

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, JUNE 13TH, 2016

PRESENT: ROBERT J. CANNON SUPERVISOR
KIM MELTZER CLERK
WILLIAM SOWERBY TREASURER

PAUL GIELEGHEM TRUSTEE
KENNETH PEARL TRUSTEE
DEAN REYNOLDS TRUSTEE
JENIFER WEST TRUSTEE

ABSENT: NONE

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

APPROVAL OF AGENDA

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

- Item #2 - Request to Approve New SDM Liquor License for Moran Food LLC (previously deleted from the agenda)
- Item #7 - Resolution Establishing 41-B District Court Specialty Court Funding
- Item #8 - Request to Approve Outdoor Display with 20' by 60' Fireworks Tent – 38454 Hayes Road
- Item #9 - Request Closed Session to Discuss Property Purchase
- Item #10 - Request for Proposal for Towing, Storage and Auction of Impound and Other Vehicles
- Item #11 - Playground Safety Compliance
- Item #12 - Request Closed Session to Discuss Pending Litigation
- Item #13 - Request to Schedule Public Hearing for Renewal of Police & Fire Special Assessment Millage - 2016

Ms. Meltzer also requested that Item #7 (Resolution Establishing 41-B District Court Specialty Court Funding) be moved to Item #1, and Item #1 (2016 Township Fireworks Display) be moved to Item #1A.

Motion by Mr. Pearl, to approve tonight's agenda with the additions of Items #2, and #7 through #13, and to move Item #7 to Item #1, and Item #1 to Item #1A. Discussion ensued.

Mr. Sowerby inquired as to why Item #2 is being added back on to tonight's agenda.

Ms. Meltzer responded that all of the information was complete with the exception of the Fire Department's approval, which they did not feel they would have in time for tonight's meeting, so it was originally postponed. The petitioner contacted the Fire Department today and was able to get their approval. She explained the Fire Department contacted her at about 4:39 p.m. to convey this, and she confirmed that neither the Police Department nor the Fire Department have any objections with this request. This location had a violation from a year ago, but they were told they could receive approval as long as they took care of the issue. She noted that a year went by and they had not taken care of the issue. She advised them they would not be on the agenda until all of the issues are resolved, and she felt this was good leverage to get them to comply. She could see no reason to keep them off of tonight's agenda.

Mr. Sowerby claimed he did not receive any back-up on this item because it was deleted from the agenda.

Ms. Meltzer confirmed that she forwarded the information to the Board members around 4:30 this afternoon, as soon as she received the telephone call and email from the petitioner.

Mr. Sowerby did not doubt that Ms. Meltzer is confident everything is in order, but he felt if the Board is going to make a decision tonight, they need the information ahead of time. He noted that there has been an issue for some time with this company, and he felt just because they got everything in order at the last minute does not mean they cannot postpone it for two weeks. He did not think it is fair to the Board, and spoke for himself as a voting member who will be making a decision on this.

Ms. Meltzer explained the petitioner is anxious to open and they wanted to be on tonight's agenda. Ms. Meltzer told them their concern is that they were not in compliance; however, they are in compliance. She advised it is up to the Board and they can either delete it from tonight's agenda or approve the agenda and she would be glad to read the letters into the record. They can ask questions, and if they choose, they can postpone the matter at that point.

Motion by Mr. Gielegghem, supported by Ms. West, to approve tonight's agenda with the addition of Items #7 through #13, moving Item #7 to Item #1 and moving Item #1 to Item #1A; further, to delete Item #2 and place it on the next Regular

Township Board Meeting scheduled for Monday, June 27th, 2016. Discussion ensued.

Mr. Gieleghem did not feel there is sufficient time for Board members to review backup for an item when it is sent to them after 4:30 p.m. on the day of a meeting.

Mr. Cannon stated he has no objection to Item #2 being placed back on the agenda this evening; however, he stated he would like to extend the courtesy to Mr. Sowerby and Mr. Gieleghem if they would like this matter postponed, and if that option gets four votes, it will be on the agenda in two weeks.

Mr. Pearl withdrew his motion.

Roll Call (on motion to approve agenda with the deletion of Item #2): Ayes – Gieleghem, West, Reynolds, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

1. RESOLUTION ESTABLISHING 41-B DISTRICT COURT SPECIALTY COURT FUNDING (formerly Item #7)

Mr. Cannon noted that the Resolution refers to “townships” but he noted there is one city involved.

Mr. Sowerby clarified that each community is adopting their own Resolution.

Judge Linda Davis explained that they are going in front of each community with a Resolution. She added that all three of the communities have to agree on a Resolution in order for it to pass.

Mr. Sowerby explained that it is part of the Articles of Incorporation passed in 2006-2007 that bound the three communities and 41B District Court together.

Mr. Cannon stated he has been invited and has attended graduations from both courts, noting they are a little different that one would expect, being both tearful and joyous at the same time. He commended Ms. Davis on the fantastic job she does.

Mr. Pearl stated he definitely supports this concept as well. He indicated he has also attended a few of the graduations.

Judge Davis stated that people who have attended it have a different attitude about it than people who have never attended it. She added it is quite a sight to see, and right now they are funded to run these courts. She explained that her drug court has received national attention, and she was recently invited out to

California because they have some special programming receiving national attention. Since she has gone out to California, she has been receiving phone calls from judges all over the United States who are trying to mimic the 41B's drug court. Although 41B has grant money right now, they are not guaranteed to get a second grant of that volume. They serve a large number of people now, but if they do not get the grant, they may end up with a lot of people who are halfway through their treatment program and would have to be told the program has ended because of lack of funding. Judge Davis stressed that drug courts work, and they have seen a tremendous amount of success. She indicated they are currently experiencing about an 86% success rate, which means they do not see these same people through the system again. She emphasized that it does not work to jail these people over and over again. She admitted that when she first got involved with this program, she was leery as to whether it would work, but she has been astounded at the success. She encouraged anyone who has not attended one of their graduations to consider attending one, noting that they are open to the public. She felt anyone witnessing one of these graduations would never hesitate to fund this program in the future.

Motion by Mr. Pearl, supported by Mr. Gieleghem, to adopt the Resolution Establishing 41-B District Court Specialty Court Funding, as presented, effective June 13th, 2016. Discussion ensued.

Mr. Gieleghem stated he witnessed an instance where one of the young people in the program did not meet the terms of the agreement and was being remanded back to the youth home. He added it was emotional, and there were a lot of excuses. He inquired as to whether the State is pulling back on their funding.

Judge Davis replied they are not cutting back on funding now, stating there is currently an abundance to fund drug courts because they are successful. She cautioned that they will not be funded forever. She explained this is why they are looking at this to determine how they can raise this money in the future, and to sustain what they know works. Judge Davis stated that by charging an extra \$5 for each civil infraction and misdemeanor, they can establish the Special Court Fund. She pointed out that they do not raise their fines regularly, and the last time their fines were raised was over seven years ago. She felt the additional \$5 fee is not burdensome to anyone and it will continue to provide a service to the community.

Mr. Sowerby thanked Judge Davis for being here tonight, and he commended her for being one of the "early pioneers" with regards to the drug court. He added that he is now seeing it on networks shows and in magazines, addressing a disease that so many people have. He questioned how drug courts and veterans' courts work.

Judge Davis explained there is criteria to determine who is eligible, stating that it is generally not for first-time offenders, although if a first-time offender has a blood level “off the charts” or it is a young person who confides that they have been on opiates for a long time, they may qualify. She stated it is generally for repeat offenders. She clarified that they do not get a “special deal”. They are often placed on probation but the court gives them the added personal support. She added this is all volunteer because they do this during lunch and after work. They have police officers that sit on their board, as well as counselors, probation officers, prosecutors, as well as herself, and they determine as a board whether or not to take people into the program. She informed that they have even taken people who are dual-diagnosed and have mental problems, and she added that they have a psychologist who can help in these cases. She explained that the first phase of the program is very intense. They are drug-tested three times a week, they see her once a week and the counselor twice a week, and they are given Vivitrol, which helps take away their cravings. They are required to attend 90 meetings in 90 days, and they have to attend monthly FAN meetings, so hopefully they will reunite with their families while they are in drug court. She reiterated it is very intense and is “not a piece of cake”. Judge Davis stated they have people who are accepted into the program, then they ask for the year in jail because they feel it would be easier. The program tries to rebuild who these people are. During the second phase, she meets with them once every other week, they see the counselor twice a week, they are tested twice a week and they have to attend three to four AA meetings weekly, depending on their needs. She noted that some feel they need the AA meetings on a daily basis. She added that in the last phase, she meets with them once a month, they continue their counseling, and they are made financially responsible. Judge Davis explained the grant is currently funding the first phase, and they accept partial financial responsibility for the second phase. They are required to pay more in the third phase, and they are also taught financial responsibility, because they are required to have employment in this third phase. She emphasized that it is a metamorphosis to see the change in these people. She noted that the Veteran’s Court is basically the same but the cost is less because veterans are generally entitled to so many benefits. They also have mentors who are military people who served, and that person helps them through the program. She replied that Judge Miller ran the first drug court for the first few months and they had 8 people, and Judge Davis explained that she has been running it since that time, and they are now up to 55 people. She admitted it is a challenge to get them all in front of her for their meetings, but 13 people graduated and within two weeks, those spots were filled again.

Mr. Sowerby stated that Judge Davis and her volunteers have saved a lot of lives and helped a lot of people.

Judge Davis claimed she has a great team, and she added that she has never worked with such a devoted team of people. She felt it shows because they have one of the best drug courts in the State of Michigan.

Ms. Meltzer commended Judge Davis in showing that this is overmedicating patients and a lot were taking prescriptions drugs, not necessarily their own, but belonging to someone else in their house. She stated that Judge Davis has brought so much attention to this and she has been hearing that its popularity is not only statewide but nationwide as well.

Judge Davis explained that years ago they did not understand addiction, but 76% of those who become addicted become that way from a real prescription. She does not blame doctors, but they were overprescribing because that is what they thought they had to do. She claimed the pharmacy sold the public a bad ‘bill of goods’. Physicians are rated on how well they manage pain, so to get high ratings, they have to satisfy their patients. She stressed they need to be very vocal to measure levels in blood rather than measuring pain. Studies have shown it only takes seven to fourteen days to get addicted to these drugs. She stated that we were taught to take our antibiotics until they are gone. If someone takes their opiate prescription until it is gone, they will have been on it long enough to become an addict. This is a blue-collar community, and a lot of prescriptions were written to help with pain from the job. The population is growing in drug addiction in middle age because of work-related injuries, and in seniors because of pain issues. She pointed out that seniors can be addicted much quicker. Judge Davis explained that they hold education programs all the time. She explained that addicts come from all walks of life, including straight ‘A’ students and athletes, and they become addicted to these drugs because doctors have prescribed them and they feel they must be safe.

Judge Davis informed that they have come out with a cutting edge commercial that she urged the Township to put on their website. Henry Ford Hospital ran it on their website and they got 217,000 hits in one day. It has raised all kinds of dialog with people about the dangers of these drugs and it tells them that taking Vicodin, Oxycodone, Hydrocodone and any narcotic-based pain medication is the equivalent of taking heroin.

Ms. West inquired as to whether it would be possible for Judge Davis send her a link to that video so she can put it on the Greater Detroit Area Health Council website.

Judge Davis encouraged anyone who would like the link to email her and she will email the link.

Mr. Reynolds requested that Ms. West forward it to the Board members when she receives it.

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

Judge Davis thanked the Board for their support, noting they have had a great working relationship over the years. She presented the Board with a check in the amount of \$183,962, which is the Township's share of what the court turns back to them each year. She stated the court used to operate in the red, and they are intent to make sure that never happens again.

Mr. Cannon explained that amount goes directly to the Police Department.

Mr. Sowerby clarified that is divided between the three communities served under 41B District Court, which includes Clinton Township, Harrison Township and the City of Mount Clemens, so he noted the funds will be divided accordingly.

1A. 2016 TOWNSHIP FIREWORKS DISPLAY (formerly Item #1)

Mr. Reynolds stated this is a great event. He added that he has been Chair of the Parks & Recreation Committee for 12 years and this is the 9th year they have been able to have the fireworks. They have some new additions this year, and he added that Big Boy will be having a brand new menu, including fresh-cut fries which they do not do in their restaurants. Dickie's BBQ will be having their pulled pork and their macaroni and cheese. There will be pizza, elephant ears, corn dogs, kettle corn and more, and he announced a rain date of Thursday, July 7th, 2016 in the event of inclement weather, which would also include windy conditions. There will be a lot of activities for the kids, including a couple of new surprises. He announced that, as usual, there is no charge for parking, admittance, the concert or activities for the kids, and the only charge is for the food from the vendors and the glow-works for the kids before the fireworks.

Motion by Ms. West, supported by Mr. Gielegem, to receive and file the letter dated Jun 1st, 2016 from Trustee Reynolds with regard to the 2016 Fireworks that will be held at the Civic Center on Wednesday, July 6th, 2016, with a rain/inclement weather date of Thursday, July 7th, 2016. Roll Call: Ayes – West, Gielegem, Reynolds, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

2. REQUEST TO APPROVE NEW SDM LIQUOR LICENSE FOR MORAN FOOD LLC

This item was deleted from tonight's agenda.

3. REQUEST APPROVAL OF ALLOCATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter dated June 13th, 2016 from the Police Chief and approve this year's Edward Byrne Memorial Grant (JAG) in the amount of \$23,553, to be used to help purchase new in-car cameras in the patrol cars. Discussion ensued.

Mr. Sowerby felt it would be helpful to update the Board and the community as to what these cameras will do.

Mr. Cannon stated that the Police Chief is not present but he informed that this grant will pay for cameras for each patrol car but also cameras to be placed on the lapel of each of the officer's uniforms. The images from these cameras will be saved on a "cloud" for 90 days and will then be deleted.

Mr. Sowerby felt this is great to hear.

Mr. Cannon stated this is possible because the prices continue to go down for technology.

Ms. Meltzer stated that, in response to the 90-day retaining of the images, she will be checking to see if that is allowed. She explained that there is a written schedule of retention for all records, and they may have to develop one so the retaining of these images complies with their schedule.

Mr. Sowerby applauded the administration and the Police Department for bringing this forward. He felt this will be a great asset to have in the Township, and it is nice to be able to pay for it with a grant.

Mr. Cannon felt this will answer a problem, because a lot of police officers wanted to provide their own camera but that is not allowed, the reason being that there would be a question of who owns the images. If it is the police officer's personal camera, the police officer would actually own the images. With these proposed cameras, the officers are protected but the cameras will all be owned by the Township.

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

4. BID AWARD: CARPORT

Mr. Cannon clarified that this is for the overflow vehicles that do not fit inside during the winter months.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated June 13th, 2016 from the Assistant Superintendent of Water & Sewer Division, Department of Public Services, and award the bid for the fabrication and installation of a carport for the Water & Sewer Department Shook Road Facility to Ross & Barr, Inc., in the amount of \$13,700.00, which is a budgeted amount in Capital Outlay for Fiscal Year 2016/2017; further, to approve the waiver of the permit fees in the amount of \$412. Roll Call: Ayes – Sowerby, Reynolds, Gielegghem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

5. 2016 POLICE BUILDING DEBT SERVICE MILLAGE REQUIREMENT

Mr. Cannon stated this is something the Board does each year.

Mr. Sowerby explained that in 1998, the Township went to the voters and asked for bond dollars to pay for the new police station. After this next collection, which will occur on the winter bill of 2016, there will be only one more collection on the winter bill of 2017, and the bond will be retired, which means they will no longer have to collect on it, which is good.

Motion by Mr. Sowerby, supported by Mr. Gielegghem, to receive and file the letter dated June 2nd, 2016 from the Finance Director, and approve the levy of a millage rate of 0.48 mills on the December 2016 tax roll to provide sufficient funds for the 2016 Police Building Debt Service Millage requirement. Roll Call: Ayes – Sowerby, Gielegghem, Reynolds, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

6. ADOPTION OF ORDINANCE NO. 423 – AMENDMENT TO MASSAGE ORDINANCE

Ms. Meltzer explained that this proposed Ordinance was introduced at the last meeting, so it would be appropriate for the Board to adopt it this evening.

Motion by Mr. Sowerby, supported by Ms. West, to adopt and publish Ordinance No. 423 – Amendment to Massage Ordinance, as presented, effective immediately upon publication. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegghem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

7. RESOLUTION ESTABLISHING 41-B DISTRICT COURT SPECIALTY COURT FUNDING

This item was moved to Item #1.

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

Mr. Cannon explained that Mr. Barry Miller, Superintendent of the Building Department, met with Ms. Kanakry to discuss details of the request for outdoor display, and he concurs with the sketch and is now recommending approval.

Mr. Miller stated he would like to outline what they have discussed because the letter read into the record did not reflect the changes and the discussions he had with Ms. Kanakry. He indicated Ms. Kanakry would like to have her display of fireworks from June 14th to July 14th, 2016, and at that time, she will switch her display from fireworks to flowers and continue the display for another sixty days, so the tent will be up a total of ninety days. The area of display will be closer to the building, although it will be in the parking lot, consisting of two rows approximately 32 feet in length. He stated that would be there for the entire ninety days, and everything will be removed by September 14th, 2016. Everything regarding the fireworks and the tent has been reviewed by the State Fire Marshall, and upon setup, will be reviewed by the State Fire Marshall and the Building Department prior to Ms. Kanakry allowing the public into that tent.

Ms. Meltzer pointed out that normally the Board approves the fireworks tent for only 14 days; however, because Ms. Kanakry is a resident of the Township. She added that the Board has done this in the past for Ms. Kanakry, but she wanted to specify why she is getting the 30-day approval. Ms. Meltzer commented that they appreciate Ms. Kanakry being a business owner here.

Ms. Kanakry stated that, with regard to the upcoming fireworks display on July 6th, 2016, she would be willing to possibly help out with the budget or a donation, and requested that Mr. Reynolds could let her know.

Mr. Reynolds thanked Ms. Kanakry and indicated they are always looking for corporate sponsors, so he stated he will contact her.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated June 6th, 2016 from Ms. Andrea Kanakry, Andrea's FlowerHouse, and approve the request to permit an outdoor display with a 20-foot by 60-foot fireworks tent at 38454 Hayes Road for thirty (30) days from June 14th, 2016 through July 14th, 2016; further, that at the end of the thirty (30) days, the display will remain up but will change over to flowers from July 14th, 2016 through September 14th, 2016, at which time everything is required to be taken down; further, the display is approved as per the sketch approved by Mr. Barry Miller, and, upon setup, the tent will need to be reviewed and approved by the State Fire Marshall and the Building Department prior to Ms. Kanakry allowing the public into the tent. Discussion ensued.

Mr. Gieleghem stated that this Board cannot reject people wanting to sell fireworks because that is mandated by the State; however, what this Board has done in the past is to request those who sell fireworks to pass out a flyer, provided by the Clerk's office, which explains the law regarding fireworks, the proper time to light the fireworks, and firework safety. He explained that everyone who has come in requesting a fireworks tent has volunteered to pass out these flyers, and he inquired as to whether Ms. Kanakry would be willing to do the same.

Ms. Kanakry replied that she is the one who originally came up with that letter, so she assured that she will once again pass them out.

Mr. Gieleghem felt that, in terms of the tent and flower sale, the Building Department has approved this, but he felt there is a constant "don't cross this line" and yet Ms. Kanakry seems to cross it. He felt the Board is taking a leap of faith in approving this request, and he assured they want to see her business be successful, but he also reminded her that the rules have to be followed.

Mr. Sowerby inquired as to the hours permitted for the tent to be open. He inquired as to what time Ms. Kanakry intends to open in the morning.

Ms. Kanakry replied she generally opens at 9 a.m.

Mr. Sowerby stated the standard hours are until 10 p.m., so he felt they should include in the motion that the hours of operation will be limited to between 9 a.m. and 10 p.m.

Ms. Meltzer recalled that, in the past, Ms. Kanakry had wanted to remain open until midnight on Fridays and Saturdays.

Ms. Kanakry replied she would like to have permission to remain open until midnight on Friday and Saturday nights. She explained that there is a party store adjacent to her property and they are open until midnight.

Mr. Cannon commented that they have not had a problem with the later hours at this particular location.

Mr. Miller inquired as to whether there is sufficient lighting on the site.

Ms. Kanakry assured she has adequate lighting for the entire tent she purchased a couple of years ago, and she also has a generator.

Mr. Miller stressed he would have a problem with people crossing a parking lot at night without lights.

Ms. Kanakry stated she has lights in her parking lot, but she does not usually turn them on. She added that she also has a light on her sign that is located on the grass in front.

Ms. West inquired as to whether it is Ms. Kanakry's intent to be open every Friday and Saturday until midnight, or just the weekend before the Independence Day holiday.

Ms. Kanakry confirmed that she is requesting to be open until midnight for the four weekends prior to the holiday.

Mr. Sowerby acknowledged that Ms. Kanakry has been successful in the past selling fireworks at this location; however, he noted that the Board has been diligent with others to ensure they close at 10 p.m. He suggested that they could possibly limit the midnight hours to only the Friday and Saturday just before the holiday. He added that if that works this year and is successful, possibly they could look at more next year.

Ms. Meltzer confirmed that those two dates would be Friday, July 1st and Saturday, July 2nd, 2016.

Considerable discussion took place, and Ms. Kanakry stressed she would really like to stay open to midnight each Friday and Saturday night because of the business she gets from patrons at the party store coming over to her location after they make their purchases at the store.

Ms. West **amended her motion**, and Mr. Reynolds **amended his support**, to include the following in the motion on the floor:
Further, the hours of operation are limited to 9 a.m. to 10 p.m., with the exception of Friday, July 1st and Saturday, July 2nd, 2016, when she is allowed to remain open until midnight.

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

9. REQUEST CLOSED SESSION TO DISCUSS PROPERTY PURCHASE

Mr. Cannon announced that the Board will be reconvening after Closed Session, although he added they may or may not take action.

Motion by Mr. Pearl, supported by Mr. Reynolds, to schedule a Closed Session immediately following the last item on tonight's agenda for the purpose of discussing a property purchase. Roll Call: Ayes – Pearl, Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried

10. REQUEST FOR PROPOSAL FOR TOWING, STORAGE AND AUCTION OF IMPOUND AND OTHER VEHICLES

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letters dated June 8th, 2016 and June 9th, 2016 from the Township Treasurer, Trustee Gielegem and Trustee West, and approve the proposed timeline for the Request for Proposal (RFP) process for Towing, Storage and Auction of Impounded and Other Vehicles, as outlined in the letter dated June 9th, 2016. Discussion ensued.

Ms. Meltzer stated she is opposed to this for the biggest reason that the Township will have a new Board of Trustees in about five months, so she felt it would be appropriate to postpone making a decision on a contract that will last five years. She explained that this contract has been expired for about seven years at this point, and she felt there is no urgency to get this done. She did not see why this has to be done at a time when they are looking at a presidential election and there is so much work that she and her staff have to do in preparation for that. She clarified that she is not opposed to going out for bid, but she objects to the timing. She noted that it will affect the new Board, and she felt they should be the ones making the decision.

Mr. Cannon agreed that Ms. Meltzer has a lot of work to do between the August primary and the November election. He stated when he realized it would be an imposition on Ms. Meltzer's office and her staff, he felt they should wait on this. He requested that the Board members give Ms. Meltzer the same courtesy they gave to the two Board members this evening who wanted one of the agenda items postponed so they had additional time to look at it. He commented that both Shelby Township and the City of Fraser have had trouble with these towing contracts. Mr. Cannon stated he talked with his neighbor, who is in charge of the elections for the County, and he explained his concerns to his neighbor. He indicated his neighbor had agreed that Ms. Meltzer needs that time to concentrate on the elections and does not need to be burdened with this bid for towing. He would like to see this placed on an agenda after the November elections are over, because otherwise this Board will be saddling the next Board with the contract.

Mr. Russell Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, felt this Board is qualified to go forward with this request for proposal, even if it is an election year. As a Township citizen, he did not feel they should be postponing this because it is a decision that falls on this Board. He understood the difficulty of having an election this year, but he claimed he "hired this Board to vote on this issue today, not to postpone it for several months". He objected to the comparison of the postponement of one agenda item for two weeks to the postponement of going out for a Request for Proposal for several

months. He would like this Board to vote on this tonight, because he and other Township residents elected this Board to make these decisions.

Mr. Cannon replied it is not a problem to him either way, but he felt it would be fairer to hold off until the next Board is in place.

Ms. Meltzer emphasized that her desire to postpone this is not because she cannot handle it. She assured she can handle it, but she disagreed with Mr. Holtlander's comment that he "hired the Board to settle this contract". She felt no one even knew the towing contract had been expired. She felt there is no urgency, and there have been no complaints, so it would be better to wait until the next Board is in place.

Ms. West explained she signed the letter requested this be placed on tonight's agenda. She understood Ms. Meltzer's point that this contract expired several years ago, so she felt pushing their work onto the next Board makes no sense. She pointed out that the Towing Committee started working on this a year ago, and if they had put this out for bid last year, it would not have been an election year, but there were so many nuances, so she was confident if it could have been completed last year they would have done so. She stressed she is very much in favor of going forward with this at this time.

Mr. Gielegem stated that competitive bidding is the way they ensure the public that they are getting the best possible service for the best possible price. He added that, although he could not speak to the seven years they have gone without a formal bid process, but he felt there should have been a contract in place as soon as the previous contract expired. He stated that, in terms of workload, this Board voted unanimously in May to go out for bid, so he could not understand why they are not moving forward on this. He felt those on the Towing Committee took the extra step to come up with a process and outlined it in great detail. He stated it mainly involves the Police and Fire Departments and the Township Attorney's office, as well as the Clerk's office, but he stressed this is a part of doing business and should be prioritized as such. He recalled not long ago the hiring of more personnel in the Clerk's office to handle the issuance of passports, many of which are for non-residents. He felt this towing contract is a higher priority than that.

Mr. Cannon stated they all agree that the towing contract needs to be addressed and they voted for it in May; however, it is just a matter of when to do it.

Mr. Sowerby agreed that they are all busy with their full-time positions. He spoke with the head of County elections today, as was recommended for him to do. He had stated that Ms. Meltzer would be very busy with the upcoming election, but he never said that she should not be doing other work. The previous towing contract was approved in 2004 and expired in 2009, and what happened

between then and now is an administrative question. He noted that when a contract expires, generally the vendor will approach the specific department or the Board, but apparently in this case it “fell under the radar” and did not get addressed, which he felt is a problem. Mr. Sowerby stressed this is a lucrative contract and gives exclusive rights to a towing company and storage yard. Once it came to their attention that the contract expired, which was about a year and a half ago, they started the process to move forward. He felt everyone was included in this process. They addressed this issue at two Budget/Ways & Means Committee meetings this year, one on January 12th and the other on April 1st, and the issues cited tonight for putting off the bidding process were not raised at that time. The issue came before the Board on May 16th, and on April 20th, the Township Attorney sent out the recommendation from the Budget/Ways & Means process, so the Board members had this nearly one month in advance of the May meeting. He was not sure whether or not there were any questions, but when it came before the Board in May, there was no opposition from any Township Board members. He claimed that the Attorney sent out a letter after the Board Meeting to Mr. Cannon, Ms. Meltzer and himself as to would be invited to the pre-proposal meeting, to which he responded immediately and copied everyone on his response. He indicated on May 25th, he received an email from Ms. Meltzer asking about the status of the towing specs, to which he gave a detailed response. He recalled Ms. Meltzer’s response back indicating “that is good”. Mr. Sowerby called Mr. Dolan a week or two ago to see how it was proceeding, and he claimed he had received some information form the Clerk’s Office to not continue with the process.

Mr. Dolan stated he was informed that there was a decision to reconsider the timing on completing the bidding process, with the reasoning that it would be better to wait until after the election. He added that the Board members have all indicated their reasons on both sides of this issue.

Mr. Sowerby pointed out there is opposition to going forward with Board action that was taken in May, and that is why three of the Board members placed this on the agenda tonight. He felt it is prudent for the Board to move this process along, and emphasized that is what he has been elected to do.

Mr. Pearl sympathized with Ms. Meltzer but he felt this Board should be “doing business as usual” and act on what comes before them.

Ms. Meltzer disagreed and felt they are “making” this come before them.

Mr. Pearl reminded that the Committee has been working on this for a year and a half, and they are ready at this point to go forward.

Ms. Meltzer appreciated Mr. Pearl’s understanding but emphasized she does not need sympathy because she and her staff are fully capable of handling it. She

provided her concerns when she had time to do so, and stated she responded to the request for concerns and/or opinions by email. She maintained her position that it has been expired for seven years, so it would be fairer for the next Board to vote on this.

More discussion took place regarding this issue.

Mr. Roger Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, questioned whether the rates have risen in the last seven years since the contract has been expired.

Mr. Cannon replied the rates have not gone up, but he felt they will go up with this new towing contract.

Mr. Holtslander commented that the economy has been in shambles over the last few years, and he questioned if they had gone out for bid when the previous contract expired, they may have gotten better rates from the bid process because of the bad economy. He hoped the Township did not pass up an opportunity to get some savings on this. He claimed that in an election year, “no one can do anything that is their job”. He could not understand why the Board will not do their job now when they have another five months in their terms of office.

Ms. Meltzer assured it is not because it is difficult, but she felt this matter has actually been delayed for seven years, so this Board never saw the urgency. She felt waiting a few more months until after the election so the new Board will be voting on the contract that they will have to administer would be a better option.

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

11. PLAYGROUND SAFETY COMPLIANCE

Motion by Mr. Pearl, supported by Mr. Sowerby, to receive and file the letter dated June 13th, 2016 from the Director of Public Services, and approve the purchase of new swing hangers and wear mats for the Township’s parks swing sets from Game Time, c/o Sinclair Recreation in the amount of \$7,273.56 for the swing parts and \$2,013.82 for the wear mats; further, to approve a budget line item amendment of \$7,273.56 in the Parks Repair and Maintenance budget, and \$2,013.82 in the George George Park Repair and Maintenance budget. Roll Call: Ayes – Pearl, Sowerby, Reynolds, Gielegem, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

12. REQUEST CLOSED SESSION TO DISCUSS PENDING LITIGATION

Motion by Ms. West, supported by Mr. Reynolds, to include in the already-scheduled Closed Session immediately following the last item on tonight's agenda a discussion regarding pending litigation. Roll Call: Ayes – West, Reynolds, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

13. REQUEST TO SCHEDULE PUBLIC HEARING FOR RENEWAL OF POLICE & FIRE SPECIAL ASSESSMENT MILLAGE - 2016

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated June 8th, 2016 from the Township Assessor, and schedule a Public Hearing for the renewal of the Police & Fire Special Assessment Millage for 2016, to be held on Monday, June 27th, 2016 at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center. Roll Call: Ayes – West, Reynolds, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF MAY 31ST, 2016 REGULAR TOWNSHIP BOARD MEETING

Motion by Ms. West, supported by Mr. Sowerby, to approve the minutes of the May 31st, 2016 Regular Township Board Meeting as submitted. Roll Call: Ayes – West, Sowerby, Reynolds, Gielegghem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT INTO CLOSED SESSION

The meeting adjourned into Closed Session at 7:53 p.m. and reconvened immediately upon its conclusion.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Reynolds, to adjourn the meeting. Roll Call: Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON

ces:06/16/16