Township. The recommendation from McKenna Associates is to repeal the provisions for Medical Marihuana Cultivation Facilities in the Zoning Ordinance, thereby prohibiting all of the five (5) uses provided for in the MMFLA. If the Township later decides to permit one or more of the five (5) uses, the appropriate regulations can be added to the zoning ordinance at that time.

Commissioners inquired if any facilities are currently located in Van Buren Township and if there were any changes to the patient/caregiver law. The answer was no.

Motion Kelley, Boynton second to close the public hearing. Motion Carried.

ITEM # 2 ZONING ORDINANCE AMENDMENTS REGARDING DETENTION POND LOCATION, SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTUION CENTER.

DESCRIPTION: THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO SECTION 8.107 REGARDING DETENTION POND LOCATION AND SECTION 5.112 REGARDING SETBACKS FOR OFF-STREET PARKING AND LOADING AREAS, ACCESS DRIVES AND PAVED SURFACES ACCESSORY TO A DISTRIBUTION CENTER.

Motion Budd, Franzoi second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his proposed Zoning Ordinance Text Amendments letter dated 9-22-17. The proposed amendments are to Section 8.107 Stormwater Basins; clarifying the zoning district location of stormwater ponds and Section 5.112 Distribution Centers; amending the setbacks for off-street parking and loading areas, access drives and paved surfaces accessory to a distribution center. The proposed amendments are:

Section 8.107 Stormwater Basins: The language addition of (A) Location. Stormwater basins and related landscaping may be located in any zoning district and are not required to be in the same zoning district as the site from which it receives water.

Section 5.112 Distribution Centers: Amendments to (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 sixty (60) feet from any residential district; which must include a greenbelt buffer required in Section 10.103(E).

No questions or comments from the Commission or the audience.

Motion Kelley, Boynton second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 17-031 – 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 EASE SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.

Applicant Phillip Kuntzman gave the presentation. Upland Homes submitted five (5) plans with various home elevations for forty-two (42) sites located in the Country Walk Subdivision. The applicant will make sure that home elevations are on lots that meet setback requirements.

Director Akers presented his staff memo dated 10-20-17 in which he discussed deficiencies with concern to the façade materials on the 2842 colonial elevation. The applicant has discussed with staff his desire to remove elevation 2842 from the submitted plans. Staff recommends the Planning Commission approve an amendment to the site plan for the Country Walk development in order to allow Upland Homes to construct new homes consistent with the provided plans which depict elevations to be constructed in phase 3 and phase 4 of the Country Walk development. This approval to be based upon the staff review letter dated 10-20-17 and conditioned upon the following:

1. Township Planning Staff shall review each application for a new single-family home in Country Walk Phase 3 and Phase 4 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 for the Country Walk development.

Commissioners discussed marketing of the homes, home elevations to be located on lots determined to meet those elevations requirements and the bi-level home elevation submitted by the applicant. No comments from the audience.

Motion Kelley, Boynton second to grant Upland Homes request to amend the approved Country Walk site plan subject to the recommendations in the staff report dated 10-20-17 with the addition of the removal of elevation 2842 from the plans at the request of the applicant. Motion Carried. (Letter attached)

