

CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
STUDY SESSION
MARCH 5, 2019

CALL TO ORDER

CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
STUDY SESSION
MARCH 5, 2019

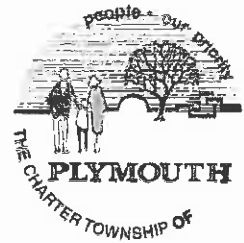
ITEM A
ROLL CALL

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
STUDY SESSION
MARCH 5, 2019**

**ITEM B
APPROVAL OF AGENDA
MARCH 5, 2019**

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES STUDY SESSION**

Tuesday, March 5, 2019
7:00 PM



CALL TO ORDER at _____ **P.M.**

A. ROLL CALL: Kurt Heise_____, Mark Clinton_____, Chuck Curmi _____,
Bob Doroshewitz _____, Jerry Vorva _____, Jack Dempsey_____,
Gary Heitman _____

B. APPROVAL OF AGENDA

C. NEW BUSINESS

1. Text Amendment to Zoning Ordinance No. 99 – *Planning Director Laura Haw and Attorney Kevin Bennett*
2. Future of Recycling Service with GFL – *Supervisor Heise*
3. Employee Salaries and Benefits Posting Online - *Trustee Doroshewitz*

D. SUPERVISOR AND TRUSTEE COMMENTS

E. CLOSED SESSION

At _____ p.m. _____ moved that a closed session be called for the purpose of discussing labor negotiations with the labor attorney in accordance with OMA Section 8(c), MCL 15.268(c) Seconded by _____

F. RETURN TO OPEN SESSION

At _____ p.m. _____ moved that the Board return to open session. Seconded by _____

G. ADJOURNMENT

PLEASE TAKE NOTE: The Charter Township of Plymouth will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at all Township Meetings, to individuals with disabilities at the Meetings/Hearings upon two weeks notice to the Charter Township of Plymouth by writing or calling the following: Human Resource Office, 9955 N Haggerty Road, Plymouth, MI 48170. Phone number (734) 354-3202 TDD units: 1-800-649-3777 (Michigan Relay Services)

**The Public Is Invited and Encouraged To Attend All Meetings of
the Board of Trustees of the Charter Township of Plymouth.**

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
STUDY SESSION
MARCH 5, 2019**

NEW BUSINESS

**ITEM C.1
TEXT AMENDMENT TO ZONING
ORDINANCE
(Discussion Only)**



CHARTER TOWNSHIP OF PLYMOUTH REQUEST FOR BOARD CONSIDERATION

MEETING DATE: March 5, 2019 (*study session only*)

ITEM: Text Amendment to Zoning Ordinance No. 99, Article VI (Single Family Residential Fences)

PRESENTER: Ms. Laura Haw, AICP, NCI, Planning Director
Mr. Kevin Bennett, Township Attorney

BACKGROUND:

Plymouth Township's existing fence ordinance is located in *Article VI: R-1-E, R-1-H, R-1-S, R-1 One Family Residential Districts, section 6.4 Development Requirements*. This section Ordinance section, with track changes for the proposed amendments, is enclosed for your consideration.

Fence standards were originally identified for review by the Zoning Board of Appeals (ZBA) in 2018, due to the number of variance requests that are made with the Township for an increase in residential fence height from four (4) feet to six (6) feet. In the past five (5) years, 29 of such variance requests have been made, and from our understanding, all but one approved as presented. Continual variance requests, with no denial, are a signal that the community's ordinance is no longer performing properly and warrants a review. Table A to the right details the number of variances cases in recent years.

Table A: Single Family Residential Variance Requests	
Year	Number of Applications
2014	1
2015	8
2016	0
2017	6
2018	14

Throughout the second part of 2018, the Planning Commission then discussed the benefits and challenges associated with fence heights and current ordinance provisions. As part of the review process, the Commission completed an analysis of Plymouth Township's residential fence ordinance requirements, surrounding municipalities' fence ordinances (i.e. Plymouth, Livonia, Canton, Northville Township, Royal Oak and Berkley), fence regulations set by Cluster Housing Option (CHO) and Residential Unit Development (RUD) agreements, and best practice standards as recommended by the American Planning Association (APA).

It is important to note that while Zoning Ordinance No. 99 regulates fences community-wide, many Cluster Housing Option developments and Residential Unit Development neighborhoods carry additional regulations and covenants that govern fences. Within the Township are a total of 16 existing Cluster Housing Options and 17 existing Residential Unit Developments, all which carry additional restrictions / standards on fencing, most of which require written approval from the governing association or architectural committee. The result of such civil contracts is that changes to the Township-wide fence ordinance will not apply to some neighborhoods at all as more restrictive covenants will control.

Proposed Text Amendment:

Key changes of the enclosed draft text amendment to section 6.4 of Zoning Ordinance No. 99 include:

1. Permission of permit single family residential fencing, up to six (6) feet in height, in the side and rear yards only.
2. Limitation of chain link fencing to four (4) feet in height and only when powder coated in a muted, neutral color.
3. Limitation of fencing to the midpoint building lines (currently the front building line), with exceptions to be permitted by the Building Department for enclosure of side exterior doors.
4. Provision for the Building Department to evaluate fencing requirements on corner lots.
5. Provision to require fencing to be located at least one foot from any sidewalk.
6. New provisions regarding fence maintenance, location, clear vision triangle, process for the appeal of a decision by the Building Department, and general appearance were added in sub-section 6.

Township Attorney Kevin Bennett has reviewed the draft text amendment and will provide feedback at the study session.

RECOMENDATION:

To incorporate any comments / suggestions and present a final draft of the proposed section 6.4 text amendments to the Board at a future, regular scheduled meeting.

Enclosed: Draft Article VI, section 6.4 of Zoning Ordinance No.99 for discussion purpose only

ARTICLE VI

R-1-E, R-1-H, R-1-S, R-1

ONE FAMILY RESIDENTIAL DISTRICTS

SEC. 6.4 DEVELOPMENT REQUIREMENTS

All principal permitted uses, special land uses, and uses requiring approval of the Zoning Board of Appeals shall comply with all applicable provisions of the Zoning Ordinance, including but not limited to the following:

- (f) Fences. In all Single Family Residential Districts it shall be unlawful for any person to build, repair or relocate a fence without first having secured a Building and/or Zoning Compliance permit from the Department of Building and Code Enforcement. In all Single Family Residential Districts the following shall apply in regards to fencing:
 - 1) Protective or Security Fencing: Protective or security fencing shall be considered a structure enclosing a piece of land or separating contiguous lands either in whole or in part serving the purpose of preventing intrusion onto or across a lot of record or any parcel or tract of unplatted land from without or straying from within. The following shall govern the height, location and placement of protective or security fencing:
 - a) Maximum Height: The maximum height of a protective or security fence shall be ~~four (4)~~ six (6) feet, unless otherwise limited below in section 6.4(c), provided that all fencing closer to the street than the established rear building line shall be a maximum of four (4) feet in height, unless otherwise required by the Planning Commission as part of special land use and/or site plan approval.
 - b) Material: Fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the Department of Building and Code Enforcement. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided if such fence is constructed of pickets, the pickets shall be made of not less than one (1) inch by three (3) inch material and shall have an angle at the top of not less than ninety (90) degrees. The fence shall comply with the requirements of applicable requirements of the State Construction Code enforced by the Township. Cyclone fencing or cyclone fencing with plastic or other types of strips intertwined or otherwise attached to the fence shall be prohibited.

Chain link fencing shall only be permitted at four (4) feet in height and when powder coated in a muted, natural color.

c) Placement:

1. Interior Lots: Fencing may be placed along the lot lines except that no fence shall be built closer to the street than the front setback line applicable to the premises pursuant to the Article 20, Schedule of Regulations, provided no fence shall be built closer to the street than the established ~~front building midpoint of the building~~ line ~~along said street or in front of the building~~ closest to the street on the fenced premise. In the case of two different midpoints on a building, the midpoint furthest setback from the street shall control. Exceptions may be permitted to permit side entry doors to be enclosed by proposed security fencing, by the reasonably sound judgment of the Department of Building and Code Enforcement.

- a. Exception: Where a lot backs or sides to a major thoroughfare with an ultimate right-of-way of one hundred twenty (120) feet.

The fence may be located within three (3) feet of the street setback line for the major thoroughfare without regards to the established building line for the thoroughfare provided that some form of landscaping is provided between the fence and the proposed sidewalk area and that said location shall not constitute a safety hazard for pedestrian and/or motor vehicles and their passengers.

2. Corner Lots: One street frontage shall be identified as the front yard. In said case the standards established under Section 1) Interior Lots shall apply. The designated side yard shall be handled in the following manner. The fence may run along the rear property line to a point not nearer than twenty (20) feet from the side street corner of the property. The fence may then run on an angle not less than forty-five (45) degrees to a point which intersects a line located three (3) feet inside the side property line. Where the subject property is adjacent to another fenced in property that eliminates the benefit for additional sight lines, the forty-five (45) degree angle standard may be waived, as determined by the reasonably sound judgement of the Department of Building and Code Enforcement. The fence may then proceed along said line to a point

Article 6: One Family Residential Districts

Amendments – Proposed February 2019

intersecting the rear building line extension of the residence. In all cases the type of fencing and landscaping proposed shall be treated in a manner which will not result in a safety hazard for pedestrian and/or motor vehicles and their passengers.

- 2) **Decorative Fencing:** A structure intended primarily for ornamental purpose. A decorative fence shall be any fence which by definition is not to be considered a pool fence, tennis court fence, protective or security fence or a privacy screen fence.
 - a) **Maximum Height:** The ~~maximum~~ height of a decorative fence shall be four (4) feet.
 - b) **Material:** Chain ~~link~~ fencing shall ~~not~~ be considered decorative fencing for the ~~purpose~~ of this Section of ~~the~~ Ordinance.
 - c) **Placement:** ~~Decorative~~ fencing so located as to result in a safety hazard to pedestrians ~~and/or motor vehicles and passengers~~ shall not be ~~permitted~~ and must be setback a minimum of one (1) foot from the nearest edge of any sidewalk. Said fencing shall be removed within thirty (30) days of such determination and notification by the Department of Building and Code Enforcement. No decorative fencing shall be located nearer than two (2) feet from a street right-of-way line.
- 3) **Privacy Screen Fence:** A structure intended to form a visual screen or windbreak for a patio or outdoor living area located in the rear yard only.
 - 1) **Maximum Height:** The maximum height of a privacy screen fence shall be six (6) feet.
 - 2) **Material:** Fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the Department of Building and Code Enforcement. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided if such fence is constructed of pickets, the pickets shall be made of not less than one (1) inch by three (3) inch material and shall have an angle at the top of not less than ninety (90) degrees. The fence shall comply with the requirements of the applicable requirements of the State Construction Code enforced by the Township. Cyclone fencing or cyclone fencing with plastic or other types of strips intertwined or otherwise attached to the fence shall be prohibited.

Article 6: One Family Residential Districts

Amendments – Proposed February 2019

- 3) Placement: Said structure shall be located within the rear yard only and shall not be located nearer than twenty (20) feet to the rear property line, nor shall said fencing extend beyond the extension of the side building line of the residence.
- 4) Dog Runs and Outdoor Service Areas Fences: A structure intended to contain an animal permitted within a single family area or to screen an outdoor service area.
 - a) Maximum Height: Maximum height shall be four (4) feet in side yards and six (6) feet in rear yards.
 - b) Maximum Enclosure: Three hundred (300) square feet.
 - c) Material: Fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the Department of Building and Code Enforcement. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided such fence is constructed of pickets, the pickets shall be made of not less than one (1) inch by three (3) inch material and shall have an angle at the top of not less than 90 degrees. The fence shall comply with the requirements of the building code. Cyclone fencing with plastic or other types of strips intertwined in the fencing shall be prohibited.
 - d) Placement: Side or rear yard provided that said run shall be screened appropriately from any public right-of-way or adjacent property and shall not be closer than eight (8) feet to a side property line or ten (10) feet from a rear yard line.
- 5) Pool Fence: See Charter Township of Plymouth Code of Ordinances Chapter 29, Swimming Pools.

6) The following provisions shall apply to all fences:

(a) Fence Maintenance.

Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated. If a fence is found to be in need of repair by the Building Official, orders to complete such repairs may be issued.

(b) Location.

No portion of a fence, landscape treatment or landscaping shall project beyond the fence owner's property. The Building Official may request an official survey if needed to properly identify the boundary of the property(s). However, the fence can be constructed on the shared property line, provided both home owners sign a written consent form authorizing permission for the fence to be constructed on the shared property line and submitted with the application. Further, all fences must be setback a minimum of one (1) foot from the nearest edge of any sidewalk.

(c) Clear Vision.

Fences shall be designed to provide unobstructed sight distances and shall comply with Section 28.25, Corner Visibility and Clear Vision Zones.

(d) Appeal of a Decision.

An applicant may appeal a decision of the Building Official concerning a proposed fence to the Zoning Board of Appeals (ZBA).

(e) Appearance.

All fences and walls shall present a finished appearance to view from off site. If, because of design or construction, one side of a fence or wall has a more finished appearance than the other, the side of the fence or wall with the more finished appearance shall face the exterior of the lot. High quality fences, in neutral colors, that are consistent with the surrounding neighborhood design, are encouraged.

**CHARTER TOWNSHIP OF PLYMOUTH
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STUDY SESSION
MARCH 5, 2019**

NEW BUSINESS

**ITEM C.2
FUTURE OF RECYCLING SERVICE
(Discussion Only)**



CHARTER TOWNSHIP OF PLYMOUTH REQUEST FOR BOARD ACTION

MEETING DATE: March 5, 2019

ITEM: Future of Recycling Service with GFL

PRESENTERS: Supervisor Heise

BACKGROUND:

On February 21, Sarah Visel and I met with representatives of our waste hauling contractor, GFL, to discuss the future of recycling service for the township. As we have known for some time, there is a global downturn in the market for recyclable materials, and there is still a significant amount of recyclable waste that is not acceptable or is unclean, which unfortunately ends up in landfills. Please review the attached letter and chart prepared by GFL to learn more about the situation from their perspective and possible solutions for us.

GFL has given us up to 60 days to make a decision on what path we want to take. Please call or email me individually with any questions you may have.

PROPOSED MOTION: : None; discussion only.



February 18, 2019

The Honorable Kurt Heise
 Township Supervisor
 Charter Township of Plymouth
 9955 North Haggerty Road
 Plymouth, MI 48170

Dear Supervisor Heise,

Thank you for meeting with our team regarding the current state of recycling markets. We appreciate the opportunity to provide this update to the Charter Township of Plymouth on the impact that recent major shifts in available markets for recyclables are having on GFL and other environmental services providers throughout North America.

GFL Environmental USA Inc. (GFL) is committed to supporting the communities we serve in their efforts to encourage recycling. These recent major shifts in recycling market conditions however are challenging the ability of the entire environmental services industry to continue to collect and process recyclables in the same manner as we have for many years. We feel that it is important to keep you informed of these challenges as we work together to preserve recycling as a viable option for your community's residents and businesses.

By way of background: For decades, North American collectors and processors have relied almost exclusively on China to be the end market for many recyclables collected from local residents, businesses and institutional generators, including mixed paper and post-consumer plastics (including difficult to recycle types #3 to #7). Triggered by the escalating trade actions taken by the USA against China, in March of this year China adopted a contamination limit (0.5%) that effectively prohibits the import of most of the types of plastics and mixed paper that have historically been shipped there. China has made it clear that they do not intend to reverse these policies any time in the near term. Alternate markets in Southeast Asia including Vietnam, Indonesia, Malaysia and Thailand do not have the capacity to accept the volume or types of materials that were previously shipped to China.

Even before China imposed these new restrictions, the few material recovery facilities (MRFs) in southeastern Michigan that accepted a full range of recyclable materials, including plastics, did not have sufficient capacity to process the increasing quantity of material that is being diverted from collection to the recycling stream or to deal with the increasingly high levels of contamination in the recyclables stream. High contamination rates mean that materials that might otherwise be considered recyclable are not in fact capable of being recycled and therefore end up being sent by the MRF for disposal in a landfill.

In an effort to produce recyclables that are capable of being sold to an end market, these MRFs have hired more employees and are running their sorting equipment at a much slower rate to be able to pick out more contaminated and non-recyclable materials from those being processed. MRFs have passed on their resulting higher operating costs

to collectors like GFL, resulting in an over 60% increase in processing fees, as well as the rejection and/or landfilling of a significant volume of materials that are collected and delivered to these MRFs.

Given the shift in markets and contamination rates described in this letter and the provisions of our contract with your community, GFL proposes the following options:

1. GFL will continue to collect all materials placed for collection in recycling carts for processing at a MRF with an increase of \$2.07 per household / per month charged to residents for recycling collection to reflect the increased cost to GFL of continuing to provide this service (see addendum for analysis).
2. GFL will collect all materials placed for collection, whether in trash or recycling carts, for disposal to a landfill or the Detroit Renewable Power's incinerator. The incinerator, which uses waste to generate both steam heating / cooling and electrical energy, offers a green disposal alternative to landfills. There would be no increase in the rates charged to your community under this alternative.

Attached, you will find two addendums illustrating both the state of recycling in your community and a selection of news articles describing the impact of this issue at state, national and international levels. If you need any more information, please do not hesitate to contact me.

We look forward to hearing from you.

Respectfully yours,

Lou Berardicurti
Regional Vice President
GFL Environmental USA Inc.

Recycling Metrics for the Charter Township Plymouth

Municipality Twp of Plymouth
 Recycling Single Stream

Commodity	2017		2018		2019		Current
	Year Avg Price	Mix	Q3 Avg	Mix	Avg Price	Mix	
ONP #8	87.41	37.2%	33.20	23.2%	\$ 33.20		17.6%
OCC \ Kraft	152.07	15.1%	75.15	17.7%	\$ 75.15		16.6%
Mix Paper	66.20	9.4%	9.74	12.9%	\$ 9.74		15.1%
Plastics	264.01	8.2%	319.99	7.2%	\$ 319.99		6.6%
Metals	201.97	5.0%	193.00	3.8%	\$ 193.00		3.7%
Glass-Mixed	(25.50)	12.9%	(19.58)	14.7%	\$ (19.58)		14.1%
Residue	(41.23)	12.2%	(44.19)	20.6%	\$ (44.19)		26.3%
Gross Value/Ton	\$ 85.22		\$ 40.62		\$ 33.67		
Processing Costs	71.60		93.03		120.00		
Net Value/Ton	13.62		(52.41)		(86.33)		

Municipality	Twp of Plymouth		
Annual Tons	2,472		
Homes	8,600		
2017 Avg Price/Ton	\$ 13.62	\$	33,659
2019 Cost/Ton	\$ (86.33)	\$	(213,414)
Total YOY Variance/Ton	\$ (99.95)	\$	(247,073)
Proposed Cost/Ton	\$ (86.33)	\$	(213,414)
Cost/Home/Month	\$ (2.07)	\$	(17,785)

	2017 Avg	Q3-18 Avg	Current
Net rebate / (cost) per ton	\$ 13.62	\$ (52.41)	\$ (86.33) A
Twp of Plymouth Annual Tons	2,472	2,472	2,472 B
Annual rebate / (cost) for recycling	\$ 33,659	\$ (129,560)	\$ (213,414) C = AxB

New annual cost to process materials collected in recycling carts \$ 213,414 A

Number of homes 8,600 B

Incremental monthly cost per home to continue status quo \$ (2.07) C=A/B/12

Links to Media articles

The Detroit Free Press, August 24, 2018

Trade war hits scrap yards in Michigan in ways you wouldn't expect

<https://www.freep.com/story/money/personal-finance/susan-tompor/2018/08/24/trade-war-us-china-trump/924313002/>

The Detroit Free Press, September 4, 2018

Recycling rejects: Don't make these 10 mistakes

<https://www.freep.com/story/news/local/michigan/oakland/2018/09/04/do-not-recycle/1170223002/>

The Detroit Free Press, September 4, 2018

You may be recycling the wrong way and it's costing everybody

<https://www.freep.com/story/news/local/michigan/oakland/2018/09/04/michigan-recycling/1149542002/>

Investor's Business Daily, June 1, 2018

Some Inconvenient Truths About Recycling

<https://www.investors.com/politics/editorials/recycling-china-landfills-cost-waste-environment-global-warming/>

USA Today, July 26, 2018

Sorry, you're recycling completely wrong - These common missteps can render your entire haul unrecyclable

https://www.reviewed.com/home-outdoors/features/youre-recycling-wrong?utm_source=taboola&utm_medium=exchange&utm_campaign=rightrailrecirc

The New York Times, May 29, 2018

Your Recycling Gets Recycled, Right? Maybe, or Maybe Not - Plastics and papers from dozens of American cities and towns are being dumped in landfills after China stopped recycling most "foreign garbage."

<https://www.nytimes.com/2018/05/29/climate/recycling-landfills-plastic-papers.html?smid=fb-nytimes&smtyp=cur>

The Wall Street Journal, May 13, 2018

Recycling, Once Embraced by Businesses and Environmentalists, Now Under Siege - Local officials raise fees and send recyclables to landfills as economics erode

<https://www.wsj.com/articles/recycling-once-embraced-by-businesses-and-environmentalists-now-under-siege-1526209200>

HBO, August 31, 2018

China's Waste Ban Is Causing A Trash Crisis In The U.S.

<https://www.youtube.com/watch?feature=youtu.be&v=NK20t11He14&app=desktop>

FiveThirtyEight, January 10, 2019

The Era Of Easy Recycling May Be Coming To An End

<https://fivethirtyeight.com/features/the-era-of-easy-recycling-may-be-coming-to-an-end/>

CNBC, November 17, 2018

How to keep recycling from turning into 'wishcycling'

<https://www.cnn.com/2018/11/16/how-to-keep-recycling-from-turning-into-wishcycling.html>

**CHARTER TOWNSHIP OF PLYMOUTH
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NEW BUSINESS

**ITEM C.3
EMPLOYEE SALARIES AND BENEFITS
(Discussion Only)**

**CHARTER TOWNSHIP OF PLYMOUTH
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**ITEM D
SUPERVISOR AND TRUSTEE
COMMENTS**

**CHARTER TOWNSHIP OF PLYMOUTH
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**ITEM E
CLOSED SESSION**

**CHARTER TOWNSHIP OF PLYMOUTH
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**ITEM F
RETURN TO OPEN SESSION**

CHARTER TOWNSHIP OF PLYMOUTH
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ITEM G
ADJOURNMENT