

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, SEPTEMBER 6TH, 2016

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

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.

APPROVAL OF AGENDA

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

- Item #1 – Request Approval to be Recognized as a Non-Profit Organization – Macomb County Medical Control Authority
- Item #8 – Bid Award for CDBG Senior Center Pathway and Pickle Ball Courts Improvements

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

- Item #12 – Request Approval for Grand Opening Event with a 20' x 20' Tent – 44720 Hayes Suite 700
- Item #13 - Approval of State-Wide Mutual Aid Agreement (MABAS)
- Item #14 - Request to Schedule a Public Hearing to Re-Distribute CDBG Funds
- Item #15 - Introduction to Clinton Township Political Campaigning Prohibition Policy

Motion by Mr. Reynolds, supported by Mrs. West to approve tonight's agenda with the deletion of Items #1 and #8 and the addition of Items #16, #13, #14 and #15. Roll Call: Ayes – Reynolds, West, Gieleghem, Cannon, Sowerby, Meltzer. Nays – None. Absent - Pearl. Motion carried.

1. REQUEST APPROVAL TO BE RECOGNIZED AS A NON-PROFIT ORGANIZATION – MACOMB COUNTY MEDICAL CONTROL AUTHORITY

This item was deleted from tonight's agenda.

2. REQUEST APPROVAL TO ATTEND 2016 MICHIGAN MANAGEMENT CONFERENCE

Motion by Mrs. West, supported by Mr. Reynolds to receive and file the letter dated August 11, 2016 from the Emergency Management Coordinator, and approve his request to attend the 2016 Michigan Emergency Management (MEMA) Conference to be held October 5th through 7th, 2016 in Boyne, Michigan, with up to \$850 to be reimbursed by Macomb County through the U.A.S.I. Regional Grant. Roll Call: Ayes – West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

3. REQUEST APPROVAL OF TRANSFER OF OWNERSHIP AND LOCATION OF 2016 CLASS C LICENSE – 17400 HALL ROAD

Motion by Mr. Gielegem, supported by Mrs. West to receive and file the letter dated August 30, 2016 from the Township Clerk and approve the transfer of ownership and location of 2016 Class C License to MJR Sterling Heights License LLC, located at 17400 Hall Road, as presented. Roll Call: Ayes – Gielegem, West, Reynolds, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

4. REQUEST TO SCHEDULE A PUBLIC HEARING TO ADOPT ANNUAL STREET LIGHTING RESOLUTION

Motion by Mr. Sowerby, supported by Mr. Reynolds to receive and file the letter dated August 23, 2016 from the Township Assessor, and schedule a public hearing for the purpose of adjusting and adopting the Annual Street Lighting Resolution, with the public hearing to be held on Monday, September 19, 2016 at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center, and the notice be published as required. Roll Call: Ayes – Sowerby, Reynolds, Gielegem, West, Cannon, Meltzer. Nays – None. Absent – Pearl. Motion carried.

5. APPROVAL OF APPOINTMENT TO APPRAISER I POSITION

Motion by Mr. Reynolds, supported by Mrs. West to receive and file the letter dated August 25, 2016 from the Human Resources Director, and appoint Kyle Murphy to the position of Appraiser I in the Assessing Department, constituting a promotion to a higher classification, with a starting annual salary of \$47,346, as specified in the AFSCME Local 1103.13 collective bargaining agreement, with appointment date effective September 7, 2016. Roll Call: Ayes – Reynolds, West, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

6. BID AWARD: ROSE GARDEN & HARRINGTON PUMP STATION PUMP REPLACEMENTS

Motion by Mr. Sowerby, supported by Mrs. West to receive and file the letter dated September 2, 2016 from the Public Services Director, and award the bid of the Rose Garden & Harrington Pump Station to Kennedy Industries in the amount of \$27,735 which is a budgeted amount in Capital Improvements Plan for Fiscal Year 2016/2017. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

7. BID REJECTION – SENIOR CENTER STORAGE EXPANSION

Motion by Mr. Reynolds, supported by Mr. Gielegem to receive and file the letter dated August 29, 2016 from the Senior Citizen's Center Director, and reject all bid and rebid the project with some modifications, as recommended. Roll Call: Ayes – Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

8. BID AWARD FOR CDBG SENIOR CENTER PATHWAY AND PICKLE BALL COURTS IMPROVEMENTS

This item was deleted from tonight's agenda.

9. ADOPTION OF ORDINANCE #425: 2012 INTERNATIONAL FIRE CODE

Motion by Mr. Gielegem, supported by Mr. Reynolds to adopt Ordinance No. #425 – International Fire Code as submitted. Roll Call: Ayes – Gielegem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

10. RECOMMENDATION ON 2016 WATER AND SEWER RATES

Ms. Mary Hein, Assistant Finance Director, gave a presentation on current and proposed water and sewer rates, summarized as follows:

- Factors to consider in determining water and sewer rates include increased cost of water & sewer treatment, operations, debt payments due, and the capital needs of the Water and Sewer Fund.
- Water purchased from the Great Lakes Water Authority (GLWA) increased 6.2%, which includes the budgeted increase of 4% and lower demand from customers based on past sales volume and renegotiated contracts.
- Monthly sewer treatment costs rose from \$810,398 in 2015-2016 to \$834,157 in 2016-2017, and this is a fixed amount whether or not the Township uses it. She outlined the breakdown of these costs in her presentation.

- The Township is billed separately by Oakland and Macomb Drainage Districts for bond payments as they come due. The Macomb & Oakland Counties Drainage District-issued debt is about \$38 million, and the Township-issued debt is about \$18 million, totaling \$56.3 million outstanding debt. In the current fiscal year, the total debts due total about \$5 million, \$2.9 million of which is the Macomb & Oakland Counties Drainage District-issued debt, and \$2.1 million of Township-issued debt.
- Capital needs total \$8.6 million, \$7.8 million for maintenance and improvement projects (including ACO projects), and \$844,500 is for vehicle and equipment purchases.
- The goal is to make sure their unrestricted net position in the fund is sufficient for: increased cost of water, sewer treatment, operations; debt payments that come due; and the capital needs of the Water and Sewer Fund. In addition, during this fiscal year, they will be recording the liability in the Water & Sewer fund for unfunded pension liability.
- The increase in rates reflects the increase in cost with the 1.05 multiplier specified in the Ordinance. The increases are as follows: 1) Usage charge from \$2.87 per unit to \$3.05 per unit; 2) Fixed Monthly Fee from \$3.76 per month to \$4.00 per month; 3) Sewer Usage Charge from \$5.35 per unit to \$5.52 per unit; 4) Macomb County Sewer District Fee from \$0.24 to \$0.25 per unit; and 5) Macomb County Interceptor Fee from \$3.82 per month to \$3.94 per month. This results in a monthly minimum bill (excluding refuse which is \$13.00 per month) going from \$50.63 to \$52.79 per month, which is an increase of approximately 4.3%.
- The cost increase to the Township was effective in July 2016; however, the rate increase to the residents will not be effective until the October 2016 usage, reflected in the November 2016 bill. That 3-month delay of passing on the rate increase equates to an average savings of \$16.38 per customer.

Mr. Gielegghem said slide indicated past sales volume decreased which is part of why we are seeing an increase. This has also been one of the driest summers we have had. He also asked if Flint was coming back on the system and if we are seeing a reduction if they are back? He also had questions regarding the consent order for the ACO.

Mrs. Hein said that when they set the increases they look at what was used over the last several years to what they expect use to be. The rates are set in January so no one would know what this summer would be like. Flint is back on but we don't know for how long, although we are not seeing a reduction.

Mrs. Bednar said that we are on Phase 2 of District E for the ACO. We anticipate to be done by December or January and we are hoping to be done with the projects. We need to do project control plan to determine if we meet the

requirements of the state. If not, we have to go back out and start another project.

Mr. Dolan stated the ACO is what the Township negotiated with state because of construction predating 1976. The prevalent method of construction for single family homes was to tie the surface drainage of the lots to the footing drains. We ran into surcharge issues because highly diluted storm and sanitary water was being diverted. This is what the ACO is taking care of.

Mr. Gielegghem asked what the impact on the rates would be if we met the State standards and we are released.

Mrs. Hein said we would have to pay off the SRF loans which is a 20 year term at 2.5% and as of March 31, 2016 we had approximately \$9 million borrowed.

Mr. Gielegghem asked about fixed costs/variable costs (flow with usage). In essence we created a minimum bill based on usage people don't meet. We have put a disproportionate burden on residents that don't have high usage. What is progress to look at fixed costs?

Mrs. Hein said to change billing structure at this point is premature. There is a certain fixed cost to provide water to the house and beyond that, they pay extra for usage. The homes still have to use pipes and maintain the costs, this is how fixed costs work.

Mr. Gielegghem has talked with residents and one concern he is hearing is our water rates are high. We are largely a residential community and don't have a lot of industrial and commercial users. Communities that do, create different rates and subsidize for residential users. He feels we still need to look into ways to help residents.

Mr. Dolan when we entered into the long-term loans there were covenants put in place. Any changes made to our water and sewer systems would have to be approved by MDEQ.