ITEM # 2 17-024 – MASTER PLAN AMENDMENT HAROLD SMITH FARM FUTURE LAND USE

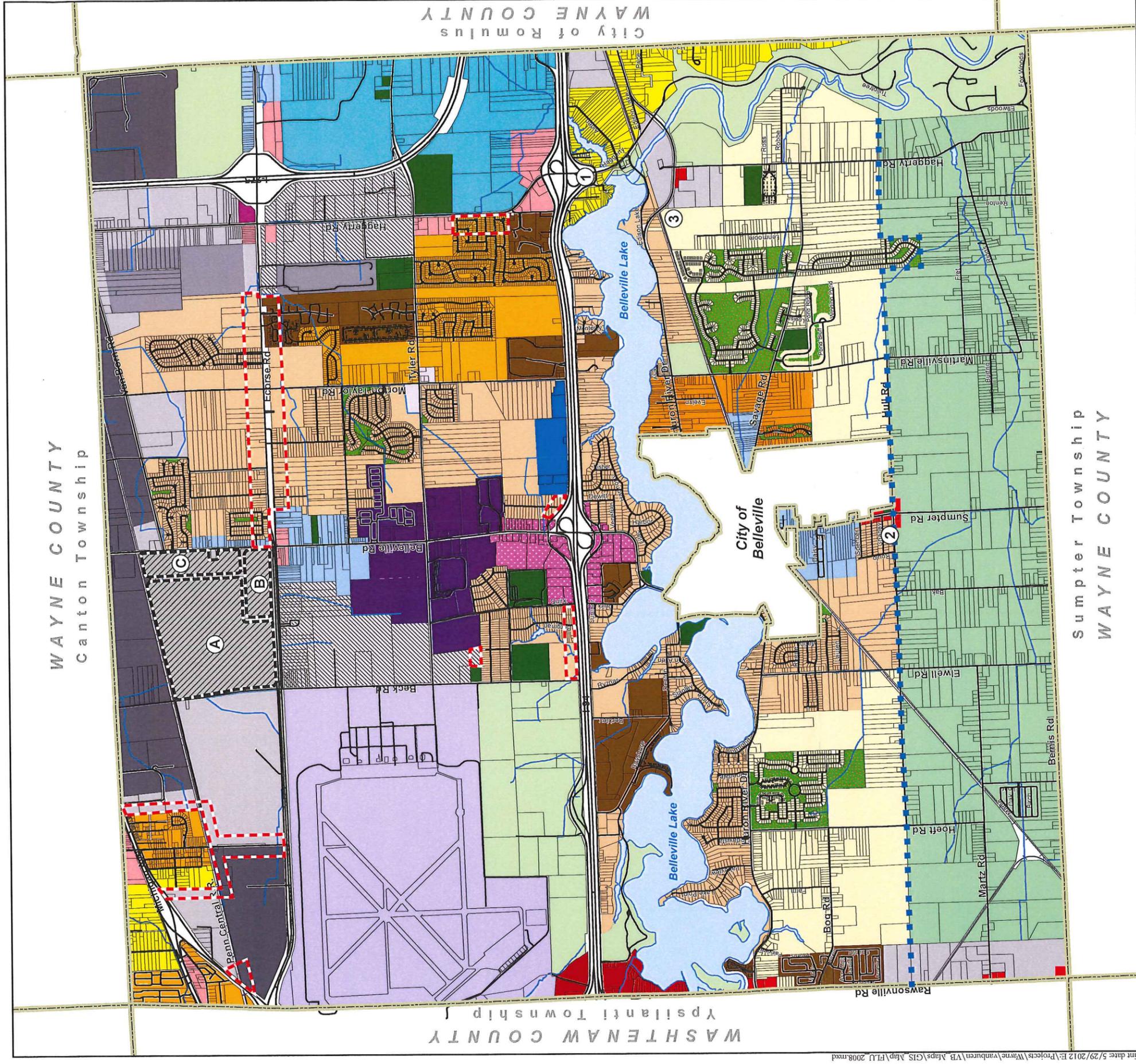
TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING AN AMENDMENT TO THE TOWNSHIP'S FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY SINGLE FAMILY B TO LIGHT INDUSTRIAL.

LOCATION: THE PROPERTY AT 50015 MICHIGAN AVENUE IS THE SUBJECT OF THIS REQUEST. THIS PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE, EAST OF ECORSE ROAD AND WEST OF DENTON ROAD. (APPROXIMATELY 75 ACRES).

Applicant Ben Griffin gave the presentation. Mr. Griffin discussed the site location, a 3-sided parcel with 2 of the sides located on Michigan Avenue and along the railway, not a conducive property for a residential development. The applicant is requesting an amendment to change the Township's future land use map and future land use designation from low-density single family B to light industrial.

Director Akers discussed the request to rezone and compared the request to future land use maps in the Master Plan. The property location on Michigan Avenue is in close proximity to industrial zoned property, rezoning may be appropriate. Director Akers discussed the Master Plan Amendment/Future Land Use projected timeline letter dated 10-20-17. The first step is to send out a Notice of Intent to Plan if Commissioners desire to move forward.

Patrick Sloan of McKenna Associates presented his rezone review letter dated 8-1-17 recommending the Planning Commission defer action on the rezoning application pending a review of the Master Plan



DRAFT

November 8, 2017

Future Land Use Plan

Van Buren Township,
Wayne County, Michigan

Base Map : Wayne County GIS, 2004
 Van Buren Township Master Plan 1989
 Date Source : Single Family Residential Plan 1999, Ecorse-Haggerty Corridor
 Plan 2000, Grace Lake Area Plan 2001, South Side Master Plan
 2007 and Belleville Road District Plan 2010



Land Use Category

- Residential**
- Rural Settlement
1 acre lot area
- Low Density Single Family A
20,000 Sq Ft
- Low Density Single Family B
15,000 Sq Ft
- Medium Density Single Family A
10,000 Sq Ft
- Medium Density Single Family B
8,400 Sq Ft
- Village Residential
8,400 Sq Ft
- Multiple Family Residential
10 du/acre

- Commercial**
- South Side Commercial
- Local Commercial
- General Commercial
- Town Center Edge
- Town Center Core
- Gateway Commercial
- Highway Commercial
- Freeway Service
- CBD

- Mixed Use**
- Commercial/ Office
- Office Research
- Mixed Use*
- Office/ Light Industrial
- Industrial**
- Light Industrial
- Industrial Trucking
- Heavy Industrial

- Other**
- Airport
- Parks/ Open Space
- Public/ Semi Public
- Private Open Space
- Consent Judgment
- Residential Protection
- Urban Services Boundary
- Footnotes
(see South Side Master Plan)
- Footnotes
(see Belleville Rd District Plan)

Note: Circulation Plans are not reflected on this map.
 * See Associated Sub Area Plan for details.