

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, MAY 16TH, 2016

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	KIM MELTZER	CLERK
	WILLIAM SOWERBY	TREASURER
	PAUL GIELEGHEM	TRUSTEE
	KENNETH PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE

ABSENT: NONE

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center. Also in attendance was Mr. Jack Dolan, Township Attorney. The Pledge of Allegiance was recited, led by Mr. Chase Queentry.

APPROVAL OF AGENDA

Ms. Meltzer requested the following additions to tonight's agenda:

- Item #31 - Recommendation to Amend Budget and Approve Invoice for Five (5) New Fire Engines
- Item #32 - Request to Approve Outdoor Display with 20' x 60' Tent – 38454 Hayes Road
- Item #33 - Request for an Asphalt Curb Variance at Resurrection Cemetery

Ms. Meltzer requested the following deletion to tonight's agenda:

- Item #24 - Appointment to Producer - Cable

Motion by Mr. Pearl, supported by Mr. Reynolds, to approve the agenda with the addition of Items #31, #32 and #33, and the deletion of Item #24. Roll Call: Ayes – Pearl, Reynolds, Gieleghem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

1. RESOLUTION SUPPORTING CLINTON TOWNSHIP RESIDENT DARWIN K. ROCHE'S APPLICATION FOR THE MICHIGAN TOWNSHIPS ASSOCIATION'S ROBERT R. ROBINSON SCHOLARSHIP

Motion by Mr. Pearl, supported by Ms. West, to adopt the Resolution Supporting Clinton Township Resident Darwin K. Roche's Application for the Michigan Townships Association's Robert R. Robinson Scholarship, as presented. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

2. REQUEST APPROVAL TO DISPLAY A BANNER AT 19 MILE & ROMEO PLANK TO PROMOTE RELAY FOR LIFE

Mr. Cannon noted that this is an excellent event being held at Chippewa Valley High School next weekend, and he urged residents to come out and support this worthwhile fundraiser.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated March 3rd, 2016 from Ms. Caitlin Ulrich, Community Manager, Relay for Life, American Cancer Society, and approve the request to display a banner in the ground at the corner of 19 Mile and Romeo Plank Roads to promote the Relay for Life of Clinton Township which is May 21st through 22nd, 2016 at the Chippewa Valley 9th Grade Center, with the banner going up on the evening of Monday, May 16th, 2016 and removed on Sunday, May 22nd, 2016. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Motion carried.

3. PRESENTATION OF EAGLE SCOUT PROJECT NEAR THE WATER DOME OVERLOOKING THE ARBORETUM

Mr. Chase Queentry explained that he is an Eagle Scout, and for his Eagle Scout project, he would like to construct an observation deck overlooking the Clinton Township Arboretum. He informed this observation deck would consist of a 10-foot by 10-foot platform on the small hill located near the Water Dome.

Mr. Cannon inquired as to whether Mr. Queentry has made a presentation to the Arboretum Committee.

Mr. Queentry replied affirmatively.

Mr. Ray Glime, President of the Arboretum Committee, explained that their committee has been interested for some time in having a platform on top of the hill to serve as an observation deck. They have been looking to participate in this project, and at the last Festival of the Senses, they were interested in networking with the boy scouts, as well as other organizations in the Township. The scouts

came forward, and Mr. Glime stated they are pleased to be working with Mr. Queentry on this project. He credited Ms. Bednar for doing a great job as liaison for the Board and she has been in touch with them. He appreciated the Board's consideration of this request.

Mr. Sowerby stated this sounds like a great project.

Mr. Barry Miller, Superintendent of the Building Department, recommended that if the Board is going to approve this, they should also include a waiver of any fees.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated May 4th, 2016 and the presentation from Mr. Chase Queentry, and to approve the Eagle Scout Project, being the construction of a platform on the small hill near the Water Dome overlooking the Arboretum; further, to waive the Township fees associated with this project. Roll Call: Ayes – Sowerby, Reynolds, Gielegghem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

4. REQUEST TO BE RECOGNIZED AS A NON-PROFIT ORGANIZATION – ITALIAN AMERICAN CULTURAL SOCIETY

Ms. Meltzer explained this request is similar to the request made at the last Township Board Meeting from St. Joseph High School Alumni Association, and it is a result of the State of Michigan verifying every ten years that organizations are meeting the requirements to maintain their non-profit status. She stated the request this evening is from the Italian American Cultural Society, and she read their Mission Statement.

Mr. Cannon commented that they are pleased to have the Italian American Cultural Society in the Township.

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive, file and approve the request from the Italian American Cultural Society to be recognized as a non-profit organization. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

Ms. Meltzer informed the petitioner that they will have this documentation ready for her to pick up in the Clerk's Office.

5. REQUEST TO HOLD ANNUAL TENT SALE FROM MAY 26TH, 2016 TO JULY 6TH, 2016 – DORIAN FORD

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive and file the letter dated April 25th, 2016 from Ms. Carolyn Dorian, Vice-President, Mike Dorian Ford, Inc., and approve their annual tent sale from May 26th, 2016 through July

6th, 2016, with one 20-foot by 40-foot tent on their property in front of their building. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

6. REQUEST APPROVAL TO SELL CONSUMER FIREWORKS FROM A TEMPORARY TENT AT BRIDGEWOOD COMMONS – 39725 GARFIELD

Mr. Cannon clarified that this Township is neither recommending nor not recommending the purchase of fireworks, but they are at the mercy of the laws that the State of Michigan has put into place, and the Township only has the authority to approve or not approve the site plan for these displays, based on local ordinances.

Ms. Tracy Wolf, Motor City Fireworks, replied that they have not yet received the permit from the State of Michigan.

Mr. Gielegghem noted in the past, these firework tents have been foisted upon them by the legislature, but in doing so, the Township has limited the hours of operation, and they have requested that a brochure created by the Clerk's office outlining laws and safety matters relating to the use of fireworks be distributed to their patrons. He inquired as to whether the petitioner is in agreement with these conditions.

Ms. Wolf assured they are in agreement with the distribution of the brochure, and assured that everyone who comes through their tent will receive that letter. She replied to inquiry that they would like to be open each day from 9 a.m. to dusk, but added they are willing to comply with the Township's regulations.

Mr. Dolan explained that Chapter 1299(m) addresses Outdoor Sales and Display of Goods and that deals with a number of items. He clarified the petitioner can agree to comply with a time limitation if they so choose but the Township does not have a specific time limitation within the ordinance.

Mr. Gielegghem believed the closing time for similar business in the past was no later than 10 p.m.

Ms. Wolf replied they are fine with the 10 p.m. restriction.

Mr. Miller replied that the tents are generally allowed to operate from 9 a.m. to 10 p.m.; however, he added that not many are open at 9 a.m. He reminded that money is not to be exchanged in the tent, but he informed that Ms. Wolf is getting a storefront for both of her tent locations. She has provided the Building Department with the addresses of these storefronts and will obtain the necessary permits for the tent, sign, and any Township Certifications needed for the

storefront to make sure it meets minimum standards, so all of the inspectors will be looking at the site.

Mr. Dolan also advised that the Township restricts the use of metal containers.

Motion by Mr. Gielegem, supported by Mr. Reynolds, to receive and file the request from Motor City Fireworks-Express LLC (“Motor City Fireworks”) to sell consumer fireworks from a temporary tent at Bridgewood Commons, addressed as 39725 Garfield Road, and approve the 30-foot by 60-foot temporary tent at Bridgewood Commons, addressed as 39725 Garfield for the sale of these fireworks; further, this approval is granted on the condition that there are no metal containers to be used, the hours of operation will be limited to between 9 a.m. and 10 p.m., and the petitioner has agreed to distribute a letter to their customers that they will obtain from the Clerk’s office. Discussion ensued.

Mr. Sowerby explained that the ordinance also requires that the tent cannot be put up until two days prior to the event, and it must be taken down within 48 hours of the last day of operation. He inquired as to the proposed dates for this sale.

Ms. Wolf replied they intend to have the tent from June 27th through July 5th, with the first two of those days intended for putting up the tent and setting up their product. She assured that nothing will be left and all debris will be cleared once they are done.

Mr. Sowerby requested the motion be amended to include the dates of June 27th, 2016 through July 5th, 2016 for the tent.

Mr. Gielegem **amended his motion**, and Mr. Reynolds **amended his support**, to include in the motion the dates for the tent being from June 27th, 2016 through July 5th, 2016.

Roll Call (on amended motion): Ayes – Gielegem, Reynolds, Pearl, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

7. REQUEST APPROVAL TO SELL CONSUMER FIREWORKS FROM A TEMPORARY TENT AT POINTE VILLAGE PLAZA – 20658 HALL ROAD

Motion by Ms. West, supported by Mr. Sowerby, to receive and file the request from Motor City Fireworks-Express LLC (“Motor City Fireworks”) to sell consumer fireworks from a temporary tent at Pointe Village Plaza, addressed as 20658 Hall Road, Clinton Township, Michigan 48038, and approve the temporary tent at Pointe Village Plaza, addressed as 20658 Hall Road, as requested; further, this approval is granted on the condition that there are no metal containers to be used, the hours of operation will be limited to between 9 a.m. and 10 p.m., the

petitioner has agreed to distribute a letter to their customers that they will obtain from the Clerk's office, and the dates for the tent are from June 27th, 2016 through July 5th, 2016. Roll Call: Ayes – West, Sowerby, Reynolds, Gieleghem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

8. REQUEST APPROVAL TO SELL CONSUMER FIREWORKS FROM A TEMPORARY TENT AT TRINITY CAPITAL PROPERTIES – 21300 HALL ROAD

Mr. Rudy Jarbo, Arteeza Enterprises Inc., petitioner, replied to inquiry that he is in agreement with all of the conditions placed upon the approvals for the previous two agenda items.

Ms. Meltzer informed that Mr. Jarbo has his license from the State of Michigan.

Mr. Jarbo replied that he received the flyer from the Clerk's office via email, and it is the same letter he has been distributing to his customers for the last four years of his operation.

