

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: MARK H. GRABOW, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Engineering Consultant
(Additional attendance on file at the Clerk's Office)

Supervisor GRABOW called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 12a and 21a were added and items 15 and 16 were moved to Executive Session at the employee's request.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by MALBURG to approve both bill runs as presented.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

- 3a. Request for reimbursement of meals. *(Tabled from the July 22, 2009 meeting).*

This Item was moved on this agenda to after the Executive Session.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on August 26, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by NEVERS to approve the minutes of the meeting of August 26, 2009 as presented.

MOTION carried.

5.  **Consent Agenda Items:**

A. Clerk's Department:

1. Site Plan Bond Release; Detroit Cellular Monopole – (was never developed); Section 34; Detroit Cellular Telephone Company, Petitioner.
2. Wall Sign Bond Release; Passport Pizza; ACME All Star Awnings and Signs, LLC., Petitioner.
3. Model Bond Release; Middlecreek Estates Lot 3 – a.k.a 49140 Kilkenny Drive; Lassale Construction, Inc., Petitioner.
4. 22 Mile Road Paving Bond Release; The Retreat Phase II; Lombardo Companies, Petitioner.
5. Site Plan Bond Release; McDonald's Restaurant; McDonald's Corporation, Petitioner.
6. Site Plan Bond Release; Five Star Industries; Cunningham-Limp Construction Company, Petitioner.
7. Site Plan Bond Release; Romeo Plank Plaza; TSM Properties, Petitioner.
8. Landscape Bond Release; Carleton Place Subdivision; Carleton Place, LLC, Petitioner.
9. Site Plan Bond Release; 7-11 Convenience Store and Gas Station; The Southland Corporation, Petitioner.

B. Water/Sewer Dept.

1. Easement Encroachment: 16732 English Gardens Drive, Macomb, MI, 48042, Sidwell # 08-05-125-005.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

2. Sanitary Sewer, Storm, Sidewalk & Monuments Irons Bond Release: Bayberry Place 1
3. Sanitary Sewer's Bond Release: Beacon Square Subdivision
4. Sanitary Sewer, Water Main Bond Release: Cherry Valley Subdivision
5. Sanitary Sewer Bond Release: Freedom Valley Subdivision
6. Sanitary Sewer Bond Release: Rose Pointe Estates # 3
7. Utility Extension Bond Release: Windemere Woods # 3

C. Department Monthly Reports:

1. Building Department
2. Fire Department
3. Macomb County Sheriffs Department
4. Parks and Recreation Department
5. Water/Sewer Department

Supervisor GRABOW reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

MOTION by BUCCI seconded by KRZEMINSKI to approve the Consent Agenda as presented.

MOTION carried.

6. **Public Comments, Agenda Items Only**

None

PLANNING

7. Rezoning Request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the north side of 25 Mile Road ¼ Mile west of Luchtman Road; 18233 25 Mile Road; Section 5, Permanent Parcel No. 08-05-400-004, Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that this rezoning and the following three are part of the Township's effort to eliminate spot zones from residential development. He further stated his recommendation for approval of all four requests.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

MOTION by BUCCI seconded by KRZEMINSKI to approve the rezoning request from Agricultural (AG) to Residential, One Family Urban (R-1) located on the north side of 25 Mile Road ¼ Mile west of Luchtman Road; 18233 25 Mile Road; Section 5, Permanent Parcel No. 08-05-400-004.

MOTION carried.

8. Rezoning Request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the east side of Card Road, 1/3 Mile north of 23 Mile Road; 51780 Card Road; Section 14, Permanent Parcel No. 08-14-300-009, Macomb Township Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the rezoning request from Agricultural (AG) to Residential, One Family Urban (R-1) located on the east side of Card Road, 1/3 Mile north of 23 Mile Road; 51780 Card Road; Section 14, Permanent Parcel No. 08-14-300-009.

MOTION carried.

9. Rezoning Request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the east side of Card Road, 597 feet south of 24 Mile Road; Section 14, Permanent Parcel No. 08-14-100-001, Macomb Township Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning request from Agricultural (AG) to Residential, One Family Urban (R-1) Located on the east side of Card Road, 597 feet south of 24 Mile Road; Section 14, Permanent Parcel No. 08-14-100-001.

MOTION carried.

10. Rezoning Request; Agricultural (AG) to Residential, One Family Urban (R-1); Located 425 feet north of 23 Mile Road, on the east side of Card Road; 51220 Card Road; Section 14, Permanent Parcel No. 08-14-300-005, Macomb Township Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

MOTION by KRZEMINSKI seconded by NEVERS to approve the rezoning request from Agricultural (AG) to Residential, One Family Urban (R-1); Located 425 feet north of 23 Mile Road, on the east side of Card Road; 51220 Card Road; Section 14, Permanent Parcel No. 08-14-300-005.

MOTION carried.

NEW BUSINESS

11. Request to Purchase Tax Bill Forms (*Tabled from August 26, 2009*)

Karen Goodhue, Deputy Treasurer, reviewed this matter and the three bid quotes received and stated her recommendation for approval to award this bid to Matrix Printing in the amount of two thousand five hundred sixty three dollars and eight cents (\$2,563.08).

MOTION by DUNN seconded by KRZEMINSKI to approve the Request to Purchase Tax Bill Forms and award this to Matrix Printing in the amount of two thousand five hundred sixty three dollars and eight cents (\$2,563.08).

MOTION carried.

12. Request to set a Public Hearing Date for an Industrial Facilities Tax Exemption; Global Tooling Systems.

Clerk KOEHS reviewed this matter and stated his recommendation to set the public hearing date and time for October 14, 2009, at 7:00 p.m.

MOTION by KOEHS seconded by BUCCI to set the public hearing date and time for an Industrial Facilities Tax Exemption for Global Tooling Systems for October 14, 2009, at 7:00 p.m.

MOTION carried.

- 12a. Request for a Temporary Certificate of Occupancy; Passport Pizza, 24 Mile Road and Garfield Road.

Clerk KOEHS introduced this request and stated that the Pizza business was opened before the site was actually ready. Passport Pizza is a tenant in the building and the final paving coat for the parking lot has not been completed.

Michael Bischoff, the petitioner, and his legal counsel were available and answered the questions presented to them by the Board. He indicated that a township electrical inspector and a building inspector had informed him that it

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

was alright to open as his inspections were completed. He indicated that the property owner promised to complete the paving within the coming week.

MOTION by NEVERS seconded by DUNN to grant a Temporary Certificate of Occupancy to Passport Pizza for a period of one (1) week, to end on September 16, 2009.

MOTION carried.

MOTION by BUCCI seconded by KRZEMINSKI to authorize the Township Attorney, the Human Resource Director and the Building Official to investigate whether or not there was any impropriety in the opening of Passport Pizza.

MOTION carried.

HUMAN RESOURCES

13. Request to Initiate Recruitment Process for Water & Sewer Utility Workers

Mr. John Brogowicz, Human Resource Director, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by KOEHS to approve the request to initiate the recruitment process for two (2) utility workers.

MOTION carried.

14. Request to Initiate Employee Wellness Program

Mr. John Brogowicz, Human Resource Director, reviewed this matter and the benefits that could come to the township in savings on health care costs. He further stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request to initiate the Employee Wellness Program as presented.

MOTION carried.

15. Investigation Report – Fire Department

(This matter was moved to Executive Session at the Employee's request)

16. Investigation Report – Fire Department

(This matter was moved to Executive Session at the Employee's request)

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

FIRE DEPARTMENT

17. Request to Approve a Knox-Box Policy

Chief Robert Phillips reviewed this matter and the process of Knox Key security and stated his recommendation for approval.

MOTION by KOEHS seconded by MALBURG to approve the Request to Approve a Knox-Box Policy.

MOTION carried.


WATER AND SEWER DEPARTMENT

18. Clinton River Watershed Council Annual Membership Dues

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and the benefits of belonging to this organization and further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the payment of the Clinton River Watershed Council Annual Membership Dues in the amount of three thousand dollars (\$3,000.00).

MOTION carried.

19.  Request to Approve Consumers Energy Easement Agreement SDA Job No. MA07-019

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request to accept the Consumers Energy Easement Agreement for SDA Job No. MA07-019.

MOTION carried.

BOARD COMMENTS

20. Supervisor Comments: Supervisor GRABOW reminded everyone that September 19th is Hazardous Waste Pick Up Day and that September 20th there

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

is a Gratiot Cruise scheduled for that day. He also restated that the Brentwood Limousine litigation was still in court and he would not discuss it.

21. Clerk Comments: Clerk KOEHS informed everyone that Charles Pierce, the Township Records Management Supervisor, had just presented a very successful three hour course to the Michigan Association of Municipal Clerks in Lansing. Clerk KOEHS congratulated Mr. Pierce for all of his efforts in that regard.
- 21a. Request for the Printing and Mailing of new Voter Registration Cards for Precincts 9 and 21.

Clerk KOEHS reviewed this matter and informed the Board of the change of location for precincts 9 and 21 from St. Isidore's Church to St. John's Medical Facility and stated his recommendation for approval to print and mail new voter registration cards.

MOTION by KRZEMINSKI seconded by MALBURG to approve the printing and mailing of new voter registration cards for Precincts 9 and 21 as requested.

MOTION carried.

22. Treasurer Comments: None
23. Trustees Comments: Trustee DUNN reminded everyone that there will be a Health Fair at St. Isidore's Church on Friday, September 11th, and the public is invited to attend.

EXECUTIVE SESSION

MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 8:08 p.m.

MOTION carried.

The Board returned from Executive Session at 11:54 p.m.

24. Consideration of a Proposed Consent Judgment; Ozzad Property Management v Macomb Township; Case No. 09-2779-CH

MOTION by KOEHS seconded by DUNN to authorize legal counsel to continue discussions regarding this matter.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

25. Investigation Report – Assessing Department

MOTION by KOEHS seconded by BUCCI to issue the Assessor a verbal warning for committing a good faith error in judgment by refusing to accept a timely filed poverty exemption application with a written copy to be placed in her file for ninety (90) days, after which time it will be removed if there have been no further incidents of this nature.

MOTION carried.

26. Investigation Report – Fire Department

MOTION by KOEHS seconded by BUCCI to issue the Fire Chief a five (5) day unpaid suspension for failure to follow and enforce the Macomb Township Policies and Procedures and for failure to administer the terms and conditions of the Collective Bargaining Agreement commencing on September 10, 2009.

MOTION carried.

15. Investigation Report – Fire Department

MOTION by KOEHS seconded by DUNN to issue the sergeant a verbal warning for failing to comply with the Travel Expense Policy and Article 31 of the Collective Bargaining Agreement with a written copy to be placed in his file for ninety (90) days, after which time it will be removed if there have been no further incidents of this nature, and further, that to attend the fourth year of the EFO program the sergeant must use his banked vacation or personal time and he will not be reimbursed for any expenses.

MOTION carried.

16. Investigation Report – Fire Department

MOTION by KOEHS seconded by KRZEMINSKI to issue the Lieutenant a verbal warning for failing to comply with the Travel Expense Policy with a written copy to be placed in his file for ninety (90) days, after which time it will be removed if there have been no further incidents of this nature.

MOTION carried.

3A. Request for reimbursement of meals.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, SEPTEMBER 9, 2009

MOTION by KOEHS seconded by KRZEMINSKI to deny the request for reimbursement for meals in the amount of two hundred thirty two dollars (\$232.00).

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 11:58 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk