

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, FEBRUARY 25TH, 2019

PRESENT: ROBERT J. CANNON SUPERVISOR
 KIM MELTZER CLERK
 PAUL GIELEGHEM TREASURER

JOE A. ARAGONA TRUSTEE
 KENNETH PEARL TRUSTEE
 JENIFER WEST TRUSTEE

ABSENT: MIKE KEYS TRUSTEE (EXCUSED)

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 stated there is one deletion from tonight's agenda:

Item #13 – Request Approval to Develop RFP for Strategic Planning Firm

Ms. Meltzer stated there is one add-on to tonight's agenda:

Item #17- Request to Schedule a Public Hearing for the 2019-2020 Budget

Motion by Mr. Pearl, supported by Ms. West, to approve the agenda with the deletion of Item #13 and the addition of Item #17. Roll Call: Ayes – Pearl, West Cannon, Aragona, Gieleghem, Meltzer. Nays – Keys. Absent – Keys. Motion carried.

PUBLIC SERVICE ANNOUNCEMENTS

Mr. Gieleghem provided an update on the recent blood drive that took place in Clinton Township. He noted that someone questioned him why they hold this event in February, as the weather becomes increasingly more challenging to enable them to get the donations they are seeking. He explained that is when the Red Cross has their biggest challenge to assure there is enough blood to meet the needs of the community. He stated they hold one of the largest blood

drives in the State of Michigan at this time of year, even with all of the challenges. He announced that their goal was 232 pints, and they were close with a total of 218 pints. He pointed out that schools were closed for four days prior, they had an ice storm the day the drive was being held at the Senior Center, so there was a decreased attendance that day, although he stressed they appreciate those who braved the elements to come out that day. They had a computer shut down and had to turn away fourteen potential donors at Chippewa Valley High School, and they were short of their goal by fourteen pints. Mr. Gielegem explained that donating blood can be intimidating for a lot of people, especially first-time donors, but that fear and anxiety is reduced after the first-time giving blood. This blood drive had a very high percentage of new donors, with 56 units coming from first-time donors. He thanked their community partners, sponsors, site sponsors, and the Red Cross workers, who collect, protect and safeguard this vital commodity for the community. He concluded by thanking everyone who participated for making this a success.

1. REQUEST APPROVAL FOR A TEMPORARY TRUSS STRUCTURE

Mr. Cannon stated the Building Department has no problem with this and they will make sure they follow through with all of their plans.

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter from Account Manager Andrea Rogers and Sr. Project Manager Kristan Borges, of retailcomm and The Golf Galaxy Events Team, and approve the request for a temporary truss structure in the parking lot of Golf Galaxy, 15300 Hall Road, as requested. Roll Call: Ayes – Pearl, Gielegem, West, Cannon, Aragona, Meltzer. Nays – None. Absent – Keys. Motion carried.

2. REQUEST APPROVAL OF TEMPORARY TENT – IRELAND’S PUB

Mr. Cannon stated the applicant has worked hard with the Fire and Building Departments, and the tent is going up at the request of the Fire Department.

Ms. Meltzer stated they have changed the ordinance for events such as this to allow them to take money for purchases inside the tent; however, it must be put in writing. She noted that such as request is not included in the letter, but it will have to be added.

Mr. Thomas Ireland, 33401 Harper Avenue, Clinton Township, Michigan 48035, stated his brother wrote the letter. He confirmed that they would like to be able to take money inside the tent, and he assured they will have no glass products in the tent but will only have cans.

Motion by Mr. Gielegem, supported by Mr. Pearl, to receive and file the letter from Mr. Bobby Ireland regarding the tent request for Ireland’s Pub on “St.

Paddy’s Day”, and approve the request for a 20-foot by 40-foot tent for the one-day event to be held at Ireland’s Pub on Sunday, March 17th, 2019, as outlined in the correspondence; further, this approval is granted to also include the exchange of money inside the tent for purchases, as verbally requested by the petitioner, and there will be no glass products in the tent. Discussion ensued.

Mr. Gielegghem explained they never allowed money to be exchanged inside a tent because it was a way to prevent “fly-by-night” operations from coming into the community, not making an investment but conducting outdoor sales. He noted that because this is a brick-and-mortar business and they have made that investment into the community, that provision has been waived.

Mr. Ireland explained they were told that a few years ago when they applied for a tent, and the provision that they could not exchange money in the tent was a deterrent for them because they felt people could cheat with the tickets.

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

3. SPECIAL LAND USE: A MASSAGE THERAPY FACILITY IN THE B-3 GENERAL BUSINESS DISTRICT (LUCKY THERAPEUTIC MASSAGE @ POINTE VILLAGE PROFESSIONAL BUILDING) – 1.18 ACRE OF LAND E/HEYDENREICH, S/HALL ROAD, ADDRESSED AS 44990 HEYDENREICH (SECTION 4)

Mr. Gielegghem noted that the Planning Commission voted to reject this request, based on the four criteria that must be met in order for it to be approved. He suggested reviewing the four criteria to discuss which ones have been met.

Mr. Joseph Ciaramitaro, Jr, 42850 Garfield, Suite 104, Clinton Township, Michigan 48038, on behalf of the applicant, Ms. Shaoping Wong, who is the owner of Lucky Massage.

Ms. Shaoping Wong, applicant, replied her address is 34568 Sandwood Drive, Sterling Heights, Michigan 48310.

Mr. Gielegghem noted the Planning Commission is a recommending body who looks at the requests closely, applies the criteria and works with the Planning Department, and they all voted to deny this based on the criteria not being met.

Mr. Bruce Thompson, Director of the Department of Planning and Community Development, referred to the Planning Commission meeting minutes of January 10th, which very specifically indicate that Mr. Spatafora felt the third criteria outlined was not met due to creating a possible nuisance to the surrounding area with respect to the periods of operation of the business, as well as the signage

and blinking lights. He indicated Mr. Spatafora had also referred to the first criteria of the Special Land Use standards in the Ordinance, and that is whether or not a business would be in harmony with the appropriate and orderly development of the surrounding area. Mr. Spatafora had felt, as presented, it did not meet those criteria, and those were the two standards that were specifically referred.

Mr. Ciaramitaro explained he could understand the recommendation for denial by the Planning Commission, based on the information presented to them at that time, and in part, based on the misunderstanding and actions of his client. He admitted he has a very difficult time clearly understanding his client due to the language limitations. He felt his client was sincere in her attempts to abide by every regulation of the Township ordinances. She started out by applying for a Zoning Verification. As far as the use, he stressed this use was already in place in that building, noting there was a prior massage therapy facility at that location, which the Township granted Special Land Use to allow when the business was owned by Ms. Min Hu. He stated Ms. Hu sold the business to Ms. Wong, with the understanding that she would stay on and continue as an employee because she was licensed, and she would remain until Ms. Wong had another licensed employee come in. He explained that, regarding the use in the area, he claimed the Township previously approved that use at this location. He explained when Ms. Wong came in, she put up certain images, or pictures, in the windows, depicting massages. She also had a neon "Open" sign in the window. She was told when she came to the Planning Commission the first time that she was not yet approved, the signs were to come down and the hours of operation must comply with the hours of operation posted. He claimed Ms. Wong did not take the pictures down because she did not know the Township considered those as signage. She thought by turning the neon "Open" sign off, that was sufficient until she received approval, so she did not comply with those requirements. When she came back before the Planning Commission and those items had not been taken down, he understood why the Planning Commission would have looked at that as the petitioner did not comply with the ordinance. He noted someone from the Planning Commission had stopped by to see if she was in operation because she had been told to cease operation until she received approval. Mr. Ciaramitaro stated she assured him she had made it clear to the gentleman who called that she was not in operation. He had walked into the building, did not see anyone there, then left and proceeded to make the phone call to ask if he could get a massage and whether he would have to make an appointment. He claimed he was advised that he could "just walk in". He further explained that his client admitted she got a telephone call, but she denied ever saying he could "come in" because she knew she was not supposed to do business during that time. He claimed there was no evidence of anyone doing business during the time she was closed.

Mr. Ciaramitaro stated his client has invested her money into this business, having a daughter in college who she is trying to support. She believed the business would be allowed because the previous owner had a massage therapy facility there. They were required to obtain approval because they had a new owner. He stressed all of the pictures and signage, including the neon sign, have been taken down and she has been told that if the Township approves her request, her hours of operation have to be listed, and she can only be open during those listed hours of operation. He also advised her to bring an interpreter with her any time she has to go to the Township offices with regard to this business, so it is clear that she can understand what is being told to her. He claimed she will often say “yes” when asked a question because she wants to agree, but she does not fully understand what is being said. He felt that was the hindrance at the Planning Commission meeting, and it was not a problem with the use itself. He stressed Ms. Wong has a legitimate operation and she was not doing anything illegal. She has one licensed individual, with another individual licensed through in the State of Michigan through October 31st, 2019, to be added if the Township approves the Special Land Use request. He outlined that she has the proper licensing, the use is the same as it was before, she intends on carrying on the same use with the same clientele the prior owner had, and he felt the biggest problem is that she did not comply with what the Planning Commission instructed her to do; however, he claimed her inability to comply was not intentional but was a misunderstanding because of the language barrier.

Ms. Meltzer clarified that, because the process for massage licensing originates in the Clerk’s office, she implemented and holds very strong to an interview process. Anyone who needs an interpreter will get one, and Ms. Christina Chyn has been serving in that capacity. She informed that Ms. Chyn was interpreting for Ms. Wong at both Planning Commission meetings. She pointed this out because Mr. Ciaramitaro made a comment that Ms. Wong did not have a good understanding of what was being said at the meeting. She assured for every interview process and every meeting, except for this one, she has had an interpreter that Ms. Meltzer arranged for. She explained she investigated this interpreter, Ms. Chyn, who works for the federal government and does an exceptional job interpreting both Chinese dialects, Mandarin and Taiwanese. Ms. Meltzer explained that Ms. Wong originally brought her friend, but her friend interjected the answers to the questions. Ms. Meltzer stressed the answers needed to be responses from Ms. Wong so Ms. Meltzer could be assured that the applicant understood the questions. At that point, they stopped the interview process and called in the interpreter for another appointment.

Mr. Ciaramitaro stated Ms. Wong did not understand that the pictures in the window were a violation of the Sign Ordinance. He confirmed they have now been taken down.

Mr. Thompson stated that, while the Planning Commission was concerned that the items they asked to be done were not done to their satisfaction, there were other input, specifically with relation to the businesses located within that building, and he recalled that was one of the major considerations as to the impact that use has been having on the adjacent uses and the surrounding properties. He understands the Board has received copies of the Planning Commission meeting minutes, and those comments are covered in those minutes, but he stressed it is more than the signs not having been removed in a timely manner. The public input during the public hearing process brought out some of the concerns that Mr. Spatafora and the rest of the Commission considered when recommending denial.

Mr. Ciaramitaro responded that there were three tenants who had written letters, but two of them complained about the pictures in the windows, and another was from the CPA whose complaint was that people were coming in beyond the hours that were posted. He did not believe any of those tenants objected to the massage parlor that was there previously.

Ms. West stated when she was on the Planning Commission, if the applicant had a language barrier, they would arrange for an interpreter. She questioned why anyone would be coming into the massage facility after hours.

Mr. Ciaramitaro understood that some clients may have arrived slightly later than the hours posted, and he requested that Ms. Wong explain.

Ms. Wong explained that she closed at 9 p.m. but there were times when the clients were running late for their appointments.

Ms. West commented that this has been an occurrence frequently enough that there were complaints. She could understand, with a closing time of 9 p.m., that someone may be leaving at 9:15 or 9:30 if they had arrived late to their appointment, but the complaint was that there were people leaving as late as 11 p.m.

Mr. Ciaramitaro understood that the hours of operation were until 10 p.m., and he understood Ms. Wong to indicate that sometimes they would come late, so if they got there at 10:15 or 10:20, they may not be done until 11 p.m.

Ms. Wong stated she cleans after the clients leave.

Ms. West understood that the employees may be there later, but these are patrons of the business leaving late. She pointed out that if the business closes at 10 p.m., they should not be taking appointments at that time.

Ms. Wong stated she is open from 10 a.m. to 9 p.m.

Mr. Ciaramitaro assured he had explained to Ms. Wong that if the Township Board approves this request, she will have to comply with the times posted on the doors, and even if someone wants to arrive late, she would have to tell them no.

Ms. West stated she was on the Planning Commission when the previous owner came in for approval, and she recalled that the applicant was very compliant. Ms. West pointed out that, in this case, the applicant moved in prior to receiving a Certificate of Occupancy from the Building Department for a name change and a new business. She questioned why Ms. Wong moved in early.

Mr. Ciaramitaro replied he felt it was due to a lack of understanding on Ms. Wong's part.

Ms. West pointed out that Ms. Wong was supplied with an interpreter, and she questioned whether Ms. Wong still did not understand, even with the interpreter.

Mr. Ciaramitaro replied that he did not represent Ms. Wong at that time.

Ms. Meltzer stated this is very difficult to have a conversation without an interpreter present. She felt it is not in Ms. Wong's best interest to carry on further without an interpreter. She emphasized it is very important to her that, when there is a language barrier, an interpreter needs to be present. She pointed out her attorney has conceded that he has a hard time understanding her and is not sure she understands him.

Mr. Dolan stated that Ms. Wong is here tonight with her attorney and it is their decision whether or not they want to proceed with or without an interpreter since she does have legal representation. Rather than taking it upon themselves to decide, he felt it is up to them if they feel they can adequately communicate with the Board. Mr. Dolan stated that, in looking at the minutes of the Planning Commission meetings, Ms. Wong indicated she previously worked at the prior business, and if so, for how long.

Ms. Wong replied affirmatively but could not provide an answer as to the length of time. She replied she arrived in October 2018 to look at the business.

Mr. Dolan stated the Planning Commission minutes, which were prepared and are filed with the Township, and where there was an interpreter present, reflects that she worked for the prior operator. He questioned whether the minutes are correct and she worked for the prior operator, or whether she is now saying she did not work for the prior operator.

Mr. Ciaramitaro questioned when Ms. Wong started helping the former operator.

Ms. Wong replied she started helping her in October 2018.

Considerable discussion took place regarding the time line with regard to when Ms. Wong started working at this location.

Mr. Dolan questioned when Ms. Wong purchased the business.

Ms. Wong replied she purchased the business in November.

Mr. Dolan questioned whether Ms. Wong came into the Township with the prior owner to register as an employee.

Mr. Ciaramitaro replied Ms. Wong is not a massage therapist, so she would not have registered as a massage therapist.

Mr. Dolan understood, but pointed out there is a requirement in the Ordinance that the employees have to be interviewed by the owner. They then bring them in to the Township and are interviewed by the Township Clerk, and there is paperwork they have to fill out, questions they have to answer, and they get approved and photographed as employees.

Mr. Ciaramitaro explained his concern, without an interpreter, is whether Ms. Wong was only viewing how the operation was going with the intent of buying it, or whether she actually worked there as an employee and got paid a wage.

Mr. Dolan stated the minutes reflected she was working there. He added there was the benefit of an interpreter at the Planning Commission meetings. He questioned whether Ms. Wong worked there for payment.

Because of the language barrier, it appeared as though Ms. Wong did not understand the question.

Ms. Meltzer felt this is not fair to go on this evening and that Ms. Wong needs fair representation through the aid of an interpreter. She was confident Ms. Wong is trying to answer but cautioned that the answers may not reflect what she is trying to say.

Mr. Ciaramitaro stated that there was a prior massage business at that location. He understood that the Planning Commission's concerns and reasons for denying the Special Land Use were the hours of operation, with people coming in late, and the signs in the window. He felt those are the two main issues that caused the problem. He requested the Board consider approving the Special Land Use for massage, subject to Ms. Wong's compliance with the Ordinance, and if there is any interview that has to be conducted by the Clerk's Office, that

should be done because there will be another licensed therapist being brought in. He indicated the approval could be subject to the hours posted and strictly complied with, no signage in the windows other than what is approved by the Building Department. He indicated if she did not comply with any of those, the understanding is the Special Land Use approval would be terminated.

Mr. Pearl stated he made some notes and would like to bring up some of the points. He understood Ms. Meltzer's concern about the language barrier, but he reminded that Ms. Wong is represented by her attorney. If the attorney felt an interpreter is necessary, he should have had that interpreter here, and he emphasized it is not the Board's fault that the interpreter is not present. He focused in on the Planning Commission meetings where there was an interpreter present. He agreed what is being said tonight is not clear, but the Planning Commission minutes are very clear and there was an interpreter present at those meetings. He reviewed his notes from the Planning Commission meeting, noting that on January 10th, 2019, the applicant stated she previously worked at this location and that she now operates the business, but that has been done without any Special Land Use approval. She also admitted that she does not have a massage license, but that her employee has a massage license. At the time, there were concerns raised about the hours of operation and a flashing sign for the business, and complaints were received from owners of business in other suites within that same building. She stated at the January 10th, 2019 Planning Commission meeting that she previously worked at this location, although he added her answer to that same question tonight is inconclusive because there is no interpreter present. Mr. Pearl explained at the January 24th, 2019 Planning Commission meeting, one of the Planning Commissioners contacted the business on the day of the meeting to see if he could arrange a massage. He walked into the business, but could not find anyone, so he left the building and called the phone number. The minutes clearly indicate that he was told he could come in for a massage, and he was given a price. He felt Ms. Wong should have been aware of the requirements of the Township. He added that, after the Planning Commission meeting on January 10th, she clearly knew that the business was not supposed to operate, and notwithstanding that, on the very day of the next Planning Commission meeting on January 24th, it appears that Ms. Wong was ready to receive clients who could "just walk in". He felt there is no other explanation other than the applicant's clear unwillingness to follow the Township's ordinances and being compliant in operating the business.

Mr. Pearl cited the Sign Ordinance, which defines "flashing signs", which are prohibited in commercial areas such as this location, yet they were definitely utilized. He indicated the record in this matter reflects that this business has operated beyond the hours posted on the building and in a manner that is disruptive enough to the point where an adjacent tenant came to the Planning Commission meeting to complain. Mr. Pearl stated it is his opinion that the location of this business, including the size of the operation, its proximity to the

surrounding businesses and the character of the business as a massage business is not in harmony with the appropriate and orderly development of the surrounding area and applicable zoning regulations. He stated he has served on Planning Commission for years, including Chair of that Commission at one point, and he currently serves on the Zoning Board of Appeals. He stressed the reason for his conclusion is based on the fact that this particular applicant has already demonstrated on repeated occasions an unwillingness to be compliant with Township ordinances in the operation of a business. It is also clear that the location of this business in conjunction with the surrounding uses, and its late hours of operation and illegal utilization of signage has been disruptive to surrounding tenants. He felt that clientele coming to the massage facility in the late hours, mixing with persons who are there to get their taxes prepared, is not right. He noted that other businesses from the business signage include a real estate group and a CPA. He emphasized that the character of this building is an office and professional building, and the use, as it has occurred and is proposed, is not in harmony with the nature, scale, location and hours of an office and professional building. He recommended this be denied for the reasons he outlined, noting the proposed use is not of a location, size and character that is in harmony with the appropriate and orderly development of the surrounding area and applicable regulations for the zoning district in which it is to be located. He noted the nature of the use and massage business is of a location and character inconsistent with other existing uses, demonstrated by complaints from the owners of the adjoining uses, and this includes the character of the clientele, the hours of the operation, the applicant's operation of the business in an illegal fashion without approvals and licensing, and the illegal signage throughout the application process.

Motion by Mr. Pearl, supported by Ms. Meltzer, to receive, file and concur with the letter dated February 12th, 2019 from the Secretary of the Clinton Township Planning Commission, and deny the Special Land Use request for a massage therapy facility in the B-3 General Business District (Lucky Therapeutic Massage @ Pointe Village Professional Building; further, this denial is based on the reason that the proposed use is not of a location, size and character that is in harmony with the appropriate and orderly development of the surrounding area and applicable regulations for the zoning district in which it is to be located, based on the nature of the use and the massage business is of a location and character inconsistent with the other existing uses as demonstrated by the complaints of the adjoining uses, including the character of clientele and hours of operation, that the applicant has consistently operated the business in an illegal fashion without approvals and licensing and with illegal signage throughout the application process. Discussion ensued.

Ms. Meltzer stated that this motion is very good and recognizes why they are making this motion, clarifying it is not based on anything that happened this evening because the applicant does not have an interpreter.

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

4. REQUEST APPROVAL OF NEW STOCKHOLDER FOODFIRST GLOBAL HOLDING, INC. DUE TO MERGER WITH BRAVO BRIO RESTAURANT GROUP INC. FOR CLASS C AND SDM TRANSFER

Motion by Mr. Pearl, supported by Mr. Aragona, to receive and file the letter dated February 21st, 2019 from the Township Clerk, and approve the request from FoodFirst Global Restaurants, Inc., located at 17430 Hall Road, Suite 104, Clinton Township, Michigan 48038, for Transfer Stock Interest of Class C & SDM License through merger with Bravo Brio Restaurant Group Inc. from Public to Private. Roll Call: Ayes – Pearl, Aragona, West, Cannon, Gielegem, Meltzer. Nays – None. Absent – Keys. Motion carried.

5. PUBLIC HEARING: CDBG 2019-2023 FIVE-YEAR CONSOLIDATED PLAN

Mr. Matt Wallace, Assistant Planning Director for the Department of Planning and Community Development, introduced himself and explained a big part of his position is to administer the Community Development Block Grant (CDBG) program. He started with Clinton Township in January but spent the last fourteen years administering the CDBG program in the City of Monroe. He explained they are currently at the end of a five-year consolidated plan and are about to begin another five-year plan. They will be soliciting ideas from the public as to how they would like the direction of the program to go. He explained the five-year plan is required by the Department of Housing and Urban Development (HUD) and is a planning document that identifies the needs of the community, allowing the Township to establish priorities that they will try to meet over the next five years. He outlined the elements of the plan, including identifying housing needs, the housing market, non-housing community development and other community needs. Once they have done this, the document serves as a guide to what they can do with the Annual Action Plans, and nothing in an Annual Action Plan can be done if it is not prescribed in this five-year plan.

Mr. Wallace explained the allowed uses for CDBG funds, adding that the most important aspect of CDBG is it is intended to benefit what HUD refers to as low- and moderate-income individuals, which they define as less than 80% of the area median income. He cited a scenario, noting for a family of four, that is approximately \$56,700, and goes up and down about \$4,500 per person, accordingly. The benefits must fall into a number of categories, including area benefit, which is an activity centered somewhere that has a service area where at least 51% of the people benefited are below that income threshold. A park or community center in such an area could be eligible. Other categories include

Limited Clientele, Housing and Job Creation, and Mr. Wallace elaborated on examples of each of those categories. After they have met the 70% threshold for those categories, they can spend some of the remaining grant funds on Slum and Blight Removal or Urgent Need. He showed a pie chart depicting the CDBG spending over the last five years, noting 19% was spent on infrastructure, which is replacement of sidewalks and construction of curbs and ramps that are DDA compliant. He stated 14.8% was used on the parks, including Joy Park, Prince Drewry Park, and making soccer fields at the Civic Center ADA compliant. About 15% of the money was used on improvements at the Senior Center, and 27% of program funds were used on the Housing Program, most of it being Single-Family Housing Rehab, although a few years ago there were 50 furnaces replaced at the Heritage Estates Senior Housing. He informed that 14% was used on public services, which covers a wide range of possibilities. He estimated that approximately 15% of the grant money can go toward public service activity, and about three-quarters of that 15% allotment was used by the Parks & Recreation programs, intended to help seniors, disabled children or low-income children. He added it also helps organizations such as MCREST, CARE House, Turning Point, and Senior Chores Program, which are all examples of public services that were done in addition to the Warming Center. He noted that about 17% is for administration of the program, and informed that this amount is capped at 20% of the program.

Mr. Wallace explained the purpose of this meeting is to discuss ideas and preferences for how they would like to spend the funds for the next five years. They need to look at what they like, what has worked well, what they feel can be “tweaked”, and any areas that can be eligible under the categories he described that they would like to see added. He noted if they have questions as to whether something is eligible, that can be addressed now or later.

Mr. Cannon noted that they are open to suggestions and discussion now, but he is also amenable to suggestions at a later date, either verbal or email.

Mr. Wallace replied affirmatively, stating the suggestions can be made by Board members and general public alike.

Mr. Thompson replied to inquiry they will make sure this presentation is put on the website.

Mr. Pearl questioned whether residents will be able to forward their suggestions through an interactive link on the website.

Mr. Thompson assured he will contact the I.T. Director tomorrow to find out what they can do.

Ms. West stated she would like to set up a time with Mr. Wallace to go through some of the eligible funding, noting that she is very familiar with many of the non-profit organizations.

Ms. Meltzer did not recall ever having a limitation on specific allocations for annual plans, based on their inclusion in the five-year plan. She questioned whether that is a statute that if it is not included in the five-year plan, they cannot include it in the Annual Action Plan. She recalled there were new non-profit organizations that have come to them for funding, although they may not be included in the five-year plan.

Mr. Wallace responded that the five-year plan includes broad-based objectives. He cited the examples such as “improve social services” or “improve housing”, and those are broad areas where most non-profit organizations will qualify. It is meant to prevent coming up with goals annually that were not stated in their five-year plan. They keep the goals broad so most things will fall under it. He cited another example, noting that if they do not make mention of “housing demolition” in their five-year plan, they cannot start a Housing Demolition program, although he added the five-year plan can be amended to include that, if they so desire. He noted that step to amend the plan would need to be taken first.

Ms. Meltzer questioned whether it is a two-step process to amend the plan, with it being introduced at one Board meeting and approved at the following meeting.

Mr. Wallace replied if it is a major amendment, the steps are similar to the approval of the original plan, where they would have to hold a public hearing, allow for a thirty-day comment period, and continue through the process. He replied to further inquiry that this is a very preliminary meeting, and there will be another one held at the second Board meeting in March. He indicated that will kick off the thirty-day comment period, and he hopes to have approval by the end of April.

Mr. Cannon stated he has some areas he would like to look at as far as qualified and are currently not considered “qualified” areas.

Mr. Gielegghem summarized it is about allocation, and he questioned whether they are looking for comments on the breakdown of the percentages spent. He felt they are establishing broad categories so that if something new comes up, they are not limited in terms of not being able to use CDBG funds. He questioned whether they are looking for allocations or specific ideas.

Mr. Wallace replied they are looking for comments on both.

Mr. Gielegghem questioned how they quantify whether the standards are actually being met within the requirements of the plan. He felt housing rehab is easy to

quantify because they are looking at individual household income, fixing those homes for the qualified applicants, and recouping those funds after liens are paid off, and putting those funds back into the program. He questioned how the dollars spent on Parks and Recreation programs or on the Senior Center, which are Township functions, can be qualified and assurances made that they are spending those dollars within the confines of the 70% income threshold.

Mr. Wallace explained the 70% is the wide low/moderate income benefit category, which is everything they do every year because they do not have a “Slum/Blight” program and they are not getting “Urgent Need” money, so that is not a concern. They have to make sure an activity is eligible for CDBG at all, so when they help seniors, that is a population that can be assumed overall will fall into the low/moderate-income group, and the same holds true for disabled. If they pick a new activity that is not serving that way, they would have to establish and document what they believe the service area to be so that they are not in danger of being out of compliance.

Mr. Gielegem mentioned one of the biggest meetings the Board has each year is the actual allocation of these dollars, particularly the portion that goes to the non-profit organizations. The non-profits come to that meeting and make their presentation, explaining what they do not only for Macomb County, but specifically Clinton Township residents. He questioned how they can justify those uses.

Mr. Wallace replied, depending upon the types of activities they are doing, they will meet the requirements. He noted that domestic violence victims are another population assumed as low/moderate-income. For others where it cannot be assumed, there are verifications done on income. He cited the example of CARE House, which serves people outside of the Township, but the Township only reimburses them for children who are coming from the Township and are below certain thresholds.

Mr. Wallace clarified that if they allocate a certain amount of money for a non-profit organization, it does not mean they are getting that money, but it means if they serve someone who meets the qualifications within Clinton Township, they can be reimbursed for it.

Mr. Wallace explained it is covered through pre-determined reimbursement amounts within the subrecipient agreement they sign.

Mr. Gielegem felt in the area of infrastructure, he felt they would want to spend the dollars on infrastructure programs that are in the low/moderate income areas, yet also fit within something else. He questioned whether they are using these dollars to leverage something else. He questioned whether they are getting

funding from other funding agencies or to enhance economic development in the area.

Mr. Wallace replied they can do that and it is commendable, but not necessary. He noted if a street is in a low/moderate-income area and it is in disrepair, the CDBG program funds can be used to fix it. An assessment district can be established, and the program can pay the assessment for the low-income people who live on that street. It does not have to be the overall income guidelines, and they can be set at discretion of the Township. He noted the percentage can be set, but they have to be careful in Economic Development stating their goals. If they lean towards creating jobs, HUD will question where the jobs are going, noting if it is not to low/moderate-income residents, it is a gray area they would prefer to avoid.

Mr. Gielegem questioned if they were to set up a Parks & Recreation program in an area that meets the income thresholds, they could use CDBG money to hire people to serve as the coordinators of those programs on site if it is being held in those areas.

Mr. Wallace replied affirmatively, noting they do that now, paying a portion of the salary because of the 15% cap. He recalled that for the last two years, he estimated about 72% available funds for public services have gone to Parks & Recreation programs.

There were no comments from the audience.

Motion by Mr. Pearl, supported by Ms. West, to close the Public Hearing for the Community Development Block Grant (CDBG) 2019-2023 Five-Year Consolidated Plan. Roll Call: Ayes – Pearl, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – Keys. Motion carried.

6. INTRODUCTION OF APPOINTMENT APPLICANTS TO THE PARKS & RECREATION COMMITTEE

Mr. Cannon stated they heard very nice things about both candidates today from Mr. Frank Pizzo, Director of Parks & Recreation.

Ms. Rachel Riggs thanked the Board for this opportunity. She explained she has been a lifelong resident of Clinton Township with the exception of when she went away to school, and she has now been a homeowner in Clinton Township for the past two years. She stated she took part in all the Parks and Recreation activities throughout the years, including the Daddy-Daughter Dances, the Easter Egg Hunt, Christmas Aglow, the sports programs sponsored by Parks & Recreation, and in addition to being a participant, she also worked for the Parks & Recreation Department for twelve years. She noted this is the first summer

she will not be working in the Day Camp program, but she would like to continue with the Recreation program and continuing to help with the community's understanding of the recreation and programs she feels would benefit the community. She stated she is an elementary school teacher, employed with the Utica Community Schools for the last five years. She felt she is aware of what the residents like and knows what is popular with children. She would like to work with the community in an effort to continue to expand their recreation program. She thanked the Board for the opportunity to introduce herself.

Mr. Cannon thanked her for applying for the committee.

Mr. Zachary Tinker stated he is also a lifelong resident of Clinton Township, noting his parents were born and raised in Clinton Township as well. He stated he has known Ms. Riggs for several years as he has also worked in the Parks & Recreation Department. He worked year-round with the staff in the department, working with the playground coordinators during the summer months, but also with the recreation coordinators, the Director and the Assistant Director throughout the year and helped put the programs together. He stressed he loved that program and would love the opportunity to give back to that program. He has served on several committees in the past, and currently serves as Chairman on a committee that oversees about 3,000 teenagers across the United States and Canada. He stressed he would like to take his skills and help the Recreation Department by serving on this committee.

Mr. Cannon thanked Mr. Tinker for applying and noted these are two shining examples of why their Recreation Department is doing so well.

Motion by Ms. West, supported by Mr. Gielegem, to receive and file the letter dated February 20th, 2019 from the Deputy Supervisor, regarding the Introduction of Applicants for the Parks and Recreation Committee. Roll Call: Ayes – West, Gielegem, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – Keys. Motion carried.

7. INTRODUCTION OF APPOINTMENT APPLICANTS TO THE CONSERVATION COMMITTEE

Ms. Sheana Colonnello introduced herself as an applicant for appointment to the Conservation Committee. She stated she has a great admiration for the environment, and she hopes to be appointed to this committee. She explained she is willing to “get into the trenches” of planting trees and working on the Clinton River. She stated she has been a resident of Clinton Township for thirty-three years and has seen great improvement to the Clinton River, and regardless of which park she visits along the river, it is so impressive to see how much healthier the river is. She stressed she would like to be a part of that team effort, and she thanked the Board for their time and consideration.

Mr. Cannon thanked Ms. Colonnello for her application.

Motion by Ms. West, supported by Mr. Pearl, to receive and file the letter dated February 20th, 2019 from the Deputy Supervisor regarding the Introduction of Applicants for the Conservation Committee. Roll Call: Ayes – West, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – Keys. Motion carried.

8. INTRODUCTION OF APPOINTMENT APPLICANTS TO THE CULTURAL DIVERSITY COMMITTEE

Mr. Cannon noted they have no applicants for the Cultural Diversity Committee, and he indicated they will have to repost.

Motion by Ms. West, supported by Mr. Aragona, to receive and file the letter dated February 20th, 2019 from the Deputy Supervisor regarding the Introduction of Applicants for the Cultural Diversity Committee, and direct the Administrative Assistant to repost the committee vacancy. Roll Call: Ayes – West, Aragona, Pearl, Cannon, Gielegem, Meltzer. Nays – None. Absent – Keys. Motion carried.

9. WILLIAMS LOG CABIN – BULLETIN PROPOSAL REQUEST #1

Motion by Ms. West, supported by Mr. Gielegem, to receive and file the letter dated February 4th, 2019 from Mr. James F. Renaud AIA, President, JFR Architects, PC, and approve Bulletin Proposal Request #1 for the Williams Log Cabin Restoration in the amount of \$2,235.00 for the two (2) windows at the gable (Item #1), and \$9,835.00 for replacement of the gable wall ends and siding (Item #2); further, to issue a Change Order to the contract to add this work scope to the contract and project. Roll Call: Ayes – West, Gielegem, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – Keys. Motion carried.

10. INTRODUCTION OF TOWNSHIP ORDINANCE #451 – AMENDMENT TO SIGN ORDINANCE

Mr. Dolan explained this matter was discussed at Budget/Ways & Means, and at that meeting it was noted that all variance requests having to do with this subsection proposed for deletion have been granted. He explained that, in order to provide for more efficient operation of the Township, it was felt that, since the Township's Zoning Board of Appeals was granting virtually all of the variance applications with regard to this subsection, it would be better to omit that section and proceed with the ordinance as amended.

Mr. Cannon felt this will make it easier for the Planning and Building Departments, as well as local businesses, to move things along in the community.

Ms. Meltzer felt this is a move in the right direction to make the Township more business-friendly. She pointed out that presently, if the face of a sign changes by more than 33 percent, the sign is required to be updated to meet current ordinance requirements. This forces non-compliance in a multi-tenant situation where there are many signs on one existing sign. She pointed out that those tenants have already spent money to have their name on the sign, and when another tenant comes in, the entire sign has to change. Those who have already invested in the sign would have to go ahead and again reinvest to bring a sign into compliance. It disincentivizes the signs from looking the best that they can, so this helps make it more business-friendly.

Mr. Gielegghem stated he is in favor of this as well and pointed out the goal of a sign ordinance is to make sure all of their signs are similar in nature, structure and appearance so one does not have an advantage over another. He admitted there are all types of signs in the Township, and the goal is to get them similar; however, if it becomes a disincentive for people to upgrade their properties and a disadvantage for business owners to be able to fill their tenant spaces, the ordinance then works counter to their goals. As a result, he felt this is a warranted change.

Mr. Pearl questioned whether this is the removal of paragraph “C”.

Mr. Dolan clarified this is a request to adopt the Ordinance as presented, which removes “C”. He indicated a motion would be in order to introduce and publish with the intent to adopt at the next regular meeting.

Motion by Mr. Pearl, supported by Ms. West, to introduce and publish with the intent to adopt at the next regular meeting of the Board an ordinance amending and revising Chapter 1488, Signs, deleting Subparagraph 1488.045(c), and reordering paragraphs, providing for repealer, severability, and effective date. Discussion ensued.

Mr. Pearl commented that, as a member of the Zoning Board of Appeals, a lot of business people were moving in and they were changing the sign without filing for a permit. A lot of franchises were required by corporate to change the face of their signs to update it, and they were being forced to come before the Zoning Board of Appeals to argue their case that they had no control over. He agreed with Mr. Gielegghem that it is needed, and he is glad the Board is taking this action. He recalled they used to have an Ordinance Update Committee that would look into this, but they have not met in a long time. He suggested if Mr.

Thompson wants to set that up, it may be a way to update the ordinance for items such as this.

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

11. ADOPTION OF TOWNSHIP ORDINANCE #450 – CODIFICATION OF ORDINANCES

Ms. Meltzer explained this was introduced at the last Regular meeting and is ready for adoption.

Motion by Mr. Pearl, supported by Ms. West, to adopt Township Ordinance #450 – Codification of Ordinances, as presented. Roll Call: Ayes – Pearl, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – Keys. Motion carried.

12. QUARTERLY TREASURER'S REPORT

Mr. Gielegem noted the report is in the packet and he offered to answer any questions anyone may have. He provided a brief summary, and explained the Township is on a fiscal year, which begins April 1st. There are two tax collections where revenue comes in, as well as coming in periodically through the State. The revenue they take in from the summer tax collection are dollars that are all distributed to all of the other taxing authorities, and goes to the schools, the County and various other taxing authorities. The money that comes in the December collection is the money that funds the Township, both Police and Fire millages, as well as the Township's General Operation millage. When people pay their water bills, that money funds water and sewer projects, as well as maintenance of the system. The priority is the money for General Operations comes in December, with the fiscal year starting in April, so his report this time is on the third quarter of the current fiscal year ending March 31st, 2019. In that third quarter, he noted they are seeing a rising rate environment, four Fed interest rate hikes that occurred last year, and somewhat of an end to quantitative easing, although this year, the Fed initially was aggressive in saying they were going to raise interest rates more, but they are tending to hold back on that. That has required the Township to have both a long and short strategy, and he explained some of the details of those strategies. They are seeing increased volatility in the stock markets, although that does not affect the Township investments because they are not in the stock market due to their riskiness and non-compliance with Public Act 20 or the Township's Investment Policy. The pool funds tend to be outperforming a lot of the commercial paper and CD investments, so they are left with Treasuries and pool funds, and long-term investments that continue to roll on a three-year limitation.

Mr. Aragona noted on the pie chart, he did not notice investment in Talmer Bank, and he questioned whether the merger with Chemical Bank affected this in any way.

Mr. Gielegghem confirmed that Talmer no longer exists and were bought out by Chemical Bank. He confirmed they have had CD's through Chemical Bank, and they remain very competitive. He did not feel the merger hurt the Township in any way.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the Quarterly Treasurer's Report dated February 14th, 2019 from the Township Treasurer. Roll Call: Ayes – Pearl, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – Keys. Motion carried.

13. REQUEST APPROVAL TO DEVELOP RFP FOR STRATEGIC PLANNING FIRM

This item was deleted from tonight's agenda.

14. REQUEST CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS

Mr. Cannon stated the next three items are to schedule Closed Sessions, and the Board will not be returning following the Closed Sessions.

Motion by Ms. West, supported by Mr. Aragona, to schedule a Closed Session immediately following tonight's meeting for the purpose of discussing contract negotiations. Roll Call: Ayes – West, Aragona, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – Keys. Motion carried.

15. REQUEST CLOSED SESSION TO DISCUSS UNIVERSITY BUILDING V. CLINTON TOWNSHIP

Mr. Dolan clarified that this is to discuss written legal opinion he issued on this matter.

Motion by Mr. Pearl, supported by Ms. West, to schedule a Closed Session immediately following tonight's meeting to discuss written legal opinion concerning University Building v. Clinton Township. Roll Call: Ayes – Pearl, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – Keys. Motion carried.

16. REQUEST CLOSED SESSION – LEGAL OPINION IN REGARD TO LIPKE STREET WATER EASEMENT ACQUISITION

Motion by Mr. Pearl, supported by Mr. Aragona, to schedule a Closed Session immediately following tonight's meeting for the purpose of discussing legal opinion in regard to Lipke Street Water Easement Acquisition. Roll Call: Ayes – Pearl, Aragona, West, Cannon, Gielegghem, Meltzer. Nays – None. Absent – Keys. Motion carried.

17. REQUEST TO SCHEDULE A PUBLIC HEARING FOR THE 2019-2020 BUDGET

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated February 20th, 2019 from the Assistant Finance Director, and schedule a Public Hearing for the 2019-2020 Budget on Monday, March 11th, 2019 at 6:30 p.m., Township Board Chambers, Clinton Township Civic Center, and the public hearing is to be published as required. Roll Call: Ayes – Pearl, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – Keys. Motion carried.

APPROVAL OF MINUTES OF JANUARY 14TH, 2019 REGULAR TOWNSHIP BOARD MEETING

Ms. Meltzer requested the following correction:

Page 16, Paragraph 1, Line 14:

Change from: "...every web payment, IDR payment, and ..."

Change to: "...every web payment, IVR payment, and..."

Motion by Mr. Gielegghem, supported by Mr. Pearl, to approve the minutes of the February 4th, 2019 Regular Township Board Meeting as amended. Roll Call: Ayes – Gielegghem, Pearl, West, Cannon, Aragona, Meltzer. Nays – None. Absent – Keys. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Aragona, to adjourn the meeting. Roll Call: Ayes – West, Aragona, Pearl, Cannon, Gielegem, Meltzer. Nays - None. Absent – Keys. Motion carried. The meeting adjourned at 8:00 p.m. and the Board went into Closed Session.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON

ces:03/02/19