Mr. Miller explained that the tent will be in the same location as it was last year. He informed that the petitioner wanted it to be situated more in the middle of the shopping plaza, but because of the traffic generated by Tim Horton's, he has agreed to leave it in the same location. He stated the tent will be a minimum distance of 15 feet from the entrance. Mr. Miller assured that Mr. Jarbo complied with all of the requests last year, and he witnessed the employees sending people inside the building to pay for their cash sales.

Mr. Jarbo replied to inquiry that he wants to be able to have the approval of the tent starting on June 13th.

Mr. Sowerby commented that seems rather early, and he felt the Board generally does not approve such an early date.

Mr. Jarbo stated he has 13 other locations. His tent can be set up on the 15th but it may not be open until the 19th. He assured it will take him some time to set up and that he will not be open for operation on the 13th.

Mr. Gieleghem pointed out they approved the last two requests for June 27th, and he could not understand why the Board would not remain consistent.

Mr. Sowerby felt some may open earlier than others, although he pointed out that fireworks cannot be lit until the day before a holiday, the holiday itself, and the day after the holiday.

Mr. Jarbo stressed that he pays for a one-month permit for everything, and he would like to open and get the exposure for his business. He felt that is fine if someone does not want to open their business until the end of June, but he stated he has been opening in mid-June for the last four years.

Mr. Sowerby acknowledged that Mr. Jarbo is law-abiding, but the public does not always abide by the rules. They often purchase the fireworks way before the holiday and set them off before the ordinances permits it, and the residents in the area are not happy. Mr. Sowerby stated he would like to see the sale of these restricted until closer to the holiday, although he acknowledged that people will somehow acquire them. He suggested that they could possibly open on June 20th.

Mr. Jarbo reiterated that he has operations in 12 other cities, and if his tent is not open, potential customers will buy from someone else. He pointed out that Phantom Fireworks is open in January.

Mr. Sowerby stressed they have spoken against this law, but there are things they can do to stop enabling the public.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated May 1st, 2016 from Mr. Rudy Jarbo, Arteeza Enterprises, Inc., and approve the request from Mr. Jarbo to sell consumer fireworks from a temporary tent located at 21300 Hall Road; further, this approval is granted on the condition that there are no metal containers to be used, the hours of operation will be limited to between 9 a.m. and 10 p.m., the petitioner has agreed to distribute a letter to their customers that they have obtained from the Clerk's office, and with the dates for the sale of the fireworks starting no earlier than June 20th, 2016 and extending through July 5th, 2016. Roll Call: Ayes – Sowerby, Reynolds, Gielegem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

9. REQUEST TO HOLD PARKING LOT SALE WITH 20' X 40' TENT – HARBOR FREIGHT TOOLS – 34900 GROESBECK

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter dated May 5th, 2016 from Mr. Jon Ostrowski, Store Manager, Harbor Freight tools, 34900 Groesbeck, Clinton Township, Michigan 48035, and approve the request to hold a parking lot sale with a 20-foot by 40-foot tent at 34900 Groesbeck from June 8th through June 12th, 2016. Roll Call: Ayes – Pearl, Gielegem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

10. REQUEST TO HOLD HOLIDAY SIDEWALK SALES MAY 27TH THROUGH MAY 30TH, 2016; JULY 1ST THROUGH JULY 4TH, 2016 AND SEPTEMBER 2ND THROUGH SEPTEMBER 5TH, 2016 AT WALMART – 18400 HALL ROAD

Mr. Cannon cautioned that they are not allowed to block the entire sidewalk and block safe passage for the customers trying to access the store.

Mr. Sowerby commented that he is not used to seeing three scheduled events all being submitted for approval at the same time. He inquired as to whether it is rather unusual for the Board to approve three of these at a time.

Mr. Dolan replied that the Board has the authority to approve multiple events; however, typically, applicants apply for and receive approval from the Board for one event at a time. He noted that the Board can approve the first event, observe how circumstances are handled, and decide if they want to approve similar requests in the future. Mr. Dolan confirmed that the Board has the right to approve all three tonight if they so choose.

Mr. Sowerby suggested that these events be separated.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated May 4th, 2016 from Mr. Joseph Olejniczak, Store Manager of Walmart, Store 4660, 18400 Hall Road, Clinton Township, Michigan 48038, and approve the request to hold a Holiday Sidewalk Sale from May 27th through May 30th, 2016; further, this approval is granted on the condition that a clear path is to be maintained on the walkway so that patrons do not have to walk in the parking lot to get around the items. Roll Call: Ayes – Sowerby, Reynolds, Gielegem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

11. SITE DEVELOPMENT PLAN: POWER SUPPLY INC. SHOP ADDITION (FKA ROSELLI INDUSTRIAL BUILDING): 1.998 ACRES W/GROESBECK, S/METRO PARKWAY, ADDRESSED AS 36075 GROESBECK (SECTION 28)

Motion by Ms. West, supported by Mr. Pearl, to receive, file and concur with the letter dated May 4th, 2016 from the Secretary of the Clinton Township Planning Commission, and, in consideration of grant of variance by the Board of Appeals, approve the Site Development Plan for Power Supply, Inc. Shop Addition, to be located on 1.998 acres of land fronting the west line of Groesbeck Highway, south of Metropolitan Parkway, addressed as 36075 Groesbeck (Section 28), as presented. Roll Call: Ayes – West, Pearl, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

12. SPECIAL LAND USE/SITE DEVELOPMENT PLAN: A FAST-FOOD RESTAURANT WITH DRIVE-THRU WINDOW IN THE B-3 GENERAL BUSINESS DISTRICT AND SITE DEVELOPMENT PLAN FOR POPEYE'S LOUISIANA KITCHEN: 0.9 ACRE OF VACANT LAND N/19 MILE, E/HAYES (SECTION 6)

Mr. Sowerby noted there were some issues regarding variances given on parking, and he inquired as to the status of those issues.

Mr. Santia replied to inquiry that the only issue is that the Board of Appeals' decision is being challenged in court by McDonalds Corporation.

Mr. Dolan explained that there is a Circuit Court lawsuit filed by the neighbor to the north, and there has yet to be a determination on that, so they are in a "status quo" situation. Even though the Zoning Board of Appeals acted to grant the variance as requested, there will not be a final determination until court proceedings are exhausted. He cautioned that, as the Board makes their determination on this request, they have to consider that the variance that was granted may or may not be overturned by the court. He reminded that the Board needs to apply the same standards to the site as the Planning Commission is required to apply with regards to the Special Land Use request, and those standards are set forth in the ordinance, reflecting the language of the statute.

Mr. Sowerby inquired as to whether the petitioner was granted a variance for 41 parking spaces less than what is required by ordinance.

Mr. Dolan clarified that the role of the Board is to act on the Special Land Use request and not to consider the merits of the variance. They are required to consider the Special Land Use request and the standards as they apply to the site.

Mr. Sowerby questioned whether the parking has an effect on the area, noting that the subject property borders the adjacent Burger King property. The two buildings will be very close to each other and share a common parking lot.

Mr. Santia confirmed that is correct, and he confirmed that the same owner owns both parcels. He acknowledged that they will be sharing a parking area, but he reminded it does not meet the Township's ordinance. He added that his department has reviewed the site development plan and the Board of Appeals made determination that some of the ordinances that exist in other communities, with relation to the 42 parking spaces provided, will be adequate for the site.

Mr. Sowerby inquired as to whether this is one contiguous site.

Mr. Santia replied affirmatively, noting that the parking will be able to be used by customers from both Popeye's Louisiana Kitchen and Burger King. He added that approximately 70% of traffic that frequents fast-food restaurants comes through the drive-thru lanes.

Mr. Sowerby questioned as to whether there should be a condition placed on any approval that no ground should be broken for this project until this lawsuit is settled in court.

Mr. Santia advised that he has talked with Mr. Ruggeri, and he does not plan on breaking ground until after the lawsuit is settled, because he would bear the full cost.

Mr. Pearl commented that the petitioner made an extensive presentation at their Zoning Board of Appeals meeting. He noted they had also approved a variance for Burger King, but there are very few cars in the lot. The majority of their business is handled through the drive-thru window. Mr. Pearl observed that they do provide limited outdoor seating, but reiterated the majority of their business is drive-thru. He recalled that the Board of Appeals has granted variances for other drive-thru facilities.

Motion by Mr. Pearl, to receive, file and concur with the letter dated May 4th, 2016 from the Secretary of the Clinton Township Planning Commission, and, in consideration of variances granted by the Clinton Township Board of Appeals, approve the Special Land Use for a fast-food restaurant with drive-thru window in the B-3 General Business District and the Site Development Plan for Popeye's Louisiana Kitchen, to be located on 0.9 acre of vacant land fronting the north line of 19 Mile Road, east of Hayes Road (Section 6); further, this approval is based on the findings as follows:

- 1) The proposed use shall be of a location, size and character that will be in harmony with the appropriate and orderly development of the surrounding area and applicable regulations of the zoning district in which it is to be located;
- 2) The proposed use shall be of a nature which will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular traffic flow, proximity and relationship to intersections, adequacy of sign distances and location and access to off-street parking, noting that the petitioner had put in an additional acceleration/deceleration lane on 19 Mile and Hayes;
- 3) The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use in order to eliminate any possible nuisance emanating therefrom, which might be noxious to the occupants of any nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights, noting that there is also a McDonald's and a Burger King in the vicinity; and

- 4) The proposed use shall be such that the proposed location or height of buildings or structures will not interfere with or discourage the appropriate development or use of adjacent land or unreasonably affect their value. Discussion ensued.

Mr. Dolan advised that each of the conditions mentioned by Mr. Pearl needs facts supporting each of those standards, and that is subject to further discussion and debate among the Board members if there are differences in opinion.

Mr. Pearl revised his motion by expanding on the basis of the findings as follows, and Ms. West supported the motion and the amendment:

- 1) The proposed use shall be of a location, size and character that will be in harmony with the appropriate and orderly development of the surrounding area and applicable regulations of the zoning district in which it is to be located, noting that the proposed restaurant is the same type of restaurant (fast-food) as the other two existing fast-food restaurants that are adjacent to the proposed location;
- 2) The proposed use shall be of a nature which will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular traffic flow, proximity and relationship to intersections, adequacy of sign distances and location and access to off-street parking, noting that the petitioner had made changes to the driveways and put in an additional lane to 19 Mile and Hayes to improve traffic flow on and around the site;
- 3) The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use in order to eliminate any possible nuisance emanating therefrom, which might be noxious to the occupants of any nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights, noting that there is also a McDonald's and a Burger King in the vicinity and there will be no dust, noise, fumes, vibration, smoke or lights that would cause problems to the other businesses in the area; and
- 4) The proposed use shall be such that the proposed location or height of buildings or structures will not interfere with or discourage the appropriate development or use of adjacent land or unreasonably affect their value, noting that the height of the building is basically identical to that of the other fast-food restaurants adjacent to this site.

More discussion ensued.

Mr. Ron Reynolds, 31780 Telegraph Road, Bingham Farms, Michigan, stated he is the attorney representing the McDonald's Restaurant to the north of the subject parcel. He noted that the concept plan shows a required 47 parking spaces; however, Mr. Santia had provided the Planning Commission and the Zoning Board of Appeals with documentation showing that 52 parking spaces are actually required. He added he is not sure why the one plan would show 47

spaces required. He indicated the appeal that is in the process and noted that they are not standing in the way, but recognizing that there is appeal pending that could void the approval. He claimed there has been no traffic study done for this corner, so all of the information provided at all of the meetings has been submitted by the developer. He was curious why the site plan references 47 parking spaces required when it is actually supposed to be 52 spaces.

Mr. Santia replied to inquiry that the 47 spaces as indicated on the plan was in error, and it is supposed to be 52 parking spaces required.

Roll Call (on the motion with the amended findings): Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

13. CONDITIONAL REZONING REQUEST TO ALLOW THE SITE DEVELOPMENT PLAN FOR THE FORD QUICK LANE REPAIR FACILITY, WHICH INCLUDES THE SUBJECT PARCEL THAT IS CURRENTLY ZONED R-5 ONE-FAMILY RESIDENTIAL: 0.5 ACRES OF VACANT LAND W/GRATIOT, N/15 MILE, ADDRESSED AS 21836 SUNNYVIEW

Mr. Sowerby inquired as to the hours of operation for this facility.

Mr. Santia replied that the hours of operation are proposed from 7:30 a.m. to 6:00 p.m. on Mondays through Fridays, and 9 a.m. to 4:00 p.m. on Saturdays.

Mr. Sowerby inquired as to whether any of the area residents had concerns about this proposed rezoning.

Mr. Santia confirmed there were residents present at the Planning Commission's public hearing, expressing concern about additional traffic in their neighborhood. He clarified that just the east 200 feet to 300 feet of the street is public and the remainder is private. He also noted there is no access to the site from Sunnyview, but it has to be accessed from Gratiot. He recalled the neighbors being concerned about noise and light pollution in their neighborhood as a result of this rezoning.

Mr. Sowerby inquired as to whether there will be any curb cuts to the property off of Sunnyview.

Mr. Santia replied there will be no curb cuts to the subject property from Sunnyview. He replied to further inquiry that the lights will have the appropriate shielding and the ordinance requires that no light can shine onto adjacent properties. They will be putting up a masonry wall and landscaping, and tearing down the existing house that is currently on the property. He added their intent is to have a vehicular display in the building fronting Gratiot.

Mr. Sowerby inquired as to whether Ms. Dorian is agreeable to limit the hours of operation as Mr. Santia outlined.

Ms. Dorian assured she has no objection to the hours stated.

Mr. Dolan advised that if there is a motion tonight to approve this Conditional Rezoning, it should be made contingent upon final approval of the document by Mr. Santia. He also informed that if they want the hours of operation limited to specific hours, they will have to include that in the document.

Ms. West stated she originally voted against this rezoning at the Planning Commission meeting because they are only using a small portion of the subject property, and she was concerned it may become an overflow parking area. She has since reconsidered and pointed out that this development will clean up the area and bring in more jobs, so she is torn. She admitted it will be good for business, but she did not want it to become another parking lot. She inquired as to whether that stipulation could be part of the motion.

Mr. Pearl was aware that this may seem like an inconvenience for the neighbors in the area but he reminded only a small portion of the lot will be used, and it will only be used for parking. According to the sketch, it appears as though there will only be about six parking spaces there, and they will be used by the employees, with the remainder of the property to be a well-maintained grassy area. He felt Dorian Ford has taken down some bad structures and they have improved the appearance of the site. He felt they are probably one of the top Ford dealers in the country, so he was confident they will maintain the property. He also pointed out they will not have vehicular access to Sunnyview, and will have a private security company watching over their property, so it will be a “win/win” for everyone involved. He felt the development will be prestigious, reflecting the character of Dorian Ford.

Motion by Mr. Pearl, supported by Mr. Cannon, to receive, file and concur with the letter dated May 10th, 2016 from the Secretary of the Clinton Township Planning Commission, and approve entering into the proposed Contract Zoning Agreement between The Charter Township of Clinton and Pasadena Properties LLC, as offered by the petitioner, concerning the proposed rezoning from R-5 One-Family Residential to B-3 General Business of 0.50 acre of land fronting the south line of Sunnyview, west of Gratiot Avenue, addressed as 21836 Sunnyview, for the stated purpose of providing parking for the applicant's proposed Ford Quick Lane Repair Facility to be developed on the adjacent property; further, this approval is subject to final approval of the document by Mr. Santia, Director of Planning and Community Development, and with the condition that the hours of operation are to be 7:30 a.m. to 6 p.m. on Mondays through

Fridays, and 9 a.m. to 4 p.m. on Saturdays, with the facility closed on Sundays. Discussion ensued.

Mr. Cannon commended the Dorian family for their work on this project, adding that any time they take on a project, it “turns out beautiful”. He pointed out that they are taking an old building and making it into something for which they and the community can be proud. Mr. Cannon recalled that when the Downtown Development Authority (DDA) was first started, it was noted that, because Gratiot was widened, businesses would have to look to expand parking behind their buildings. He felt this fits right into that plan.

Mr. Reynolds inquired as to whether they will be having security on this property.

Ms. Carolyn Dorian replied they have a private security company service their dealership, and that same team is going to work at this facility as well. She added that they will also have a security camera system on site.

Roll Call: Ayes – Pearl, Cannon, Reynolds, Gielegem, West, Sowerby, Meltzer.
Nays – None. Absent – None. Motion carried.

14. REZONING: B-2 COMMUNITY BUSINESS TO B-3 GENERAL BUSINESS (FOR STATED PURPOSE FOR A KROGER FUEL STATION) – 0.915 ACRE OF LAND W/GARFIELD, S/CANAL, ADDRESSED AS 41591 GARFIELD (SECTION 7)

Mr. Robert Tusset, 41390 Anthony Drive, Clinton Township, Michigan 48038, President of the Macomb Village Condominium Association, was strongly opposed to the idea of a fuel station at this location. He complained about the terrible traffic situation on Garfield, and felt they do not need another gas station, with four gas stations already existing on Garfield between 18 Mile and Canal, and several others within one square mile. He stressed it is not fair to the neighbors who live in the abutting condominium development. Mr. Tusset stressed the residents already put up with a lot of noise from the trucks going in and out of K-Mart and Kroger, and a fuel station will add more lights and noise. He also noted that they have not seen anything on a site plan that would be blocking off the alleys that he claimed people have created behind the developments fronting Garfield, but he noted the residents have also had to put up with that as well.

Mr. Cannon reminded that this is not to consider a site development plan tonight, but it is to consider a rezoning from B-2 Community Business to B-3 General Business.

Mr. Tusset complained that their condominium complex only has one entrance/exit and it is off of Garfield, so it is already difficult to get in and out of

their neighborhood. He felt if the Board is going to approve this, he urged the Board to give them a traffic light so they can safely get in and out of their complex. He commented that a lot of his neighbors wish to speak tonight, and although he is aware they are not yet discussing a site development plan, he felt it is imperative that if the rezoning is approved, they need to have a wall separating the subject property from their residential development. He estimated that one of the condominium units is only 36 feet from where the gas station would be located. He recalled that at the public hearing held by the Planning Commission, there were two Planning Commissioners who were strongly on the side of the residents in the area. He emphasized that their property values will go down, and although this fuel station may be good for Kroger, it will not be good for the neighbors.

Ms. Meltzer noted a letter was received from Mr. Sam Aluia, a resident in opposition of the proposed station, and she read that letter into the record. He was concerned about the safety issues of having a fuel station so close to residential homes.

Mr. Sam Aluia, 41420 Anthony Drive, Clinton Township, Michigan 48038, Vice-President of the Macomb Village Condominium Association, stated he lives within 200 feet of the subject property. He claimed fuel stations are inconvenient neighbors, and he quoted the Community Environmental Defense Services (CEDs), which states the closest home is to be 300 feet away; however, he pointed out that the closest home to this site is 125 feet away from the property line. He added that he has heard there is a movement to increase that minimum distance to 800 feet. Mr. Aluia stated that the National Fire Protection Association (NFPA) estimates that 5,000 fires and explosions occur annually at fuel stations, which breaks down to 1 in 13 stations experiencing a fire. He further claimed these fires cause an average of 2 civilian deaths, 48 civilian injuries and \$20 million in property damage. He stressed the risks related to fires being caused by static electricity while refueling. On another note, he was concerned that the headlights from the cars coming in to refuel will be shining directly into the residents' back yards and into their homes. Mr. Aluia quoted another website addressing medical issues, claiming that cancer risks increase living within 300 feet of a fuel station. At the very least, he claimed these residents are going to experience the fumes associated with fuel stations. Mr. Aluia added that convenience stores have a higher risk of robberies, and the property values of the residents in the area will decrease. He felt major safety issues already exist on Garfield, and a fuel station will make it even more difficult. He did not feel anyone would want a gas station in their backyard.

Mr. Steve Brostek, 43304 Mariner Court, Clinton Township, Michigan 48038, stated he was present at the Board meetings years ago when there was discussion about permitting the addition of a Kroger Fuel Station at the corner of Canal and Garfield. He recalled the other gas station owners complaining, and

there were safety issues with its location in the parking lot. He emphasized, however, that the community does need competitive gas stations, and he has to continue to drive to Sterling Heights or Macomb Township to fuel his vehicle. He appreciated the concerns of the neighbors, but questioned how other communities are able to accommodate these Kroger Fuel Stations. Mr. Brostek looked into how Kroger Fuel Stations operate and he could see no difference between them and other gas stations; however, they do provide competition in the area. He felt if the neighbors do not want it, then Kroger should be allowed to put in in front of their store.

