

**CHARTER TOWNSHIP OF CLINTON**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**MONDAY, DECEMBER 10<sup>TH</sup>, 2018**

<b>PRESENT:</b>	<b>ROBERT J. CANNON</b>	<b>SUPERVISOR</b>
	<b>KIM MELTZER</b>	<b>CLERK</b>
	<b>PAUL GIELEGHEM</b>	<b>TREASURER</b>
	<b>JOE A. ARAGONA</b>	<b>TRUSTEE</b>
	<b>MIKE KEYS</b>	<b>TRUSTEE</b>
	<b>KENNETH PEARL</b>	<b>TRUSTEE</b>
	<b>JENIFER WEST</b>	<b>TRUSTEE (arrived at 6:33 p.m.)</b>

**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 from tonight's agenda:

21. Request for Cost Share of Road Projects with the Department of Roads
26. Neopost Mail Meter Contract Renewal
28. Approval of Metro Act Permit
29. Approval of Appointment to Administrative Aide Position

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

30. Ordinance Amending All Business Licenses to Expire/Renew on December 31 and Fees for Sale of Sand and Earth

Ms. Meltzer also requested that Item #23 be moved to Item #4A.

Motion by Mr. Pearl, supported by Mr. Aragona, to approve the agenda as amended, with the deletion of Items #21, #26, #28 and #29, the addition of Item #30, and moving Item #23 to Item #4A. Discussion ensued.

Mr. Keys inquired as to whether they can keep Item #29 on the agenda as an opportunity to provide the public with an update as to the hiring process of the Administrative Aide.

Mr. Cannon suggested that could be done through a public service announcement.

Mr. Keys stated he would prefer it be kept on the agenda, considering that Ms. West led the Trustees in organizing the resumes and out of respect for her and the fact she is running a few minutes late and is not yet here, he would like to leave Item #29 on the agenda.

Mr. Cannon stated it is up to the Clerk.

Ms. Meltzer inquired as to whether Mr. Keys is certain that Ms. West will still want the item on the agenda.

Mr. Keys confirmed he talked with Ms. West, who had indicated to him she would prefer to have the item remain on the agenda.

Mr. Cannon stated he would have no problem with it, and Ms. Meltzer agreed.

Mr. Pearl expressed concern that he was not sure whether or not applicants for the Administrative Aide position have been notified by letter or telephone call.

Mr. Keys respected that concern and noted he would agree that no names should be mentioned, but he stated they have had public meetings and have already approved public minutes with names included. He assured he has no intention of sharing the names of the applicants, but only to provide the public an update as to the hiring process.

Mr. Pearl **amended his motion**, and Mr. Aragona **amended his support**, to leave Item #29 on the agenda as long as no names are mentioned.

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

## **1. RESOLUTIONS RECOGNIZING EMPLOYEES CELEBRATING 25 YEAR ANNIVERSARY IN 2018**

Mr. Cannon stated there are fifteen (15) employees who are observing 25 years of service with Clinton Township in 2018. He recognized each of the employees present this evening who are observing 25 years of service with Clinton Township in 2018: James Stachowski, Jr. (Police), Todd Stevens (Fire), Richard Philippi (DPW), Thomas Klapp (DPW), Alan Czarnik (Water & Sewer) and Paul

W. Brouwer Jr. (Fire). He stated everyone in the community appreciates what these employees have done over the last twenty-five years, and the Board and community thank them. They were each congratulated by the Board members.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated November 26<sup>th</sup>, 2018 from the Township Supervisor, recognizing the fifteen (15) employees who are observing 25 years of service with Clinton Township in 2018. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gieleghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **2. RESOLUTIONS RECOGNIZING EMPLOYEES RETIRING IN 2018**

Mr. Cannon presented a Resolution to each of the employees present this evening who have retired during the year 2018: Jeffrey Defauw (Fire), Michael Phy (Fire), Peter Bailey (Fire) and James Stachowski Jr. (Police). He thanked each of them for their hard work and dedication to the Township throughout the years. They were each congratulated by the Board members.

Motion by Mr. Pearl, supported by Ms. Meltzer, to receive and file the letter dated November 26<sup>th</sup>, 2018 from the Township Supervisor, recognizing the nineteen (19) employees who have retired during the year 2018. Roll Call: Ayes – Pearl, Meltzer, West, Keys, Cannon, Aragona, Gieleghem. Nays – None. Absent – None. Motion carried.

## **3. PARTNERSHIP RECOGNITION**

Mr. Pizzo stated he likes to have this opportunity to recognize partnerships with people and companies who give a lot of time and money to the Recreation Department for their programs and events. He indicated they are recognizing them this evening, although Window Pros and Mr. Greg Jacob, with Henry Ford Health Systems, could not be present at tonight's meeting. He expressed his thanks and appreciation for what they do for the Township year after year.

Mr. Pizzo also personally thanked those present this evening, and presented them with awards of recognition, including the following: Chrissy (Goldfish Swim School); Mike Path (State Farm); Brian (Pet Supplies Plus); Linda, Alyssa, Paige and Jenna (Genisys Credit Union); and Autumn and Gail (Motor City Co-Op Credit Union). He provided a little history that each one has with the Clinton Township Recreation Program, and specifically listed the activities/events in which each participates and contributes. They were each thanked and congratulated by the Board members.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter from the Recreation Director, and recognize the partners who have committed to substantial monetary and in-kind contributions to the quality of life in Clinton

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

**4. SITE DEVELOPMENT PLAN: DETROIT TRUCK EQUIPMENT LLC – 1.09 ACRE OF LAND FRONTING THE EAST SIDE OF GRATIOT AVENUE, JOY BOULEVARD, NORTH OF JOY BOULEVARD, ADDRESSED AS 43388 GRATIOT AVENUE (PRIVATE CLAIMS 141 & 626 / SECTION 12)**

Motion by Mr. Pearl, supported by Mr. Gielegthem, to receive, file and concur with the letter dated December 4<sup>th</sup>, 2018 from the Clinton Township Planning Commission Secretary, and approve the Site Development Plan for Detroit Truck Equipment, located on 1.07 acres of land fronting the east side of Gratiot Avenue, north of Joy Boulevard, addressed as 43388 Gratiot, as presented. Discussion ensued.

Mr. Gielegthem inquired as to whether the petitioner would like to let the public know what he is proposing to do on this site.

Mr. Jesse Berger, 43388 Gratiot, Clinton Township, Michigan 48036, explained they tore down the old building on the front 1.09 acres because it was an eyesore, and they are renovating a small building that will serve as a private office with a small garage section. He informed the rest of the property will be mainly grass and trees and summarized that the site will be used as a private office. He questioned whether this will go through engineering review at this point.

Mr. Bruce Thompson, Director of Planning and Community Development, advised Mr. Berger to contact him and he will advise him of his next step, noting the plan will go forward through Engineering and Building.

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

**4A. APPROVAL OF SDD/SDM LIQUOR LICENSE TRANSFER – JAKE’S LIQUOR STORE INC. (formerly Item #23)**

Ms. Meltzer informed the name “Jake’s Liquor Store Inc.” may not sound familiar, but it is more commonly known as Bunzo’s.

Motion by Ms. West, supported by Mr. Aragona, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Township Clerk, and approve the SDD/SDM Liquor License Transfer for Jake’s Liquor Store, Inc., located at 20689 15 Mile Road, as requested. Roll Call: Ayes – West, Aragona, Keys, Pearl, Cannon, Gielegthem, Meltzer. Nays – None. Absent – None. Motion carried.

**5. CONDITIONAL REZONING FROM B-2 COMMUNITY BUSINESS TO B-3 GENERAL BUSINESS FOR DEVELOPMENT WITH CAMPUS COLLECTION (WITH TWO DRIVE-THRU FAST-FOOD RESTAURANTS): PART OF LOT 1, SUPERVISOR'S PLAT OF CANAL-GARFIELD SUBDIVISION (SECTION 7), BEING 3.715 ACRES OF VACANT LAND LOCATED AT THE SOUTHWEST CORNER OF 19 MILE AND GARFIELD ROADS (PARCELS #16-11-07-227-010, -011 AND -012)**

Mr. Gieleghem commented he was astounded how quickly the trees came down and it completely changed the landscape of the entire area, although he added there appears to be a lot of landscaping they will be adding. He added it is a high-traffic area, and he inquired as to what will be going in this development.

Ms. Maria D'Agostini, representing Mr. Eugene D'Agostini, Garfield-Nineteen Investments, 38700 Van Dyke, Suite #200, Sterling Heights, Michigan 48312, explained they are proposing a two-building retail development, with Building "A" measuring 8,720 square feet and Building "B" measuring 15,223 square feet. The site has two drive-thru windows, one in each building, which will be utilized for low-volume business such as coffee shops or sandwich shops. She explained the intent is to have an anchor location at the end of Building "B" which will have a restaurant serving breakfast and lunch. She pointed out on the plan the location of the two drive-thru units, noting the window would be along the east elevation for Building "B", and for Building "A", the drive-thru would be on the south side of the building.

Mr. Cannon inquired as to where the stacking room will be located for Building "B".

Ms. D'Agostini replied there are drive lanes proposed to the south of Building "B" and on the west side of Building "A".

Mr. Pearl requested confirmation that the reason for the rezoning is because of the drive-thru.

Mr. Dolan replied that a drive-thru is a permitted use in the B-3 District and would not be permitted in the B-2 District.

Mr. Pearl inquired as to whether they have any site plan approval at this point.

Mr. Dolan replied that the Site Plan is effectively attached as an exhibit to this Conditional Rezoning Agreement and is being incorporated as part of that agreement.

Mr. Pearl inquired as to whether the Board has the option to consider the site development plan but not approve the rezoning.

Mr. Dolan explained they have voluntarily offered terms as part of the Conditional Rezoning Agreement, and this is allowed under the statute. He advised the only way a Conditional Rezoning can be presented is if it is a voluntary offer of terms by the applicant. They have made an offer, and the Board can accept or reject the Conditional Rezoning Agreement, which is part of the request for B-3. They are requesting B-3 but limiting the scope of the B-3 by the terms of the Conditional Rezoning Agreement.

Mr. Pearl inquired as to whether they can approve one drive-thru so there are not as many “stacked” cars on the site.

Mr. Dolan replied no but explained they can indicate to the petitioners they are not satisfied with the terms offered, but they would be satisfied with another set of terms. He stressed that the Board cannot require the petitioner to offer terms, because that is up to the petitioner. He clarified the terms offered are what they will vote on. Mr. Dolan noted that it is the petitioner’s prerogative to offer different terms this evening if she sees fit to do it, but it has to be a voluntary offer by her, and it is not a negotiation.

Ms. D’Agostini addressed Mr. Pearl’s concerns, and pointed out the way the site is situated, there is a 34-foot drive lane in the back, so there is ample room for cars to be stacked in the back area and can still accommodate two-way traffic. She assured it would not impede anything on the site. She pointed out that Building “A” has a 24-foot-wide driveway, which is ample for two cars to pass and still have the additional 13 feet for cars in line for the driveway. She added the same situation is present for the back of the building.

Mr. Pearl inquired as to how the cars get into the site.

Ms. D’Agostini replied they can enter into the development off of 19 Mile Road by one of the two approaches being proposed, or they enter from the approach on Garfield. She indicated these approaches are subject to approval by the Macomb County Department of Roads.

Mr. Pearl inquired as to how many cars they will be able to accommodate for stacking.

Ms. D’Agostini estimated they will be able to stack approximately ten to twelve cars in one drive, and there is ample space in the other driveway. The site has been engineered to provide room for stationary cars, as well as two-way traffic throughout the site.

Mr. Pearl commented that he does not have a problem with one drive-thru window, but he has a problem with two drive-thru windows.

Mr. Keys asked Mr. Thompson as to the delay on this proposal, noting the Planning Commission meeting was held in March. He inquired as to the progress of this site since that time.

Mr. Thompson admitted he “came on in the eleventh hour” since this was going on prior to his being employed with the Township, but he understood it was the formulation and review of the agreement itself.

Mr. Keys inquired as to whether there will be a barrier between the cars in the drive-thru lanes and the remainder of the traffic on site.

Ms. D’Agostini replied that the engineering has not been totally developed, and it is shown with parking lot striping to indicate the areas designated for drive lanes.

Mr. Keys explained they talked about situations similar to this in his Citizen Planner class, and they had to come up with some samples. He indicated one of the most progressive designs is where they put landscaping in the middle, so it would leave a little barrier.

Ms. D’Agostini replied one of their concerns with that type of separation is that if a larger truck or vehicle encroaches too tight on the turn, they will end up with ruts in their landscaped area, and people will be hopping the curb to make the turn. She assured they have done site analysis, looked at other centers, and have determined that leaving it clear for drainage, traffic maneuverability and plowing is better without physical barriers.

Ms. Meltzer understood that the petitioner would like to verbally add an offer to the proposed Conditional Rezoning Agreement.

Ms. D’Agostini stated that is correct, and explained they are seeking to rezone from B-2 to B-3 and offer this Conditional Rezoning Agreement, pursuant to the property uses limited to this agreement, and further voluntarily offer to amend this agreement to exclude, under Chapter 1278.02-(o) and -(s), sexually-oriented businesses, pawnbrokers and tattoo parlors, and also Chapter 1278.04-(k), involving Special Land Use approval for these uses.

Ms. Meltzer recalled that is the discussion they had because, in opening up the opportunity to the petitioner for a rezoning from B-2 to B-3 for allowing the drive-thru, it also opens the opportunity for these other uses mentioned that the Township does not want. She appreciated the offer to exclude those uses in the agreement. She inquired as to whether the breakfast establishment is going to be similar to The Original Pancake House.

Ms. D'Agostini replied that currently, the owners of The Pancake Factory at 23 Mile and Schoenherr are looking at the site.

Ms. West recalled this came before the Planning Commission in both February and March of this year. She claimed this is the first time seeing this site plan, noting it did not come back to them for further review. She inquired as to why this did not come back to the Planning Commission.

Mr. Thompson replied he did not know why.

Ms. West recalled when other requests have come before the Planning Commission for two drive-thru units on one site, the Commission turned them down. She felt the site becomes too crowded. She claimed this plan did not come before the Planning Commission.

Mr. Pearl noted the plan indicates it was recommended for approval.

Ms. West stated the recommendation would not have been for the site plan.

Mr. Cannon pointed out this is a rezoning.

Ms. D'Agostini stated it was explained to her that the Site Development Plan was approved conditioned upon having this agreement in place. They have submitted plans for the Site Plan approval but was told they would not proceed until this agreement was completed.

Ms. West inquired as to whether the plan will be changing.

Ms. D'Agostini replied that the conceptual integrity of the site cannot change, only revisions resulting from engineering and architectural reviews. She stressed the plan as submitted is an exhibit to the Conditional Rezoning Agreement and it cannot change without approval by the Township.

Mr. Aragona inquired as to whether it would be proper to send it back to the Planning Commission.

Ms. D'Agostini claimed she was told by Mr. Stephen Cassin, Planning Consultant for the Township at the time he was acting as the Township's Planner, that this agreement needed to be in place before they can act on the plan.

Mr. Keys questioned whether the approval of the agreement tonight would mean that it would have to go back to Planning Commission for the site plan to be approved.

Mr. Dolan replied this matter has already been before the Planning Commission, and a recommendation has come to the Board. There has now been an offer of a Conditional Rezoning Agreement in conjunction with the site. The Board's action tonight, if approving it, would result in this plan moving forward to engineering reviews and the permitting process. He noted it would not be returned back to Planning Commission if it is approved; however, they have options beyond approving it. They can reject it, postpone further consideration, or they can elect to send it back to the Planning Commission as they can do with any item that comes to the Board from them, with instructions to the Planning Commission.

Mr. Pearl stated his personal opinion is that, unless the petitioner voluntarily agrees to only one drive-thru, he cannot vote in favor of it.

Mr. Aragona could understand the Planning Commission having these concerns, so he could understand sending it back to the Commission for their further review. He would like to make sure it is on the December meeting of the Planning Commission.

Mr. Thompson stated there is a Planning Commission meeting on Thursday, but there is not enough time to place this on the agenda and provide the required notification, so the next Planning Commission meeting will be in January.

Ms. D'Agostini requested a brief recess, noting she can call the owner of the development to ask him about the two drive-thru facilities on the site.

Mr. Cannon stated this is proposed to be located at one of the most dangerous intersections in the County, and there are two areas where people will be exiting: one onto Garfield and the other on 19 Mile Road, very close to Garfield. He noted if people were to turn left, it would cause a major back-up. He expressed concern about allowing left turns out. He proposed if this is approved, that there would be no left turns allowed onto Garfield, and no left turns from the easternmost access point on 19 Mile Road. He clarified he does not have a problem with the access point further west on 19 Mile Road. He explained he originally did not feel he would want either drive-thru, but the plan as submitted shows there will not be any cars stacked on the site other than behind their own building. He was originally concerned that the stacked cars would spill out onto Garfield or 19 Mile Road, but he does not believe that will occur.

Mr. Gielegghem agreed that is a dangerous intersection, noting he was involved in a bad accident at that corner. He recalled Ms. D'Agostini referred to the drive-thru uses being "low-volume" and he requested clarification, adding that a place like McDonald's is packed all of the time.

Ms. D'Agostini noted in Paragraph 3, Subsection B, it specifically calls out that drive-thru uses shall be fast-food restaurants or other drive-thru uses which are lower-volume, including but not limited to coffee shops and sandwich shops. She assured they do not want the high-volume fast-food restaurants and indicated those restaurants would not be looking at this site as an option. She assured that is part of the agreement.

Ms. West noted the plan indicates "outdoor dining" on the east side of the building, and she stated she is opposed to that for safety reasons. She pointed out how a car driving in could lose control and end up in that area.

Ms. D'Agostini clarified that area is a landscaped area and will not be outdoor dining.

Discussion took place regarding whether it is for outdoor dining.

Ms. D'Agostini stated that Exhibit C is the latest plan established, and that only indicates a tree in the area of question.

Mr. Cannon suggested this be put on the table until Ms. D'Agostini has the opportunity to make her call.

Ms. D'Agostini stated she can attempt to make the call, because she does not have the authority to eliminate a drive-thru.

Motion by Mr. Keys, supported by Ms. West, to table further consideration of this item at the representative's request so the petitioner's representative has an opportunity to consult with the petitioner. Discussion ensued.

Mr. Aragona questioned whether they are sure there was only one drive-thru recommended for approval by the Planning Commission.

Ms. West recalled at the Planning Commission, they requested to take the trees down on the site, and they came back in March with their plan. She stated she was not present at the March meeting, but she went through the minutes, and indicated they were supposed to come back with the plan. She claimed there was no discussion about any drive-thru windows. She added they were not sure at that time what they were going to develop. She indicated this is her first time seeing anything for this site that involves a drive-thru. She recalled a couple of other sites where double drive-thru windows were proposed, and those were turned down by the Planning Commission.

Mr. Aragona felt if there is that much change to the plan, it should be discussed at the Planning Commission level.

Ms. West agreed with Mr. Aragona.

Ms. D'Agostini noted the original site development plan submitted to the Planning Department, dated January 24, 2018, known as "Exhibit B", shows the two drive-thru units, and that was submitted to the Planning Commission.

Mr. Thompson confirmed in the file there are dated plans from the March 8, 2018 Planning Commission meeting that show the plans were submitted and reviewed by the Planning Commission, and they indicate two drive-thru windows.

Ms. West claimed that the minutes of the Planning Commission do not reflect any conversation about it.

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

## **6. APPOINTMENT TO THE BOARD OF REVIEW**

Motion by Mr. Cannon, supported by Mr. Pearl, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide and reappoint Mr. Mike Gentry, Ms. Alice Pavlik and Ms. Lucy Riley to the Board of Review, each for a two-year term to expire on December 31<sup>st</sup>, 2020, and to appoint Mr. Mike Licavoli as alternate. Roll Call: Ayes – Cannon, Pearl, West, Keys, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **7. APPOINTMENT TO THE CIVIL SERVICE COMMISSION**

Mr. Cannon requested the choice of each Board member, and each of the Board members subsequently selected Mr. Erik Jackson as their choice.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide and reappoint Mr. Eric Jackson to the Civil Service Commission for a six-year term to expire on December 31<sup>st</sup>, 2024. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **8. APPOINTMENTS TO THE CONSERVATION COMMITTEE**

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide and reappoint Mr. Scott Chabot, Mr. Jason Davidson and Ms. Anna Rossi to the Conservation Committee, each for a three-year term to expire November 30<sup>th</sup>, 2021; further, to reappoint Mr. Paul Gielegghem as the board representative, with term to expire on November 30<sup>th</sup>, 2020, and to advertise the two open terms for sixty (60) days.

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

**5. CONDITIONAL REZONING FROM B-2 COMMUNITY BUSINESS TO B-3 GENERAL BUSINESS FOR DEVELOPMENT WITH CAMPUS COLLECTION (WITH TWO DRIVE-THRU FAST-FOOD RESTAURANTS): PART OF LOT 1, SUPERVISOR'S PLAT OF CANAL-GARFIELD SUBDIVISION (SECTION 7), BEING 3.715 ACRES OF VACANT LAND LOCATED AT THE SOUTHWEST CORNER OF 19 MILE AND GARFIELD ROADS (PARCELS #16-11-07-227-010, -011 AND -012) (Tabled from earlier in the meeting)**

Motion by Ms. West, supported by Mr. Keys, to take from the table the consideration for Item #5 on tonight's agenda. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

Ms. D'Agostini spoke with Mr. D'Agostini regarding the two drive-thru units located on the site. He felt that, because it was approved by the Planning Commission and was something discussed with the previous planners, he would like to revisit the issue after further review.

Mr. Cannon inquired as to whether he wants it to go back to Planning Commission or stand as is.

Ms. D'Agostini replied he understood it was already approved by the Planning Commission with the two drive-thru units, so he would like it to be approved by the Board that way.

Mr. Cannon noted that Ms. D'Agostini indicated she has additional conditions she read to Ms. Meltzer, and he indicated those would be included.

Ms. D'Agostini stated they want to voluntarily amend the agreement being presented to state they are excluding sexually-oriented businesses, pawnbrokers and tattoo parlors, under Chapters 1278.02-(o) and -(s), and Chapter 1278.04-(k), and also excluding the availability of Special Land Use for those such uses.

Mr. Cannon stated he has no problem with the two drive-thru units, but he has a problem with the two left-turns, one onto Garfield Road, and the easternmost access onto 19 Mile Road.

Ms. D'Agostini commented that, in her past experience, when they go through the review by the Macomb County Department of Roads, they may require some of those to be "right turn only". She states that is part of their analysis when they do their review.

Mr. Cannon inquired as to whether Mr. Dolan concurs.

Mr. Dolan replied that the Macomb County Department of Roads may or may not place limitations on left turns at those locations.

Mr. Cannon inquired as to whether they can make that a stipulation in the motion.

Mr. Dolan replied it would have to be offered by the petitioner.

Mr. Pearl inquired as to whether the petitioner can come back and present any additional offers to the Township Attorney, who would then bring those back to the Board.

Mr. Dolan responded that the Board is now acting on the petitioner's rezoning request. If it is rejected, it is a denial, and the petitioner would have to reapply. He advised that one of the Board's options at this point is to approve it as presented, with the additional verbal conditions offered tonight by the petitioner. He summarized the offer, noting she is not including at this time the left-turn restrictions referred to by Mr. Cannon. The Board can approve it as presented, deny it, postpone it or refer it back to the Planning Commission, although he indicated it appears as though the Planning Commission has already considered it.

Ms. D'Agostini suggested they could possibly depict the "right-turn only" locations on the plan, knowing the Department of Roads has the jurisdiction so when they go through their civil engineering review, that would be included as a detail and they would receive feed back at that time.

Mr. Cannon pointed out the Department of Roads makes the final determination.

Ms. Meltzer questioned whether the Board can make a request of the petitioner with regard to the proposed Conditional Rezoning Agreement.

Mr. Dolan reminded that everything under consideration has to be voluntarily offered by the petitioner.

Ms. Meltzer stated the petitioner has offered to request from the Department of Roads that those locations in question be designated as "right-turn only".

Mr. Dolan clarified that Ms. D'Agostini has made an additional offer of having the locations referred to by Mr. Cannon indicated on the plans as "right-turn only".

Ms. D'Agostini stated they would be willing to call out on their plans the "right-turn only" signage, but it would be subject to the decision of the Macomb County Department of Roads. She added the Department of Roads may require them to

move that approach ten feet one way or the other, or they may have an issue with the approach as it is proposed. There is a potential that the entire layout could change based on the review by the Department of Roads.

Motion by Ms. Meltzer, supported by Mr. Gielegem, to receive, file and concur with the letter dated December 5<sup>th</sup>, 2018 from the Secretary of the Clinton Township Planning Commission, with reference to a proposed Conditional Rezoning of Lot 1, Canal Garfield Subdivision, being 3.715 acres of land located at the southwest corner of 19 Mile and Garfield Roads (Section 7) from B-2 Community Business to B-3 General Business for development of Campus Collection, which includes two drive-thru fast-food restaurants, that the Conditional Zoning Agreement between the Charter Township of Clinton and Garfield Nineteen Investments LLC (“GNI”), along with Exhibits (a) through (f), be approved as submitted, with the voluntary amendment to the agreement by the petitioner to exclude any uses for this site as outlined in Chapter 1278.02-(o) and (s) and Chapter 1278.04-(k), involving sexually-oriented businesses, pawnbrokers and tattoo parlors. Discussion ensued.

Mr. Pearl stated that, considering what the petitioner has offered, he is more concerned about the traffic on 19 Mile and Garfield. He did not feel the proposed low-volume uses for the drive-thru units will create a problem, and he is more concerned with what the petitioner has offered, including the type of establishments going in and the left-turn lane restrictions, so he would go along with the motion on the floor.

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

## **9. APPOINTMENTS TO THE CULTURAL DIVERSITY COMMITTEE**

Motion by Mr. Cannon, supported by Mr. Pearl, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide and reappoint Ms. Cleola Spates and Mr. Henry Sommerstorfer, and to appoint Mr. Charles Muwonge and Ms. Deborah Seffern, to the Cultural Diversity Committee, each for two-year terms to expire November 30<sup>th</sup>, 2020; further, to appoint Mr. Mike Keys as board representative, with term to expire November 30<sup>th</sup>, 2020. Roll Call: Ayes – Cannon, Pearl, West, Keys, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

## **10. APPOINTMENT TO THE HISTORICAL COMMISSION**

Motion by Mr. Cannon, supported by Mr. Keys, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint Ms. Gillian Campbell to the Historical Commission for a three-year term to expire April 13<sup>th</sup>,

2021. Roll Call: Ayes – Cannon, Keys, West, Pearl, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

### **11. APPOINTMENT TO THE HOUSING COMMISSION**

Motion by Mr. Cannon, supported by Ms. West, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and reappoint Mr. Gerald “Bruno” Burnosky to the Housing Commission for a five (5) year term to expire on January 3<sup>rd</sup>, 2024. Roll Call: Ayes – Cannon, West, Keys, Pearl, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

### **12. APPOINTMENTS TO THE PARKS & RECREATION COMMITTEE**

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and reappoint Mr. Robert Cannon, Mr. Paul Gielegghem and alternate Mr. Mike Keys to the Parks & Recreation Committee, each for a two (2) year term to expire November 20<sup>th</sup>, 2020. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

### **13. APPOINTMENTS TO THE ZONING BOARD OF APPEALS**

Mr. Cannon requested the choices of each Board member, and they were as follows:

Ms. West -	Frank Marella, Ron DiBartolomeo, Mike Licavoli
Mr. Keys -	Frank Marella, Ron DiBartolomeo, Mike Licavoli
Mr. Pearl -	Ron DiBartolomeo, Thomas Mill, Frank Marella
Mr. Cannon -	Ron DiBartolomeo, Thomas Mill, Frank Marella
Mr. Aragona -	Frank Marella, Ron DiBartolomeo, Thomas Mill
Mr. Gielegghem -	Ron DiBartolomeo, Frank Marella, Thomas Mill
Ms. Meltzer -	Ron DiBartolomeo, Frank Marella, Thomas Mill

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide and reappoint Mr. Frank Marella, and appoint Mr. Ron DiBartolomeo and Mr. Thomas Mill to the Zoning Board of Appeals, with each for a three (3) year term to expire December 31<sup>st</sup>, 2021. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

### **14. APPOINTMENTS TO THE BUDGET/WAYS & MEANS COMMITTEE**

Motion by Ms. West, supported by Mr. Aragona, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint the three full-time officials, Mr. Robert Cannon, Ms. Kim Meltzer and Mr. Paul Gielegghem, to the Budget / Ways & Means Committee, with Mr. Mike Keys as First Alternate

and Ms. Joie West as Second Alternate, each for one-year terms to expire on November 20<sup>th</sup>, 2019; further, the staff members serving on the committee consist of the Finance Director / Assistant Director, Public Services Director, Planning Director and the Administrative Aide, with the Township attorney, Mr. Jack Dolan, serving in an advisory capacity. Roll Call: Ayes – West, Aragona, Keys, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

#### **15. APPOINTMENTS TO THE BUILDING COMMITTEE**

Motion by Mr. Keys, supported by Ms. West, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint the Township Supervisor, Township Clerk, Building Superintendent, Finance Director, Planning Director, Public Services Director, and the Administrative Aide to the Building Committee, each for another one-year term to expire December 31<sup>st</sup>, 2019. Discussion ensued.

Mr. Gielegghem inquired as to whether they are voting on the two elected officials only, or whether this includes the staff members as well.

Mr. Cannon replied this includes the staff, noting they bring staff in as needed.

Mr. Gielegghem pointed out they currently have an issue with the Administrative Aide position. He questioned whether they want to include that position in the motion.

Mr. Cannon replied they will keep the position in the motion.

Mr. Gielegghem confirmed that once that position is filled, this committee will be one of that person's responsibilities.

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

#### **16. APPOINTMENT TO THE EMERGENCY MANAGEMENT COMMITTEE**

Motion by Mr. Pearl, supported by Ms. Meltzer, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint the Emergency Management Director, Fire Chief, Police Chief, as well as representatives from the Public Works, Water and Information Technology Departments and Mr. Joe Aragona as Board representative, to the Emergency Management Committee. Discussion ensued.

Mr. Gielegghem inquired as to whether Mr. Aragona wants to accept the nomination as Board representative to this committee.

Mr. Aragona replied he accepts the nomination.

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

#### **17. APPOINTMENTS TO THE HERITAGE ESTATES COMMITTEE**

Motion by Ms. Meltzer, supported by Mr. Cannon, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint Mr. Ken Pearl and Mr. Joe Aragona to the Heritage Estates Sub-Committee, along with staff members consisting of the Assistant Finance Director, Public Services Director, Public Works Assistant Superintendent, Senior Center Director and Administrative Aide, with representatives from the management firm, Fourmidable Management Company, serving as advisory members; further, these appointments are each for another one-year term to expire on December 31<sup>st</sup>, 2019. Roll Call: Ayes – Meltzer, Cannon, West, Pearl, Aragona, Gielegem. Nays – None. Absent – Keys. Motion carried.

#### **18. APPOINTMENTS TO THE PERSONNEL VACANCY REVIEW COMMITTEE**

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint the Township Supervisor, the Township Clerk, Ms. Joie West representing the Trustees, the Finance Director, the Human Resources Director, and Mr. Gielegem as Alternate to the Personnel Vacancy Review Committee, each for one-year terms to expire on December 31<sup>st</sup>, 2019. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

#### **19. APPOINTMENTS TO THE SANITARY SEWER SUB-COMMITTEE**

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 4<sup>th</sup>, 2018 from the Administrative Aide, and appoint Mr. Ken Pearl, Mr. Robert Cannon and Ms. Kim Meltzer to the Sanitary Sewer Sub-Committee, with Mr. Joe Aragona as First Alternate, and staff members to include the Finance Director / Assistant Finance Director, Public Services Director, Water & Sewer Assistant Superintendent and Administrative Aide, as well as representatives from the Township's engineering firm, Anderson, Eckstein & Westrick, Inc., and the Township attorney, Mr. Jack Dolan, serving as consultants, each for one-year terms expiring on December 31<sup>st</sup>, 2019. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

**20. APPROVAL OF ENGAGEMENT WITH PLANTE MORAN FINANCIAL ADVISORS**

Motion by Mr. Gielegem, supported by Mr. Aragona, to receive and file the letter dated November 28<sup>th</sup>, 2018 from the Human Resources Director, and engage Plante Moran Financial Advisors (PMFA) to conduct a review of Township-sponsored defined contribution and deferred contribution plans, as outlined in the correspondence, with the fee for this review to be based on standard hourly billing rates, with an approximate cost of the project projected to be \$20,000. Roll Call: Ayes – Gielegem, Aragona, West, Keys, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

**21. REQUEST FOR COST SHARE OF ROAD PROJECTS WITH THE DEPARTMENT OF ROADS**

This item was deleted from tonight's agenda.

**22. APPOINTMENTS TO WATER SUPPLY ADVISORY COUNCIL**

Motion by Mr. Pearl, supported by Mr. Keys, to receive, file and concur with the letter dated December 4<sup>th</sup>, 2018 from the Chairperson of the Budget/Ways & Means, and appoint the Public Services Director, Water Department Assistant Superintendent, Building Department Superintendent, Township Trustee Joie West and Ms. Martha Higgins, resident, to the Water Supply Advisory Council. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

**23. APPROVAL OF SDD/SDM LIQUOR LICENSE TRANSFER – JAKE'S LIQUOR STORE INC.**

This item was moved to Item #4A on tonight's agenda.

**24. BUDGET AMENDMENT: FURNACE & AIR CONDITIONING – STEINER COMMUNITY CENTER**

Mr. Cannon noted that a waiver of the permit fees is being requested.

Motion by Mr. Pearl, supported by Mr. Aragona, to receive and file the letter dated November 28<sup>th</sup>, 2018 from the Recreation Director, approve the purchase of a replacement of the furnace and air conditioning unit at the Steiner Building from Fire & Ice Mechanical in the amount of \$6,570.00, which is the second lowest bid and is providing new equipment rather than reused equipment, as well as including equipment to bring it to current code; further, to approve the Capital Outlay budget amendment for the Recreation Department in the amount

of \$6,570.00 to cover this cost. Roll Call: Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

## **25. APPROVAL OF AGENDA MANAGEMENT SOFTWARE PURCHASE**

Mr. Keys thanked Ms. Meltzer for the work her office did in reaching out to the departments and sending out videos to show what to expect with this product. He stated he has a couple of follow-up questions with regard to the contract. He noted that in the contract, many of the clients talked about video streaming. He wanted to make sure the Township will not be paying for that because they already have a service for that streaming.

Ms. Meltzer assured the Township will not be paying for that service through this contract, noting that would be an extra fee if they needed it.

Mr. Keys stated, from the Trustee's perspective, that this will involve more coordination with the full-time elected officials and the departments in the Township. They are currently in the process of searching for an Administrative Aide, and he is anxious for that to be implemented. He thanked Ms. Meltzer for providing the projected project schedule, and he asked that a member of the Trustee's Department be a part of the "project team" described in the schedule so they can have equal access to help with their committees to start to get comfortable with the product and the system.

Ms. Meltzer assured everyone will have that option if they want it. She reminded the timeline is a goal, but it is not "carved in stone". Anyone who needs more time to feel comfortable with the process will be given that time. She indicated they will be contacting each department to determine their readiness to proceed.

Mr. Keys recalled requesting that, when they have projects such as this, the bids should be included as part of the Board packet for the public to review. He did not see where that was done for this project.

Ms. Meltzer clarified it was done for the original Request for Proposal (RFP).

Mr. Keys stated he want online earlier today to find it, and it is not part of the public packet. He recalled it was emailed to the Board members separately and that is how he accessed it. He requested one of the past packets be updated to include it.

Ms. Meltzer assured she will do that. She noted there is an annual increase in the cost, and there are two options they have available: a three-year contract with a 5% annual increase in years two and three; or a five-year contract with a 3% annual increase in each of years two through five. She questioned which option the Board would prefer, but commented that this is a long-term

commitment, and once they commit to this software, she felt it would be confusing and costly to try to change to another vendor. She felt it would be a benefit to approve the five-year contract at the 3% annual increase.

Ms. West recalled a few weeks ago the Board minutes were motions only, and they were told that once the agenda management program is in place, the minutes will be motions only. She questioned whether the plan is that on or about “Day 90”, the minutes will be in a motion-only format, but up until that point, the minutes will remain the same as they are now.

Ms. Meltzer replied affirmatively. She noted once the program kicks off, the minutes will be actions taken.

Ms. West inquired as to whether Ms. Meltzer will let them know when that is going to occur.

Ms. Meltzer replied she will inform the Board.

Mr. Aragona inquired as to whether Ms. Meltzer is recommending the five-year contract.

Ms. Meltzer replied affirmatively.

Motion by Mr. Aragona, supported by Ms. West, to receive and file the letter dated December 6<sup>th</sup>, 2018 from the Township Clerk, and approve the purchase of the agenda management software from Granicus, Novus Solutions, including the five-year contract, as outlined in the correspondence. Discussion ensued.

Mr. Keys stated he would like to have more discussion on the three-year versus the five-year contract. He understood, in reading through the documentation, that the benefit of this system is that it would be a seamless transition to another company because all of the documents are in PDF format, and that is addressed in their proposal. He expressed concern because these companies are becoming numerous, and he felt they may be at a disadvantage if they do not have the ability in three years to revisit the contract and possibly go out to bid. He understood Ms. Meltzer’s point that it may be cost-effective to stay, but in his experience in the last two years, he recalled about three or four of these companies “popping up” in Macomb County and servicing communities. To keep with the competitive spirit, after reading the staff notes and the comments about the three-year and five-year contracts, he would tend to opt for the three-year contract.

Ms. Meltzer appreciated Mr. Keys’ perspective, but she has a further vision of incorporating GovDelivery, which is the email system the County uses, and Granicus also incorporates it. She felt there would be an advantage to be an

existing customer to add on certain options in the future if the Board chooses. She clarified her earlier comment about the difficulty of switching vendors, noting she spent many hours and days putting the RFP together, and there is a lot of time and preparation put into the process of going out to bid for a new vendor. She stressed it is not easy to switch vendors.

Mr. Pearl stated they do not have the original contract, and he questioned the difference in the fees.

Ms. Meltzer replied it would be 3% versus 5%.

Mr. Pearl requested clarification on the dollar amount.

Discussion took place regarding the amounts.

Ms. Meltzer stated \$23,350 is the original cost, and it is around \$9,000 annually. She noted the annual increase the contracts refer to is 3% or 5% of the approximate \$9,000 annual fee.

Mr. Gieleghem noted the annual fee is \$9,500 and there are two annual add-ons of \$600 each. The increases would have to be calculated based on those amounts.

Ms. Meltzer rounded the figure to \$12,000 annually.

Mr. Pearl pointed out the savings in the five-year contract compared to the three-year contract does not seem to be significant, so he recommended going with the three-year contract. He reminded that does not mean they have to switch vendors at that point, but they would have the option.

Mr. Gieleghem did not locate the terms for the severability of the contract.

Ms. Meltzer apologized and stated she does not have that information.

Mr. Dolan stated he does not have the severability provisions. If there is a substantial and material default, the Township would have the ability to get out of the contract. He acknowledged that he is dealing with a very experienced Board, but reminded that when dealing with software products, it is easier to have a shorter term with a threat of non-renewal as far as getting satisfaction, as opposed to being stuck in a longer contract and having to deal with implementation issues over a longer period of time. He noted some of the issues going on at the County at this point are examples of that.

Mr. Cannon stated those are all very good points, and he questioned whether the motion maker and supporter would be willing to amend their motion to include the three-year contract as opposed to the five-year contract.

Mr. Aragona **amended his motion**, and Ms. West **amended her support**, to approve the purchase with the **three-year contract with a 5% increase each year**.

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

## **26. NEOPOST MAIL METER CONTRACT RENEWAL**

This item was deleted from tonight's agenda.

## **27. DISCUSSION AND UPDATE REGARDING PROPOSED TOWNSHIP ORDINANCE #443 – DISHONORED CHECKS**

Mr. Gielegghem stated the issue is the Township Board unanimously adopted an ordinance in 2015 which requires a \$25 charge in cases where an electronic or phone payment fails. He noted that industry standards are becoming \$35 and more, although the Township incurs bank fees when a payment fails for insufficient funds. He explained another type of payment failure is when someone mistypes an account number or a routing number, so the fees incurred are significantly less, but the steps that take place in those cases to correct those errors are numerous, noting the eleven steps can take approximately 39 minutes of staff time. These occur both in the Water Department and in the Treasurer's Office. Mr. Gielegghem noted the question is whether the rest of the taxpayers pick up that cost, or whether it is assessed to the responsible party. At the time this was introduced in April and brought back in July, it was suggested to be postponed coming up with a long-term solution to explore different payment vendors. He explained there are some great technology advances with the three vendors they brought in, and if the Township "gets it right", they will be able to do great things for their residents and customers, but if they "get it wrong", it could be a problem. The implementation date he proposed in July is the same as what he is proposing in the letter this evening.

Ms. Meltzer stated she would like to meet with Mr. Gielegghem, noting she has stated she would be interested in the credit card payments, but would like to know how it would be implemented, especially since they process passports in her office.

Mr. Gielegghem stated they will have to look at the right vendor that can do the most for the Township, and the second step will be to sit down with all of the departments that will be affected. He will need to prioritize and meet with his

office and Water Department first. They have also brought in Finance and Information Technology (IT). He felt it is a matter of picking who they think is the right vendor who will offer the right array of services, but they will sit down with the Clerk's Office, Senior Department and Recreation Department. He assured he will definitely meet with Ms. Meltzer.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated December 2018 from the Treasurer regarding the proposed Township Ordinance #443 – Dishonored Checks. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

## **28. APPROVAL OF METRO ACT PERMIT**

This item was deleted from tonight's agenda.

## **29. APPROVAL OF APPOINTMENT TO ADMINISTRATIVE AIDE POSITION**

Mr. Cannon stated there is no appointment that will be taking place tonight.

Ms. West stated this has been a great experience for her because she not only worked closer with the three other Trustees, but she commended Mr. Smith, the Human Resources Director, and his wonderful staff, along with that of Civil Service. She explained that the current Administrative Aide, Ms. Debbie Staller, submitted her retirement papers in October, and on October 30<sup>th</sup>, the Trustees, along with Mr. Smith, Ms. Lisa Murray, Civil Service Director, Mr. Cannon and a few others met and reviewed and approved the job description, posting, salary, questions for interviews, and came up with a time line. She acknowledged their time line is off, noting they ended up with 79 complete applications and an additional 10 incomplete applications, which she felt was an overwhelming response. She stressed she has spent a lot of time with this process, going through all applications and narrowing it down to 30, although she mentioned the other Trustees also wanted to look at the 79 applications as well.

Ms. Meltzer questioned, after the other Trustees reviewed the 79 applications whether any additional applications were added to the 30 applications recommended by Ms. West.

Ms. West replied there was just one added.

Ms. Meltzer questioned whether the other Trustees acknowledged the willingness Ms. West demonstrated by taking on this responsibility.

Ms. West stated no but explained after they sat down and looked at the 30 applications, they narrowed it down to 8 to interview, and then narrowed it down to 4. They are trying to zero in on who they are going to ask. She received a

callback from one of them and needs some direction from the other Trustees before returning that call; however, they found out that one of the four has already accepted a job somewhere else, so they were down to three. They offered it to one person who declined, so they are actually down to two. She indicated there has been discussion by the Trustees to talk about it further in January, but she stated she is nervous, pointing out there are 17 items on tonight's agenda that were submitted by the Administrative Aide. She understands that Supervisor's and Clerk's offices have both indicated they are willing to pick up some of the responsibilities temporarily, but she would like to get a temporary employee for as long as it takes this process of appointing a replacement. She noted their timeline reflected that they would be submitting their choice of candidate at the November 26<sup>th</sup> meeting, but they still do not have anyone at this point.

Motion by Ms. West, supported by Mr. Keys, to authorize the hiring of a temporary employee through Civil Service until the Administrative Aide position is filled. Discussion ensued.

Ms. Meltzer assured her deputy, as well as the Supervisor's deputy, have both stepped up and are willing to take minutes for Budget/Ways & Means and the staff meetings, and whatever is necessary. She appreciated their commitment to do this until it is rectified. She expressed concern about hiring a temp because there is a cost in training someone who is there on a temporary basis, especially when there is so much to learn. She questioned how much that person will be actually doing, and she added she does not want to see this "drag on forever". She wished she had been made aware of this earlier because it is a big decision to make "off the cuff".

Ms. West commented that there are temps who are already staffed at the Township. She talked about it with Ms. Murray, and claimed they could possibly get one of those temps to be in the Administrative Aide office, answering phones, taking applications for the committees, etc. She explained Mr. Aragona is taking over and is the lead Trustee next year, so if they need to open it again, that will be his responsibility. She pointed out the current Administrative Aide is still here, and she could give some direction to a temp.

Mr. Cannon stated he is opposed to hiring a temp, noting the Supervisor's office can handle all of the Administrative Aide's calls, and he pointed out there will be no more committee placements for a long time. He admitted this was a very busy agenda for her, but those positions have been appointed.

Mr. Pearl stated he is not in favor of a temp, considering the holidays coming up. He felt it would be too broken up so there would not be that much time to put a person in there. He felt the phone calls can be handled by Supervisor's office, and he did not feel there are that many that come through the Trustee's office.

He thanked Mr. Cannon and Mr. Meltzer for offering to have their staffs help the Trustees at this time. He agreed the majority of appointments to committees have been made.

Mr. Keys thanked Ms. West for bringing this forward. He felt they are starting to get the impression that this position is not valued as much as others, but he stressed this is a very important position in the Township. He appreciated Deputy Irvine's willingness to come to the meetings and take minutes, and Deputy Vogel's willingness to answer phones, but the Trustees are a branch of the government and are tasked with oversight on the full-time officials and on the departments. They cannot rely on the administrative staff of the full-time elected officials in order to have that oversight, and they have to have their own voice and ability to communicate with the public. They must have the ability to get their minutes, get their agenda items and have oversight over this Board. He concluded that is why he is in favor of hiring a temp for the Administrative Aide's office.

Mr. Aragona stated he is not in support of hiring a temp, noting he does not see a need for it at this time. He added he was not surprised when they received many applications, noting he was the dissenting vote in setting the salary for this position because he felt it was very high. He stressed the high salary is all the more reason they do not want to take this decision lightly, but he could not see a need for a temp going into the holidays. He agreed that Mr. Keys is right in that the Trustees need a voice here because there are four Trustees.

Ms. West appreciated everyone's comments, but she recognized that Ms. Irvine and Ms. Vogel both have a lot going on in their own departments. She would like to know what the plan is for January. She understands the two weeks at this point are very busy because of the upcoming holidays, but she felt it would be advantageous for a temp to be hired now so they could train with the current Administrative Aide. She felt it is important to have the temp because at this point, they do not have a plan in place for January. She pointed out if they select one of the current applicants in January, that person will still have to provide a two-week notice, so she anticipated that person will not be able to start until the third week of January at the earliest. She expressed concern that if they do not hire a temp now, they will be "in a world of hurt" in January.

Mr. Gielegem appreciated two of the full-time officials offering their deputy's services. He apologized he cannot do the same because he is in the middle of tax season. It has been mentioned they do not need a temp in the Administrative Aide's office during the holidays because "there is not that much going on". He felt there is a lot going on, and there are employees who are still here working full time. He stated there are times when he does not know if there is an appreciation of the volume of work that occurs here, so this will put all of those other departments at a disadvantage. He would prefer, instead of the Deputy

Clerk having to take minutes at the Budget/Ways and Means Committee meetings, that they were on a tighter schedule on the Laserfiche, which has gone on for a long time. He felt that would be a better use of directing the time of the Deputy Clerk. He was confident there are plenty of projects that the Deputy Supervisor could be working on rather than taking on the responsibilities of the Administrative Aide. He felt a temp makes sense, and he emphasized that no other department has been held to the standard of having to come to the Board for approval of a temp, so it appears this is being treated on a different basis. He wished the Trustees could have come to an agreement on selecting someone, but they have not, so they need a temp in the meantime. He understands how hard it is to select someone because he was involved with the process when the current Administrative Aide was appointed. It speaks to the difficulty of the job of having four different bosses who are in some respects “absentee”, although that is the way it is set up because they are not supposed to be here. There are still tools and information they need to be able to perform their functions on the Board.

Mr. Pearl stated he would like to put this in perspective, and he claimed in his research, he could not find another Township in the State of Michigan that has an Administrative Aide. He commented that, in all of the other capacities and elected positions he has held, they share staff with the Supervisor, Mayor or City Manager. He felt they should possibly look at the whole picture and decide where they are going to go. He complimented the other Trustees, noting they all agreed 100% on the person they selected, and unfortunately that did not work out. He admitted the process was long, and Ms. West spent a lot of time working on it, adding all of the Trustees spent time on it. He felt they will be discussing it again in January.

Mr. Keys hoped all of the Trustees will continue to do the research and explore what other Townships have done. He admitted there are not a lot of Townships in the area that have the Administrative Aide position, but he claimed they have a lot more resolutions and board actions that allow the information to flow in a timelier manner. He cited Shelby Township as an example of this, where they cannot have an item on their agenda unless the Trustees have received it two weeks in advance. He stressed they need an Administrative Aide who can sit in the Budget/Ways & Means meetings and talk to the Trustees about any agenda items before they get on the agenda. He pointed out they can get three or four items added to their agenda at 4 p.m. on the day of the meeting. He is not necessarily in favor of comparisons because he felt they need to take the entire board and the atmosphere of that township into perspective.

Ms. West commented that “Administrative Aide” may not be the name given to the person who performs those duties, and it could be something like “Deputy to the Trustees”. She stressed this is an important issue and the Trustees need to

think about, as they have all relied on the current Administrative Aide and her predecessor.

Roll Call (on motion on the floor): Ayes – West, Keys, Gieleghem. Nays – Pearl, Cannon, Aragona, Meltzer. Absent – None. Motion failed for lack of votes.

**30. ORDINANCE AMENDING ALL BUSINESS LICENSES TO EXPIRE/RENEW ON DECEMBER 31 AND FEES FOR SALE OF SAND AND EARTH**

Mr. Dolan explained this is a request from the Clerk's office in order to provide for more efficient administration of the license renewal process. He explained Ms. Meltzer is seeking to have all of the licenses required through the various business ordinances, such as those dealing with massage, used car sales, pawnbrokers, etc., come due as an annual renewal on December 31<sup>st</sup> of each year. He explained there can be an expectation in her office as to when these licenses have to be processed, and all of them will have the same expiration date. While providing the ordinance amending those dates, they noticed they have a Sand and Gravel License process, but there were no actual fees associated with that, so fees were structured for that as part of the fee resolution process for that license. Mr. Dolan stated at the next meeting, a proposed Resolution will be coming to the Board for their consideration and adoption to oppose a House Bill that is now being presented into Committee, and there is some concern by the Michigan Township's Association that it may get "fast-tracked". It would change the Zoning Enabling Act that currently has some limitations on oil and gas approval processes, and it would expand it so it refers to all natural resources and establish a process by which plans can be submitted, and if they meet the requirements of the ordinance, then shifts to the community the burden in any administrative judicial proceedings of showing that their proposal was unreasonable and does not meet the standards of the statute. He added that also sets forth things like noise and vibration limitations, the height of piles, etc., and MTA is opposed to it, so he put together a Resolution, which will be available at the next meeting for the Board to consider approving if they so choose, which opposes it.

Mr. Cannon inquired as to whether there is enough time if they wait until the next meeting, or whether it should be done this evening.

Mr. Dolan replied he did not have time, but just received the information on this today. He has it dictated but did not have time for his secretary to type it. He explained if the Board would like, he can move forward to complete it and bring it back, noting he verbally stated the substance of it. He advised they can vote on it separately, but they will need to amend the agenda to include that as an emergency add-on and pass the Resolution as outlined.

Ms. Meltzer questioned whether the proposed Ordinance Amendment can be addressed first.

Mr. Dolan replied affirmatively.

Mr. Pearl questioned when the licenses currently expire.

Ms. Meltzer replied some of the licenses currently expire in March, while others expire in June.

Mr. Pearl questioned whether they will be prorated.

Ms. Meltzer replied she already did that, so that is part of it. She emphasized having the same expiration date will make it so much easier for her office, because the letters all go out at one time. She clarified “proration”, noting that if it was previously due in March, it will now be due in December.

Mr. Dolan stated there will be no hardship to the existing licensees, because their license period is extended beyond a year rather than shortened to less than a year.

Mr. Pearl questioned whether they will be paying double.

Ms. Meltzer replied no.

Mr. Gielegem stated for businesses, Tax Day for personal property taxes is December 31<sup>st</sup>, and as a result of that, the law states that people have to file their personal property tax statements, or the Assessor has to escalate. What occurs is the businesses do not notify the Assessor’s office that they have left the community, so they end up getting assessed and have to pay. He questioned whether Ms. Meltzer considered having a date in November, and they would have a sense as to who came in and filed a business license and who did not file one.

Ms. Meltzer felt a business process could be created that would address that issue. She stated they will be sending out the notice the first or second week of November, and directive could be included on the notice that they are responsible for letting Assessing know.

Mr. Gielegem felt it might be advantageous to set a date earlier than December 31<sup>st</sup>.

Mr. Pearl noted that all the business licenses of the State expire on December 31<sup>st</sup>.

Ms. Meltzer stated she wants to keep the date of December 31<sup>st</sup>, but she offered to help Mr. Gielegghem create a business process in Laserfiche that would notify businesses of that requirement.

Motion by Mr. Pearl, supported by Mr. Keys, to introduce and publish, with the intent of adoption at the next meeting, the proposed Ordinance amending all business licenses to expire / renew on December 31 and fees for sale of sand and earth. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**31. RESOLUTION IN OPPOSITION TO HB-6530 LOCAL PREEMPTION NATURAL RESOURCE REMOVAL**

Motion by Mr. Pearl, supported by Mr. Aragona, to add an emergency Item #31 to tonight's agenda – Resolution in Opposition to HB-6530 Local Preemption Natural Resource Removal. Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

Mr. Cannon recommended that Mr. Dolan be directed to prepare the document, and before it is sent, to have all three full-time officials sign off on it.

Mr. Aragona requested that the Resolution also be forwarded to the Trustee's office once it is prepared.

Mr. Cannon replied affirmatively.

Mr. Dolan indicated the motion would be as Mr. Cannon suggested, with the Resolution being based on the oral presentation that he made this evening, and as noted, subject to approval of verbiage by the three full-time officials, with copies to be sent to the full Board.

Motion by Mr. Pearl, supported by Mr. Gielegghem, to direct Mr. Dolan to prepare a Resolution in Opposition to HB-6530 Local Preemption Natural Resource Removal, based on the oral presentation this evening, and it is subject to approval of the verbiage by all of the three full-time officials, with copies to be sent to the full Board. Discussion ensued.

Mr. Keys stated he is a little confused voting on something he cannot yet read, but he understood there is an approval path. He questioned whether the three full-time officials can make changes to that document without violating the Open Meetings Act.

Mr. Dolan responded he outlined the content of the Resolution he already dictated. He explained this is a House Bill that is going to the Committee on Transportation and Infrastructure, and there is concern on behalf of the MTA in

their email notification to all local units of government today, and they list some legislation for which they are concerned, with this item being one of them. Mr. Dolan noted he had the opportunity to review the post-house bill today and it is expanding any type of natural resources beyond oil and gas. It is not restricted as to zoning, so even in a residential setting and some setback requirements are met, someone can start mining materials from their property if they can show there is an economic benefit to it, and they would be complying with the standards that are set forth in the statute. Once that is done, the burden shifts, and if the local unit of government wants to try to hold the process off, and they are taken to court or to an administrative proceeding, the burden is not on the property owner but it is on the municipality to say this is not a use that has an economic benefit and does not have a detriment to the surrounding properties. It expands what can be done to a property as far as extraction of natural resources and shifting the burden from the applicant to the local community to show that it is not harmful to surrounding properties. It is establishing some standards on setbacks, noise, etc., which he considered trying to establish a “one size fits all” remedy for these types of uses. He cited the example that it calls for a six-foot-high wall; however, there can be piles that are forty feet in height, so the six-foot wall will not help screen that material. He anticipated there are a lot of problems, and although he does not know how fast this will go through the Committee, but one of the difficulties is that this legislature seems to move items through very quickly.

Ms. Meltzer noted the items can move through quickly at this time of the year because of the “Lame Duck” session, and that is not the normal process.

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

### **APPROVAL OF MINUTES OF NOVEMBER 26<sup>TH</sup>, 2018 REGULAR TOWNSHIP BOARD MEETING**

Motion by Mr. Pearl, supported by Mr. Aragona, to approve the minutes of the November 26<sup>th</sup>, 2018 Regular Township Board Meeting as submitted. Roll Call: Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

### **APPROVAL OF BILLS**

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

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

Motion by Mr. Keys, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Keys, West, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 8:41 p.m.

Respectfully submitted,

KIM MELTZER, CLERK  
CHARTER TOWNSHIP OF CLINTON