

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, JULY 25TH, 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. Robert Hribar, Attorney, filling in for Mr. Dolan. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

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

Item #14 - Request to Add Two (2) Feet to Water Department Carport

Motion by Mr. Reynolds, supported by Mr. Pearl, to approve tonight's agenda with the addition of Item #14. Roll Call: Ayes – Reynolds, Pearl, Cannon, West, Sowerby, Meltzer. Nays – None. Absent - Gieleghem. Motion carried.

1. REQUEST FENCE VARIANCE – 37605 MORAVIAN

Mr. Cannon noted that this was discussed at their staff meeting this morning, and Mr. Barry Miller, Superintendent of the Building Department, offered a solution that he felt will make everyone happy.

Mr. Miller explained that the existing road right-of-way of Moravian Drive across this parcel's frontage is 33 feet half width from statute. He felt allowing 43 feet from the center line should provide sufficient room for future sidewalks along Moravian Drive, if needed, but would still give the petitioners some leeway to have a fence in their front yard.

Mr. Ron Potempski, petitioner, apologized for not being patient when he first discussed this with Mr. Miller, but stated that he was very tired from putting in all of the posts, only to be told they are not allowed. He replied that if they have to meet a 43-foot setback, they will have to change the entire outline of the fence. He stressed the look of the fence is a heavier wood with 6-inch rails. He felt that meeting a 43-foot setback will make the fence resemble more of a handicap rail along their walkway. He stated if that is the only way it would be permitted in the front, he will have to try to figure something out, but he pointed out it would then be installed right next to the bushes at their walkway.

Mr. Cannon assured the Township is sympathetic to Mr. Potempski's plight because it is a nice-looking fence and very attractive older home. He inquired as to whether the height of the post is the height of the proposed fence.

Mr. Potempski replied the posts get put in then then they are lowered 3-1/2 to 4 feet.

Mr. Miller cautioned that the fence cannot be up against the tree because they have to provide room for the tree to grow.

Mr. Sowerby inquired as to whether there would be a problem if the fence were placed between the 34-foot and 38-foot mark.

Mr. Miller replied there are a number of fences along Moravian that are not obscuring but are in front of the home. He stated he would not have a problem as long as the County right-of-way is cleared. He felt 43 feet would be optimum in the event sidewalks are ever put in along Moravian.

Mr. Carlo Santia, Director of the Department of Planning and Community Development, replied to inquiry that he would live with something between 43 feet and 34 feet. He indicated the Master Plan right-of-way for Moravian Drive is 120 feet wide, or 60 feet on either side of the centerline, so 43 feet would have been a good compromise. He replied to inquiry that 36 feet would be fine with him, and he did not believe Moravian will be expanded beyond two lanes for a long time.

Mr. Potempski assured that if there is an expansion of the road, he would be agreeable to taking the fence down.

The general consensus of the Board was that 36 feet would be acceptable.

Mr. Potempski replied to inquiry that he and his wife moved into this house last April.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated July 11th, 2016 from Ron and Marie Potempski, 37605 Moravian Drive, Clinton Township, Michigan 48036, and approve the request to allow a decorative fence, as pictured in the correspondence, to be set back 36 feet from the center of the road, with the condition that it is to be a maximum height of 4 feet, with the rails to be 12 inches apart, with no more than 3 rails. Discussion ensued.

Mr. Potempski clarified that there will be 2 rails that would be about 1 foot apart from each other.

Mr. Sowerby clarified that the fence can be no higher than 4 feet from the ground level, and no more than 3 rails, with 1 foot between each rail.

Mr. Miller assured he will make the adjustments on the existing permit and will mail a copy of the revised permit to Mr. Potempski.

Discussion took place as to whether the motion indicated the type of fence, and Mr. Sowerby clarified that it is to be the type pictured in the documentation submitted, which is a split-rail fence.

Mr. Miller stated that a split-rail fence is somewhat different and is more of a landscape feature, and the proposed type of fence is referred to as a horse-rail fence.

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

Mr. Potempski replied to inquiry that the house was built in the late 1800's, but in 1920 a twister came through and destroyed it, so it was rebuilt in 1923, but the foundation from the 1800's is still intact.

2. REQUEST APPROVAL TO HOST CRAFT/BAZAAR SHOW – 43785 GRATIOT

Mr. Gielegghem stated he has a concern about approving something that is apart from what the Township's ordinance allows, and doing it on an "if-come" basis with no specific date proposed. He was also concerned about the condition of the parking lot being in disrepair and whether it would be safe to have an event in the lot.

Ms. Jennine Walsh, petitioner from Kingsborough Castle, stated that she had a specific date and tried to get on the July 11th meeting; however, she missed the deadline and as a result, could not hold the August 21st date for the person who wanted to host the craft show. She added that she is looking at one of four other

dates that have been given to her; however, she has a policy of requiring a non-refundable deposit so she wants to make sure this event would be allowed before she takes the money and books the event. Ms. Walsh replied to inquiry that the person interested in hosting the craft show originally inquired about the inside of the building, but there is a covered patio in the back, and she felt if they can put up a covered tent so that no one could wander in off of the street, it could possibly still be considered as “taking in money inside”. Ms. Walsh explained that she has attended and is a supporter of the Festival of the Senses held each year at the Civic Center, and she works full-time in the aerospace industry at Kuka Industries. She stated that she has made numerous purchases at the Festival of the Senses, each time paying cash to the crafters at their outdoor booths. She expressed confusion as to the Board’s concerns, and whether it is the purchase of items outdoors, which would be exactly like the Festival of the Senses.

Mr. Sowerby noted that the petitioner runs a catering business, and he inquired as to whether she is leasing from the owner of the building.

Ms. Walsh replied affirmatively, noting that the “Castle” now looks amazing inside.

Mr. Sowerby inquired as to why Ms. Walsh wants to host this event at a banquet hall.

Ms. Walsh clarified that they do not prepare food at their facility; therefore, they are not limited to banquets. They have hosted weddings and showers where Crank’s Catering and other local catering companies were brought in. She added she has leased the facility to someone who teaches line dancing, and she would also like to be involved in hosting car shows. She added they are a “Pokemon Go” stop and may host an event tied in to that. She emphasized they are not a place “just to come and have food”.

Mr. Walsh explained these events are a lot about bringing recognition to the facility because the building was closed for two years.

Ms. Walsh stated that they are always told from people that they did not know the place existed. These events end up on Facebook and bring in business through word of mouth, helping not only their business, but many other businesses in the area.

Mr. Sowerby inquired as to what is allowed to take place at this site.

Mr. Santia replied the site was approved through Special Land Use approval as a banquet center. The parking requirements were based on that use as well. He

stated it is not a commercial use, and car shows and craft shows would not typically be allowed at a banquet facility.

Mr. Sowerby inquired as to whether those activities would be allowed inside the building.

Mr. Santia replied the zoning designation would allow that type of use, and it could be adapted, but outdoor activities would require Special Land Use approval, and that would have to go to the Planning Commission and Township Board. If they are hosting a craft show, they would need to go through Township Board for approval because it is a commercial event and is not permitted in a banquet facility.

Mr. Sowerby recalled the attorney for Mr. Holman, the owner of the property, came in and explained that Mr. Holman entered into a lease with someone who wanted to open a catering facility, and that is where the process started. He indicated this was going to be a banquet-type facility and that is how it was site-planned. Permits were granted for that use. Mr. Sowerby was concerned that if this is approved tonight, it will set a precedent if someone who owns a parking lot will also want to host a craft-type event similar to what is being requested by the petitioner for this property.

Mr. Santia did not know if this would establish a precedent, because the Township Board has the authority to allow special events, but this is not permanent. He stated the intent is that it would be an event that occurs very seldom and is not on a regular basis. He advised that if their intent is to do this all the time, they should come to the Planning Department and fill out an application for Special Land Use. The outdoor activity has to be tied to the principal use of the building, and according to current permits, that would be catering.

Mr. Miller stated that the ordinance prohibits the exchange of money outside, and there have been several “brick-and-mortar” businesses in the Township that have requested to take money outside for various events and they have been turned down every time. He added that the truck vendor proposed to bring in food would require a special license from the Clerk’s Office.

Mr. Sowerby inquired as to whether this is a one-time event or whether Ms. Walsh intends to request this more frequently.

Ms. Walsh hoped to be able to have additional events such as this in the future, whether they are inside and/or outside. She explained that mom-to-mom sales are very popular in the spring, and craft shows are popular in the fall. She added she would like to book one to see what type of activity they get, and admitted it may not work out for them, but she would like to try it. Ms. Walsh claimed that

when she approached the Township about the possibility of having her business at this location, she had an entire list of what she felt it would be used for, and it was never specified that it would be limited to the serving of food. She recalled asking to use it for other types of events such as craft shows. She stated she should have brought her file this evening, but she has all of the paperwork at home.

Ms. Meltzer inquired as to whether it would be possible for the craft show to be held indoors or whether there is not enough room without expanding to the outside.

Mr. Walsh replied the building is so divided, it would be difficult to host something like a craft show entirely inside.

Ms. Meltzer felt they may be able to have small tables with vendors throughout the various rooms, and shoppers would be able to walk through the entire facility.

Ms. Walsh stated the craft show would definitely be held inside, but for the profitability of the person who would be leasing the facility for the craft show, his/her money is made by leasing the tables so she would like to extend the offer to the outside as well.

Ms. Meltzer pointed out that there are other banquet facilities in the Township that have hosted various events. She inquired as to whether Ms. Walsh is planning on offering food at the craft show, either through her company or a catering truck.

Ms. Walsh replied that she works for Kuka Industries and there is a catering truck that visits their site on a daily basis. She explained her thought was to ask the owner of the catering truck if she would like to bring her truck on the day of the craft show to offer food like she does during the week at various workplaces.

Mr. Walsh clarified that their kitchen is licensed for “storage only” so they are not caterers. He indicated they rent the hall, and any food served on site has to be brought in by a caterer.

Ms. Walsh stated they got on the Mount Clemens High School approved vendor list and hosted their prom, and have been asked to hold their “Back-to-School Bash”. She admitted there were problems at that site before she and her husband took over, but they have cleaned it up. They are hoping to hold events like this because it gives them good exposure, and people are amazed at the transformation that has taken place since it has been renovated. She added that a craft show would bring people in from all over, and would give them good exposure.

Ms. West stated she is on the Planning Commission and Mr. Holman, the owner of the subject property, came before them for a number of reasons, including to obtain approval for some trees he removed. She did not recall him saying anything at that time with regard to outdoor activity proposed for this site. She was concerned if approval is granted for an event in the parking lot, it will create a problem with the traffic maneuvering around it.

Ms. Walsh stated she has a PowerPoint presentation she had provided to the Board shows two different options, and the best option would be off of the back of the building where the tent is located. She added that people would have to go through the castle to gain access to the outside area, and it would not be an “open air flea market” where people could access it from numerous locations.

Mr. Walsh addressed an earlier comment about the condition of the parking lot, and he stated the parking lot has been resurfaced and restriped.

Mr. Sowerby commented that the parking lot is in “ok” shape, and stated he visited the site today. There are still spots on it that are rough, but compared to other parking lots, it is ok.

Ms. Walsh replied to inquiry that the tent would most likely be no larger than 20’ by 40’ with sides to enclose it. She felt it would be adjacent to the patio so it would actually be like an extension of the building.

Mr. Miller cautioned that a tent cannot be attached to a building, and according to ordinance requirements, it has to be a minimum distance of 20 feet from the building.

Ms. Walsh inquired as to whether she can put up some type of “snow fence” to keep it enclosed so no one can enter unless they go through the building.

Mr. Miller replied that is up to the Township Board. He replied to further inquiry that the Township has previously allowed cash to be exchanged on an outdoor patio that is attached to a building. He recalled Nino Salvaggio’s being granted that approval.

Mr. Reynolds added that Vince & Joe’s has also had patio sales.

Mr. Santia replied to Mr. Pearl’s inquiry that the Township Board has the authority to approve this as a one-time event.

Mr. Pearl stated he does not mind letting the petitioner try this one time but he emphasized they would have to come back for Board approval on any future outdoor events. He indicated that all cash sales would have to be inside. He inquired as to how large of a tent the petitioners would want.

Ms. Walsh replied she would guess a 20' by 40' but she could not provide an answer right now because she has not discussed this with the person interested in renting the facility for the craft show.

Mr. Sowerby inquired as to whether this has to be decided tonight, or whether the petitioners can come back to the Board in two weeks with a specific plan as far as the proposed date and size of the tent. He commented that there seems to be some consensus that the Board would approve this as a one-time event, but providing the Board with more detailed information would help them make a decision.

Ms. Walsh replied she is willing to wait two weeks and will come back with a PowerPoint presentation.

Mr. Reynolds recalled that in the past, there have been restaurants and bars that have had tents for their overflow business because of anticipated numbers of patrons on specific days. He further recalled these tents were set up in a way so that patrons could not go in and out of the tents without going through the building.

Mr. Miller clarified that no tents have ever been approved to be put up against the building, and are required to remain a minimum distance of 20 feet from a building because the Fire Department would never allow it. He recalled Freddy's had roped off an area to get out, but a Cinco De Mayo event at Juan Miguel's was not roped off. It is not required to be roped off, but those businesses were trying to incorporate the tent as part of the building because they wanted to be able to take cash outside. If they are not taking cash outside, they do not have to worry about confining the area.

Mr. Cannon explained the Township's history of why cash sales are not allowed outside, noting that years ago, there were many people selling merchandise off of the freeway. Adopting the ordinance which allowed no outdoor cash sales helped the Township get rid of a lot of the transients. He noted that the Board has the authority to approve or deny each request for outdoor display and also whether or not to allow cash sales outdoors. He admitted the Board does not approve the cash sales outdoors very often but he recalled they have done it several times.

Ms. Walsh hoped that the outdoor cash sales would be considered in this case. She noted that most of the crafters selling their items are elderly, and they are not going to be able to leave their table and go inside to exchange money for every sale.

Mr. Russell Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, questioned why the petitioner needs to utilize the facility this way when it was approved for a banquet hall. He questioned how the Board is going to deal with subsequent requests if they approve this one. He felt precedence will be set when other businesses come in to request a similar event to be held in their parking lots. He understood the Board is considering this to help the business, but he suspected the reason the business is struggling is that they do not have an operating kitchen and this is a banquet facility.

Mr. Cannon commented that this does not set a precedent and each request is evaluated on its own merit.

Mr. Sowerby appreciated Mr. Holtslander's concern about a precedent being set, because that can occur. He felt the Board "runs down a slippery slope" when they allow cash sales outside, and he could not recall any outdoor cash sales ever being allowed since the ordinance prohibiting it went into effect. He stressed outside cash sales are not allowed, and he felt approving it for this request could set a precedent. He felt they need to be cautious because there have been a number of businesses that have been denied over the years. He could never recall such an approval where there has been a multitude of vendors selling items to a multitude of customers where it would be difficult to control.

Ms. Walsh thanked Mr. Holtslander for his concern, but stressed that their business is not "struggling". She clarified that she is not holding the craft show, but someone interested in booking the facility approached her about it. She informed that person that she would have to check with the Township as to the possibility. She stated she had no idea that holding a craft show would "cause so much of a stir". She added that if she is not allowed to hold the event outdoors, it will not deter her from continuing her business with other bookings, and she assured she would not do something she knows she is not permitted to do.

Mr. Cannon suggested that possibly they will need to re-look at the ordinance that prohibits outdoor cash sales because that ordinance was put into effect for a different reason than what this petitioner is seeking to do. He recalled they were trying to keep transients out, but people who are paying taxes are not transients. The people who are renting from Ms. Walsh are helping her pay her bills.

Mr. Sowerby acknowledged that is a valid point and if they want to change that ordinance, there is a process for it; however, he reminded that, at this time, the rules do not allow it. He felt the Board needs to be consistent with the rules that are in place.

Mr. Cannon stated the rules allow this Board to approve a waiver of this on a case-by-case basis, and he recalled the Board has granted this approval for

other good businesses who “have needed a shot in the arm” and he felt it has worked out well.

Mr. Jim Gladstone, 34005 Gratiot Avenue, Clinton Township, Michigan 48035, commented that the Gratiot Cruise is coming up, and there are outdoor sales up and down Gratiot all day.

Ms. Meltzer inquired as to whether there is a way to set up a cash register at the back door. She pointed out if the tent is 20’ by 40’ and it is located 20’ from the building, it would not be too far to walk to take in the sales if the cashier was located at the back door. She added it does not sound like she is going to use the full length of the driveway, so possibly these changes may make the request more appealing for the Board to approve.

Ms. Walsh agreed to put together a plan, and she stated she may do a survey with some crafters and ask for their opinion on walking back and forth or having a runner to go back and forth to take in the money.

Motion by Mr. Pearl, supported by Ms. West, to postpone further consideration of the request from Ms. Jennine M. Walsh, Kingsborough Castle, to be able to rent the facility for a craft show and a mom-to-mom resale show, which would include a small portion of the outside space for approximately 50 vendors, to the next Regular Board Meeting, scheduled for Monday, August 8th, 2016 at 6:30 p.m., for the purpose of obtaining more information for the request from the petitioner. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

Mr. Miller advised Ms. Walsh that if she has any need for assistance in putting a plan together, he urged her to contact him and he would be more than glad to work with her on it.

Mr. Cannon also suggested Ms. Walsh can contact Mr. Santia in the Planning Department, because he makes himself available as well.

Ms. Walsh thanked Mr. Miller and Mr. Cannon for their offers, and indicated she will follow up on it.

3. REQUEST FOR APPROVAL OF INSTALLED GARAGE DOOR AND OUTSIDE SOUTH PATIO IMPROVEMENTS WITH LIQUOR SERVICE – GRATIOT PUB AT 34005 GRATIOT

Ms. Meltzer confirmed that the \$300 fee has been paid.

Mr. Jim Gladstone, petitioner, explained that this is a request for approval of the outside patio and the garage door.

Ms. Meltzer replied to inquiry that the permit for outdoor liquor sales is through the State of Michigan, and that approval is included with the package. The Township's approval is based on the site plan that has been submitted, and there is a \$300 fee also associated with that.

Mr. Sowerby questioned whether this permit allows for outdoor liquor sales to occur on the outside patio.

Ms. Meltzer replied that Mr. Gladstone previously had a permit for the north patio and this request is for the south side.

Mr. Sowerby recalled that the Township has approved these garage doors for other locations in the Township, and he inquired as to the requirements the Township has placed on these outdoor patios and/or garage doors.

Mr. Santia replied that the Board has required most of them to be closed by 10 p.m. but he added that the Board has the right to set that parameter. They have also required crash protection around the outdoor patio. He recalled when Kuhnhenh's obtained their approval, the Township required a crash barrier to withstand up to 55 mph because it was situated on Groesbeck. Mr. Santia stated that Mr. Gladstone currently has a patio to the north that was installed years ago. For patios that are located adjacent to a parking area, they generally require 25 mph crash protection.

Mr. Sowerby inquired as to what type of crash protection would be required on the north patio.

Mr. Miller replied they would require the same as what is being requested for the south patio, although he added the north patios is actually the more dangerous of the two patios. He added that along the major road, they generally require 55 mph crash protection, and in the parking lot, it is 25 mph crash protection.

Mr. Sowerby recalled that when the Township Board approved the outdoor patio's/garage doors for Freddy's and Ditty's in the City, they placed a restriction on the approval that when there is music of any type being played inside, or if they have a D.J., the doors have to be shut. He further recalled that they have required the patio to be closed and the doors to be shut by 10 p.m.

Mr. Miller reminded that the Township has a noise ordinance, and if the noise level goes to 60 decibels at any property line, the doors have to be shut. If there is any music inside, that level will be reached fairly quickly if the doors are open.

Mr. Sowerby inquired as to whether Mr. Miller is recommending the approval with crash barriers.

Mr. Miller replied affirmatively and indicated when they apply for the permits for their garage door and patio, they will have to provide proof of the crash protection.

Mr. Gladstone commented that his north outdoor patio was approved twenty years ago, and it has never been crashed into. He felt it seems like a lot of expense for him to have to put up a 55 mph crash barrier now after 20 years. He noted that the traffic travels south so the building will be protecting the patio on the south side. He noted that they do not have a parking lot in front of the door so he could not see the need for a crash barrier. He stated he observed the other sites to which Mr. Sowerby referred, and he felt those situations are totally different. He emphasized that if he felt there was some danger to his patrons, he would agree with the crash barriers.

Mr. Sowerby stated the crash barriers were required as part of the approval in order to protect the public.

Mr. Gladstone pointed out at the other locations mentioned, the parking lot is adjacent to the door, so he could understand why a crash barrier would be required. In his case, there is a 5-foot fence in the ground, and there are also curb cuts so no one is driving fast.

Mr. Sowerby appreciated Mr. Gladstone's input, but he stressed these are the conditions under which these types of doors and/or patios have been approved by the Board.

Motion by Mr. Sowerby, supported by Mr. Gieleghem, to receive and file the letter from Mr. James 'Skip' Gladstone, President, Gratiot Pub, 34005 Gratiot, and approve the request for the installation of a garage door and outside south patio improvements with liquor service at the Gratiot Pub, subject to the patio closing at 10 p.m. each night, and any time there is any music, D.J. or band inside the bar, the doors are to remain closed; further, that per the Building Department's citing, a 25 mph crash barrier will need to be installed for the south patio, and a 55 mph crash barrier will need to be installed for the north patio, and there is to be no use of the south side patio or the north side patio until all of these conditions are met. Discussion ensued.

Ms. Meltzer inquired as to whether it would be appropriate for the Board to give the petitioner some time to put these crash barriers in.

Mr. Miller replied the petitioner will have to hire a contractor to bore the holes and put the posts in. He added that the work will not take long but it will depend upon when the contractor can do the work.

Mr. Gladstone reminded that the Gratiot Cruise is coming up on August 7th.

Mr. Sowerby commented that the garage door has been in use for a year or more, and Mr. Gladstone has been reaping the proceeds of having the use of that door without having obtained a permit. He felt the Township and the Board have been very lenient, but stressed the conditions placed upon the approval are the same conditions that would have been placed on the same request from any business in the Township. He felt this needs to go forward, and it will be up to the petitioner to figure out how to get these in quickly.

Mr. Gladstone could not understand why the patio needs to be closed at 10 p.m. He pointed out there are no residential homes that would be affected because the patio and door are on the other side of the building. He stated that patrons want to be able to walk outside at night, and that is the entire point of having the door and the patio. He claimed that if he was adding a bay window, he would be able to have the window open, and he could not see the difference.

Mr. Roger Holtlander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, pointed out that the north patio “has been there forever”. He questioned how much it will cost the petitioner to put in these crash barriers.

Mr. Cannon replied he does not know the cost.

Mr. Holtlander felt it seems like it will be expensive, and he pointed out that they are only two weeks away from the Gratiot Cruise. He felt requiring the crash barriers for the north patio before it can be used is an undue burden on the petitioner, especially considering the biggest business day of the year for this bar is probably the Gratiot Cruise on August 7th. He felt the Board should give the petitioner some time to put these in and should not impact the petitioner’s ability to have a good day for the Gratiot Cruise.

Mr. Miller stated that Mr. Gladstone has had 1-1/2 years to get this underway. He has had a permit application for that period of time and was supposed to petition to get it approved. He added it now happens to be two weeks before the event. He could understand Mr. Holtlander’s concern and sympathy, but this is a request from the petitioner to extend the patio to the south side, and the conditions being placed upon the approval are no different than those placed on anyone else making this same request.

Mr. Pearl inquired as to how many bollards the petitioner is required to have around the patio.

Mr. Miller replied they are required to be installed every five feet around the perimeter.

Mr. Pearl inquired as to whether it would be an option for the petitioner to have some of the concrete barriers brought in on a temporary basis, similar to what is used in construction zones.

Mr. Miller replied that would be acceptable on a temporary basis.

Mr. Sowerby felt that if the Board would like the petitioner to be able to have the patio open for the Gratiot Cruise, he suggested waiving the requirement that the north patio remain closed but only for the Gratiot Cruise weekend so that he does not have to go to all of the trouble to bring in temporary crash barriers. He felt the south patio should still remain closed throughout until the crash barriers are installed.

Mr. Cannon stated he has been at this establishment during the Gratiot Cruise and he was confident that the business generated that weekend is a “shot in the arm” for them.

Mr. Gladstone commented that a lot of the activity that weekend will be taking place on the south side of his building so he would like to have the south patio open as well.

Mr. Sowerby **amended his motion** as follows:

Further, that per the Building Department’s citing, a 25 mph crash barrier is to be installed for the south patio, and a 55 mph crash barrier is to be installed for the north patio, and there is to be no use of the south side patio or the north side patio until all of these conditions are met, with the exception that the petitioner will be allowed, for the Saturday/Sunday weekend of the Gratiot Cruise only, to have access for the public to use only the north side patio; otherwise, both the north side patio and south side patio remain closed until all conditions are met.

Mr. Gielegem stated he was the supporter of the motion, and he would be willing to amend his support, but inquired as to whether it would be possible to also include the south side patio to be open for the two days of the Gratiot Cruise.

Mr. Sowerby stated he would be willing to include the south side patio as well if that is the wishes of the Board.

Roll Call (on amended motion to allow both the north and south patios to be open only for the Saturday/Sunday of the Gratiot Cruise): Ayes – Sowerby, Gielegem, Reynolds, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

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

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive and file the letter dated July 10th, 2016 from Mr. Jon Ostrowski, Store Manager for Harbor Freight Tools at 34900 Groesbeck, to approve the request for a parking lot sale with a temporary tent at the subject location from August 17th through August 21st, 2016, as outlined in the correspondence. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

5. APPROVAL OF 2015-2016 SCHOOL CROSSING GUARD BILLS

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated July 14th, 2016 from the Assistant Finance Director, and approve payment of the invoices from Chippewa Valley Schools and Clintondale Community Schools for school crossing guards for the 2015-2016 school year, in the amount of \$16,437.99 for Chippewa Valley Schools, and \$16,181.82 for Clintondale Schools. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegghem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

6. APPROVAL OF LETTER OF UNDERSTANDING WITH CLINTON TOWNSHIP FIRE CHIEF AND DEPUTY FIRE CHIEF ASSOCIATION

Mr. Gielegghem inquired as to what is the status of the Chief, whether he is “at-will”, “just cause for dismissal”, etc.

Mr. Cannon replied he still falls under Civil Service.

Mr. William Smith, Human Resources Director, clarified that he is a non-represented employee and would fall under those requirements. He replied to further inquiry that he would fall under the “just cause” statute, the same as the Police Chief.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated July 18th, 2016 from the Human Resources Director, and approve the Letter of Understanding (LOU) between the Charter Township of Clinton and the Clinton Township Fire Chief and Deputy Fire Chief Association removing the Fire Chief position from the bargaining unit, noting the LOU does not represent an interruption in employment with the Township for the Fire Chief but would change the status of the Chief to a non-represented position. Roll Call: Ayes – Pearl, West, Reynolds, Gielegghem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

7. APPROVAL OF AMENDMENTS TO NON-REPRESENTED EMPLOYEE PAY AND BENEFITS POLICY

Motion by Mr. Gielegghem, supported by Mr. Sowerby, to receive and file the letter dated July 18th, 2016 from the Human Resources Director, and approve the amendment to the Non-Represented Employees Pay and Benefit Policy, as presented. Roll Call: Ayes – Gielegghem, Sowerby, Reynolds, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

8. APPOINTMENT TO THE CULTURAL DIVERSITY COMMITTEE

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated July 20th, 2016 from the Administrative Aide and appoint Mr. Joshua Preister to the Cultural Diversity Committee for a two-year term expiring November 30th, 2018, as outlined in the correspondence. Roll Call: Ayes – West, Reynolds, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

9. BANNERS & ART BOARDS FOR THE FESTIVAL OF THE SENSES

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated July 13th, 2016 from the Festival of the Senses Chairperson/Administrative Aide, and approve the request to promote the Festival of the Senses, scheduled for September 24th and 25th, by permitting placement of temporary banners five weeks prior to the event at ten locations, in addition to the electronic signs being utilized at Medstar, 14 Mile and Gratiot median, Clinton Grove Cemetery, 41B District Court, Fire Stations #1 and #5, Shook Road Water Plant, Baker College and at some of the local area high schools; further, to allow the exhibition of approximately seventy-five 4-foot by 4-foot art boards along the fence at Resurrection Cemetery, all as outlined in the correspondence. Roll Call: Ayes – Pearl, West, Reynolds, Gielegghem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

10. REQUEST APPROVAL TO ATTEND THE ANNUAL IN-STATE 2016 FBI FALL CONFERENCE

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated July 25th, 2016 from the Police Chief, and approve his request to attend the annual in-state 2016 FBI Fall Conference hosted by the Federal Bureau of Investigations (FBI), which is a budgeted expense. Roll Call: Ayes – West, Reynolds, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

11. BID AWARD: PRINCE DREWRY PARKING LOT IMPROVEMENTS

Mr. Sowerby inquired as to the funding for this project.

Mr. Santia replied there is \$64,000 available through Community Development Block Grant (CDBG) funds.

Mr. Gielegghem questioned clarification that the bid came in at \$52,266.80, but the optional work does not fall within the eligibility of the CDBG dollars.

Mr. Santia confirmed that is correct.

Mr. Gielegghem inquired as to whether they have a revenue source identified if they choose to go with the optional bid for the east parking lot.

Ms. Bednar replied she discussed this with Ms. Mary Hein, Assistant Finance Director, and that \$11,172.70 would have to come out of the General Fund.

Mr. Scott Chabot, Giffels Webster, replied to inquiry that the scope of work for the east parking lot, which is optional, would be the same as the rest of the project. It involves pulverizing the existing asphalt pavement, mixing gravel with that to have the final surface for the parking lot.

Mr. Gielegghem noted that since this is on a landfill and the soil moves as a result, he inquired as to how long it would take for the parking lot to be in disrepair if they did traditional paving rather than the proposed gravel surface.

Mr. Chabot estimated that traditional paving on this site would deteriorate within a couple of years.

Mr. Gielegghem looked at the site and he observed the huge shifts in the actual soil, adding he was amazed at what he saw, so he felt they are on the right track with their proposal. He added he would like to see the optional work done that would have to come out of the General Fund. He understood that the General Fund is healthy and felt this area is in need of this extra investment from the Township.

Mr. Cannon agreed with Mr. Gielegghem.

Motion by Mr. Cannon, supported by Ms. West, to receive and file the letter dated July 20th, 2016 from Mr. Scott J. Chabot, PE, Senior Project Manager, Giffels Webster, and award the CDBG-funded bid for the Prince Drewry Parking Lot Improvements to the apparent low bidder, James P. Contracting, Inc., in the amount of \$52,266.80; further, to award the optional bid to James P. Contracting, Inc. for the east parking lot in the amount of \$11,172.70, to be paid from the

General Fund, with an amendment made to the General Fund Budget at the appropriate time. Discussion ensued.

Mr. Russell Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, questioned what this funding will cover, and whether anything is being done to address the condition of the sinking land.

Mr. Cannon replied this is a former landfill, although he added that there was no garbage generated from Clinton Township that went onto this site. It was owned by other communities and they dumped on this site. He added the basketball courts have to be redone every couple of years but they are currently in good condition; however, the parking lots are in terrible condition. The maintenance with the proposed parking lot will be a lot less so they will not have the extreme disrepair in the future.

Mr. Gielegem noted the fact it was a landfill was prior to regulations being placed on landfills like they are now where they have to be capped.

Mr. Holtslander inquired as to whether the parking lot off of Kentucky will be a gravel lot.

Ms. Bednar replied affirmatively.

Mr. Cannon replied that the basketball court is in good shape now, but acknowledged that it will have to be replaced once again in several years because of the unfortunate occurrence with that site. He added it is a great location, and the Township will do the best they can.

Mr. Bingham, a member of the Quinn Road Reunion Committee, inquired as to whether both sides are going to be gravel.

Mr. Chabot replied the asphalt lot on both sides will be pulverized and mixed with limestone for a gravel parking lot. The exception will be the handicapped parking spaces will be paved with concrete, and each of the approaches on Kentucky will have an additional 10-foot concrete strip in addition to the current driveway approaches to prevent the gravel migrating to the sidewalks or the streets. The pulverized asphalt and gravel will be leveled at a reasonable slope.

Mr. Bingham questioned whether the rocks in the parking lot will be a problem when kids are playing in their cars and spinning their wheels.

Mr. Chabot replied it will require occasional maintenance.

Mr. Sowerby explained the instability of the land creates a problem, and he added an asphalt surface is costly to maintain because every couple of years it

has to be ripped up and they have to start over. He was confident that with the gravel surface, the Township will be able to get equipment in on a regular basis to smooth out the area and stabilize the gravel. He addressed Mr. Bingham's concern about young people spinning the wheels of their cars in the parking lot, and pointed out that activity would tear up the current asphalt as well because it is already in bad shape. He suggested anyone witnessing that type of activity to contact the Police Department. He was confident that residents in the area will know who those kids are, and will get that under control. He felt this is a sustainable solution that will make the park usable for the long term.

Mr. Bingham complained about the same deterioration occurring with the streets in their area, especially during the winter months, but he pointed out they can always be patched. He did not feel that pulverizing the asphalt and ending up with a gravel parking lot is going to hold up. He did not feel that does enough for the residents in the area.

Mr. Sowerby suggested that if this does not work down the road, they have the option of trying some other product.

Mr. Bingham stressed he is not happy with the idea of gravel.

Ms. Meltzer commented that Prince Drewry was a great man, and she did not feel this park represents what he offered to this community. She read a memorial of Prince Drewry and stated he did a lot for the community. This park is on a landfill and will never be great, and she noted there is property in the Township where they may be able to look into moving this park where it would not be on a landfill. Possibly they could have a good place for children to play, and possibly a flower garden or vegetable garden with a plaque commemorating Prince Drewry. She added this will always be an area where they cannot do what they want, although it is the best they can do with this land.

Mr. Pearl sympathized with Mr. Bingham's concerns, and inquired as to whether what they are doing now would be able to serve as a base if they need to pave over it in the future.

Mr. Chabot replied that they would have to regrade a few areas in the barrier-free parking, but other than that, they would be able to use the proposed surface as a good base. He cautioned that if they should decide to asphalt in the future, they still have to deal with the ground that is constantly moving, which is below the aggregate base.

Mr. Holtlander inquired as to who will be doing the maintenance on the lot.

Ms. Bednar replied the Department of Public Works (DPW) will maintain it.

Mr. Holtslander commented it seems as though the asphalt is being replaced every two to three years. He felt there are other parks that have similar situations because parkland is generally unusable land for anything else and are quite often wetlands. He felt the land will never get to the point where it will be able to handle the asphalt, which is much more expensive to maintain than the proposed gravel.

Mr. Cannon clarified that the Township only has a certain amount of money, and they would not have been able to asphalt the entire lot but only a small portion of it.

Mr. Bingham inquired as to the depth of the blacktop.

Mr. Cannon reiterated they are not doing a blacktop surface on this,

Mr. Chabot replied to inquiry that blacktop is typically 4 inches thick.

Mr. Sowerby inquired as to when this project will start.

Ms. Bednar replied the project will start after August 29th and must be completed before September 22nd. She added the contractor expects the project will take about a week to complete.

Mr. Sowerby inquired as to whether the handicapped spots will be regular concrete or reinforced concrete.

Mr. Chabot replied it will be reinforced concrete.

Mr. Sowerby pointed out that CDBG dollars have been used in the past to replace the basketball courts, fix and replace the concrete in the outdoor pavilions, and the restrooms, including a vent that was recently installed upon hearing complaints about the restroom from the residents.

Mr. Gielegghem stated that sidewalks were also included in those improvements.

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

12. REQUEST TO ADD SIDEWALK NEAR BASEBALL DIAMONDS #1 AND #5 TO CIVIC CENTER PARKING LOT PROJECT

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated July 21st, 2016 from Mr. Scott J. Chabot, PE, Senior Project Manager, Giffels Webster, and approve the Clinton Township Civic Center Parking Lot Improvement Project Work Scope Change Request to include a new sidewalk

near Baseball Diamonds #1 and #5 in the amount of \$21,574.35, as outlined in the correspondence. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

13. RECOMMENDATION FROM TAX FORFEITURE COMMITTEE REGARDING MACOMB COUNTY TAX-REVERTED PROPERTIES

Mr. Cannon thanked Mr. Santia, Mr. Miller and Mr. Sowerby for all of the extra work they put into this project. He explained this has been successful over the years, and they have been able to work through the process and minimize costs, while being able to stabilize the neighborhoods.

Mr. Sowerby inquired as to the inquiry received by the City of Mount Clemens.

Mr. Miller replied that Ms. Linda Kunath, Finance Director/Treasurer for the City of Mount Clemens, contacted him and indicated their city has a couple of properties they would like to bid out at the same time. He added they were trying to work with the County.

Mr. Gielegem explained that the City of Mount Clemens has decided not to exercise their First Right of Refusal because the County requires that communities exercising that right have to take all of the foreclosed properties. He noted that the County does not want the communities to take all of the “good” properties and leave the “bad ones” for the auction, because they are then unable to attract good bidders. He stated the County Treasurer applies these delinquencies on the front end, and if they cannot collect them, then there is a charge back to all the local taxing authorities, including the Township. This is a program run by the County Treasurer’s Office. In this case, Mount Clemens was going to take the worst of the properties because they wanted to see them torn down; however, they did not want all of the properties so they have decided not to exercise their First Right of Refusal. He stated that, in the interest of disclosure, he is an administrator for the County’s Treasurer’s office and has a direct involvement in this, although he assured he has no financial benefit for the Township’s actions on these properties. Mr. Gielegem stated the Township has taken a proactive approach for many years, and it is an action that both the previous and current County Treasurer have applauded. He informed that this statute has been in existence since 1999, and before that time, the County Treasurer’s Office used to collect the delinquent taxes and if they could not collect them, they sold tax liens, which resulted in many properties with clouded titles. No one could clear the title and those properties were not able to go into productive use. He felt the numbers are trending in the right direction. A couple of years ago, the Township acquired over \$400,000 of properties through this program, and this year that amount is down to \$78,000 of properties, and going from 30+ properties down to 11.

Mr. Cannon also thanked Ms. Bednar and her department for all of the work they put into getting the properties ready to be sold.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated July 20th, 2016 from the Director of the Department of Planning and Community Development, and approve the purchase from the County all eleven (11) of the tax-forfeited properties with the following conditions: 1) Waiving the water fees that were accumulated to date; 2) Directing the Water Department to shut off the water that is active on all properties; 3) Request the Assessor to review all of the properties in the 2016 Tax-Forfeited List and make a recommendation back to the Tax Forfeiture Committee as to which properties should be removed from the 2016 tax roll; 4) Request the Building Department to prepare bid documents for the demolition of all structures at 21189 Abrahm and 21600 Elmway; 5) Direct DPW to determine utility issues, such as disconnecting electric or requesting electric to be turned on for sump pump issues; 6) Retain the two lots on Bellview (Parcels #16-11-15-104-009 and -010) for possible future use for river access; and 7) Request the Tax Forfeiture Committee to reconvene at a future date for a recommendation as to how to dispose of these tax-foreclosed properties. Roll Call: Ayes- Sowerby, Pearl, Reynolds, Gielegem, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

14. REQUEST TO ADD TWO (2) FEET TO WATER DEPARTMENT CARPORT

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated July 25th, 2016 from the Assistant Superintendent of Water & Sewer, and approve the additional two feet of roof width to be added to the Shook Road Maintenance Facility Carport, for the additional amount of \$800.00 to be added to the previously approved amount of \$13,700.00. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF JULY 11TH, 2016 REGULAR TOWNSHIP BOARD MEETING AND JULY 20TH, 2016 SPECIAL TOWNSHIP BOARD MEETING

Motion by Mr. Sowerby, supported by Mr. Gielegem, to approve the minutes of the July 11th, 2016 Regular Township Board Meeting as submitted. Roll Call: Ayes – Sowerby, Gielegem, Reynolds, Cannon, Pearl, West, Meltzer. Nays – None. Absent – None. Motion carried.

Motion by Mr. Reynolds, supported by Mr. Sowerby, to approve the minutes of the July 20th, 2016 Special Township Board Meeting as submitted. Roll Call: Ayes – Reynolds, Sowerby, Gielegem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

There was one public comment:

Mr. Roger Holtlander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, stated he was concerned about finding out his voting location changed, especially because he was afraid some of the people in his precinct would not receive the information. He added he was glad to see a letter arrive in the mail explaining the change in poll location. He stated that he was disappointed to see the second letter arrive, because inside it looked as though it was a piece of campaign literature from the Clerk. He felt the elected leaders need to go above and beyond to show they are not doing this because he felt it does not look right. He was confident that the mailer “meets the rules” but felt it “does not pass the ethics test”. He suggested the Board consider adopting an “ethics policy” so the general public understands the standards that the Board is holding itself to.

Mr. Cannon stated he was familiar with the correspondence referred to by Mr. Holtlander and he disagreed with the insinuation that it is campaign literature. He stressed its purpose was to get people to go on line to be able to look at the ballot before they go to the polls, and he is proud the Clerk took the initiative for providing that information.

Mr. Cannon also reminded the Gratiot Cruise will take place on Sunday, August 7th from noon to 6 p.m., and he stressed it is a family day with a lot of events taking place. There are two locations for children where the Township’s Parks and Recreation will be active: one of those locations is the McLaren Building at 16 Mile and Gratiot, and the other is at Dorian Ford on Gratiot.

ADJOURNMENT

Motion by Mr. Pearl, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 8:23 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON

ces:07/29/16