Mr. Cannon explained the reason the gas station did not go in the corner is because K-Mart had first right of refusal. He added that K-Mart felt it would block the view of their store, so they would not give their permission to go ahead in spite of Kroger trying to negotiate with them. Mr. Cannon pointed out that Kroger has made a big investment into this store and their sales have increased, so it is very possible that they would no longer want the fuel station in front of their store because they would be losing a lot of their parking. He claimed he has staff members who drive to the Kroger Fuel Stations in other communities so they can redeem their fuel points. He acknowledged that Mr. Brostek's points are well-taken.

Mr. Brostek appreciated the Township Board trying to balance the rights of homeowners with the business they need in the Township for a tax base and service to the people. He felt it is good that Kroger put a lot of money into their facility, but he questioned what will stop them from moving out. He felt they need to protect competitiveness in the area and that should be considered when the Board votes on this.

Ms. West appreciated the comments and admitted it is nice to have competitiveness, and added that she drives to the Kroger Fuel Station at 21 Mile and Card Road to redeem her points. She stressed she was opposed to the previously proposed location in the parking lot for safety issues. She felt the close proximity to the residents at the currently proposed site is hazardous. She noted she is a leukemia survivor from exposure, and she was advised "not to sue because she could have gotten the leukemia from pumping gas". She stressed she voted "no" on this from the beginning, and her "no" still stands.

Mr. Reynolds appreciated what the residents are saying, and indicated that he had voted in favor of the Kroger Fuel Station at the corner of Garfield and Canal. He added he cannot support the proposed location and felt it is too close to the residents. He felt that Kroger should go back to K-Mart and try to work it out. He hoped they will be able to keep the Kroger at that location, but he cannot support this location for the fuel station.

Mr. Santia replied to inquiry that the closest home in the Macomb Village Condominiums is about 40 feet from the property line abutting the subject parcel.

Mr. Aluia confirmed they have one resident whose home is about 50 feet away, and he is within 200 feet. He did not know what time Kroger Fuel Stations close at night.

Ms. West confirmed that, according to Kroger, the gas station has to be closed before the store closes.

Mr. Aluia reiterated his concerns about the lights shining into their backyards. He also stressed the residents do not need the air pollution, and the additional burden on the traffic. He complained that residents in their complex who want to go to Kroger have to turn right off of their street heading south onto Garfield, then turn around so they can head north on Garfield. He added it is almost impossible to make a left-hand turn out of their development.

Mr. Santia confirmed that the condominium unit at the east end of Kyla Drive is approximately 40 feet from the former Burger King property. He added that the homes on Anthony are further away.

Mr. Aluia noted the gentleman on Anthony is in the corner and has a wooden deck, and he felt he will smell the fumes from the fuel station. He pointed out that gas stations always used to be located on the corners of major intersections, but he complained that they seem to go everywhere now.

Mr. Matthew Pisko, 37704 Hills Tech Drive, Farmington Hills, Michigan, representing Kroger, stated he took notes of the residents' concerns expressed at the Planning Commission meeting, and he would like to address some of those concerns. He explained he has aerials showing what is being proposed.

Mr. Cannon reminded that they are not voting on the site development plan tonight, but are only considering the rezoning at this time.

Mr. Pisko stated the air tower, quite far from the residences, is the loudest thing on the site, measuring 65 decibels. He pointed out there is a living screen on the condominium property that measures about 13 or 14 feet in height. He added that they could put a wall or fence behind that, but he felt it would serve no purpose. He assured that Kroger is very cognizant of lighting and the type of fixtures used are downcast and will not shine onto neighboring properties. The station is proposed to close at 11:30 p.m. and go in to security mode at that time. He added there will be a security light on the kiosk. As far as fumes and pollution, they are required to report to two agencies, the EPA and the DEQ. They can legally place the pumps within 10 feet of the property line if they are compliant. As far as fumes, he pointed out the prevailing winds would be going

from the station towards Garfield. He detailed some of the improvements in the last 20 years that have mitigated vapors. He felt they could exhaustively address safety concerns that were raised. He informed that the fuel station cannot remain open after store hours because all of their transactions occur through the store. He pointed out that Kroger has invested \$3 million into the interior of their store, and another \$2 million into the fuel station. He reiterated that they are obligated to comply with all federal and state rules and regulations, as well as Township ordinances. He stated Kroger is looking forward to having a contiguous site for their fuel station. Mr. Pisko pointed out that, in response to the concern expressed for increased traffic, the fuel stations are not enormous trip generators, and the people who use them are generally shopping and stop by to get gas at the same time.

Mr. David Koppenhafer, 119 South Blair, Royal Oak, Michigan, leader of Kroger real estate in Michigan, stressed that Kroger Fuel Stations are an important part of their business and it has been impossible to develop this on their current site. He stressed they need this facet of their business to be competitive, just as they need their deli or their bakery. He explained they have tried for years to have the fuel station within the same shopping center, but he pointed out that the proposed parcel is contiguous with their store.

Ms. West recalled at the Planning Commission meeting, the petitioner had indicated they wanted the fuel station to be directly connected to their store location; however, she pointed out that this is not always the case and they have other fuel stations that are not directly connected to their store site. She felt that the proposed location would create more north/south traffic within the shopping center, which she felt could be a disaster for safety on site. She would love to see them find another location for the fuel center, and stressed she will be voting against this proposal.

Ms. Jenny Valente, 16540 Kyla Drive, Clinton Township, Michigan 48038, pointed out that the Garfield/Canal Mobil Station was vacant for years, and she felt that would have been an ideal site for Kroger to purchase without causing any problems for the residents. She pointed out that the Kroger Fuel Station that recently opened in Sterling Heights at Canal and Schoenherr is not on the same site nor is it contiguous to their store located on the other side of Schoenherr.

Mr. Leon Horton, 41440 Anthony Drive, Clinton Township, Michigan 48038, recalled when Kroger used to be open “24/7”, and if they go back to those hours, the fuel station could be operating those same hours. He was concerned that people will find ways to avoid Garfield and cut through the entire parking lot, as well as use the cut-through behind The Country Inn.

Mr. Sowerby stated that, when Kroger announced their plans for a fuel station at Canal and Garfield, there were several meetings. The Township had intervened

with the County's Department of Public Works with regard to the drainage ditch. He indicated he had voted on the issue of the gas station because he felt it was a safety issue. He commented that the fact K-Mart had first right of refusal is not the Township's problem. If that had been the case, the Township should have been made aware of that. He compared this to "fitting a square peg in a round hole", and added that Meijers, Costco and the newer Kroger's are all building their facilities with fuel stations in mind. He did not feel the subject parcel is a good location because of the abutting property being zoned and developed as residential. He claimed Garfield is "a nightmare", and he knows their predecessors created a bad curb cut situation. He acknowledged that Kroger Fuel Stations are successful and people will drive quite a distance to save money on their gasoline. He was concerned that if the gas station is developed on the subject parcel, it will be busy and there will be drivers pulling in and out, taking risks. He felt Kroger could do better if they located a corner parcel for this fuel center, and he pointed out that the northwest corner of 18 Mile and Garfield is currently vacant. He expressed his opinion that the subject site is not a good fit for safety and other reasons.

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated May 4th, 2016 from the Secretary of the Clinton Township Planning Commission, concerning the proposed rezoning of 0.915 acre of land fronting the west line of Garfield Road, south of Canal Road (Section 7), addressed as 41591 Garfield Road (former "Burger King" property), from B-2 Community Business to B-3 General Business for the stated purpose of development with a Kroger Fuel Station, and deny the rezoning as requested. Roll Call: Ayes – Reynolds, West, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

15. ANNOUNCEMENT REGARDING NEW TRASH CARTS

Ms. Bednar explained that residents will be getting 96-gallon carts in an effort to keep the Township neater. These will be delivered starting next week, and they will be receiving information in their mailboxes either tomorrow or Wednesday, showing what they can expect and how they are to position the carts at the street. She indicated there are answers to some common questions, and noted that the trash should be placed in garbage bags, and the garbage bags can then be put into the cart. The garbage bags will help eliminate odors and other debris and will help keep the carts clean. She advised that smaller carts will be available after the 96-gallon carts are delivered, and anyone wishing to request a 65-gallon container should call Rizzo's at 1-866-772-8900. She cautioned that this could take up to sixty days to receive the smaller cart.

Mr. Pearl has heard a lot of comments from the elderly expressing their concern as to whether they will be able to handle the larger carts. He inquired as to whether there is any way to speed up the process so they do not have to wait so

long to swap out their larger cart for a smaller cart. He felt like it is a duplication of efforts to drop off all of the large carts, and then go around and swap out the large carts for a smaller cart if the homeowner so chooses.

Ms. Bednar replied that she cannot speak to Rizzo's operation, but she advised that they can call right away to arrange for the smaller cart. She replied to further inquiry that the yard waste pickup is the same, and residents can either use 33-gallon containers marked "Yard Waste" or they can use the brown paper bags. The recycling materials can go into the small blue bin or a red cart. She noted that the pamphlet coming in the mail will have pictures, and they show a road with a curb, a road without a curb, and they also show the pictures on their website. She noted that residents have been asking as to what they can do with their old trash bins, and she advised that if they want to dispose of them, they can put them at the curb; however, they need to make sure they are clearly marked "garbage" and need to be taken away.

Mr. Cannon clarified that no one will be charged for these containers. As soon as they are all delivered to the homes, the residents have the right to request another one. He added that they are still permitted to use the smaller blue recycling bins. He explained the committee felt the use of these bins will clean up some of the neighborhoods, and he was confident that once the residents try them, they will like using them. He noted that people who thought they would not be able to move the carts around found that they could move them without difficulty.

Ms. Bednar cautioned that when residents call for the smaller cart, they will receive the message that it will take 60 days to receive that cart, and that is indicated in their contract with the Township.

Mr. Pearl stated that a lot of people have let him know they are looking forward to the new system.

Mr. Steve Brostek, 36604 Mariner Court, Clinton Township, Michigan 48038, stated he knows this is a "done deal"; however, he indicated he walks around his neighborhood and observes a litter problem, but the new trash carts will do nothing to solve the problem. He explained the litter is comprised of newspapers, empty milk jugs, paper plates, etc., and this debris is coming from the blue recycle bins. He complained that residents put too much into these bins, and there are no lids, so the contents spill over and blow around. Mr. Brostek complained that the Rizzo contract got extended but it was never rebid. He felt, in doing so, the Township Board fundamentally changed their business practice without bidding. Mr. Brostek indicated he started following this issue in Sterling Heights, who put it out for bid, and then ended up rebidding it. He claimed there was talk that Rizzo was spending money on local political campaigns, and that was upsetting people. He wanted to make sure that is not the case in Clinton

Township, and he questioned the Board members as to whether they have accepted donations from Rizzo.

Mr. Cannon was confident that everyone on this Board has received campaign contributions from Rizzo.

Mr. Brostek recalled when their contract was up years ago, they bid it out. He inquired as to whether it was just extended without bidding it this time.

Mr. Cannon replied affirmatively.

Mr. Sowerby explained that the Board attempted to bid it out in 2013. On a 4-3 vote, the Board voted to extend the contract. In hearing concerns about the rodent problems, they presented the trash carts to the Township, and the new extension takes the contract through 2024, but they have the option to open up the contract and go out for bid in January 2019 if the Board so chooses.

Mr. Cannon stated they did not rebid it at this time. He stated the Board voted unanimously this time to extend the contract and distribute the containers.

Discussion took place regarding whether it is appropriate to be holding a “back-and-forth” conversation with residents at this point.

Mr. Brostek felt he should be able to ask questions because this is not the public comment section of the meeting where the Board members are not allowed to respond.

Mr. Dolan clarified the point of the meeting is to conduct the business on behalf of the taxpayers at large, but it is not a town hall meeting to raise whatever concerns they have. He stated it is a meeting held by the Township Board in public. With regard to the existing contract, he explained the Township is in a beneficial position because they have a fixed price, but they also have the prerogative to extend that contract, or if they feel the fixed price is not in their best interest, they can go out to bid.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the announcement from Ms. Mary Bednar, Director of Public Services, with regard to the new trash carts to be distributed from Rizzo Environmental Services. Roll Call: Ayes –Sowerby, West, Reynolds, Gielegem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

16. REQUEST APPROVAL TO SELL DAMAGED VEHICLE – 2015 EXPLORER (PREVIOUSLY APPROVED TO BE USED FOR PARTS)

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated May 5th, 2016 from the Fire Chief, and approve his request to complete the sale of the damaged 2015 Ford Explorer, previously approved to be used for parts, to the high bidder at \$5,999, as outlined in the correspondence. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegthem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

17. BID AWARD: HEAD-END EQUIPMENT - CABLE

Mr. Pearl noted that other communities can play back their televised Board meetings on demand. He inquired as to whether this new equipment will enable the Township to offer that same service.

Mr. Cannon replied he was not sure of the answer to that question.

Mr. Pearl hoped it would enable that feature. He felt the picture quality is much better in other communities such as Fraser, and when he asked about it, he was told that in order to get a better picture, they would have to replace the equipment. The meetings would be archived on a server and anyone wanting could watch the meetings at any time.

Mr. Cannon recalled when the Board meetings were first televised, there was a lot of controversy, but that was one of the things he proposed and pushed for, and he ultimately got the Board to agree. At that time, he also wanted to take a copy of the Board meeting and put it in the Library, but they were discouraged from doing that for a couple of reasons. Not everyone felt they should be televising the Board meetings, so he recalled they ended up purchasing cameras that were more suited to be used in a parking lot, which is why the picture is not as clear as it is for other communities.

Mr. Jim Perpich, Assistant Director of Cable, called to advise that this equipment will allow the Board meetings to be watched on demand.

Motion by Mr. Pearl, supported by Mr. Sowerby, to receive and file the letter dated May 12th, 2016 from the Assistant Director of Cable TV and Communications, and award the bid to purchase the technology necessary to replace Clinton Township Cable TV Department's "head-end", which is the ability to digitally transfer, store and schedule the playback of television programs and message boards, to the low bidder, Videotape Products, Inc. (VTP, Inc.) from Novi, Michigan, at a price of \$44,270, which is a budgeted item. Discussion ensued.

Mr. Sowerby had confirmed with Mr. Perpich that the reason for this is programming, so it is easier to take all of the different segments and programs, and categorize them. He agreed with Mr. Cannon that, in the beginning, there were only a handful of Board members that encouraged this entire system to be put into place. Over the years, they have improved the cameras but they are still not as good as they could be compared to those in other communities.

Roll Call: Ayes – Pearl, Sowerby, Reynolds, Gielegghem, Cannon, West, Meltzer.
Nays – None. Absent – None. Motion carried.

18. BID AWARD: WATER DEPARTMENT ROOF REPLACEMENT PROJECT

Motion by Mr. Gielegghem, supported by Mr. Reynolds, to receive and file the letter dated May 16th, 2016 from the Public Services Director, and award the bid for the Water Department's Shook Road Maintenance Facility roof to the low bidder, Lutz Roofing, in the amount of \$263,550.00, which is a budgeted item. Discussion ensued.

Ms. Bednar explained that, as part of this project, they have to obtain a permit from the Building Department. She requested as to whether the Board would consider waving the fees but still requiring the permit.

Mr. Pearl informed that he received a call late today, and there is a problem with the low bid. He requested postponing this matter until the next Township Board meeting.

Mr. Gielegghem withdrew his motion, and Mr. Reynolds withdrew his support.

Ms. Bednar replied to inquiry that they can probably wait another two weeks on this.

Mr. Cannon agreed with the postponement.

Motion by Mr. Pearl, supported by Mr. Gielegghem, to postpone further consideration of the Water Departments Shook Road Maintenance Facility Roof Project until the next regular Board meeting, scheduled for Tuesday, May 31st, 2016. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

19. BID AWARD: VENTRAC 4500Z TRACTOR

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated May 12th, 2016 from the Public Services Director, and award the bid for a

Ventrac 4500Z Tractor/Ball Diamond Renovator with attachments to the only bidder, Jacobsen a Textron Company, 25125 Trans-X Road, Novi, Michigan 48375, in the amount of \$26,113.05, which is under the budgeted amount. Roll Call: Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

20. APPROVAL OF REPLACEMENT WATER METER HAND-HELD GUNS

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated May 2016 from the Public Services Director, and approve the purchase of two (2) water meter hand-held guns, replacing two (2) hand-held meter reading guns that have failed and cannot be repaired; further, to award this bid to Michigan Meter Technology Group, Inc., 799 E. Whitcomb Avenue, Madison Heights, Michigan 48071, in the amount of \$15,462.50, which is budgeted. Roll Call: Ayes – Reynolds, West, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

21. ROMEO PLANK PUMP STATION PUMP REPLACEMENT – CAPITAL IMPROVEMENTS PLAN

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated May 16th, 2016 from the Public Services Director, and award the purchase of Flygt brand replacement pumps at the Romeo Plank Pump Station to Kennedy Industries in the amount of \$99,233.00, which is a budgeted item under the Capital Improvements Plan. Roll Call: Ayes – Sowerby, Reynolds, Gielegem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

22. PARTICIPATION IN WATER RESIDENTIAL ASSISTANCE PROGRAM (WRAP)

Mr. Gielegem stated that, as someone who works for the County Treasurer, he witnesses firsthand the problems that arise when residents do not pay their water bills. He informed that these unpaid amounts get added to their tax bills and are subject to fees that continue to multiply. They can become insurmountable, so he spoke in favor of the Water Residential Assistance Program (WRAP) and urged residents having trouble paying their water bills to apply for assistance through this program.

Mr. Cannon agreed, noting it is a very worthwhile program.

Motion by Mr. Gielegem, supported by Mr. Pearl, to receive and file the letter dated May 11th, 2016 from the Public Services Director, and opt in to the Water Residential Assistance Program (WRAP); further, to approve the Memorandum of Agreement (MOA) between the Charter Township of Clinton and the Wayne Metropolitan Community Action Agency, as presented, which activates the

Township's "opt in" to WRAP. Roll Call: Ayes – Gielegem, Pearl, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

23. SANTA ANNA AND SANTA BARBARA ROAD DISCUSSION

Mr. Pearl announced that he would like to abstain because he is a resident of Santa Barbara.

Motion by Mr. Cannon, supported by Mr. West, to accept Mr. Pearl's request to abstain from this item because of a conflict of interest. Roll Call: Ayes – Cannon, West, Reynolds, Gielegem, Sowerby, Meltzer. Pearl. Nays – None. Absent – None. Motion carried.

Mr. Cannon explained there were residents on two streets, Santa Anna and Santa Barbara, working on establishing a Special Assessment District for road improvements, and it was their understanding that the County would participate 50% in the cost. The County had agreed to participate, the petitions were signed, and two weeks ago the Board decided to front the money this year because the funds were not yet budgeted. They wanted a letter from the County's Department of Roads indicating they will be reimbursed "no matter what" and he advised that letter will not be forthcoming. They received a telephone call from Mr. Hoepfner indicating that he expects their budget will be approved, and when it is, they will be reimbursing the Township. Mr. Cannon stated they are looking for the approval in 2016, but to keep the project moving, he would recommend something similar to what Mr. Sowerby suggested at the staff meeting, and that is to keep the project moving and discuss the water line project that has to be part of this project. He advised they look for bids so they can do it similar to what they are doing at Groesbeck/16 Mile Road, where the project was bid the year after they got the petitions signed. He felt they need to have faith in the County, and that will mean the Township will have some expenses and pay Giffels Webster. He advised this means if the money is not available from the County later and the residents do not wish to pay the full amount, the Township would have lost the amount paid for the engineering.

Mr. Sowerby admitted that no one wants to take that leap of faith and commit to dollars that the County has not committed to, but he noted it is getting late in the year and they still have to go through the public hearing process. He added this would be anticipated to be billed out in the winter tax bill, and generally the SAD is collected prior to the project being built. If they wait, the project could not get started until late next spring. The tax roll has already been established and if the collection of the SAD happens in winter 2016, collected through February, then the project would take place in spring; meanwhile, the water line can be done over the winter and they will be ready to start the construction project in the spring. At the worst, the engineering costs may have to be paid and could be

lost if the project does not go through, but he felt that would be a better scenario than the Township putting forth all of the money up front and the County not approving it.

Mr. Cannon stated he agreed with this proposal because they are not stopping the project, yet they are not jeopardizing too much of the Township's money if it does not get approved by the County.

Mr. Gielegem admitted this is a creative approach, but when it was acted upon a couple of weeks ago, he wanted some assurances from the County, and now he is finding out the County will not make that commitment. He stated that he believes people and trusts them, but reminded that the County is dealing with a lot of other communities and not just Clinton Township. He questioned whether there are other SAD projects in the county that are currently in the works and for which the Township will be competing for those dollars.

Mr. Cannon replied he is aware there is a similar project in Shelby Township.

Ms. Bednar did not know whether Clinton Township or any other community will have other projects because people are constantly requesting improvements to the roads. She has had conversations with the Department of Roads and they are aware this one project has more than 50% of the signatures, so it is something they will be considering. She stated she cannot speak for the Department of Roads or any other communities, but she confirmed that she does not have any other signed petitions ready to go in Clinton Township. She added that Shelby Township does not always use SAD's to do their projects because they have some road dollars set aside.

Mr. Cannon has heard of one project the Department of Roads has verbally committed to in Shelby Township, but it is less money than the one in Clinton Township.

Ms. Bednar stated they are second in line to grab that appropriation from the County. She cautioned that if a project is bid out, they have to move on it because contractors will not hold the prices for six months. She anticipated they could possibly bid it out around Christmas, with a bid awarded in January. They could then get through the water main project, and as soon as next spring, they could do the road project. She advised that they do not have to start the public hearings right away, and the only thing they have done so far on the SAD is the confirmation of signatures.

Mr. Gielegem inquired as to the estimated cost that the Township would be incurring on the engineering portion.

Ms. Bednar calculated that it looks like about \$82,000 for the engineering.

Motion by Mr. Cannon, supported by Mr. Gielegem, in consideration of discussion this evening, to continue forward with the Special Assessment Resolution process for the Santa Anna/Santa Barbara project, with the consulting engineers to do the preparation work necessary, they will look at the appropriate time to bid the project and the Special Assessment District (SAD) hearings will occur, with the hope that the County will allocate the funds as they have indicated, and will forward a letter shortly thereafter committing to pay for half of the project. Roll Call: Ayes – Cannon, Gielegem, Reynolds, West, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

24. APPOINTMENT TO PRODUCER - CABLE

This item as deleted from tonight's agenda.

25. APPOINTMENT TO MAINTENANCE WORKER – PUBLIC SERVICES

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated May 10th, 2016 from the Human Resources Director, and appoint Mr. Derrick Danielkiewicz to the position of Maintenance Worker in the Facilities & Operations Division, Public Services Department, with an annual starting salary of \$38,480, as specified in the AFSCME Local 1103.12 collective bargaining agreement, with a start date of May 17th, 2016. Roll Call: Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

26. APPOINTMENT TO OFFICE AIDE II – SENIOR CENTER

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated May 10th, 2016 from the Human Resources Director, and appoint Ms. Lisa Wolfe to the position of Office Aide in the Senior Center, with a starting wage of \$13.04 per hour, and a start date of May 17th, 2016, subject to successful completion of a background investigation and a pre-employment medical examination, including drug screen. Roll Call: Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

27. FURTHER DISCUSSION OF CLERK'S REQUEST TO ADD SUPPORT STAFF

Ms. Meltzer explained that she would like to have further discussion on her need for a permanent part-time position that would not exceed 29 hours per week. She had conversation with the union and there was originally some uncertainty as to whether this person would be performing union-related work. She indicated she has since spoken with Mr. Towner, as well as the Human Resources

Director, and she claimed neither of them felt the work to be performed by this part-time position was exclusive to union work. She explained her reason in requesting this position, noting that the federal government requires that this be a permanent position. She also has to adhere to the Civil Service equation, so it has to be considered “permanent part-time”. She recalled there was conversation at a previous meeting about her part-time positions doubling, so she distributed a chart indicating what was spend on part-time staff in Clerks/Elections. She went back to 2008, and emphasized that was prior to her being elected as Clerk. She reviewed the budget amounts for part-time workers in the years leading up to her being Clerk, pointing out that the year before she came, the part-time salaries amounted to over \$69,000, and that was because of the turmoil in the Clerk’s Office, which resulted in the former Deputy Clerk and Election Coordinator to come back on a temporary basis. They paid \$22,000 in one month’s time, yet she claimed no one questioned it at the time, so she could not understand why she is being questioned about the budget for her part-time staff now. She stressed that her part-time staff has not doubled, and starting in 2015, her overtime was zero. In previous years, prior to her becoming the Clerk, the overtime ran in the \$137,000 range. She read a letter from Ms. Carmella Sabaugh, indicating how excessive the overtime was and even their reluctance in paying it. She pointed out when her deputy came on board, the overtime was eliminated, and she emphasized that her need for this part-time position has nothing to do with that. She stressed that the passport service they will be able to continue with this part-time person will generate \$100,000 to \$135,000 in revenue each year. She felt they can most efficiently accomplish this by having someone non-represented, because if they had someone represented in the union, the cost would increase by two to three times. Ms. Meltzer felt this position will be needed for a limited time. She had talked with the federal government and this is just an estimated amount. This individual would be permanent part-time, with their main assignment being passports; however, they can perform election duties during down time, and that is not part of the union.

Motion by Ms. Meltzer, supported by Mr. Cannon, to approve a part-time permanent position in the Clerk’s Office, not to exceed 29 hours per week, with this position to serve the Township in the area of passports and duties related to the Elections Division. Discussion ensued.

Mr. Cannon admitted that passports are not part of a core service, but it is a service that residents have come to like and expect; however, with fewer employees than Clerk’s have had in the past, it has taken a lot of time away from those employees.

Ms. Meltzer stated she is down to five full-time employees compared to the eight full-time employees they had at one point. She also noted that she has saved tens of thousands of dollars in advertising and other costs. She assured her

office is running very lean, and they currently have four employees, including herself and her deputy, and they have a Records Manager.

Mr. Cannon reminded that the Records Manager actually does work for many other departments and is not limited to the Clerk's office.

Ms. Meltzer noted there was a comment made at a previous meeting about one of her part-time election employees being there for a year, and she explained that after she completed the elections work, she went to the records management area. She went through the 75,000 master cards to make sure there were no duplicates and that they matched state records. She stated that had not been done in a long time, and once that was complete, she went back to elections. Ms. Meltzer advised that this part-time employee has finished doing the inventory, and they are ready to go for an RFP so they can have the digitization done for all of the information. She felt her department stayed very lean with having only one part-time employee accomplish this, and she pointed out that other departments will have to do this as well. Ms. Meltzer assured that she has been very concerned and extremely attentive to the fact that all of the employees in her office are taking on as much as, if not more than, other employees who have been under her leadership in her office, and she has fewer employees to do this.

Mr. Sowerby noted that the budget for part-time salaries in the Clerk's office was \$15,000 for 2015-2016. He noted that for 2016-2017, that amount jumped to \$50,000.

Ms. Meltzer stressed they have a presidential election coming up, and she added that she knows what staffing she needs in her office.

Mr. Sowerby acknowledged that Ms. Meltzer can give clarification, but he wanted to emphasize that his previous statement was correct that Ms. Meltzer's budget for part-time staff more than doubled. He commented that the question is whether they want to "open these kinds of doors" for the passport program. He had questioned at the last meeting how these salaries are paid out and accounted for with regard to the time spent on passports.

Ms. Meltzer replied that, as the demands for passports continues, she, along with the rest of her staff, attend to those needs. She indicated she has information on the number of passports issued, but does not write down the amount of time each employee spends on passport work. She did not feel it is relevant or would serve any purpose to do so, noting they proceed with the passports as quickly as possible.

Mr. Sowerby inquired as to who receives service for passports.

Ms. Meltzer replied anyone who needs a passport is welcome to come to their counter. She replied to inquiry that it is pure revenue and it does not matter whether those individuals are residents of the Township. She assured that does not take away from the Township residents.

He questioned whether the revenue to which Ms. Meltzer is referring is anticipated revenue.

Ms. Meltzer responded it is not necessarily anticipated revenue, noting that last year's revenue was about \$45,000, and this year's revenue is about \$66,000. Going forward from this point it is estimated. She assured she wants to keep her labor costs low in order to generate the highest revenue, and she would prefer to spend \$20,000 on a part-time employee rather than \$75,000 on a full-time employee. She suggested they may be able to take those revenues and match them with the County road dollars to contribute to building the roads back up in the Township.

Mr. Sowerby inquired as to who else in Macomb County offers this service.

Ms. Meltzer replied a lot of the other local governments offer passport service, including Harrison, Chesterfield and Macomb Townships, as well as the City of St. Clair Shores. She stressed one advantage of having a dedicated staff member providing this service is that all of the other communities shut down their passport application process as the election gets closer. She felt that will put the Township at an advantage and they will get even more revenue because they would no longer have to shut down that service at election time.

Mr. Sowerby understood the importance of the program because the public wants to see it, but he felt the Township needs to serve their own residents. He understood the revenue aspect of it, but also pointed out that, while other communities offer this service, it is on a more limited basis. He claimed St. Clair Shores offers it on limited hours, certain days of the week, Harrison Township offers it on an appointment-only basis, and Shelby Township offers it only during regular business hours, with no extended hours or overtime involved for this service. He was concerned about the tremendous amount of work they are taking on for this one person. He felt this individual's work will "ebb and flow", and he questioned what this person's responsibilities will be when not working on passports.

Ms. Meltzer replied that, when not working on passports, this individual will be working on elections all the way through April.

Mr. Sowerby pointed out that Ms. Meltzer had indicated this would be a "part-time permanent" position but would last for a two-year period of time.

Ms. Meltzer stated she is requesting that; however, she noted that she will be looking at the dollars coming in from passports, and make the determination as to whether that position is still necessary.

Mr. Sowerby questioned what that person will do when there are no election responsibilities available to work on.

Ms. Meltzer replied that person will be working on passports, and if it no longer becomes lucrative for the Township, they can then eliminate that position. She stressed she would not have that option if this was a union position. She assured that there will be plenty of election work to do, and she pointed out that no one requesting a position in their office has had to go through this detail at a Board meeting. She emphasized that this position was approved through Civil Service and the Personnel Vacancy Review Committee to come before this Board for a vote. She would like the Board to vote on whether or not they are in support of this. She added that this was postponed from three weeks ago, and she claimed she has not received questions from any of the Board members in that time.

Mr. Sowerby claimed he has received no further information from Ms. Meltzer in those three weeks. He recalled asking specific questions at that meeting as to the breakdown of revenue in relation to how much is being spent on labor. He understood Ms. Meltzer's claim about the pure revenue, but he did not know whether it is the Township's function to be making money on a program. He reminded the Township's statutory function is best serving the taxpayers of the Township. Mr. Sowerby noted they are being requested to hire someone for a temporary amount of time who, by union standards, cannot do any work other than passports.

Ms. Meltzer clarified the person would be working on passports and elections.

Mr. Sowerby felt they need to set the election work aside because that will only be for the next six months.

Ms. Meltzer was confident there is enough work to keep that individual busy on both passports and elections. She assured she will end that position if she sees the federal government's anticipated numbers are incorrect. She stressed their office is so lean, going from eight employees down to five, and that is why she is asking for a part-time position that would bring in revenue for the Township.

Mr. Sowerby recalled Ms. Meltzer came to the Board some time ago for a Records Manager position and the Board approved that position, which is the highest paid non-department head, non-management position in the Township. He pointed out that, with that money, she could have paid a couple of Office Clerks. He further recalled Ms. Meltzer had requested a change in the status of

the Election Specialist. He pointed out that he voted in favor of that, and assured Ms. Meltzer that he is not picking on her, but his decisions are based on what he feels is the best way to use the Township's tax dollars. He calculated that, of the total amount of passports issued, Township residents only comprise one-third of those passport applications, and the remainder are from non-residents. He questioned why every community is not offering this service if it is so lucrative. He does not want to hire someone part-time who can only do one designated work function. He felt if they are going to hire someone, he would prefer to see someone hired who can "make a bigger dent". He suggested adding a person to the Ordinance Enforcement Division. He understood Ms. Meltzer's emphasis that the passports generate revenue, but he felt that has not been proven.

Mr. Pearl stated he called Ms. Meltzer to talk about his concerns on this, and he indicated he would prefer to see a full-time union position. He clarified he has no problem with the way Ms. Meltzer is running her department, but he did not feel it is a priority of the Township to make money. The sole purpose is to efficiently run Elections and Clerks. He recalled voting in favor of the Records Manager position, along with other past requests from Ms. Meltzer, and he applauded Ms. Meltzer for her efforts. He pointed out, however, that they do not send the Building Inspectors out to other communities to make money, or the Police Officers to other communities to write tickets, because that is not the function of the Township. He did not see how hiring this person for passports is taking care of just the residents of Clinton Township.

Mr. Cannon emphasized that Ms. Meltzer has gone down from eight full-time employees to four full-time employees, with a fifth person under her but doing work for the entire Township in a records management capacity. Mr. Cannon felt she has a revenue stream that can justify having a part-time person, and if the Township Board does not want to offer passport service, they can vote on it. He stated that she is not interested in a full-time position.

Mr. Reynolds stated when it came to Personnel Vacancy Review, he voted in favor of this with the condition that it would not violate Civil Service rules and that it would not be union work. At the last meeting, he recalled the discussion that this part-time person's work falls under the Office Clerk II's work description, and he indicated he never got a clear answer as to whether this is union work and would be in violation of their contract.

Mr. Cannon assured it is not union work.

Mr. Reynolds acknowledged that the Human Resource Director is not here tonight, but he stated he would like clarification as to whether it would be a violation of the union contract.

Mr. Cannon claimed Mr. Smith had confirmed that it does not violate the union contract. He added that the Township labor attorney had confirmed the work is not exclusive to the union.

Ms. West noted that she had sent a letter to Ms. Meltzer prior to the last meeting, requesting the details on the expenses, and she claimed she has not yet seen anything on this. She inquired as to whether this person will be working side-by-side with a union person doing this work.

Ms. Meltzer replied no.

Ms. West inquired as to whether this part-time employee will be in the office by herself after hours because she is the only employee who will be handling the passport applications.

Ms. Meltzer replied that she may be here in addition to a union employee. They offer late hours for passports, so the part-time employee may be working with a union person. She clarified that the work can be done by a union employee as well, but the work is not exclusive to the union. Ms. Meltzer indicates any and all of her staff work on passports according to the demand.

Ms. West commented on Ms. Meltzer's earlier comment about possibly being able to provide money for the roads based on the revenues generated from the passport sales, and she felt that has nothing to do with this particular request they are considering tonight. Ms. West indicated she talked with the Civil Service Director, who indicated this has not been approved by Civil Service. She agreed with Mr. Reynolds as to his concern about whether this will cause problems because of the overtime, even though Ms. Meltzer had indicated they do not get paid out the overtime but receive comp time instead. She pointed out, however, that comp time is taken and the employee saves vacation, which ultimately has to be paid out and still costs the Township money.

Ms. Meltzer stressed that a non-union employee does not cost the Township the same amount of money as a union employee. She acknowledged that there will be some need for additional help. She stated she would not have come to the Board for this if it had not been for the federal government mandate. If they cannot serve the customers, they will not get the revenue, and she views the passports as a revenue-maker. She reminded that this part-time employee will also be able to do election work.

Ms. West noted that the intent is to have this part-time person dedicated to passports so Clinton Township can continue to offer that service when all other communities stop it temporarily because of elections. She inquired as to how that will work when this part-time employee is also being hired to work elections, and that will be decreasing one election worker.

Ms. Meltzer indicated that person can do both passports and elections.

Ms. West felt they will need election workers at their busiest time right before and after the election, yet this individual may have to work on passports.

Ms. Meltzer stated it is difficult for the Board members to understand this because they do not understand how the Clerk's Office works.

Ms. Therese Ciaramella, 45744 Limerick Drive, Macomb, Michigan 48044, representing UAW Local 412, Unit 52 Chairperson, stated the union believes that the passport processing is union work, having been performed by union workers all along. She acknowledged that it occurs in all departments that there are times when the union duties have to be backed up by other employees when it is busy, and they have to allow that to occur in order to be expedient to the citizens. She advised that there is an "Election Clerk II" position in their contract. It was partially written by Ms. Meltzer and includes passports, help with records retention and all of the other duties the part-time employee will be doing. She expressed concern on behalf of the union that this individual will be doing union work, and that is a problem. She felt this is a case of work erosion, and their fear is that it will continue in other departments, so it is something they cannot ignore. She felt that "Permanent Part-Time" is very confusing because they do not know how long they will need that person, yet they are classified as "permanent". She added that when there is not an election, that employee will still be doing election work, which is the job description for the "Election Clerk II" union position.

Roll Call (on the motion on the floor to approve the request): Ayes – Meltzer, Cannon. Nays – Reynolds, Gielegem, Pearl, West, Sowerby. Absent – None. Motion failed for lack of votes.

28. INTRODUCTION TO ORDINANCE NO. 422 – AMENDMENT TO GARBAGE AND RUBBISH COLLECTION AND DISPOSAL ORDINANCE

Mr. Dolan explained this is the introduction of Ordinance No. 422, with the intent to adopt it at the next regular meeting. He explained they tried to correlate the ordinance with the changes made in the contract, going to a hauling system with the larger carts. They have updated the ordinance and eliminated the provision relating to commercial and incinerator, adding that the changes are noted. He urged any Board members having questions in the meantime to contact either himself or Ms. Bednar.

Motion by Mr. Pearl, supported by Ms. West, to introduce and publish for the first time the proposed Ordinance No. 422 – Amendment to Garbage and Rubbish Collection and Disposal Ordinance, with the intent of adopting at the next Regular Meeting to be held on Tuesday, May 31st, 2016 at 6:30 p.m., Township

Board Chambers, Clinton Township Civic Center. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

29. APPROVAL OF REQUEST FOR PROPOSAL – TOWING, STORAGE AND AUCTION OF ACCIDENT, IMPOUNDED AND OTHER VEHICLES

Mr. Pearl inquired as to whether the storage facilities towing the vehicles are not open on Sundays, and whether they can request they remain open on Sundays for people who want to retrieve their property.

Mr. Sowerby replied they looked at all of the scenarios and tried to create something that would be a fair process for all involved. He advised the reason for not opening on Sundays was to limit the hours, and he reminded that accessibility is there almost every other day of the week. He stated this is up to the Board, but he did not feel retrieving vehicles on a Sunday is a necessity.

Mr. Pearl commented that he never had a vehicle towed, but he could imagine his frustration if it was and he could not access it on Sunday.

Mr. Dolan replied to inquiry that whatever the Board sees as the appropriate policy is what they will implement. It is what they determine is a trade-off between accessibility versus additional expenses to the contractor which would eventually be directed back to the Township.

Mr. Pearl inquired as to whether the towing company is still picking up vehicles and towing them to the yard on Sundays, so he felt there is still someone available to access that yard.

Mr. Sowerby suggested they could word the RFP to indicate “on-call availability” on Sundays.

Mr. Dolan felt they should be creating a new fee, or “retrieval cost”. He stated he was advocating keeping it open on Sundays, but they pointed out that the tow trucks operate on Sundays but are responding to calls. They would have to call someone else in for retrievals.

Mr. Pearl inquired as to whether there is a fee for Saturday retrievals.

Mr. Sowerby replied that is already covered. He replied to inquiry that they could add it in for Sundays.

Motion by Mr. Gielegem, supported by Mr. Reynolds, to receive, file and concur with the letter dated May 9th, 2016 from the Budget/Ways & Means Committee Chairperson, and approve the “Towing, Storage and Auction of Accident

Impounded and Other Vehicles” Request for Proposal (RFP) as presented, with one change made as mentioned regarding Sunday on-call service.

Mr. Reynolds inquired as to how they will charge if they are not open on Sundays.

Mr. Dolan replied that he understands all of the towing services are open 7 days a week, 24 hours a day, so the company will be in business with trucks deployed, and they will have to set up a contact process. They will be calling someone who is available with the company who will then have to send someone out to the yard to release articles from the vehicle. He questioned as to whether they are adding retrieval of the vehicle itself or retrieval of items from the vehicle.

Mr. Pearl questioned as to whether there is any reason why they cannot do both.

Mr. Dolan replied that they have to pay all of their charges to get the vehicle released, and he did not know if they would have the ability to do that on a Sunday.

Mr. Pearl suggested they put it out for bid that way and see what they say.

Mr. Gielegem stated the bottom line is to specify the qualifications and it is up to the company to determine how they are going to meet those qualifications in the contract. He felt they can get creative.

Roll Call: Ayes- Gielegem, Reynolds, Pearl, Cannon, West, Sowerby, Meltzer.
Nays – None. Absent – None. Motion carried.

30. REQUEST CLOSED SESSION TO DISCUSS PROPERTY PURCHASE

Mr. Dolan advised that the Board will not be reconvening after they come out of Closed Session.

Motion by Mr. Pearl, supported by Mr. Reynolds, to schedule a Public Hearing immediately following the adjournment of tonight’s meeting for the purpose of discussing property purchase. Roll Call: Ayes – Pearl, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – West. Motion carried.

31. RECOMMENDATION TO AMEND BUDGET AND APPROVE INVOICE FOR FIVE (5) NEW FIRE ENGINES

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive, file and concur with the letter dated May 10th, 2016 from the Budget/Ways & Means Committee Chairperson, and approve the invoices for five (5) new fire engines in the amount of \$2,112,440, which includes the credit of \$9,500 for total late fees; further, to

approve the budget amendment for the Fire Vehicle and Equipment Replacement Fund in the amount of \$2,112,440 for the 2016-2017 Fiscal Year. Discussion ensued.

Mr. Pearl commented that he went to Fire Headquarters and viewed these vehicles, which are very nice. He felt they should look at what they can do with the old engines across the street.

Mr. Cannon stated there is a city looking to purchase several of them. A lot of the older engines are in high demand for parts because they are no longer making them.

Roll Call: Ayes – Pearl, Gielegem, Reynolds, Cannon, West, Sowerby, Meltzer.
Nays – None. Absent – None. Motion carried.

**32. REQUEST TO APPROVE OUTDOOR DISPLAY WITH 20' X 60' TENT –
38454 HAYES ROAD**

Mr. Barry Miller, Superintendent of the Building Department, reviewed the history of this property back to 2013, noting that since that time, there have been 16 violations issued, and 4 court appearances as a result of tickets. There have been violations issued based on what this Board has required, and violations beyond what this Board has required. He stated the owner's last approval for outdoor display expired and she did not remove the display in time. She placed a tent up prior to obtaining Board approval and was ticketed. She claimed she could not get on the Board agenda for the approval because she had fees due. She went to court on that ticket and was told by the judge that she has to comply with the Township ordinances. Mr. Miller explained that the Ordinance Enforcement Officer was with Ms. Kanakry in court over the first ticket, and he advised her that Ordinance Enforcement would be working on Mother's Day as usual for sign duty and to hone in on any illegal activity regarding flower sales. She proceeded to put up a tent without permission from the Board on Mother's Day weekend, and the Building Department posted a sign "Not to be occupied" on the tent, but there were items in it. Mr. Miller explained that, when Ms. Kanakry was in court, she pled guilty to the offenses and the judge ordered a one-year probationary period in which she is not to have any more violations of this type. The judge also gave her two weeks to comply with the Building Department's requirement for the site. He advised that behind the building there is currently stacked wood, tables piled up, rolled chain link fencing, and he indicated it is an eyesore that can be seen from Clinton River Road. They have fielded complaints from the neighbors behind her and in the mobile home park. He recommended the Board give her two weeks to clean up the property, as the court ordered, and then possibly reconsider this at a later date.

Ms. Andrea Kanakry, petitioner, stated she has been at this location for over 8 years and has received over 20 approvals from the Board for this property. She claimed Mr. Gentry, the former Building Department Superintendent, was very kind, but she felt she is getting harassed by certain people, and claimed she has anxiety over it. She thought she could put up her tent because her taxes were paid, and she claimed she has all of the emails she sent, showing her taxes were paid. Ms. Kanakry emphasized she needs her tent to conduct business. She submitted a copy of the emails. She claimed she was ill in February, suffering from what she thought was a brain aneurysm. She submitted her request for the tent to the Clerk's office in February, and thought she did everything right. When she discovered she was wrong, she explained that she apologized. She had to go to court, and wanted to fight the ticket, but she claimed she "was harassed". She commented that everything she had stored toward the back of her property has been there several years and she does not understand why she did not receive a complaint on it until this year. She explained the items being stored are all materials she needs to build her summer display. Ms. Kanakry stated that after this year, she will be getting a storage unit for these materials now that she knows she cannot store it on her property. She explained she is here to seek permission to utilize all of the things she has on her property for her summer display, and assured she will take it all down at the end of the season. She felt that "things are coming a little harder" at her from the Building Department, and she emphasized that she is trying to comply. She apologized for not doing what she should have been doing.

Ms. West inquired as to whether Mr. Miller is recommending this be postponed for two weeks to give Ms. Kanakry an opportunity to clean up the site.

Mr. Miller replied that if she can comply with the ordinance requirements, there would be no reason to not approve the request. He stated he is willing to work with her as he has done for years. He noted she needs to come up with a layout as to how many tables she will use under the tent, as all other applicants have to do when they apply for a tent. He explained he may know where the tent will go, but the Fire Department does not know and the Board does not know. He felt Ms. Kanakry has done this enough times to know what she is supposed to do. He added that about half of the drawings that went with previous approvals were drawn by him, and he assured he does not mind helping Ms. Kanakry, stating he does not have any vendetta against her, and would love to see this work. Mr. Miller stated he will be able to advise her as to how many tables she can fit under the tent, and he told her she will be able to get rid of the rest of the tables because they will not fit on the property.

Ms. Kanakry recalled on March 7th or 8th, she met with Mr. Miller in his office, and she took care of the back taxes when she was told about them. She claimed Mr. Miller then drew a sketch showing where he would allow the tent on the property.

She stressed she wanted it in the front, but claimed Mr. Miller will not let her put it at that location.

Motion by Ms. West, supported by Mr. Reynolds, to postpone further consideration of the request for an outdoor display area with 20' x 60' tent at 38454 Hayes Road for two weeks; further, the petitioner is directed to work with the Building Department Superintendent with regards to a plan for the site, and to come back with that plan in two weeks. Discussion ensued.

Ms. Kanakry stated if she does not have all of her stored items removed from her property in two weeks, as ordered by the Court, she will take chances of going to jail and/or having to pay fines.

Mr. Cannon commented that Mr. Mike Gentry, former Building Department Superintendent, was one of the kindest men he has ever met, and he trained Mr. Miller, whom Mr. Cannon stated is also one of the nicest men he has ever met. Mr. Cannon reminded Ms. Kanakry that Mr. Miller has indicated his willingness to work with her on this, and he assured the Township wants her to be a success so that she is able to pay her taxes. He urged Ms. Kanakry to heed Mr. Miller's advice.

Roll Call (on motion to postpone for two weeks): Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

Ms. Kanakry inquired as to whether this action by the Board means she has to remove everything from her property.

Mr. Cannon advised that Ms. Kanakry contact Mr. Miller tomorrow, noting that he has had a death in his family and may not be available later in the week.

Mr. Dolan cautioned Ms. Kanakry that this Board has no ability to change or modify anything the court has ordered her to do. He stressed she has to comply with the court order, and he stressed she is not to misinterpret whatever has been said or done tonight. He hoped she has legal representation. He advised her not to come back and indicate that this Board has in any way has suggested that she does not have to comply with the court order.

Ms. Kanakry explained that both the prosecutor and the judge have advised that, if she receives approval for the display area, she will not have to remove everything from the property.

Mr. Dolan clarified that she is not approved tonight.

Mr. Miller stated he does not have a problem sitting down with Ms. Kanakry and looking at the plans. They need to discuss what she is going to do, and everything else will have to be removed from the property. They will be making the recommendation to the court as to whether or not Ms. Kanakry is in compliance.

33. REQUEST FOR AN ASPHALT CURB VARIANCE AT RESURRECTION CEMETERY

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive and file the letter dated May 13th, 2016 from Mr. Tim Burrows, Resurrection Cemetery Director, Mt. Elliott Cemetery Association, and approve the request for an asphalt curb variance at Resurrection Cemetery, as outlined in the correspondence. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF APRIL 25TH, 2016 REGULAR TOWNSHIP BOARD MEETING

Ms. Meltzer explained there were a few minor changes to the minutes, as follows:

- Page 16, 14th line from the bottom:
Change from “part-time position” to “part-time union position”
- Page 17, Paragraph 6:
Change “May 2nd, 2016” to “May 16th, 2016”
- Page 18, Paragraph 3:
Change “Mr. Smith” to “Mr. Sowerby”
- Page 20, 2nd paragraph from bottom:
Eliminate the words “the only”

Motion by Mr. Gielegghem, supported by Mr. Cannon, to approve the minutes of the April 25th, 2016 Regular Township Board Meeting with the revisions noted. Roll Call: Ayes – Gielegghem, Cannon, Reynolds, Pearl, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Reynolds, supported by Mr. Gielegghem, to approve the bills as presented. Roll Call: Ayes – Reynolds, Gielegghem, Pearl, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

PUBLIC COMMENTS

There was one public comment:

Mr. Steve Brostek stated he is trying to understand how the decision came to be to switch to Rizzo Services from Waste Management, and how the Rizzo contract was subsequently extended without rebidding.

Mr. Cannon advised that Mr. Brostek can meet with Ms. Bednar to discuss questions he has regarding that subject.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Reynolds, to adjourn the meeting. Roll Call: Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 10:21 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON