

A CHARTER TOWNSHIP OF CLAYTON
REGULAR BOARD MEETING
NOVEMBER 12, 2009

The regular Board of Trustees meeting of the Charter Township of Clayton was called to order by clerk Milem at 7:00 p.m on November 12, 2009 at the Clayton Township Hall.

BOARD MEMBERS PRESENT:

Clerk	Dennis Milem	Trustees:	Greg Childers
Treasurer	Natalie Dennings		John Simor

BOARD MEMBERS ABSENT: None (Supervisor Beatty, Trustee Huffman and Trustee Shinouskis recalled effective November 4, 2009)

Pledge to flag followed by a moment of silence.

MEETING MODERATOR: **MOTION** by Simor, seconded by Childers, to appoint Clerk Milem as meeting moderator (for November 12th meeting only). **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

AGENDA: **MOTION** by Simor, seconded by Childers, to approve the agenda with the following additions: Gates for Bendle Cemetery and Demolition of Dilapidated Buildings. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

MEETING MINUTES FOR OCTOBER 8, 2009: **MOTION** by Dennings, seconded by Childers, to approve the October 8, 2009 regular meeting minutes as distributed. **Roll call vote:** Dennings—yes. Milem—yes. Simor—yes. Childers—yes. **MOTION CARRIED.**

PAYMENT OF BILLS: **MOTION** by Childers, seconded by Dennings, to approve the bills list as presented. **Roll call vote:** Milem—yes. Simor—yes. Childers—no. Dennings—yes. **MOTION CARRIED.**

TREASURER'S REPORT: **MOTION** by Simor, seconded by Childers, to accept the Treasurer's Report for September, 2009 as read by the Treasurer. **Roll call vote:** Milem—yes. Simor—yes. Childers—yes. Dennings—yes. **MOTION CARRIED.**

CORRESPONDENCE & PRESENTATIONS:

Clerk Milem gave explanation on procedures to replace recalled Township Board members.

PUBLIC COMMENT opened at 7:15 p.m. with several residents giving comments and statements. Public comment closed at 7:27 p.m.

ORDINANCES, REQUEST FOR VARIANCE FROM ORDINANCE NO. 432, SEWER: **MOTION** by Simor, seconded by Childers, to postpone consideration of Carl Trivellin's request for variance from Ordinance No. 432, Sewer until Trustee Childers can meet with Mr. Trivellin and report back to the Board at its meeting on December 10th. **Roll call vote:** Simor—yes. Childers—yes. Dennings—yes. Milem—yes. **MOTION CARRIED.**

RESOLUTION 09-1112-01, TRIBUTE TO FIRE CHIEF COLE: **MOTION** by Childers, seconded by Simor, to adopt Resolution 09-1112-01, A Tribute to Fire Chief Cole in recognition of being one of 50 fire instructors across ten counties of eastern Michigan. **Roll call vote:** Simor—yes. Childers—yes. Dennings—yes. Milem—yes. **MOTION CARRIED.** For text of resolution see attached.

APPOINTMENT, BOARD OF REVIEW: **MOTION** by Childers, seconded by Dennings, to appoint Charlotte Kidder to the Board of Review to finish the term vacated by John Simor. Term to expire December 31, 2010. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

APPOINTMENT, PLANNING COMMISSION: **MOTION** by Dennings, seconded by Simor, to reappoint Bill Shaw and Eric Merriam to three year terms (terms to expire March 1, 2012) and to appoint Dennis Milem as interim Township Board representative to the Planning Commission. Term to expire upon representative appointment by the Township Supervisor elected February 23, 2010. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

APPOINTMENT, ZONING BOARD OF APPEALS: **MOTION** by Childers, seconded by Simor, to reappoint Paul Brown and Patrick Kidder to the Zoning Board of Appeals. Brown's term to expire March 1, 2011 and Kidder's term to expire March 1, 2012. **Roll call vote:** Dennings—yes. Milem—yes. Simor—yes. Childers—yes. **MOTION CARRIED.**

RESOLUTION 09-1112-02, ANNUAL BOND OBLIGATIONS FOR WATER AND SEWER FACILITIES: **MOTION** by Childers, seconded by Simor, to adopt Resolution 09-1112-02, Annual Bond Obligations for Water and Sewer Facilities. **Roll call vote:** Milem—yes. