

# The VOICE

## Macomb Township adopts moratorium on hookah lounges

Nicole Tuttle, Published: Sunday, December 14, 2014

On Dec. 10, the Macomb Township Board of Trustees adopted a resolution for a moratorium on new hookah lounges and adopted an amendment to the township codes to prohibit minors from possessing hookah paraphernalia.

Lawrence Scott, the township's attorney, said that the board had been provided with a memo listing the background and public health issues regarding hookah lounges, as well as a proposed moratorium to prohibit hookah lounges.

"We have provided you with both a proposed moratorium to prohibit the hookah lounges from locating within the township for a period of six months, until we can get an opportunity again to look at the ordinances which may regulate them, and we have also provided you with a proposed ordinance amendment which would prohibit minors from being in any location which at this point is identified as hookah lounge," Scott said, "And it also prohibits minors from possessing hookah type paraphernalia."

Scott said that Macomb Township Trustee Clifford Freitas brought the matter of hookah lounges to his attention.

"This situation was brought to my attention from board member Freitas, who had issues with apparently a number of minors who are hanging around and loitering and trying to enter into a hookah

establishment,” Scott said. “I am told we only have one within the township at this moment. But the idea is to prohibit minors from loitering or attending any of those locations and also to prohibit them from possessing the materials. We have made it a civil infraction if a location allows a minor within.”

Scott said that the lounges would be subject to a fine, and that minors caught with hookah materials would also face a fine.

“So we're trying to get both the minors and the locations attentions,” Scott said.

The board adopted the amendment to the township’s codes in regard to communal smoking establishments, as well as the resolution for the moratorium on new communal smoking establishments through June 9, 2015.

### **Board discusses animal ordinance**

The board examined another ordinance on Dec. 10, the dangerous animal ordinance.

“We have provided you with a memorandum outlining the proposed amendments to what we refer to as the dangerous dog ordinance,” Scott said. “This has been supplied to the board and comments were taken and amendments were made, and the idea behind it is to identify and be able to control dangerous dogs in this instance. I understand from discussions with members of the board this evening that there would be a suggestion that we amend the title of it and references throughout not just to dangerous dogs, but also to dangerous animals. This will give the animal control officer in the county an opportunity to control this situation that was brought to the board’s attention, because we had situations where minor children were walking dangerous dogs, pit bulls, those types of things, unmuzzled in the township and people had some concerns.”

Scott said he submitted a copy of the proposed ordinance to a Macomb County animal officer for review and remarks.

“So it is our suggestion and proposal, with the change that was suggested from dangerous dog to dangerous animal,” Scott said. “We will rewrite the ordinance just to incorporate that change, and then I submit it to the board for their adoption and approval and then it will be submitted for publication and adoption.”

Scott also said that Macomb County Sheriff’s deputies could enforce the ordinance as well as animal control officers.

Macomb Township Clerk Michael Koehs made the motion to adopt the amendment to the township’s code with a change in the wording to dangerous animals in all instances, except one section that applied only to dogs.

### **Auditors present annual report**

Also on Dec. 10, the board heard a presentation from Mark Hurst, CPA and partner at Plante Moran, regarding the 2013-2014 audit report.

“This report is essentially our report card on this financial statement ... In our terminology it is referred to as an unmodified audit opinion. In everybody else's terminology it is referred to as the clean opinion, meaning that we found nothing in this financial statement that we had to take exception to or that we felt needed to be changed in order for it to be presented fairly under generally accepted accounting principles,” Hurst said. “I think the key to note there is that we spent about 800 to 900 hours annually actually auditing the township.”

Hurst said that the township had no adjustments.

“The only other thing that I will say is one question that we frequently get asked is what is the condition, financial condition of our community and how does it compare to others because we audit so many. And as you know I am a Macomb Township resident but I will put my bias aside and I will tell you that the financial position of Macomb Township is really in outstanding shape,” Hurst said.

Hurst said that an important uncertainty for many communities currently in terms of funding is pension benefits, whether it is retiree health care obligations or other obligations.

“Those numbers have yet to make their way onto the balance sheet. They are very big question marks, you don't know how long people are going to live, how much they're going to collect. Macomb Township has very little if any of that. You can pay off the very little bit that you have, can pay off in an instant if you wanted to do it,” Hurst said.

Hurst also characterized the township as “extremely well-funded” in all funds. He said that this information can be verified at [michigan.gov/treasury](http://michigan.gov/treasury), local audit reports.

“They can see this report as well as any other communication or any other report from any other community in Macomb County or throughout the state,” Hurst said.

### **Engineer to plan for waterline**

The board further authorized its engineer to proceed with engineering planning for a waterline at North Avenue and 21 Mile Road.

“It appears that the department of roads is going to be proceeding with the widening of North Avenue from Hall Road to 21 Mile next year,” Macomb Township Engineer James Van Tiflin said. “Probably with construction starting around the middle part of the year sometime in the summer.”

Van Tiflin said that as part of due diligence, he and Macomb Township Water and Sewer Superintendent Gerry Wangelin checked utilities to see if there were any that could cause concern with the road widening.

“An issue has come up with regard to our existing water mains on the left side of the road ... It gets fairly close to the existing pavement.

When they widen the road the water main will end up being underneath the pavement,” Van Tiflin said. “We have two concerns with that. One is during construction all that activity on top of an old water main could lead to some problems. The other issue is maintenance of the water main that is underneath a brand-new road. You know we don't want to be replacing pavement every time we have to dig that water main up.”

Van Tiflin requested that the board authorize him to begin design work to relocate the water main, and to upgrade the current 12-inch water main to a 16-inch.

“So we would like to begin design work, obtain all the permits that are necessary so that we can try and build this before the road widening project starts in the middle of the summer ... I talked to the department of roads, they are willing to share their plans and topographic survey to try to cut down on some of the time and the cost associated with the project,” Van Tiflin said. “So with that we are requesting permission from the board to begin that design work. Obviously we would get it to a point where we would have bids and bring it back to the board the board can make a final decision whether to move forward with the project depending on the pricing.”

Van Tiflin said that easement acquisition would probably not be necessary.

“The department of roads as part of their road widening project has been acquiring all the right-of-way that is necessary,” Van Tiflin said. “We are hoping that they have acquired enough that we're going to have sufficient room behind the pavement to put the water main in. That is the goal. Obviously we don't know what right-of-way they've acquired yet. We're going to get that information from them ... So it could be necessary but I am hoping not.”

A public hearing on a special assessment district for a water main at Hayes Road and 26 Mile Road was held on Dec. 10. Horst Griesser, the second vice president of the Austrian Society, said that the society has property in that location and expressed concerns about

the cost, as the society is non-profit.

“The preliminary estimate that was in the petition that was circulated for the special assessment district was \$69 a front foot,” Van Tiflin said. “So whatever your frontage is times \$69 is what it is estimated. The actual cost is what it was going to be spread and that will be part of a separate public hearing after we’ve designed the project and obtained all the permits and obtained bids.”

Scott said that the majority of property owners have consented to the special assessment district and so it will be spread on all the tax rolls.

“It will be no different than a property tax,” Scott said.

Charles Horton, a vice president for the 1924 Sport Club, said that the east side of the road that the water main will be run down will interfere with use of soccer fields.

“The project has not been designed yet, so I am not exactly sure where the water main will be in relation to the soccer field,” Van Tiflin said.

The board approved establishing the special assessment district for the Hayes Road and 26 Mile Road water main.

Under the trustees’ comments section of the Dec. 10 meeting, the board approved a committee to revise the township’s misdemeanor ordinance.

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