Mrs. Meltzer said she has had similar conversations Mr. Gielegghem has had with residents. Most residents seem to understand it better when she explains it is the cost of utilizing the system. She suggested changing the line item title so it is clear that this is the minimum residents pay to have water at their home.

Mr. Gielegghem explained that if you are a residential customer and divide the minimum rate by the number of units you use, you are paying more per unit.

Mr. Sowerby spoke regarding the debt created by the Oakland-Macomb Interceptor District. The Township's \$9 million in outstanding debt is due to infrastructure projects that occurred over the last 10-20 years.

Mrs. Hein expects there will not be much debt when we finish the ACO project.

Mr. Sowerby said we are doing our due diligence by collecting 1.04%. We have an aging infrastructure. Increases have been regularly occurring and an increase was higher because Flint was not on the system. We know it's not fair to all the users but this helps to sustain the system. He would like to see work on the minimum bill but would still like to be able to provide quality service to residents.

Roger Holtslander, 23140 Wellington Crescent, was happy to hear someone talk about the minimum bill. He said that people in the south end of the Township are poor people and they don't use as much water as others in the Township. He doesn't think it is right that they have to pay the minimum amount.

Mrs. Meltzer explained that she and Mrs. Bednar did a public service announcement regarding 2 meters for users that use a large amount of water. It costs \$600 to implement. You get a discount for diverted water that isn't going into sewer.

Mrs. Bednar said they are called deduct meters. Water coming in goes through the initial meter. When you turn on the hose or sprinkler, that water that doesn't go down the sewer and is read by the second meter. One meter shows what comes through and the other meter shows what goes out. They subtract those readings from each other. One example was a resident used 44 units during one month with their normal usage being 15 units. If they would have had the second meter, it would have saved them approximately \$200 that month. Public Service Department employees can assist in advice regarding investing in a second meter.

Mr. Cannon thanked everyone that has worked on these projects and spoke about past reorganization within the Township with regard to Water, DPW and Treasurer's Department.

Motion by Mr. Sowerby, supported by Mr. Cannon to receive, file and concur with the letter dated August 29, 2016 from the Chairperson of the Budget/Ways & Means Committee, and approve the proposed water and sewer rate increases as outlined in the correspondence, effective with the October 2016 usage reflected on the November bill. Roll Call: Ayes – Sowerby, Cannon, Reynolds, Gielegem, West, Meltzer. Nays – None. Absent – Pearl. Motion carried.

11. RECOMMENDATION FROM TAX FORFEITURE COMMITTEE REGARDING FORFEITED PROPERTY FROM THE COUNTY

Mr. Carlo Santia, Director of Planning and Community Development, said they would like to advertise for bid on September 11, 2016, hold open houses on September 20, 2016 and receive bids on September 27, 2016.

Mr. Sowerby noted that the condominium on Charter Oaks has a special assessment for paving of approximately \$1,150 attached to it. He suggested paying off the assessment so we would have a “clean title”.

Mr. Gieleghem disclosed that he is currently an employee of the Macomb County Treasurer’s Office. He talked about the statute that was created in 1999/2000. Clinton Township has been a model community managing this program to get these properties back on the tax roll. He also mentioned that our numbers are trending down significantly.

Motion by Mr. Sowerby, supported by Mrs. West to receive and file the letter dated September 2, 2016 from the Department of Planning and Community Development Director and approve the recommendations from the Tax Forfeiture Committee as follows:

1. Demolish structures at 21189 Abrahm and 21600 Elmway;
2. Advertise for sale the home at 34354 Crosley and the two condominiums at 37308 Charter Oaks and 34847 Wurfel;
3. Pay, in full, the special assessment associated with 37308 Charter Oaks;
4. Condition the sale of 34847 Wurfel to have structural repairs to a rear wall and weatherproofing within 30 days of closing;
5. Advertise for sale the 3 properties mentioned and the 23 vacant properties (including the lots from the homes that are to be demolished) that were received in 2016 and prior years;
6. Parcel #16-11-28-377-059 (addressed as 19619 15 Mile Road) will be used as a staging area for construction that is currently scheduled with an agreement between the contractor and the Township to be negotiated for this purpose;
7. The properties for sale will be sold in “as is” condition and will include minimum work required to occupy information; and
8. Notification of the auction/sale will be sent to neighboring property owners.

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

12. REQUEST APPROVAL FOR GRAND OPENING EVENT WITH A 20’ X 20’ TENT – 44720 HAYES SUITE 700

Mr. Barry Miller, Building Department Superintendent, said that he petitioner has been proactive in meeting the requirements of the Township.

Motion by Mrs. West, supported by Mr. Reynolds to receive and file the letter dated August 31, 2016 from Ms. Judy Bernard, Revive Hair and Skin Restoration at 44720 Hayes, to approve the request for a grand opening event with a temporary 20' X 20' tent at the subject location on September 18, 2016, as outlined in the correspondence. Roll Call: Ayes – West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

13. APPROVAL OF STATE-WIDE MUTUAL AID AGREEMENT (MABAS)

Motion by Mrs. West, supported by Mr. Reynolds to receive and file the letter dated September 2, 2016 from the Township Fire Chief and approve participation in the State-Wide Mutual Aid Agreement (MABAS), as presented. Roll Call: Ayes – West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

14. REQUEST TO SCHEDULE A PUBLIC HEARING TO RE-DISTRIBUTE CDBG FUNDS

Motion by Mrs. West, supported by Mr. Gielegem to receive and file the letter dated September 1, 2016 from the Department of Planning and Community Development Assistant Superintendent, and approve the request to hold a public hearing for the purpose of redistributing Community Development Block Grant (CDBG) funds at the September 19, 2016 Township Board meeting, with the matter to be published as required. Roll Call: Ayes – West, Gielegem, Reynolds, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

15. INTRODUCTION TO CLINTON TOWNSHIP POLITICAL CAMPAIGNING PROHIBITION POLICY

Mr. Gielegem mentioned page 21 of the Civil Service Rules and Regulations, which can be found on the Township website. These rules do not apply to all of the Township employees. Currently, a person accused of violating the rules would be brought before the Civil Service Commission for discipline. He spoke regarding a letter that was provided by the Township Clerk's attorney in response to a complaint about petition signatures. Two points made were that a member of Clerk's staff was soliciting signatures from folks that were to be trained to work an election and the Clerk was aware of the circulating of the petitions. State law prohibits campaigning at the polls. If the Clerk were a Civil Service employee, it would be a violation of rules. We need rules that will apply to every employee of the Township. Non-Civil Service discipline would be determined by the Board. He feels that while on the clock, and as an agent of the Township, you cannot do political activity.

Nancy Duemling, 20776 Moxon, read from a prepared statement regarding the complaints she filed and said she supports the adoption of the policy.

Mr. Sowerby said that he has had 4 terms in the election process. Collecting signatures is labor intensive. Processes have to be followed by the Clerk. He said this training was State mandated. People were asked to sign petitions at an election process event. He stated that this is not political, although he mentioned that there was another “Republican” candidate there circulating his petitions. He feels this was planned and egregious. He also feels the Clerk should have said the signatures were gathered improperly and not use them to get her name on the ballot. He doesn’t think the best judgement was used.

Chief Phy stated that he was recently removed from the Chief’s Association and now is classified as a non-represented employee. He asked that since Mr. Gielegghem and Mr. Sowerby are suggesting those employees be treated like Civil Service employees, will the same procedures be followed regarding discipline, which is progressive.

Mr. Gielegghem stated that the rule applies to all of the Civil Service employees. It will now apply to all Township employees since it is a violation of State law. Discipline will be at the discretion of Township Board.

Mr. Dolan said they are adopting a policy that Non-Civil Service employees that there will not be solicitation as outlined. Mr. Smith is the Human Resources Director and Mr. Towner is the Labor Attorney. This is his interpretation and is more narrow in scope. Limiting it to solely that portion of the policy.

Judy Strong, 20054 15 Mile, explained that she is a member of the Civil Service Commission and finds that this policy should be implemented to include department heads.

Motion by Mr. Gielegghem, supported by Mr. Reynolds to receive and file the letter dated September 2, 2016 from Township Board members Gielegghem, Sowerby and Pearl and adopt the Political Campaigning Prohibition Policy as presented. Roll Call: Ayes – Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

APPROVAL OF MINUTES OF AUGUST 22, 2016 REGULAR TOWNSHIP BOARD MEETING

Motion by Mrs. West, supported by Mr. Reynolds to approve the minutes of the August 22, 2016 Regular Township Board Meeting as submitted. Roll Call: Ayes – West, Reynolds, Gielegghem, Cannon, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

Kathy Port, League of Women Voters out of Grosse Pointe, said there will be a Clinton Township Candidate Forum held on October 4, 2016 at 7:00 p.m. It is open to the public and is at the training and conference center of the Verkuilen Building, 21885 Dunham Road. More information can be found on their Facebook page.

ADJOURNMENT

Motion by Mrs. West, supported by Mr. Gieleghem to adjourn the meeting. Roll Call: Ayes – West, Gieleghem, Reynolds, Cannon, Sowerby, Meltzer. Nays - None. Absent – Pearl. Motion carried. The meeting adjourned at 8:51 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON