

**CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, MARCH 15, 2010**

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	WILLIAM SOWERBY	TREASURER
	ERNEST HORNUNG	TRUSTEE
	KENNETH PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE

ABSENT: GEORGE FITZGERALD CLERK (EXCUSED)

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Mr. Jack Dolan, Township Attorney and Ms. Marge Rama, Deputy Clerk. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Ms. Rama requested the following deletion:

Item #4 – Request to Discuss Ice Cream Vending Within the Township – Kona-Ice

Ms. Rama requested the following additions:

Item #8 – Resolution for Work for Americans

Item #9 – Request Closed Session to Discuss Contract Negotiations and Pending Litigation

Motion by Mr. Pearl, supported by Mr. Reynolds, to approve the agenda as amended. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby. Nays – None. Absent – Fitzgerald. Motion carried.

Mr. Cannon noted that there is nothing on tonight's agenda and nothing has been added with regard to the 2010-2011 Budget. He informed that will be on the agenda next Monday, March 22nd, 2010 at 6:30 p.m.

1. SPECIAL LAND USE: JEWELRY STORE (AND GOLD SELL/BUY BUSINESS) IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT AND SITE PLAN FOR GIA'S JEWELRY BOX @ 19 & HAYES VILLA

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated March 2, 2010 from the Secretary of the Clinton Township Planning Commission and approve the request for Special Land Use, being a jewelry store (and gold sell/buy business) in the B-1 Neighborhood Business District and the site plan for Gia's Jewelry Box @ 19 & Hayes Villa, located on 1.714 acres of land at the southeast corner of 19

Mile and Hayes Roads (Section 7), as presented. Roll Call: Ayes – Pearl, West, Reynolds, Hornung, Cannon, Sowerby. Nays – None. Absent – Fitzgerald. Motion carried.

2. REQUEST FOR OUTDOOR GARDEN DISPLAY – K-MART: 34800 GROESBECK

Mr. Cannon noted there have been no problems in the past with similar requests at this location. He added that the petitioner has always taken care of the drains and assuring that this display is done correctly.

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive and file the letter dated February 25, 2010 from Mr. Ray Weber, Store Manager of the K-Mart, located at 34800 Groesbeck, and approve the request for outdoor display of garden shop material in the parking lot, as requested. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby. Nays – None. Absent – Fitzgerald. Motion carried.

3. REQUEST TEMPORARY TENT FOR ST. PATRICK'S DAY CELEBRATION: 34802 GRATIOT AVENUE – PIPER'S ALLEY

Mr. Mike Gentry, Assistant Superintendent of the Building Department, stated that this is a much better location than their previous request. He noted that the tent is also substantially smaller and the area in which they will locate the tent seems to be protected.

Mr. Pearl agreed and added that he went to the site to look at the proposed location. He noted that it is a substantially smaller tent and the location is better.

Motion by Mr. Pearl, supported by Mr. Hornung, to receive and file the letter dated March 5, 2010 from Mr. Tom Vasilos and approve the request for a temporary tent for a St. Patrick's Day Celebration, to be located at Piper's Alley, 34802 Gratiot Avenue, as requested, subject to no outdoor sales and no outdoor music. Discussion ensued.

Mr. Sowerby questioned whether there is still adequate parking, taking into consideration the reduced number of parking spaces due to the tent taking up some of the parking.

Mr. Gentry replied that the petitioner has indicated he will have off-site valet parking during the event.

Mr. Bruno Burnosky, 34740 Gratiot, Clinton Township, Michigan 48035, stated that he gave Mr. Vasilos permission to utilize his parking lot so they should not have to travel back and forth from Roseanne's to utilize their parking. Mr. Burnosky added that he requested to be added to the insurance policy. Mr. Burnosky noted that he has 60 parking on his property that Mr. Vasilos will be able to use, so he did not feel parking will be a problem.

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

4. REQUEST TO DISCUSS ICE CREAM VENDING WITHIN THE TOWNSHIP – KONA-ICE

This item was deleted from tonight's agenda.

5. BID AWARD RECOMMENDATION FOR DEMOLITION OF RESIDENTIAL STRUCTURES AT 44589 GRATIOT

Mr. Pearl inquired as to whether the basements will be removed.

Mr. Gentry replied that all of the foundations will be removed. He added that clean fill will be put in and they will then seed it and put straw over it.

Mr. Roger Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, questioned whether this is the first demolition through the Neighborhood Stabilization Program (NSP).

Mr. Carlo Santia, Director of the Department of Planning and Community Development, replied to inquiry this is the fourth demolition under the Neighborhood Stabilization Program.

Mr. Holtslander inquired as to how many homes are being looked at to be demolished through this program. He observed that there are a lot of homes "falling apart fast", especially in the area between 14 & 15 Mile Roads.

Mr. Santia explained that they had allocated \$100,000 of NSP funds for demolition. Counting this demolition, he estimated that they have used about half of those funds, or slightly less. He replied to further inquiry that they have until September 30th, 2010 to allocate the dollars. He added that the work does not need to be completed by that date, but the dollars need to be allocated.

Mr. Holtslander inquired as to whether funds have been added to the budget for these demolitions once the NSP funds are used up.

Mr. Cannon explained that there is just no money available in the budget, but they hope that more government dollars will become available and they will apply for those funds. He assured that they are working on these as fast as they can but it is a long process, adding that some of these have been in court for years.

Mr. Holtslander urged the Board to think about this when they are working on the budget. He was concerned that this will be an ongoing problem, and there should be some consideration given to allocating funds for this in the budget.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated March 2, 2010 from the Assistant Superintendent of the Building Department, and award the bid for demolition of residential structures located at 44589 Gratiot Avenue to the lowest qualified bidder, Vesper Construction, in the amount of \$14,450.00 plus ten percent for unforeseen conditions, with payment to be made through the Neighborhood Stabilization Program. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Hornung, Cannon, West. Nays – None. Absent – Fitzgerald. Motion carried.

6. APPROVAL OF 2010 SCHOOL TAX COLLECTION AGREEMENT

Mr. Sowerby explained that these are the annual school tax agreements that are brought before the Board each year. There are five school districts, in addition to Macomb Community College and the Macomb Intermediate School District (MISD).

Mr. Simon Haddad, 37796 Horseshoe Drive, Clinton Township, Michigan 48036, inquired as to the differences in the rates assessed. He pointed out that some are at a rate of \$0.225 per parcel, while others are at a higher rate of \$0.865 per parcel.

Mr. Sowerby explained that there are different amounts collected by the college and the MISD as compared to the school districts. He noted that there is a different type of collection process between them; however, all of them added up equals the total amount needed to cover the overall cost. He added that the college and the MISD were not asked to participate in this collection years ago, but they are now part of the collection.

Mr. Haddad inquired as to whether the \$.22 per parcel assessed to the college and MISD actually covers the cost.

Mr. Sowerby pointed out that not all communities collect from the college and the MISD but they have agreed to pay the Township to help offset the school taxes in the summer.

Mr. Haddad pointed out that there are assessments listed on his tax bill; however, when he remits his payment, it is one single check for a payment. He observed that the Township has to divide all of the money collected and distribute it appropriately. He inquired as to how the expense for this is covered by such a low assessment to the schools.

Mr. Sowerby reiterated that this is an agreed-upon amount. They met with all of the school districts, the college and the MISD and this is the amount that was established.

Mr. Haddad stated he has heard some talk about the Township possibly imposing a 1% Administrative Fee to collect taxes. He is aware it has not actually been approved but he is concerned that if it is, he will “not feel good” about having a \$93 per year fee tacked on to his tax bill if the college and MISD have to pay only \$0.22. He inquired as to whether these agreements would still be valid if the 1% Administrative fee is assessed.

Mr. Sowerby replied affirmatively, regardless of any future action by this Board. He indicated he has been opposed to the 1% Administrative fee.

Mr. Haddad did not feel the schools are paying enough and the burden is falling on the taxpayers, especially if the Township ever imposes the 1% Administrative fee, to which he is adamantly opposed.

Mr. Sowerby explained that this money does not take into consideration any assessing fees to generate a tax bill. The fee is to go to help support the Assessing Department for their preparation in the tax bill, create assessments, send out the statements, etc.

Mr. Cannon noted that most communities now charge the 1% Administrative fee, although Clinton Township has not up to this point. He cautioned, however, that the Board will not let the Township fail and go into receivership. He explained these agreements with the school districts are to pay for the work the staff is doing. The other money would go toward Assessing and some of the fixed costs for Treasurers. He clarified that both are necessary and mandated by the State of Michigan, and there are no revenues to pay for this, which is why the State statute allows for Townships to impose the 1% Administrative fee if they so choose. He reiterated it has not been done here in the past.

Mr. Haddad was confident that the State statute would also allow townships to pass on more of the costs to the school districts as well.

Mr. Cannon pointed out that the school districts would ultimately have to get that money from somewhere, and most likely they would pass it on back to the residents. He stressed that there are a lot of entities that service the residents.

Mr. Sowerby noted that there are a lot of functions that the Treasurer's office does on a daily basis in addition to collecting this. He explained this is another example of cooperation between governments. Years ago there were two different entities collecting the tax. The MISD collected a portion and the Township also collected a portion. It was confusing and time-consuming and the Treasurer's office handled a lot of telephone calls from residents who were confused about their bill. He added that he took on the collection of the school district taxes and worked out the agreement of the fees. They later went to the college and the MISD. He admitted it is not the perfect solution but it helps, because they try to make it as smooth a process as possible.

Mr. Haddad expressed his opinion that if individual taxpayers had to mail in this fee separately, the 22-cent cost they are assessed would not even cover the stamp they would have to put on the envelope to mail it. He felt it is an unfair burden to the taxpayers

Further discussion about this process ensued.

Mr. Pearl recalled he was on the Chippewa Valley school board when this was looked at, and even with getting other bids for this service, including the MISD, it made sense to do it this way. This is a competitive amount, and he felt that Mr. Sowerby has gone a long way to be fair to everyone.

Motion by Mr. Pearl, supported by Mr. Hornung, to approve the 2010 School Tax Collection Agreements between the Township and Macomb Community College, the Macomb Intermediate School District, Mount Clemens Community Schools, Fraser Public Schools, Clintondale Community Schools, Chippewa Valley Schools and L'Anse Creuse Public Schools, as presented. Discussion ensued.

Mr. Haddad suggested that the motion include a provision that if a 1% Administrative fee is passed on to the residents, that the same amount will be passed on to the school districts and other entities. He felt the school districts are getting a bargain on this.

Mr. Sowerby pointed out that they are all supporting the schools, so everyone benefits from this. He wished they could pass on more, but he felt that is not the right thing to do, especially at this time.

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

7. BID AWARD FOR ARCHITECTURAL SERVICES FOR DPW GARAGE

Mr. Cannon noted that they will continue to look at opportunities through this process to rent buildings that would meet the requirements needed, including height, size and a compatible surrounding area for their needs.

Mr. Roger Holtslander inquired as to how much a new DPW garage is anticipated to cost.

Mr. Cannon explained it is difficult to determine that at this time, because with the difficult economic times, contractors are often working for less and the total cost could reflect that savings. He replied they anticipate approximately \$2 million, but it could be lower. They are looking at downsizing. Mr. Cannon added that if, after looking at it, they determine it is not feasible, it will not cost any money from the General Fund.

Mr. Holtslander suggested the Township consider eliminating the Department of Public Works and going with a private service. He felt the DPW is an expensive service for the Township.

Mr. Cannon was adamant that the Township can never get rid of the Department of Public Works.

Mr. Holtslander could not understand why the Township would be looking at constructing a new building when they could locate in an empty manufacturing facility.

He felt they should be able to adapt an empty building to meet the Township's needs, including knocking down walls if necessary. He felt it is insane to talk about spending \$1.6 million when they are talking about laying off police and fire personnel. Mr. Holtslander stated he works on Groesbeck, and he claimed there are buildings all along that road that are ready to be used. He felt they should be looking at filling empty buildings in the Township, not building new ones.

Mr. Cannon noted that part of this money would be coming to the Township in the form of a grant to construct a "green" building. They would lose that money if they chose to locate to an existing facility. He assured, however, that they will be continuing to look into the possibility of existing buildings and whether they would meet the Township's needs. He felt that they would be crippling this community to get rid of DPW.

Mr. Reynolds explained that in the initial stages of this proposal, he and Mr. Girard, Assistant Superintendent of the DPW, looked for existing buildings in the Township that would meet the requirements needed, but there were none available at that time that would be suitable.

Mr. Sowerby inquired as to how many architectural bids came in.

Ms. Rama replied that there were eight bids received.

Mr. Sowerby inquired as to whether they have been interviewed.

Mr. Cannon replied they have not been interviewed. He added that they never got to that point because there was only one bidder who agreed to do the design development at no cost, and that was an extremely important factor.

Mr. Santia confirmed that all of the other bidders had allocated between 20% to 25% of their total bid for "Task 1"; however, Wakely Associates, Inc. is not charging for that portion.

Mr. Sowerby inquired as to whether this would still be the selected bidder if they all assessed no cost for "Task 1".

Mr. Pearl recalled the committee agreed that all of the bidders, except for one, were qualified. They have all done work for the Township at one time or another. If the Township is going to continue to look at the possibility of utilizing an existing building, then they need to look at what it would cost for the design phase, and it will cost less to award the bid to Wakely Associates because they are not charging for the design phase. They have also indicated that they would charge less for a pre-designed building. He did not feel it would make much sense to call everyone up and ask them to re-bid the project.

Mr. Sowerby agreed that Wakely Associates is an excellent firm. He noted it is looking about what could have been a different process and possibly saved some dollars. He stated he has been against this project, but he wanted to know the process for these bids.

Mr. David Gasson, 96 Macomb Place, Mount Clemens, Michigan 48043, commented that Wakely Associates is a great firm and he is sure they will do a good job. He felt his firm would also do a great job, and claimed they are less expensive. He complained they did not get the opportunity to come up with a creative idea to save the Township money, and he stated he would like some constructive criticism as to how his company can do a better job. He questioned why he did not have an opportunity to present their creative proposal.

Mr. Cannon stressed that the Township does not have a lot of money. Wakely Associates has included in their bid the agreement to do the design phase at no cost, which will allow the Township the opportunity to determine whether or not they can afford this project before spending any money.

Mr. Gasson stated he would have considered “throwing that in” as well. He stated he would like to look at the future and requested feedback from the Township as to how he can improve his presentation.

Mr. Pearl explained that they are hoping this job comes in less than anticipated. There are some who bid percentages so they will be less. He commented that Mr. Gasson’s bid was fixed, and if prices go down, his bid would remain the same.

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive, file and concur with the letter dated March 8, 2010 from the Chairperson of the Public Works Building Committee and award the bid for architectural services for the new public works garage to the lowest qualified bidder, Wakely Associates, at a cost of 5% of the total construction cost, as outlined in the correspondence. Roll Call: Ayes – Reynolds, Pearl, Hornung, Cannon, West. Nays – Sowerby. Absent – Fitzgerald. Motion carried.

8. RESOLUTION FOR WORK FOR AMERICANS

Mr. Cannon noted that this is modeled after a County resolution.

Mr. Haddad stated he was at the meeting when the original Resolution was drafted. There was a representative there from United Way and someone from Macomb County Community Services Agency. The discussion was about ringing in people who are still unable to find work, in spite of the fact that they have gone back to college and obtained degrees on state funding. Mr. Haddad had suggested that these people be required to work from eight to sixteen hours a week in order to collect unemployment benefits beyond 26 weeks. He felt they can be tutors to elementary children, they can clean up parks and roadways, along with other services that are currently being paid for county-wide. Mr. Haddad accused Mr. Gielegem of taking his idea and “putting a spin on it” to grant yet another entitlement. He disagreed with the fact that these people should be paid

for jobs that can be done by those unemployed who are already receiving money from the government.

Mr. Cannon did not know of anyone who is unemployed and enjoys it. The individuals he knows who are unemployed are out getting additional training and education, and they actively looking for employment. He felt people have the opportunity to volunteer their services if they like, and these individuals help sustain our colleges, hospitals, senior centers and parks & recreation. He felt those looking for jobs should be able to concentrate their efforts on that goal.

Mr. Sowerby clarified this is not about those people on unemployment but it is about giving someone a job. He noted that eventually unemployment runs out, and the unemployed know that and have a sense of hopelessness because they are not able to get a job, money is running out for them, and they have families and mortgages to think about. He felt giving these people jobs will give them some hope, and it would be a way of giving the people the money and help that the banks received in their bail-outs. This would give them jobs for at least a year in non-profit agencies and companies where they can be trained and add value. It provides the unemployed with productive employment again, and that is what this resolution is about.

Mr. Haddad claimed that the money has always been in the hands of the unemployed and many of them have already been getting money for 99 weeks. Many of the unemployed “have received educations that they did not see the benefit of getting when they had to pay for it, but saw the benefit when others were paying”. He reiterated his feeling that, in exchange for receiving those benefits, the unemployed should be put to work for a minimum of eight hours each week.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated March 6, 2010 from the Chairman of the Macomb County Board of Commissioners, and support the Resolution to Create “Work For Americans: A National Jobs Program Putting People to Work Serving the Communities that Need It Most”. Roll Call: Ayes – Sowerby, Pearl, West, Cannon, Hornung, Reynolds. Nays – None. Absent – Fitzgerald. Motion carried.

9. REQUEST CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS AND PENDING LITIGATION

Mr. Cannon noted that the Board will not be coming out of Closed Session.

Mr. Dolan clarified that the pending litigation involves Clinton Township v. ITC.

Motion by Mr. Hornung, supported by Ms. West, to go into Closed Session immediately following tonight’s meeting for the purpose of discussing contract negotiations and pending litigation. Roll Call: Ayes – Hornung, West, Reynolds, Pearl, Cannon, Sowerby. Nays – None. Absent – Fitzgerald. Motion carried.

APPROVAL OF MINUTES OF MARCH 1, 2010 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Hornung, supported by Mr. Reynolds, to approve the minutes of the March 1, 2010 Regular Township Board Meeting, as submitted. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby. Nays – None. Absent – Fitzgerald. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

Ms. Sue Westlake, 37314 Charter Oaks Boulevard, Clinton Township, Michigan 48036, questioned why the Special Budget Meeting, scheduled for next Monday night, is not on the website.

Mr. Cannon responded that he is not aware it is not on the website. He added that he has been gone for a week. He assured, however, that they have done everything possible to make it known when their meetings are held, and he added that they are not hiding anything.

Ms. Westlake complained that the Senior Center has not been mentioned in any of the budget discussions. She obtained a copy of their budget and expenditures, and it appears that they hired two new people. She felt there seems to be “favoritism for using our funds for an overabundance on our senior center”. She suggested they discuss this next week at the budget meeting.

Mr. Jason Mills, President of the Professional Water Workers Union UAW Chapter 412, Unit 76, introduced presidents of some of the other local bargaining units represented in the General Fund, Police Fund and Water Fund. He noted they are representing the collective bargaining units from those three funds, and he explained they have been in negotiations with the Township with regard to contracts that are expiring. He added that the employees within these bargaining units have a proposal for the upcoming budget which would avoid pending layoffs, while continuing to provide outstanding services to residents. It would allow the budget to be balanced, and he implored the Township Board to direct their negotiating team to enter into joint negotiations with the bargaining units he mentioned before the budget meeting next week to discuss this proposal.

ADJOURNMENT

Mr. Cannon reminded that the Board will not be coming out of Closed Session.

Motion by Mr. Reynolds, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Reynolds, West, Hornung, Pearl, Cannon, Sowerby. Nays - None. Absent – Fitzgerald. Motion carried. The meeting adjourned at 7:28 p.m. and went into Closed Session.

Respectfully submitted,

MARGE RAMA, DEPUTY CLERK
CHARTER TOWNSHIP OF CLINTON