

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, MARCH 23, 2016

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

PRESENT: JANET DUNN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Scott, Legal Counsel
Patrick Meagher, Planning Consultant
James VanTiflin, Township Engineer
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN 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 item 5C1 and item 7 were tabled to April 13, 2016. Items 5 E 1 and 2 were added to Consent agenda. Item 9A was added to regular agenda and item 19 was added to Closed Session.

MOTION by BUCCI seconded by GOODHUE 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 FREITAS to approve both bill runs as presented.

MOTION carried.

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APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on March 9, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by GOODHUE seconded by FREITAS to approve the minutes of the meeting of March 9, 2016 as presented.

MOTION carried.

5. **Consent Agenda Items:**

A. Human Resource Department:

1. Request to Rescind Offer of Employment-Plumbing Inspector.

B. Water and Sewer Department:

1. Request Authorization to Pay Advance Underground Inspection LLC for Sanitary Sewer maintenance.
2. Request to Attend Spring Regional meeting.
3. Request to Purchase Uniforms.

C. Facilities and Grounds Department:

1. Purchase of New Township Vehicles.
2. Authorization to Extend Current HVAC Maintenance/Service Contract.

D. Building Department:

1. Authorization for Building Inspector to Attend 5 Day Spring Conference. *(tabled from March 9, 2016 meeting)*

E. Parks and Recreation Department:

1. Parks and Recreation Summer Programs.
2. Postage for REACH Catalog.

Supervisor DUNN 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 GOODHUE to approve the Consent Agenda as earlier amended.

MOTION carried.

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

Resident Lisa Nash spoke regarding the Planning Commission and some members lack of Citizen Planner training. She asked if we actually have a Planning Department. She stated we should have a full time Planning Director instead of a consultant who has a for profit business and works for several communities. She further stated she wasn't sure removing the planning duties from the full time Board member is the correct way to go.

Resident Charles Oliver responded to Ms. Nash by saying some Planning Commission members do have that training, though he does not. He stated he believes six members of the commission have that training at this time.

OLD BUSINESS

7. Request to approve amendments to various sections of the Zoning Ordinance to transfer planning duties from the Clerk's Office to the Planning Department.
(tabled from March 10, 2016)

Legal Counsel Larry Scott stated he is putting together a draft from comments made at a recent meeting with the clerk and supervisor regarding this issue. He stated they have an agreement as far as language is concerned.

MOTION by FREITAS seconded by BUCCI to table this item for two weeks to April 13, 2016.

MOTION carried.

NEW BUSINESS:

8. Amendment to Ordinance 266 Property Management Ordinance.

Building Official Joseph Maples addressed this item with the Board, indicating the length of grass in the noxious weed ordinance was incorrect and suppose to be 9" length rather than 6". He recommended adoption of this amendment to the Noxious Weed Ordinance.

MOTION by FREITAS seconded by GOODHUE to approve and adopt the Amendment to Ordinance 266 Property Management Ordinance as stated.

ORDINANCE NO. _____

**AMENDMENT TO THE PROPERTY MAINTENANCE CODE IN
THE MACOMB TOWNSHIP CODE OF ORDINANCES TO
REGULATE THE REMOVAL OF NOXIOUS WEEDS AND THE
REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS**

TITLE

AN ORDINANCE amending the local amendments to the International Property Maintenance Code of the Macomb Township Code to regulate the removal of noxious weeds, regulate the removal of snow and ice from public sidewalks adjacent to property, common areas, and certain public streets, add a definition of “noxious weeds”, and to repeal all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN, ORDAINS:

SECTION 1. REVISION OF CHAPTER 5, ARTICLE V, SECTION 5-81:

Chapter 5, Article V, Section 5-81 of the Macomb Township Code shall be amended to read as follows:

A certain document, three (3) copies of which are on file in the office of the Building Department of the Township of Macomb being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Township of Macomb, in the State of Michigan, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fess therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of Macomb are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, as may be adopted by the Township Board and set forth in the Macomb Township Code.

SECTION 2. REVISION OF CHAPTER 5, ARTICLE V, SECTION 5-82:

Chapter 5, Article V, Section 5-82 of the Macomb Township Code shall be amended to add the following to be inserted in correct numerical sequence relating to “Noxious Weeds” and “Removal of Snow and/or Ice from Public Sidewalks”:

Section 202. Add the following definition of “Noxious Weeds” and “Weeds” to the Definition Section of the Property Maintenance Code to be inserted in proper alphabetical order:

NOXIOUS WEEDS. Any of the following species of plant materials: Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard, and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), giant hogweed (*Heracleum mantegazzianum*), ragweed (*Ambrosia elatior* L.), and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), grasses in excess of nine (9) inches in height on residential property and grasses in excess of twelve (12) inches on all other property, and all other grasses, annual plants, weeds and vegetation, and plants defined by the Township Board to be “noxious weeds” or “weeds” and a common nuisance in accordance with Public Act 359 of 1941, MCL §247.61 et seq., the Michigan Noxious Weed statute, except noxious weeds or weeds shall not include regularly maintained and weeded lawn areas, regularly trimmed, pruned and maintained trees and shrubs, cultivated flowers and vegetables, weeded beds and gardens, or fields devoted to growing any grain crop such as wheat, oats, barley, or rye, or to agricultural fields or fruit or vegetable gardens devoted to fruits and vegetables that will be harvested during the current growing season.

WEEDS. All noxious weeds and grasses in excess of nine (9) inches in height on residential property or twelve (12) inches in height on any other property, annual plants and vegetation, other than (i) such plants in regularly mowed, maintained and weeded lawn areas, (ii) regularly trimmed, pruned and maintained trees and shrubs, (iii) cultivated flowers and vegetables, (iv) weeded beds and gardens, or (v) fields devoted to growing any grain crop, such as wheat, oats, barley, or rye, or to agricultural fields or fruit or vegetable gardens devoted to fruits and vegetables that will be harvested during the current growing season.

Subsections 302.3.1 to 302.3.3. Add new Subsections 302.3.1 through 302.3.4 to the Property Maintenance Code to read as follows:

302.3.1. Snow and/or ice removal from public sidewalks generally. No person shall permit any snow and/or ice to remain on a public sidewalk in the

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front, rear or sides of any house, premises, building, lot, unit, or parcel of land owned, occupied or controlled by such person longer than 24 hours after the snow has fallen or ice formed. Whenever any snow and/or ice has fallen or formed on any such sidewalk, the person shall, within 24 hours after the same has fallen or formed, remove all snow and/or ice so far as is practicable and reasonable to allow safe pedestrian use of such sidewalk.

302.3.2. Snow and/or ice removal from public sidewalks adjacent to common areas within a subdivision or adjacent to public streets abutting the subdivision. A homeowner's association of a single family subdivision shall be responsible for removal of any snow and/or ice from (a) a public sidewalk adjacent to a common area within a subdivision, or (b) a public sidewalk adjacent to a public street abutting the subdivision as required by Subsection 302.3.1. If the subdivision does not have an owner's association comprised of all owners of lots within the subdivision, then all of the owners of lots within the subdivision shall be jointly and severally responsible for removal of all snow and/or ice as required by this Subsection.

302.3.3. Snow and/or ice removal from public sidewalks adjacent to common areas within a condominium or adjacent to public streets abutting the condominium. A condominium association of a condominium shall be responsible for removal of any snow and/or ice from (a) a public sidewalk adjacent to a common area within the condominium, or (b) a public sidewalk adjacent to a public street abutting the condominium as required by Subsection 302.3.1.

302.3.4. Failure of owner, subdivision association, condominium association or responsible party to remove snow and/or ice. When an owner, occupant, subdivision association, or condominium association fails to remove snow and/or ice as required by Subsection 302.3.1, and the public sidewalk(s) remains obstructed with snow and/or ice, or if such public sidewalk(s) are unsafe for pedestrian use as a result of the presence of unremoved snow and/or ice, the code enforcement official or other person authorized to enforce these provisions of the Property Maintenance Code may give notice by (a) affixing a tag upon a conspicuous location on the property advising the owner or occupant, or (b) giving notice by personal delivery, facsimile, or email to the resident agent of the subdivision association or condominium association in the case of a responsible subdivision association or condominium association, that the accumulation of snow and/or ice upon the adjoining sidewalks constitutes a violation of this code, and must be removed within 24 hours. The tag or notice shall also state that if the responsible party fails to comply with such order within the specified time, then the Township or its contractor may abate the accumulation of snow and/or ice and assess the expense thereof to the property, or to the responsible subdivision association or condominium association, together with a charge to cover administrative expenses. Upon expiration of the

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24-hour period, if the accumulation of snow and/or ice on the public sidewalk(s) has not been removed, and the code enforcement official or other authorized enforcement person determines that the accumulation of snow and/or ice constitutes an obstruction of such sidewalk(s) or a hazard to the safety of the public, the code enforcement official or other enforcement person may proceed to abate such obstruction or public safety hazard.

302.3.5. Abatement of accumulation of snow and/or ice from sidewalk. The code enforcement official shall take all steps necessary to carry out the abatement of an accumulation of snow and/or ice upon a sidewalk, shall keep an accurate record of all expenses in connection therewith, and upon completion of the work to be performed shall submit a report of the work done and all expenses in connection therewith to the Township Treasurer, who shall charge such expenses to the property and the owner thereof, or in the case of a subdivision association or condominium association, to such association and all properties within the subdivision or condominium. Such expenses shall be paid to the Township within 30 days, and shall include, but not be limited to, the actual expenditure of funds to abate the obstruction, the actual cost to the Township for the time spent by Township employees, officers, or agents to abate, or work toward abatement of, the obstruction (including actual salary, fringe benefits, equipment usage, and other taxpayer-funded expenditures), attorney fees, consulting fees, any court costs incurred for enforcement, and/or similar costs and expenses. The Township's administrative expenses may be set by Township Board ordinance or resolution. The unpaid expenses shall constitute a lien against the property abutting the sidewalk.

Section 302.4. Amend Section 302.4 of the Property Maintenance Code to read as follows:

302.4. Landscaping and removal of weeds; mowing of vegetation on vacant properties. All landscaping located on the exterior property and premises shall be maintained in a neat, orderly, and attractive condition, including, but not limited to, the regular mowing of lawn areas, periodic trimming and pruning of trees and shrubs, the watering and weeding of lawn and landscaped areas, the removal and replacement of dead or diseased trees, shrubs, and plants, the removal of weeds in parking lots, driveways, sidewalks and other public areas and the regular removal of trash and debris from premises. All premises and exterior property shall be maintained free from noxious weeds as defined in this Property Maintenance Code in accordance with Section 302.4.1 of this Property Maintenance Code. Vegetation on vacant property shall be regularly mowed so that the height of such vegetation is no greater than nine (9) inches in height on residential property and twelve (12) inches on all other property at any time as required by Section 302.4.1 of the Property Maintenance Code.

Subsection 302.4.1. Add new Subsections 302.4.1 to 302.4.3 to the Property Maintenance Code to read as follows:

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302.4.1 Noxious Weeds. The following regulations and procedures shall apply to noxious weeds and their removal:

302.4.1.1. Removal of noxious weeds by owner or responsible party. The owner, agent, or occupant of (a) any subdivided land (lot) in a subdivision in which buildings have been erected on 60% of the lots, or (b) a lot or parcel adjacent to a paved street or road used or open to the public upon which noxious weeds are found growing shall destroy such noxious weeds before they reach seed bearing stage or nine (9) inches in height on residential property, or twelve (12) inches on other property, and prevent their regrowth, or prevent them from becoming a detriment to public health for a depth of the lot or parcel, or the depth of 10 rods (165 feet), whichever is less in accordance with the provisions of this Subsection 302.4.1 and where such parcel abuts a subdivision, for a distance of at least 24 feet from the perimeters of the subdivision.

302.4.1.2. Failure of owner or responsible party to remove noxious weeds. If the owner, agent, or occupant of the lot or parcel upon which noxious weeds are found fails to destroy the weeds as required by the notice given in accordance with Subsection 302.4.1.3 below, the Township or its agent may enter the lot or parcel and destroy the noxious weeds to the depth of the lot or parcel, or the depth of 165 feet (165'), whichever is less and for a distance of at least 24 feet from the perimeter of the subdivision as set forth in Subsection 302.3.1.1. The Township may use mechanical equipment or other reasonable methods that do not damage the property or adjacent sidewalk. The Township may cut or destroy weeds as many times as is necessary each year and may charge the expenses incurred by the Township to the property owner as provided in Subsection 302.4.1.4.

302.4.1.3. Notice of obligation to remove noxious weeds. The Township may give notice of the obligation of an owner of a lot or parcel to destroy noxious weeds by publishing a notice in a newspaper of general circulation in the county during the month of March advising that weeds which are not cut by May 1 of that year will be cut by the Township and that the owner of the lot or parcel will be charged with the cost of doing so as provided in Subsection 302.4.1.4 below. The notice shall contain all information required by the Michigan Noxious Weeds statute, currently MCL §247.64. Alternatively, the Township may give notice to the owner of a lot or parcel of the owner's obligation to destroy noxious weeds by regular mail or other means reasonably calculated to provide such owner with notice of such obligation.

302.4.1.4. Recovery of removal expenses by the Township. The expenses incurred by the Township in destruction of the noxious weeds shall be paid by the owner of the lot or parcel, and the Township shall have a lien upon the lot or parcel for the amount of the expense, including administrative expenses, attorney fees, recording fees and other expenses incurred in connection with

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imposition of the lien, and applicable penalties and interest until the amount of the lien is collected as authorized by the Michigan Noxious Weeds statute, currently MCL §247.64. The lien may be enforced in the manner provided by the Michigan laws applicable to the recovery of noxious weed expenses, enforcement of tax liens, and other applicable Township ordinance adopted by the Township Board.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 4. SEVERABILITY

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. CORRECTED PUBLICATION

This Ordinance or a summary of this Ordinance shall be published in a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication, as provided by Section 4.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan, at a meeting held on the 23 day of March, 2015.

I hereby further certify that the following Township Board members were present at the meeting: DUNN, FREITAS, KOEHS, GOODHUE, KRZEMINSKI, BUCCI, NEVERS and the following Township Board Members were absent: NONE.

I further certify that Member FREITAS moved for the adoption of the Ordinance, and that motion was supported by Member GOODHUE.

I further certify that the aforementioned Macomb Township Board Members voted for the adoption of the Ordinance: _____ and that the

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following Macomb Township Board members voted against adoption of the Ordinance: None.

Michael D. Koehs, CMC

CERTIFICATE OF CORRECTED PUBLICATION

I, Michael D. Koehs, CMC of Macomb Township do hereby certify that on the foregoing Ordinance, or Summary of the Ordinance, was duly published in a newspaper having general circulation within said Township.

MOTION carried.

9. Request for Authorization to Proceed with Court Action on Svinte Case.

Legal Counsel Larry Scott addressed this item with the Board members. He stated this needs to go back to Circuit Court to enforce the court orders because this party is not complying with previous court actions against him.

MOTION by BUCCI seconded by GOODHUE to approve the Authorization for Legal Counsel to Proceed with Court Action on Svinte Case in Circuit Court.

MOTION carried.

- 9a. Authorization to Extend Offer of Employment for Plumbing Inspector.

MOTION by KRZEMINSKI seconded by NEVERS to extend offer of employment to Todd Moskovitz for plumbing inspector.

MOTION carried.

PUBLIC HEARING

10. Establishment of Special Assessment Street Lighting District and Resolution-Misty Brooks Estates Site Condominiums.

Supervisor Dunn addressed this item with the Board members. The public hearing was opened at 7:20 p.m. and closed at 7:22 p.m.

MOTION by KRZEMINSKI seconded by GOODHUE to approve the Establishment of Special Assessment Street Lighting District and Resolution-Misty Brooks Estates Site Condominiums.

Street Lighting Misty Brook Estates Site Condominiums

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **March 23, 2016**, at 7:00 P.M., Eastern Standard Time.

PRESENT: Janet I. Dunn, Michael D. Koehs, Karen Goodhue, Dino F. Bucci, Jr., Cliff Freitas, Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member Krzeminski and supported by Member Goodhue:

WHEREAS, pursuant to 1989 PA 80, as amended (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

THEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced

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by published and mailed notice as required by the Act and 1989 PA 64, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Misty Brook Estates Site Condominiums, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".
2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.
3. The annual electrical service charge is One Thousand One Hundred Seventy One dollars and 20/100 (\$1,171.20). Three times the annual cost is Three Thousand Five Hundred Thirteen dollars and 60/100 (\$3,513.60). Total project cost is Fourteen Thousand One Hundred Forty dollars and 87/100 (\$14,140.87). The petitioner contribution amount is Ten Thousand Six Hundred Twenty Seven dollars and 27/100 (\$10,627.27). The Townships at large contribution is zero dollars and 00/100 (\$0.00).
4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are

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assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: KRZEMINSKI, GOODHUE, BUCCI, FREITAS, NEVERS, KOEHS, DUNN
NAYS: NONE
ABSENT: NONE
RESOLUTION DECLARED ADOPTED.

MICHAEL D. KOEHS, CPM, CMC
MACOMB TOWNSHIP CLERK

11. Request to schedule a Public Hearing for Partridge Farms Site Condominiums; Section 36 (April 27, 2016)

MOTION by KRZEMINSKI seconded by FREITAS to schedule a Public Hearing for Partridge Farms Site Condominiums; Section 36 (April 27, 2016)

MOTION carried.

PLANNING DEPARTMENT

12. Preliminary Plan; Hailey's Ridge Site Condominiums; Located on the east side of Romeo Plank Road, ¼ mile south of 21 Mile Road; Section 33; 46400 Romeo Plank, LLC, Petitioner. Permanent Parcel 08-33-151-003.

Planning Consultant Patrick Meagher addressed this item with the Board members, recommending approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Preliminary Plan; Hailey's Ridge Site Condominiums; Located on the east side of Romeo Plank Road, ¼ mile south of 21 Mile Road; Section 33; 46400 Romeo Plank, LLC, Petitioner. Permanent Parcel 08-33-151-003 as presented.

MOTION carried.

13. Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial General (C-2); Located on the south side of 23 Mile Road, approximately 320 feet west of North Avenue; Section 23; Aly Bazzi, Petitioner. Permanent Parcel 08-23-226-002.

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Planning Consultant Patrick Meagher addressed this item with the Board members, recommending approval.

Mr. Krzeminski reminded the planner to make sure the cross-access exit condition is in there as discussed at the Planning Commission meeting.

MOTION by BUCCI seconded by GOODHUE to approve the Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial General (C-2); Located on the south side of 23 Mile Road, approximately 320 feet west of North Avenue; Section 23; Aly Bazzi, Petitioner. Permanent Parcel 08-23-226-002.

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

Resident Barb Tomaszewski addressed the Board regarding the Town Center area being out of control. She stated houses are being built too high and much larger than allowed. She stated she has made numerous complaints to the Building Department to no avail. She discussed the current contractor, indicating several complaints regarding them.

Trustee Bucci asked the planner Pat Meagher to look into it, along with the engineer Jim VanTifflin to resolve these issues. Both stated they would.

Resident Rose Marie Valenti complained about the mail from the township not getting to her home. She stated she uses a post office box due to theft of her mail. She complained about the cemetery near her home and how it's a violation of the zoning laws. She stated the township did not notify her of this. She also spoke regarding road paving issues.

Planner Pat Meagher stated that the property in question was not rezoned.

Resident Annette Costello also spoke about the Town Center area, stating excessive trash in this area is an issue she has told the Building Department about but nothing has been done.

Building Official Joe Maples stated this is the first he heard about it but would look into it tomorrow morning.

Park and Recreation Director Sal DiCaro spoke regarding the services provided by the township for seniors. He stated the old fashioned program held back in 2009 did not work. He stated our township seniors are more active and utilize the Recreation center. He stated the Parks and Recreation Department will adopt to our seniors as

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the needs change but that they are not interested in the past old fashioned programs of the past.

BOARD COMMENTS

14. Supervisor Comments

Supervisor Dunn spoke regarding the laptops being tested by the Building Department for the field inspectors.

Building Official Joe Maples stated they are testing laptops for a few more weeks before ordering seven more, stating this program should be up and running within 30 days. He stated they are tweaking the software and hardware for their needs.

15. Clerk Comments

Clerk Koehs indicated that he would like Legal Counsel to review Article 18, Section 3 of the MAPF contract to make sure we are in compliance. He stated he was requesting a motion to this effect.

There was a discussion between Clerk Koehs and Trustee Bucci regarding who is responsible for posting the meetings. Mr. Koehs stated that's what we're asking for. We need Mr. Scott to define the term "township meetings" and who's responsible. Mr. Koehs asked if this will change when the planning ordinances are changed to take away the planning duties from the clerk.

Mr. Meagher stated that the ZBA meeting in question was properly posted on the website, with ample notice. He stated he can't answer why no one was there to record the minutes. Mr. Meagher further stated we have the recording and the minutes are being taken care of.

Mr. Koehs asked, "Who has the recordings?"

Mr. Meagher stated, "Planning Department."

Mr. Koehs stated, "Public Act 110.206 of the 2006 Michigan Zoning Enabling Act says the ZBA shall maintain the record of the proceedings which will be filed with the office of the Clerk."

Mr. Meagher stated they would be filed in the Clerk's office as soon as they are completed.

Broadcast Media Director Jim Gillis responded for clarification, stating he got the notice from Beckie in Planning that the ZBA meeting for March 8 was postponed until March 15'th.

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Trustee Freitas then stated he would second Mr. Koehs' motion to have Legal Counsel review the items discussed to get clarification.

MOTION by KOEHS seconded by FREITAS to have Legal Counsel review Article 18, Section 3 for clarification of this item.

MOTION carried. Supervisor Dunn voted Nay.

16. Treasurer Comments

None

17. Trustees Comments

Trustee Krzeminski stated he was responding to Mr. Grabow's comments last meeting regarding the Planning Commission members not having the Citizen Planner certificates. He stated six of us on the Board have it.

MOTION by BUCCI seconded by GOODHUE to adjourn to Closed Session at 7:54 p.m.

MOTION carried.

Back in Regular session at 8:47 p.m.

CLOSED SESSION:

18. Confidential Employee Matter.

MOTION by KRZEMINSKI seconded by NEVERS to allow Legal Counsel to proceed at the Board's direction.

MOTION carried.

19. North Avenue Easement issue

MOTION by KRZEMINSKI seconded by KOEHS to allow Legal Counsel to proceed as directed.

MOTION carried.

ADJOURNMENT

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MOTION by BUCCI seconded by FREITAS to adjourn the Board meeting at 8:49 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Michael D. Koehs, CPM, CMC
Macomb Township Clerk