

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, SEPTEMBER 17TH, 2018

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	KIM MELTZER	CLERK
	PAUL GIELEGHEM	TREASURER
	JOE A. ARAGONA	TRUSTEE
	MIKE KEYS	TRUSTEE
	KENNETH PEARL	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 stated there are four deletions to tonight's agenda:

6. Conditional Rezoning/Site Development Plan for Healing Touch Physical Therapy Facility (formerly proposed rezoning from RML Multiple-Family Residential (Low-Rise) to B-1 Neighborhood Business
20. Approval of Appointment to Office Clerk II Position – Building Department
21. Approval of Appointment to Office Clerk II Position – Clerk's Office
24. Appointments to the Building Authority

Ms. Meltzer stated there are four additions to tonight's agenda:

30. Request Approval to Post Banners/Signs for Goodfellow's Pasta Dinner
31. Bid Award – Garfield Road Water Main Crossing Replacement at Clinton River Road
32. Request an Attorney General's Opinion on Whether a Violation of the Incompatible Offices Act Has Occurred
33. Request Closed Session to Discuss Litigation – River of Life Ministries v. Clinton Township

Motion by Mr. Pearl, supported by Mr. Keys, to approve the agenda with the deletion of Items #6, #20, #21 and #24, and the addition of Items #30, #31, #32 and #33. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

1. RESOLUTION RECOGNIZING SEPTEMBER 17 - SEPTEMBER 23 AS CONSTITUTION WEEK 2018

Motion by Mr. Pearl, supported by Ms. West, to adopt Resolution Recognizing September 17th – September 23rd as Constitution Week 2018, as presented. Roll Call: Ayes – Pearl, West, Keys, Canon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

2. RESOLUTION RECOGNIZING RAIL SAFETY WEEK IN UNITED STATES AND CANADA FROM SEPTEMBER 23 – 29, 2018

Mr. Cannon stated several years ago he was privileged to ride on a train where they were discussing Operation Life Saver and they showed what people do at railroad crossings, trying to beat trains. He mentioned the daughter of a good friend of his tried to beat a train in Clinton Township and was killed. He added people try to drive around the gates, even when police were sitting on both sides of the tracks with their lights going as part of Rail Safety Week. He advised those with children and grandchildren to stress to them rail safety.

Motion by Ms. West, supported by Mr. Pearl, to adopt Resolution Declaring September 23rd through 29th as “National Rail Safety Week” in Clinton Township, as presented. Roll Call: Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

3. RESOLUTION RECOGNIZING OCTOBER 7 – OCTOBER 13 AS FIRE PREVENTION WEEK 2018

Mr. Cannon urged families to attend the Fire Department’s open house, which is a wonderful event, especially for kids.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated August 28th, 2018 from the Fire Marshal and adopt the Resolution Proclaiming October 7th – 13th as Fire Prevention Week 2018, as presented. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

4. PUBLIC HEARING – ANNUAL RESOLUTION ADJUSTING SPECIAL ASSESSMENT LIGHTING DISTRICTS

Mr. Cannon stated this is a public hearing and opened the floor for public comment, but there were no comments from the audience.

Motion by Ms. West, supported by Ms. Meltzer, to receive and file the letter dated September 5th, 2018 from the Assessor, and adopt the Annual Resolution Adjusting Special Assessment Lighting Districts, as presented. Roll Call: Ayes – West, Meltzer, Keys, Pearl, Cannon, Aragona, Gielegem. Nays – None. Absent – None. Motion carried.

5. SDM LIQUOR LICENSE TRANSFER – FIVE STAR FUEL LLC

Motion by Mr. Pearl, supported by Mr. Aragona, to receive and file the letter dated September 7th, 2018 from the Township Clerk, and approve the transfer of ownership of the SDM Liquor License to Five Star Fuel LLC, located at 44975 N. Gratiot, as requested. Roll Call: Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

6. CONDITIONAL REZONING /SITE DEVELOPMENT PLAN - HEALING TOUCH PHYSICAL THERAPY (FORMERLY PROPOSED REZONING FROM RML MULTIPLE-FAMILY RESIDENTIAL (LOW-RISE) TO B-1 NEIGHBORHOOD BUSINESS): PART OF LOT 887, ROSECROFT SHORES SUBDIVISION (AND 0.7946 ACRE OF ADJACANT PARCEL OF LAND BEING PART OF VACATED ROSECROFT SHORES SUBDIVISION), LOCATED SOUTHWEST OF SHOOK ROAD, WEST OF HARPER, ADDRESSED AS 23880 SHOOK ROAD (SECTION 26)

This item was deleted from tonight's agenda.

7. CONDITIONAL REZONING / SITE DEVELOPMENT PLAN - VERUS DEVELOPMENT RETAIL (FORMERLY PROPOSED REZONING FROM RML MULTIPLE-FAMILY RESIDENTIAL (LOW-DENSITY) TO B-3 GENERAL BUSINESS: 2.29 (PART OF 9.7) ACRES LOCATED AT THE NORTHWEST CORNER OF 18 MILE AND GARFIELD ROADS (SECTION 7) (PARCEL #16-11-07-476-003)

Mr. Dolan replied to inquiry that he is satisfied with the Conditional Rezoning Agreement (CRA) as provided. He has reviewed the exhibits as provided to the Board, and he indicated Mr. Steven Cassin, Planning Consultant for Carlisle-Wortman, is present to answer questions.

Mr. Gielegem noted this is at the corner of 18 Mile and Garfield and only involves the 2.5-acre portion of land right on the corner. He understood that this involves the development of three retail units, one of those being a drive-thru for a passive use, such as a sub shop or coffee shop, and not a full-scale fast-food restaurant.

Ms. West stated at the Planning Commission meeting it was discussed that it will be a passive use, possibly something like the Tim Horton's that is at 17 Mile and Garfield Roads, although she added she does not think it will be another Tim Horton's.

Mr. Gielegem commented that the drawings submitted are extremely "busy" and somewhat difficult to follow, with all their notes and referrals. He mentioned that they are currently interviewing candidates for the Planning Director position, and the recurring theme with all the applicants is the need to require plenty of trees and landscaping, which is a theme emphasized in the Conservation Committee as well. He added there are statistics that show people who go to tree-lined thoroughfares and shopping districts tend to stay longer, spend more money and have a more enriching experience.

Motion by Ms. West, supported by Mr. Pearl, to receive, file and concur with the letter dated August 29th, 2018 from the Clinton Township Planning Commission Secretary and approve the conditional rezoning from RML Multiple-Family Residential (Low-Density) to B-3 General Business, and the Conditional Rezoning Agreement and Exhibits between VDG Garfield LLC, 28454 Woodward Avenue, Royal Oak, Michigan 48067, and the Charter Township of Clinton, along with the Site Development Plan (Exhibit "B") for Verus Development Retail, to be located on 2.29 (part of 9.7) acres located at the northwest corner of 18 Mile and Garfield Roads (Section 7), referred to as Parcel #16-11-07-476-003, as submitted; further, this Ordinance amendment is to be known as Ord. 260-A-469, effective thirty (30) days after publication. Roll Call: Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

8. CONDITIONAL REZONING / SITE DEVELOPMENT PLAN - GARLAND APARTMENTS (FORMERLY PROPOSED REZONING FROM RML MULTIPLE-FAMILY RESIDENTIAL (LOW-DENSITY) TO RMH MULTIPLE-FAMILY RESIDENTIAL (HIGH-DENSITY)): 5.07 ACRES OF VACANT LAND LOCATED EAST OF GARFIELD, SOUTH OF 19 MILE ROAD (SECTION 8)

Mr. Dolan explained the Board has a Conditional Rezoning Agreement, and the only modification to that, which he has spoken to the developer's representative, is that when it refers to Exhibit "B", the Agreement needs to itemize the plans that make up Exhibit "B", which is the site plan, landscape plan, elevation plan and floor plan.

Mr. Cannon explained the only thing that may need to be worked on is the detention area, and Ms. Bednar indicated she will address it if there needs to be work done on the detention area. He stated this is a senior living area by Children’s Hospital of Michigan.

Mr. Dolan reminded that anything the Board approves is subject to further engineering review or correction.

Mr. Cannon assured Ms. Bednar will be watching to make sure everything is correct on this site.

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated September 11th, 2018 from the Clinton Township Planning Commission Secretary and approve the Conditional Rezoning Agreement between Garfield Office Residual, LLC, 12955 23 Mile Road, Shelby Township, MI 48315, and the Charter Township of Clinton, along with the Site Development Plan (Exhibit “B”) for Garland Apartments, to be located on 5.07 acres of vacant land located east of Garfield, south of 19 Mile Road (Section 8), referred to as Parcel #16-11-08-101-034, subject to the Conditional Rezoning Agreement itemizing the plans that make up Exhibit B, which include the Site Development Plan, Landscape Plan, Floor Plans and Elevations; further, this Ordinance amendment is to be known as Ord. 260-A-470, effective thirty (30) days after publication. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

9. CONDITIONAL REZONING - CLINTON HALL DEVELOPMENT (RETAIL DEVELOPMENT WITH A DRIVE-THRU) (FORMERLY PROPOSED REZONING FROM B-2 COMMUNITY BUSINESS TO B-3 GENERAL BUSINESS): 2.221 ACRES OF LAND SOUTH OF HALL ROAD, EAST OF HAYES (SECTION 6) (PARCEL #16-11-06-126-009)

Mr. Dolan explained that, as offered by the developer who has his representative present at tonight’s meeting, they offered Paragraph 3d on Page 3, specifying uses that shall not be permitted in Phase 1 or Phase 2 of the development, including Billiard halls, coin and/or token-operated amusement arcades, nightclubs and skating rinks, sexually-oriented businesses, and/or massage parlors. He added that if they decide they want any of those uses on this site, they will have to request a modification to the Conditional Rezoning Agreement and bring in revised plans at that time.

Motion by Ms. West, supported by Mr. Gielegem, to receive, file and concur with the letter dated September 11th, 2018 from the Clinton Township Planning Commission Secretary and approve the Conditional Rezoning Agreement between Clinton Hall Properties, LLC (“CHP”), 40700 Woodward Avenue,

Bloomfield, Michigan 48323 and the Charter Township of Clinton, along with the Site Development Plan (Exhibit “B”) for Clinton Hall Retail Development, to be located on 2.221 acres of land located south of Hall Road, east of Hayes Road, addressed as 15600, 15610, 15620, 15630 and 15640 Hall Road (former Palm Palace location, which was addressed as 15750 Hall Road), as was revised to incorporate Section 3-d-i, -ii and -iii; further, this Ordinance amendment is to be known as Ord. 260-A-471, effective thirty (30) days after publication. Roll Call: Ayes – West, Gielegem, Keys, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

10. CONDITIONAL REZONING / SITE DEVELOPMENT PLAN - HAMPTON MANOR OF CLINTON (FORMERLY PROPOSED REZONING FROM B-2 COMMUNITY BUSINESS TO SP-1 SPECIAL PURPOSE FOR DEVELOPMENT OF ONE BUILDING TO BE USED AS A SENIOR HOUSING FACILITY): 4.98 ACRES OF VACANT LAND LOCATED NORTH OF 15 MILE ROAD, WEST OF KELLY ROAD (SECTION 29) (PARCEL #16-11-29-481-026)

Mr. Dolan stated Mr. Thompson, the petitioner’s representative, is present and he is making a further offer of inclusion as part of the Conditional Rezoning Agreement an elevation plan and floor plan which has previously been prepared and subsequently reviewed by the Planning Commission. He stated that, although those drawings are not included in the Board packets, Mr. Thompson can come forward and show the Board the drawings.

Mr. Cassin replied he reviewed the elevation and floor plans and they meet the ordinance.

Mr. Bill Thompson, of Lehner Associates, Inc., representing the petitioner for Hampton Manor of Clinton, displayed both the elevation and floor plans.

Mr. Cannon commented that it looks like a very nice building.

Motion by Ms. West, supported by Mr. Pearl, to receive, file and concur with the letter dated September 11th, 2018 from the Clinton Township Planning Commission Secretary and approve the Conditional Rezoning Agreement between Clinton Investor Lands Holdings LLC (“CILH”) and the Charter Township of Clinton, along with the Site Development Plan (Exhibit “B”) for Hampton Manor of Clinton, to be located on 4.98 acres of vacant land located north of 15 Mile Road, west of Kelly Road, as submitted, subject to the Elevations and Floor Plans being incorporated into Exhibit “B”; further, this Ordinance amendment is to be known as Ord. 260-A-472, effective thirty (30) days after publication. Roll Call: Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

11. SPECIAL LAND USE FOR CONTINUATION OF AN EXISTING RESALE SHOP IN THE B-3 GENERAL BUSINESS DISTRICT AND SITE DEVELOPMENT PLAN FOR DISABLED AMERICAN VETERANS (D.A.V.) THRIFT STORE @ GRATIOT METRO CENTER (FKA SALVATION ARMY): LOTS 15-18, INGLESIDE FARMS SUBDIVISION, LOCATED EAST OF GRATIOT, NORTH OF SCHAFFER, ADDRESSED AS 36660 GRATIOT (SECTION 27)

Mr. James R. Andary, attorney representing Disabled American Veterans of Michigan, explained that by way of notification and the partnership they have enjoyed over the last several years, they have assigned the responsibility of continuation of the mission to serve the veterans of this community to the Veteran Support Services. He indicated Mr. Pence, who represents that company, is present tonight, and he requested Mr. Attisha, property owner, to be present tonight. He stated they have enjoyed their relationship, but the realities of staffing and the considerable time required were reasons why the board above them opted to assign the interest and continue to monitor it. He emphasized the Veteran Support Services is an excellent choice to carry on the mission, and he requested the Board approve the recommendation of the Planning Commission.

Mr. Pearl inquired as to whether they were at this location for a few years before they closed.

Mr. Andary replied they were there for five years, and the new change of policy from their board decided they should no longer engage directly in the thrift store business. The thrift store businesses that are monitored and maintained by D.A.V. throughout Michigan are doing the same thing by way of the directive they received from their board. He assured the operation will be the same, and they will carry on the same partnership they have enjoyed with the Township. Mr. Andary stated the Veteran Support Services will be providing enhanced services, which will be on-site counseling available, and veterans seeking out assistance will have the ability to get that on site.

Mr. Pearl recalled the original concerns about this site was the lack of parking. The Board of Appeals had originally approved the variance for five years, and they recently approved the variance again because parking was not an issue. He commended them for running a very clean operation on the exterior, and he felt the boxes outside were kept in an orderly fashion. He stated they did an excellent job, and he welcomed them back.

Mr. Gielegem noted there is a side drive off Schafer Street that goes to the back of the building. He pointed out that Schafer is the gateway to multiple residential streets, and he indicated he has received complaints from residents in the neighborhood about the back of the building, the process for the donations, and items being left out. He would like to make sure the items donated are not left

out. He felt part of it is within their control, although he admitted part of it is not in their control, understanding that people drop off donations during hours when the facility is closed. He felt there is a recognition that this is part of the nature of their business, and he would like to see how they intend to address those issues.

Mr. Andary assured he will bring these comments to the immediate attention of Mr. Pence. He knows part of the approach they have used is that it is a loss of product that also benefits the ability to sell it, so it is wasteful and causes concerns to their neighbors. He stated they will be monitoring the situation.

Mr. Gielegghem questioned who they should contact if they witness that situation.

Mr. Chris Pence, 10711 North End Avenue, Ferndale, Michigan, stated he is the owner/operator of Veteran Support Services and Veteran Charity Services, which is a 501C3. He stated anyone with concerns can contact him, and he stressed they are a very proud veteran organization, employing over 144 veterans. He assured they take great pride in how their facilities look in the community, and he guaranteed the look and the experience within the thrift store will be exemplary. There is a holding area inside the building that has a garage door, so any items left outside by donors can immediately be pulled in. He added he has tried to address any problems with overflow bins, making more bins available in places where they have excessive donations. He commended Clinton Township for being very good about allowing the schools to have bins, noting that is very much appreciated. He added that this is one of the few Townships that require permits for bins, and he stated that is important to those who run a thrift operation to know they are permitted, and that random people are not putting bins out.

Mr. Gielegghem wanted to be able to lend support to the veterans but also making sure they are protecting their neighborhoods and the Township's gateway to Gratiot. He thanked them for their commitment.

Ms. Meltzer questioned what type of counseling they will be offering.

Mr. Andary replied it is something they envisioned from the beginning when they interviewed different organizations. He explained this is for people who walk in looking for assistance, and they will have a room that will be private for this purpose. He, as well as other attorneys, will be volunteering their services and coming in monthly for scheduled appointments. He noted there are so many homeless veterans that need help, and they sometimes feel they can seek shelter at the thrift shop. He added they can also help them seek application for benefits and how they can get into the County network if they are disabled.

Ms. Meltzer stated her daughter lives in Chicago and counsels veterans. She added there is an incredible need for that type of assistance.

Motion by Mr. Pearl, supported by Mr. Keys, to receive, file and concur with the letter dated September 11th, 2018 from the Clinton Township Planning Commission Secretary and, in consideration of grant of variance by the Clinton Township Board of Appeals, approve the Special Land Use for continuation of an existing resale shop in the B-3 General Business District and the Site Development Plan for Disabled American Veterans (D.A.V.) Thrift Store @ Gratiot Metro Center (fka Salvation Army), located on Lots 15 through 18, Ingleside Farms Subdivision, located east of Gratiot, north of Schafer, addressed as 36660 Gratiot Avenue (Section 27), as submitted. Discussion ensued.

Mr. Dolan explained the Planning Commission previously granted approval specific to D.A.V., so the record should now reflect the approval includes the new applicant. He confirmed a motion for approval should specifically mention Veteran Support Services LLC for the Special Land Use. He stated there were variances granted on that site, and the conditions on the Special Land Use should include the same conditions that were included on the variances. He added there was also reference by the Planning Commission that the Special Land Use has additional conditions, so the motion maker should refer to the conditions on the variances applying as well as the recommended conditions made by the Planning Commission on their consideration of Special Land Use.

Mr. Pearl amended his motion, and Mr. Keys amended his support, to include the following:

Further, this approval is subject to the following conditions being met, as outlined by the Zoning Board of Appeals and Planning Commission:

- 1) The variance granted to allow 63 parking spaces, being 73 spaces less than the minimum required 136 parking spaces, is in effect only as long as Gratiot Metro, LLC, owner of the property, is operating a veterans-type thrift store at this location (either Disabled American Veterans (D.A.V.) or Veterans Support Services), and any change in the use of that property makes the variance null and void;
- 2) The petitioners must comply with all applicable requirements of the Township ordinances;
- 3) The project work requiring the variance must be completed within two years of the date the variance was granted, which was June 21st, 2018;
- 4) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals;
- 5) The variance is valid only for the useful life of any structures on the property for which variance was granted;
- 6) A sign be placed on the doors at the south end of the building informing that drop-off donations are not to be left outside the building; and
- 7) The doors on the south end of the building will always remain closed except when receiving a donation that would require the door to be open.

Discussion ensued.

Mr. Cannon stated in Clinton Township the Vietnam Veterans of America (VVA) Chapter 154 is located on 15 Mile Road, and they participate in six major events honoring veterans every year. He added that one of those events is this Friday evening at 6:00 p.m., where they conduct a 24-hour vigil at the POW MIA Memorial at Resurrection Cemetery, which he commented is a beautiful service. He informed that the remains of one of the MIA's has been returned home, so his name will be removed from the marker. He urged people to attend.

Mr. Keys appreciated the petitioners being here, and he thanked Mr. Pence for being available early to talk with him about what they described as their vision. He appreciated the questions by the Board members, and he felt it is important that the Board is critical of what is happening on Gratiot when new businesses are going in. He added the Township wants to make sure they are getting the best businesses possible, and after talking with the Mr. Pence earlier and hearing the presentation, he was confident that is what they are getting in this development.

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

12. SPECIAL LAND USE FOR ADDITIONAL FORMS OF ENTERTAINMENT TO AN EXISTING COMMERCIAL OUTDOOR RECREATION CENTER IN THE B-2 COMMUNITY BUSINESS DISTRICT AND REVISED SITE DEVELOPMENT PLAN FOR C.J. BARRYMORE'S: 25.5 ACRES LOCATED SOUTH OF HALL ROAD, WEST OF ELIZABETH ROAD, ADDRESSED AS 21750 HALL ROAD (SECTION 3)

Mr. Rick Iceberg, 21750 Hall Road, Clinton Township, Michigan 48038, stated he is always glad to be back before the Board to present new rides for Barrymore's. He stated the roller coaster and zip line that were his most recent additions, are a big hit. The proposed rides include a Saddle Sling / Drop Tower, which is a combination ride, where one side shoots the riders up, and the other drops them down, both giving the riders a thrill. He added they are also proposing the addition of a Ferris Wheel, which will be a tamer ride that is family-oriented. He reviewed some of the renovations they have done at their facility, including a \$1 million renovation of the miniature golf course, along with redoing the east end of their parking lot and added fence and sidewalks to improve the security of the park. He stated they added a new 6,000-square-foot garage for their mechanics to maintain all the rides, go-carts and bumper boats. He explained his mechanics are being trained by ASTM standards. He commented that the growth of their park is very exciting, and they will continue to grow, adding that what they are doing is good for C.J. Barrymore's and good for Clinton Township. He informed that they are now drawing people from Canada, noting they had a group of kids last week. He anticipated some of these new rides will draw people from 50 miles away.

Ms. Meltzer inquired as to the demographics regarding the people who travel to come to C.J. Barrymore's.

Mr. Iceberg replied they draw from Lansing, Novi, Canada, Port Huron and Lapeer, so where they used to draw from about 10 or 15 miles away, that distance now reaches out 50 miles.

Ms. Meltzer commended Mr. Iceberg on his exceptional staff, and they are very kind and helpful. She stated they were hosts for their Japanese sister city this summer and had the family members and kids from the Japanese delegation attend, and they loved Barrymore's.

Mr. Iceberg stated he is fortunate to have a great staff, noting his general manager and partners have been with him for 30 years. A couple of his managers have been with him 20 to 25 years, and his mid-level employees have been with him for 10 to 15 years, so the core of his company is very strong. They hire a couple hundred high school and college students each summer.

Ms. Meltzer stated he has done a great job and has made Clinton Township a destination.

Mr. Pearl stated this is a great addition, and he is glad Mr. Iceberg is still making investments in Clinton Township. He knows a lot of high schoolers who have worked there, and they continued to work there through college. He thanked Mr. Barrymore for employing those kids and urged him to keep up the good work.

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated September 11th, 2018 from the Clinton Township Planning Commission Secretary, and approve the Special Land Use for additional forms of entertainment, being a 130-foot Drop Tower / Saddle Sling and an 80-foot Ferris Wheel, at a commercial outdoor recreation center in the B-2 Community Business District and the Revised Site Development plan for C.J. Barrymore's, located on 255 acres of land fronting the south side of Hall Road (M-59), west of Elizabeth Road, addressed as 21750 Hall Road (Section 3), as submitted. Discussion ensued.

Mr. Aragona echoed his thanks, adding that he grew up in Clinton Township and remembers going there when he was a kid. He recalled going to the batting cages at Barrymore's before his high school baseball games. He commented that it looks completely different now because of all the investments, and he thanked Mr. Iceberg for his continued investment.

Mr. Gieleghem agreed with his colleagues. He noted Mr. Iceberg had mentioned the 6,000-square-foot garage for his mechanics, and he asked Mr. Iceberg to talk about how they maintain safety of all their equipment.

Mr. Iceberg stressed that has become a huge part of their operation. AIMS is one of the ongoing training programs, NAARSO is the other, and his mechanics attend both each winter. The garage is brand new and contains state-of-the-art equipment. He explained that each year, just like the roller coaster, all the cars must be taken apart all the way down to the nuts, bolts and frame, which is a state requirement. They hire a company out of Ohio that x-rays every single nut, bolt, wheel, frame, and all parts, and they inspect the entire track looking for cracks or any possible problems. C.J. Barrymore's then repairs them all, and he assured the Ferris Wheel will have the same standards, with everything being inspected by the state. Mr. Iceberg added that buying the right product has become the most important factor, and he noted they bought the zip line from Soaring Eagle out of Utah. That company had been in existence for fifty years, and they are the biggest designers in the world of roller coasters, drop towers and zip lines, having manufactured over a billion rides, with no fatalities or major injuries. They also built the drop tower on top of the Stratosphere in Las Vegas.

Mr. Keys echoed the comments of his fellow board members, especially on the training aspect. He stated as he grew up in Clinton Township, a lot of his friends were employed by C.J. Barrymore's. He has kept in touch with some who still work there, and they attend training every year. He commended Mr. Iceberg for being constant with that and not taking it for granted. He appreciated that, as well as Mr. Iceberg's investment in making this a destination.

Mr. Cannon recalled when he and Mr. Cassin began working with Mr. Iceberg years ago when it was a golf range and a small putt-putt course that needed some repair. He commended Mr. Iceberg for making a lot of business decisions that were contrary to what others were doing, such as being one of the first to voluntarily prohibit smoking in the facility. He did it to attract families but knew that it would likely hurt his business; however, business went up because families liked going there without the smoky environment. He also got rid of his softball fields because of problems he was having after the games, but his business grew despite the elimination of those fields. He stated those were smart business decisions, and he is proud to have C.J. Barrymore's in this community.

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

Mr. Iceberg thanked the Board for their support.

13. SPECIAL LAND USE FOR AN OUTDOOR STORAGE FACILITY IN THE I-1 LIGHT INDUSTRIAL DISTRICT AND SITE DEVELOPMENT PLAN FOR LAVDA'S SELF STORAGE / RV STORAGE FACILITY: 6.7 ACRES OF LAND LOCATED EAST OF GROESBECK, NORTH OF CLINTON PLAZA DRIVE, ADDRESSED AS 34244 GROESBECK HIGHWAY (SECTION 33)

Mr. Joseph Guido, 23419 Ford Road, Dearborn, Michigan 48128, project architect, offered to answer questions.

Mr. Dolan requested that the motion-maker include the conditions that were placed on the grant of variance and the Special Land Use, if a motion is made to approve.

Mr. Gieleghem requested that Mr. Guido speak to the issue of landscaping and trees, and he questioned how many trees per acre will be added to this site.

Mr. Guido replied the trees they are planting on site are along the Groesbeck frontage. He noted Clinton Plaza Drive has five existing trees in the right-of-way that will be maintained. There is a heavy row of trees along the apartment complex to the east. He noted they will be doing most of their landscape along Groesbeck, but on their property and not in the right-of-way. They increased the landscape setback by decreasing the size of the three buildings north of the proposed driveway and moving them back to maintain the 60-foot front yard requirement, so they have 27 feet of landscape depth. Where the parking is in front of the office building, they will have a 30-inch high landscape wall to match the brick on the storage building. There is another large landscaped area in the southwest corner, so there is quite a bit of landscape along Groesbeck. He added there is a complete foundation planting along the building that parallels Groesbeck.

Mr. Gieleghem inquired as to whether there will be a wall on the east side of Clinton Plaza Drive.

Mr. Guido replied affirmatively, noting there will be 4-foot 6-inch wall. He recalled that was a chain-link fence, but they are planning to construct the wall. They are doing some investigation as to whether the easement has been vacated. They are proposing a building that parallels the existing bowling alley but that may end up being a screen wall only if they find out they cannot build on that easement. The plans show a building that would screen the project from the east side and provide an additional storage building. They will be doing a complete exterior facelift on the existing 63,000-square-foot bowling alley building and will have full climate-control storage in that building.

Mr. Gieleghem noted a “v”-shaped area on the south end of the building, and he questioned what is in that section.

Mr. Guido replied it is currently a parking area. They are proposing some RV storage with a flat canopy that extends over the parking spaces. He recalled there was a prospective picture of it on the site development plan.

Ms. Meltzer confirmed the picture is on the documentation in the Board packets, but the picture is dark.

Mr. Pearl stated the Zoning Board of Appeals had asked the petitioner to make some changes because the adjacent restaurant owner was concerned about this development blocking the view of their building, and the petitioner agreed, as the variance noted, to move Buildings “E”, “F” and “G” further to the east and eliminating two storage units from each of those buildings to provide a larger setback. He appreciated that cooperation. He pointed out they have had a vacant parcel in this location with a building that has been vacant for a long time when the neighborhood could not support the bowling alley that used to occupy the building. He noted the growth and demand of storage units, and he felt the developer tried to do the best he could. He was confident that they anticipate a growing business and keeping the property up. There was a lot of consideration given to building elevations and landscaping. He admitted he would prefer a shopping center, but he does not want to see the vacant parcel and building remain vacant.

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated September 11th, 2018, and, in consideration of grant of variance by the Clinton Township Board of Appeals, approve the Special Land Use for development of a self-storage / RV storage facility in the I-1 Light Industrial District and the Site Development Plan for Lavda’s Self-Storage / RV storage Facility, to be located on 6.7 acres of land located east of Groesbeck Highway, north of Clinton Plaza Drive, addressed as 34244 Groesbeck Highway, as submitted and subject to the conditions imposed by the Clinton Township Board of Appeals at their meeting held on July 25th, 2018, as follows:

- 1) The petitioner has agreed to move Buildings “E”, “F” and “G” further to the east and eliminate two (2) storage units from each of those buildings to meet the required 60-foot setback from Groesbeck for these three buildings;
- 2) The revised plans are to be submitted to the Planning Department within thirty (30) days and are subject to the review and approval of the planner;
- 3) The petitioners must comply with all applicable requirements of Township ordinances;
- 4) The project work requiring variance must be completed within two years of the date that the variance was granted, which was July 25th, 2018;

- 5) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals;
- 6) The variance is valid only for the useful life of any structures on the property for which variance was granted; and
- 7) This variance has been granted by the Board of Appeals, and approval of the Site Development Plans is required prior to permits being issued for this construction.

Discussion ensued.

Mr. Aragona inquired as to the petitioner's timeline for this project.

Mr. Guido anticipated they will begin construction in Spring 2019; however, they may get started on the interior of the vacated bowling alley building. They just started the civil engineering work and will go out for bid for a spring start. He replied to further inquiry that he anticipates it will take four to five months once building commences, so he anticipated it will be completed by the end of next summer.

Mr. Keys commented that this is the third or fourth storage project that they have had in the Township this year, and he questioned where the demand is for these units.

Mr. Cannon stated he gets calls every day from people asking where these units are located. He noted the Goodfellow's rate to rent their facility went up again this year because there is such a high demand. He stated the new apartments that are being constructed by The Mall at Partridge Creek came in to request additional parking because, although most units have two-car garages, the residents are using them for storage units and parking their cars outside.

Mr. Pearl agreed that more apartments are being built and the renters do not have enough room to store their belongings in their apartments. He added that some of these storage unit facilities are renting month-to-month, so they can raise the rent because there is such a high demand for storage units. He recalled a very large storage facility on Hall Road that the Board approved some time ago.

Mr. Keys recalled that was a two- to three-story facility, and he recalled the discussion at that time that it was a better-quality product to have a larger, more compact building than to have buildings spread across an entire site. He questioned why they are not seeking to do that at this location.

Mr. Guido replied the one building is already there, and Mr. Lavdas has put a substantial investment into the roof and the HVAC system. It is ideal for conversion to self-storage. He explained he has owned a facility in Dearborn for several years and it amazes him to see what people store. He reminded that the

proposed site is over six acres, whereas the storage facility referred to in the discussion on Hall Road is on a two-acre site. He stated the majority of people who rent these units still prefer to drive up to their own unit. There is a demand for the garage-style units, as well as the single building with an elevator to access the storage units. They conducted an informal market survey when they started this project, and he claimed there is actually very little available in this area.

Mr. Keys appreciated Mr. Cannon bringing up the example of the apartment complexes, but he has a problem with the fact that many residents have come to their meetings talking about the need for some type of shopping opportunities in the area, whether it is for groceries or for future needs of Clinton Township. He understands they must deal with the business market they have, so he is not putting the developer down. He commented when there is a need for storage for apartments going up in one area of the Township and they must take a huge building in another part of the Township and turn it into storage to accommodate that need, he has a problem with that. He appreciated the petitioner's representative being present tonight to explain the proposal.

Ms. West pointed out that the proposed development will also have recreational vehicle storage as well. She agreed with Mr. Keys that there is a "grocery drought" in that area.

Mr. Cannon agreed they would love to have a grocery store buy some property in that area.

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

14. REVISED SITE DEVELOPMENT PLAN - JDM INDUSTRIAL BUILDING: PART OF LOT 3, SUPERVISOR'S PLAT #1 SUBDIVISION, BEING 0.725 ACRE LOCATED WEST OF HARPER, NORTH OF QUINN ROAD, ADDRESSED AS 34355 HARPER AVENUE (SECTION 35)

Motion by Mr. Cannon, supported by Mr. Pearl, to receive, file and concur with the letter dated September 11th, 2018 from the Secretary of the Clinton Township Planning Commission, and, in consideration of variance granted by the Clinton Township Board of Appeals, to approve the Revised Site Development Plan for JDM Industrial Building Addition, to be located on part of Lot 3, Supervisor's Plat #1 Subdivision, being 0.725 acre located west of Harper, north of Quinn Road, addressed as 34355 Harper Avenue (Section 35), as submitted and subject to the conditions placed upon this development by the Clinton Township Board of Appeals at their meeting held on June 21st, 2018. Roll Call: Ayes – Cannon, Pearl, West, Keys, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

15. REVISED SITE DEVELOPMENT PLAN - SARGENT APPLIANCE WAREHOUSE: 4.59 ACRES OF VACANT LAND FRONTING THE NORTH SIDE OF 15 MILE ROAD, WEST OF HENGESBACH (SECTION 26)

Mr. Cannon thanked Mr. Skolas for his investment and reinvestment in the Township.

Mr. Pearl thanked the petitioner for working with the Zoning Board of Appeals. He noted that residents living on adjacent property were concerned about the depth of the building, and the petitioner made changes to reduce the depth of the building. Mr. Pearl emphasized the Board of Appeals wanted to keep them in the community but also wanted the neighbors to be happy, and thanks to the petitioner working with the Board of Appeals, they accomplished that.

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated September 11th, 2018 from the Secretary of the Clinton Township Planning Commission, and, in consideration of grant of variance by the Clinton Township Board of Appeals, to approve the Revised Site Development Plan for Sargent Appliance Warehouse, to be located on 4.59 acres of vacant land fronting the north line of 15 Mile Road, west of Hengesbach, referred to as Parcel #16-11-26-352-006 (Section 26), as submitted and subject to the conditions placed upon this development by the Clinton Township Board of Appeals at their meeting held on June 21st, 2018. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

16. SITE DEVELOPMENT PLAN - AUTOMATION RECOVERY ADDITION (FKA LIBERTY INDUSTRIAL BUILDING #9): 2.0 ACRES OF LAND FRONTING SOUTH OF HALL ROAD, EAST OF MORLEY DRIVE, ADDRESSED AS 44562 MORLEY DRIVE (SECTION 1)

Mr. Cannon stated this is a storage area being added to the back of their building.

Motion by Mr. Keys, supported by Ms. West, to receive and file the letter dated September 11th, 2018 from the Secretary of the Clinton Township Planning Commission, and approve the Site Development Plan for Automation Recovery Addition (fka Liberty Industrial Building #9), located on 2.90 acres of land fronting the south side of Hall Road (M-59), east of Morley Drive, addressed as 44562 Morley Drive (Section 1). Roll Call: Ayes – Keys, West, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

Mr. Cannon stated at this time he would like to take this opportunity to thank Mr. Stephen Cassin, who is someone who has done this Board and this community a big service. He started at the Township years ago in the Planning Department

and rose his way up to Planning Director, then he became Director of Planning and Economic Development for Macomb County, where he held that position for many years and did a fantastic job. He retired and started working part-time for another community, and he has filled in and done a great job helping Clinton Township. Mr. Cannon noted the last ten items the Board has addressed tonight were in front of them tonight because Mr. Cassin took care of them in the Planning Department. He is only working here part-time currently but has been here when they needed him, and on behalf of the Township, Mr. Cannon thanked Mr. Cassin.

Mr. Cassin thanked Mr. Cannon, adding it has been a pleasure.

17. INTRODUCTION OF TOWNSHIP ORDINANCE #445: AMENDMENT TO 2015 INTERNATIONAL FIRE CODE

Motion by Ms. West, supported by Mr. Pearl, to introduce and publish Township Ordinance #445 – Amendment to the 2015 International Fire Code, for the first time with the intent to adopt at the next regular meeting of the Township Board, to be held in the Township Board Chambers on Monday, October 1st, 2018 at 6:30 p.m., Clinton Township Civic Center. Roll Call: Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

18. REQUEST APPROVAL FOR REPAIRS TO STATION 1 - SANDSTONE BRICKWORK OUTSIDE THE BAY DOORS (1129 S. GRATIOT)

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter dated September 5th, 2018 from the Fire Chief, and approve the repairs needed to the sandstone brickwork located outside the apparatus bay doors at Fire Station #1, located at 1129 S. Gratiot, at an estimated amount of \$9,475.00, which is available in their capital outlay line item of this year's budget. Roll Call: Ayes – Pearl, Gielegem, West, Keys, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

19. APPROVAL OF APPOINTMENT TO OFFICE CLERK II POSITION – PUBLIC SERVICES

Motion by Mr. Gielegem, supported by Mr. Cannon, to receive and file the letter dated September 13th, 2018 from the Human Resources Director and appoint Ms. Teresa DeRoy to the budgeted position of Office Clerk II in the Public Services Department, which constitutes a promotion to a higher classification within the Township, at a starting annual salary of \$35,112, effective October 15th, 2018. Roll Call: Ayes – Gielegem, Cannon, West, Keys, Pearl, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

20. APPROVAL OF APPOINTMENT TO OFFICE CLERK II POSITION – BUILDING DEPARTMENT

This item was deleted from tonight's agenda.

21. APPROVAL OF APPOINTMENT TO OFFICE CLERK II POSITION – CLERK'S OFFICE

This item was deleted from tonight's agenda.

22. APPROVAL OF APPOINTMENT TO UTILITY WORKER POSITION – PUBLIC SERVICES

Motion by Ms. West, supported by Mr. Keys, to receive and file the letter dated September 11th, 2018 from the Human Resources Director, and appoint Mr. Robert Jansen to the budgeted position of Utility Worker in the Water & Sewer Division, at a starting annual salary of \$41,288, as specified in the UAW Local 412, Unit 76 collective bargaining agreement, with a start date of October 1st, 2018, subject to successful completion of a background investigation and a pre-employment medical examination, including drug screen. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

23. REQUEST TO HIRE NEW POLICE OFFICER TO REPLACE RETIREMENT

Mr. Cannon confirmed this is in the budget.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated September 11th, 2018 from the Police Chief, and approve the hiring of police applicant Erik Sumyk, replacing Sgt. Dina Terzo, who will be retiring on November 15th, 2018; further, this is a budgeted position. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

24. APPOINTMENTS TO THE BUILDING AUTHORITY

This item was deleted from tonight's agenda.

25. 17 MILE ROAD WATER MAIN PROJECT

Mr. Loren Crandell, P.E. for Giffels Webster, offered to answer questions.

Mr. Cannon stated this coming before the Board this evening is because of a policy Mr. Pearl brought forward several years ago, where anytime there is an increase in the scope of a project, the Board is informed of it.

Ms. Meltzer thanked Mr. Crandell for the detailed analysis.

Motion by Ms. West, supported by Mr. Pearl, to receive and file the letter dated August 29th, 2018 from Mr. Loren Crandell, P.E., Partner, Giffels Webster, and approve the total increase to the Contract Price for Change Order #1 through Change Order #4 of \$555,241.02, resulting in the total increase to the Contract Amount for the 17 Mile Road Water Main Project to be \$1,865,841.18, as outlined in the correspondence. Roll Call: Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

26. SHOOK ROAD JANITORIAL CONTRACT

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive and file the letter dated September 17th, 2018 from the Assistant Superintendent of the Water & Sewer Division, Department of Public Services, and award the Shook Road Facility Janitorial Maintenance Contract to the low bidder, CleanNet Services of Greater Michigan, Inc., as outlined in the correspondence. Roll Call: Ayes – Pearl, Gielegghem, West, Keys, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

27. BUDGET AMENDMENT FOR NEW SERVER AND BACKUP SYSTEM FOR SEWER TRUCK VIDEOS

This item was deleted from tonight's agenda.

28. REQUEST AN ATTORNEY GENERAL'S OPINION ON WHETHER A VIOLATION OF THE INCOMPATIBLE OFFICES ACT HAS OCCURRED

Motion by Mr. Gielegghem, supported by Mr. Keys, to receive and file the letter dated September 6th, 2018 from the Township Treasurer, Trustee Keys and Trustee West, and request an Attorney General's opinion on whether a violation of the Incompatible Offices Act has occurred, specifically relating to the compatibility of a person holding the elected office as Township Trustee and public employee as Deputy Supervisor of Harrison Township. Roll Call: Ayes – Gielegghem, Keys, West, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

29. REQUEST CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS

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

30. REQUEST APPROVAL TO POST BANNERS / SIGNS FOR GOODFELLOWS PASTA DINNER

Mr. Cannon thanked Mr. Silvestri, President of the Clinton Township Goodfellow's, for the work he and his organization do in the Township.

Motion by Mr. Aragona, supported by Ms. Meltzer, to receive and file the letter dated September 7th, 2018 from Mr. Paul V. Silvestri, President, Clinton Township Goodfellow's, and approve their request to post banners and signs in strategic locations in the Township to advertise their annual Pasta Dinner to be held on Wednesday, October 10th, 2018 from 3:00 p.m. to 8:00 p.m. at the Mirage Banquet Center; further, to have the dinner promoted on the various electronic signs throughout the Township, including the two signs on Gratiot, Fire Stations #1 and #5, as well as the marquee signs at the various Fire Stations and Township Civic Center. Roll Call: Ayes – Aragona, Meltzer, West, Keys, Pearl, Cannon, Gielegghem. Nays – None. Absent – None. Motion carried.

31. BID AWARD – GARFIELD ROAD WATER MAIN CROSSING REPLACEMENT AT CLINTON RIVER ROAD

Mr. Gielegghem questioned the wide disparity in the bids received for this project, noting the top two highest bids jump from \$183,000 to \$280,000.

Mr. Scott Chabot, Project Engineer, Anderson, Eckstein and Westrick, replied that was a surprise to him as well. He explained they see that occasionally, and if a contractor is extremely busy, they sometimes bid a very high amount. He pointed out the lowest four bids came in at a tight margin, especially the two lowest bids.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated September 13th, 2018 from Mr. Scott Chabot, Project Engineer, Anderson, Eckstein and Westrick, and award the bid for the Garfield Road Water Main Crossing Replacement at Clinton River Road to D.V.M. Utilities, Inc., located at 6045 Sims Drive, Sterling Heights, Michigan 48313, in the amount of \$145,997.00. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

32. REQUEST AN ATTORNEY GENERAL'S OPINION ON WHETHER A VIOLATION OF THE INCOMPATIBLE OFFICES ACT HAS OCCURRED

Mr. Keys wanted to clarify that, like the other similar item on tonight's agenda, this is to seek clarification. He assured he will never stand in this Board's way in seeking clarifications, so he will be in support of this. He felt this letter insinuates that he was elected as Township Trustee and then later took the position at the County. He explained that is not true, and that he started at Macomb County in January 2016, so although he will be supporting this, he asked for clarity on the record that the beginning of this letter does not reflect the truth. He added that he was very forthcoming to the public about his position at the County when knocking on doors and on his literature. He stated he has been up front, has worked hard and has no problem supporting this Board in going to get clarification from the Attorney General.

Ms. Meltzer requested that the motion maker address to whom this should be sent. She questioned whether they will be sending it to all the state representatives and senators. She is not sure how they can move forward in the previous item because it should go through either a state representative or senator. The Board cannot ask the Attorney General to investigate.

Mr. Cannon recommended they direct this request to the two state representatives.

Motion by Mr. Cannon, supported by Mr. Keys, to receive and file the letter dated September 12th, 2018 from the Township Supervisor, and request an Attorney General's opinion on whether a violation of the Incompatible Offices Act has occurred, specifically relating to the compatibility of a person holding the elected office as Township Trustee and public employee as legislative assistant to the Macomb County Board of Commissioners; further, that this be requested through State Representative Steve Marino and State Representative Bill Sowerby. Discussion ensued.

Ms. Kathy Voss, 20215 Webster, Clinton Township, Michigan 48035, stated she believed that Mr. Keys was working for Macomb County prior to being elected as Trustee. She questioned why this was not brought up before he took office, and felt if it was a big problem, it should have been addressed at that time. In the other similar agenda item tonight where an investigation was requested, the Trustee accepted a position that occurred after he was elected Trustee.

Mr. Cannon replied that he did not think about it. He claimed he should have gone back and looked at the Sherri Murphy case because Mr. Gielegem had spent four years working in the Treasurer's office while he served Clinton

Township in the capacity of Township Trustee. He noted that the Board should have sent the same letter at that time, but no one brought it up. He replied to further inquiry that he wanted to bring it up now, noting he does not believe Mr. Aragona has any problem, claiming he knows Mr. Aragona checked with attorneys before taking the position in Harrison Township. Mr. Cannon also stated he checked with the Supervisor of Harrison Township, who he claimed does not believe there is a conflict. He added that he has also checked with several attorneys, but Mr. Aragona has no objection to having it investigated because he indicated he knows he is fine. He noted that Mr. Keys thinks he is fine as well, so the Board can have them both checked at the same time.

Ms. Voss replied to inquiry that she would have asked Mr. Gielegem the same question at the time, but it was never brought up. She questioned why it is all taking place now.

Mr. Gielegem clarified a couple of issues, including the enactment of the Michigan Incompatible Offices Act. Like all laws, it needs to be interpreted and it was taken to the Michigan Supreme Court. It was adjudicated with the Murphy case, where Ms. Murphy was a Harrison Township Trustee and she was an appointee of the County Treasurer at the time. He indicated when the decision was rendered, it clarified that those two offices are not incompatible; however, he claimed that prior to that and after that, there have been over 100 general opinions on situations like this but not directly related to it. He explained there are two ways to enforce it, and either a prosecutor must bring an action in court, or the Attorney General must bring the action in court. Prior to any enforcement and taking it to court to make an argument, the Attorney General can clarify the issue, as he has done over 100 times in similar or identical cases. Mr. Gielegem stated that, in the case of his position, it was clear the Supreme Court had already ruled on it. In case of the leadership positions, he looked at it differently in taking the oath of office to be a unionized staff person working for the County. He is supporting both, noting they want clarification and want to hold both to the same standard.

Ms. Voss questioned how long it will take for these two to be settled.

Mr. Cannon replied they have no idea, and they are at the mercy of someone else's time schedule.

Ms. Voss pointed out there is an election for the Clinton Township Board members in 2020, and she questioned whether this could be brought up if both current Trustees end up running again.

Mr. Cannon did not feel it will take that long to get an answer. He reminded that Clinton Township has had candidates have run for office while they were under

investigation and while they were indicted. He clarified they are only seeking an investigation.

Ms. Voss questioned whether this can be brought up while they are running for office.

Mr. Aragona stated this is not an investigation. It is a letter to the Attorney General because he can issue an opinion as to how to interpret the law. He personally works with another unit of government, and claimed they are side-by-side, with one not being over the other. He assured he is confident nothing will come of this, but he anticipated it will take the Attorney General some time to respond. He suggested they let Mr. Dolan speak to the legality of it, but he reiterated this is not a settlement, lawsuit or investigation, but merely a request for clarification.

Mr. Dolan felt it has been correctly outlined so far, noting the way the statute works is that the ability to enforce rests with the prosecutor or the State Attorney General. Prior to taking a course of action, it is not uncommon to request an opinion from the agency that has the enforcement responsibility. He reiterated it is not an investigation because of any fear of criminal or civil wrong-doing, but it is simply asking an opinion to the agency with enforcement responsibility.

Mr. Aragona stated that he has not been contacted by the County Prosecutor, which is another way it could be done.

Ms. Nancy Goodchild, 20584 Glen Allen, Clinton Township, Michigan 48035, questioned whether Mr. Keys checked with the County Ethics Board to see if he is in violation.

Mr. Cannon replied he does not know, but he claimed Mr. Aragona checked before he took the job in Harrison Township.

Mr. Keys replied that he did not go to the Ethics Board but as a county employee, it had to be disclosed, which he assured he did in the appropriate way.

Ms. Goodchild inquired as to whether Mr. Cannon is still on the board for Medstar.

Mr. Cannon replied that he has been on the board at Medstar since Medstar was formed. He replied the Township has contracts with Medstar but assured he has checked with Mr. Dolan every time he has voted on that contract and was assured there was no conflict. He claimed Mr. Dolan advised him repeatedly there is no conflict because he “does not stand to make five cents on the Medstar board”. He added that it costs him money to be on the Medstar board. He stated it is not a conflict. He explained he is also on the hospital board as well as

SEMCOG but does not get paid on either board. He stated he can list about ten other boards he is on, but he does not get paid anything from them. He indicated he can vote on the contracts because he does not get paid by those entities.

Ms. Goodchild felt that Medstar is making money from the Township, so she questioned whether there is a conflict of interest. She commented it is not about Mr. Cannon making money from them, but that the Township will benefit from having a better contract with Medstar.

Mr. Cannon stated the Township has a wonderful contract with Medstar, but he is representing Clinton Township on the Medstar board.

Ms. Goodchild inquired as to whether they should have Mr. Sowerby excused from deciding on this because he previously served as Township Treasurer.

Mr. Dolan explained the Attorney General is a state agency, the requests to render an opinion are often made by the state representative or state senator who has jurisdiction in the district where the question arises. He clarified all they are doing is making the request and they are not participating at all in the process of formulating an answer to the request.

Ms. Goodchild commended both Mr. Keys and Mr. Aragona for the fine job they are doing.

Mr. Jared Maynard, 35956 Vaughn, Clinton Township, Michigan 48035, questioned the Board members who served on the last term why they did not think about this situation with Mr. Gielegghem's position at the County while he was serving as Trustee. Mr. Maynard also questioned why Mr. Gielegghem only requested they seek an opinion regarding Mr. Aragona and not Mr. Keys. He further questioned whether this cost any money in the way of having to pay the Township attorney to review it.

Mr. Cannon replied that Mr. Dolan is on a retainer, so it cost the Township no additional money.

Mr. Maynard stated he is glad they are getting this clarified. He urged the Board to "end the politics and get things done". He claimed he is looking at those who made these requests in a different light.

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

33. REQUEST CLOSED SESSION TO DISCUSS LITIGATION – RIVER OF LIFE V. CLINTON TOWNSHIP

Motion by Mr. Pearl, supported by Mr. Aragona, to schedule a Closed Session immediately following tonight's meeting for the purpose of discussing litigation involving River of Life Ministries v. Clinton Township. Roll Call: Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF SEPTEMBER 4TH, 2018 REGULAR TOWNSHIP BOARD MEETING

Ms. West stated she is aware there a lot of townships and cities that record their minutes this way with only the motions, but she expressed disappointed with the fact that Mr. Cannon read something into the record from a "Concerned Citizen" and that was not mentioned in the minutes. She recalled other items, including a resident who came up and asked some very pointed questions about how we will handle certain things in the future, and she complained those comments are not included in these minutes. She felt if they are going to go with this method, that is fine, but she indicated the Board should be made aware of that ahead of time and she did not feel the reference in the minutes to direct those interested in full discussion of each item to go to the Township's YouTube website is sufficient. She suggested a motion be made to have these minutes amended and have the stenographer go back and look at the recording.

Ms. Meltzer explained state law allows for Township Clerks to decide how minutes are displayed. She stated they were hoping to have the Agenda Management System in place, so it was marked on their calendar that they were going to implement actions only in the minutes. She claimed it costs a lot of money for them to have verbatim minutes, so they are looking at ways to cut costs. YouTube is on the Township's website and it is easily accessible. She indicated she has not heard a lot of demand from the public for verbatim minutes, but the fact they have done it that way, she felt it is important people have access to that, and they can get full access by going to YouTube. She explained that the public can go to YouTube if they still prefer verbatim minutes.

Ms. West assured she highly respects Ms. Meltzer's job and the fact that is her decision to make, but she felt it would have been nice for the rest of the Board to know it ahead of time before the minutes came out that way. She indicated Mr. Cannon had pointed out that if people do not want to give their name or address, they can still come up to the podium. If there are letters signed from "concerned citizens", Mr. Cannon will read them into the record. She recalled Mr. Hogan asked several questions about that, and his name and comments are not reflected in the last set of minutes. She felt they need to come up with a date and make that break to go to a different style, but for it to happen when there was so much discussion that took place in that meeting for the public, she felt it should be included.

Ms. Meltzer pointed out that the public has access through YouTube.

Ms. West felt that is insulting.

Ms. Meltzer did not feel it is insulting and reiterated her opinion that it is a considerable amount of money to produce the verbatim minutes. She stressed she is looking at ways to cut costs, and those who want to know verbatim what is being said easily view the meeting on YouTube, which is free. She added that she has no issue if they want to continue to have the comments included until the new system is in place, she has no problem with that request. She cautioned, however, that this new format is coming, and she was confident it is more accountable to the public and will save money.

Ms. West appreciated that but felt there were enough things said at the that meeting, especially Mr. Cannon's comments about reading letters into the record, that should be in print so that someone can still read it in ten years, when there may no longer be a YouTube channel.

Ms. Meltzer stated the videos will be archived and will be able to be transmitted into some document format. She felt that, for people who want it in written format, the cost does not warrant it. She suggested if anyone wants it in written format, they can copy it down from YouTube for free.

Ms. West stated she would like to know what that cost is, noting they have done it that way for years.

Ms. Meltzer replied it is about \$30,000 a year for transcribing.

Ms. West inquired as to why that was never brought up before this.

Ms. Meltzer replied she has not yet changed it over to the Agenda Management System, and she assured she will be explaining all of it once it is in place. She informed they are doing an RFP on the 20th. She claimed it will save a lot of money, and they can pay for the Agenda Management System, depending upon which one they choose.

Ms. West is ok with that if they are told when that will start.

Ms. Meltzer reiterated it costs money to produce verbatim transcripts, and she stressed as the Clerk, she gets to make that decision, so when she can cut costs, she wants to do that.

Ms. West felt it was a slap in the face to Mr. Hogan, who commented several times at that meeting, considering none of his comments were included. She

noted the gentleman who nearly cried about the fireworks, and that was referred to as “one public comment regarding fireworks”.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, stated he would prefer not to even be on cameras when he comes before the Board to speak. He does not want “TV time” but wants clarification when he asks a question on something he felt was “not nailed down”. He assured he did not feel slighted because his comments were not included in the minutes because he is generally present for the meetings. He added he has the skill set and the ability to get into YouTube to watch a meeting if he wants, and he can hear the exact person doing the talking. He added he can watch it more than once if he so chooses. He reiterated he did not feel slighted, but he had questions that evening, and those questions were answered.

Ms. Meltzer felt it is important not to speak for other people.

Ms. West apologized to Mr. Hogan for speaking for him but stressed that his points are very good and are things that everyone should know, regardless of whether they watched the meeting. She apologized to him if she slighted him in any way, shape or form, and added that she respects his opinion.

Mr. Hogan stated he does not feel slighted or embarrassed, and he does not have any issue at all with it.

Ms. Carol Bannister 18877 Highlite Drive South, Clinton Township, Michigan, stated that some residents do not watch YouTube or even know what it is. She stated she knows what it is but does not care to be on it. She felt if she is missing information because she is old, and her generation is not as technologically adept or interested in being technologically adept, they are being excluded and possibly discriminated against.

Ms. Meltzer assured Ms. Bannister is not being discriminated against or disenfranchised in any way. She offered to provide a printed written copy of the minutes for her. She emphasized the purpose is to bring the Township into the twenty-first century, with a way to cut costs but still be transparent. She stated anytime anyone wants minutes, they can be requested. They should contact her, and she will be glad to print them out. She could not recall in the six years since she has been Clerk that anyone requested to have the minutes printed out. She reiterated she would be happy to do so.

Mr. Gieleghem felt the point may have been lost, but Ms. West’s point was that they have always had verbatim minutes and they are presented with minutes from the last meeting that are unilaterally changed. Although state law may allow

that, there was an oversight in these minutes because there was an actual policy change. He noted when Ms. West chaired the meeting, there was an anonymous letter filled with political attacks. Ms. West made the determination not to read that letter because the Board has always required people who wish to speak to come to the podium and give their name and address for the record. He pointed anyone can send an anonymous letter from anywhere at any time and it could be sent by anyone for a political intent or purpose. It was then subsequently read at the next meeting, and when Ms. West inquired as to whether policy was being changed, it was determined that the Chairperson has a lot of authority and discretion and can implement the rules as he/she sees fit. When Mr. Hogan had asked if they are going to start reading anonymous letters into the record, he recalled the answer was yes if he chooses to do so.

Ms. Meltzer felt this has nothing to do with what happened at the last Board meeting. She clarified that they will redo the minutes to a verbatim format, but in the future when they approve an agenda management system, they will move toward changing that practice to an action/motion format only. The Clerk's office will still be able to print them out, but people can watch them on YouTube, which is linked from the Township website. She maintained that this has nothing to do with the Board meeting that was chaired by Ms. West.

Mr. Cannon stated the letter was read into the record because he had a letter addressed to him, placed on his chair, and open, adding that it had clearly been sealed.

Mr. Keys brought up two points. He noted that, just because there is an agenda management system does not mean that the current stenographer will not be here or compensated to work that system.

Ms. Meltzer stated the cost comes in the overtime.

Mr. Keys stated he would like to check the amount of \$30,000 quoted by Ms. Meltzer.

Ms. Meltzer stated she would be glad to show it to him.

Mr. Keys thanked Ms. Meltzer for moving forward with an agenda management system, stating that was an item he had discussed with each Board member last year about the advantages of such a system. He recalled Mr. Pearl brought up at the last meeting the problems they are having with the agendas regarding the timeliness in which they receive them, and regarding the attachments included in them. He clarified he is not saying this is anything the Clerk is doing wrong but has to do with the entire Township, with timelines in getting items and backup information turned in and subsequently sent out to Board members. He

understood that Ms. Meltzer can determine the format for the minutes, but this Board as a group can approve or deny the minutes.

Motion by Mr. Keys, supported by Mr. Pearl, to postpone further consideration of approval of the report of the September 4th, 2018 Regular Township Board Meeting, until the next Regular Meeting of the Township Board, scheduled for Monday, October 1st, 2018, so the verbatim language can be filled in. Roll Call: Ayes – Keys, Pearl, West, Gielegem, Meltzer. Nays – Cannon, Aragona. Absent – None. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

There was one public comment.

Ms. Nancy Goodchild noted there is more development going in on Garfield and Hall Road, but she questioned what is happening with Groesbeck. The residents in that area are tired of living in a deserted area, and she suggested the Township make the building owners and managers clean their properties, keeping them in a presentable condition that will make them desirable. She complained that many of the vacant properties are overgrown and are littered with garbage, weeds, parked semi-trucks, downed light poles with exposed wires, etc., and she requested the Board do something to make Groesbeck a little more attractive and a place where businesses want to locate. She commended the Clinton Township Police Department for “stepping up to the plate” on the Lip Sync Challenge. She felt it was great to see the community in the video and she thanked the Police Department for all they do for the community.

Mr. Cannon stated his office has inventoried all the vacancies along Groesbeck, and he has three distinct areas identified and laid out on his desk. He stated they have made calls to all of them, trying to make sure there is action on them. For those that need to be torn down, they have issued violations, and he added the former Taco Bell will be demolished. The Township informed the owner of the former JoJo’s Restaurant that they either must tear the building down or get a tenant, and they claim they have a new tenant coming in to open a restaurant. The old restaurant on Gratiot, just north of Metropolitan Parkway, was issued a notice that they must tear down the building unless they have a new tenant, and they claim they have a new tenant coming. The Building Department and he

have been in constant touch with the leasing company at Groesbeck and Metro Parkway, which is a property that has outlived its usefulness and needs to be redone, and they are constantly following up with that.

ADJOURNMENT INTO CLOSED SESSION

The Board adjourned into Closed Session at 8:33 p.m. and reconvened at [REDACTED].

29. REQUEST CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS

Mr. Bill Smith, Human Resources Director, recommended that the Township Board approve the five-year contract between the POLC – Police Captains' Association and the Township, to expire March 31, 2023; further, this includes a 2% wage adjustment each year of the contract.

Motion by Mr. Keys, supported by Mr. Pearl, to approve the contract between the POLC – Police Captains' Association and the Charter Township of Clinton, to expire March 31, 2023 and including a 2% wage adjustment each year of the contract. Roll Call: Ayes – Keys, Pearl, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Motion carried.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Keys, to adjourn the meeting. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at [REDACTED].

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON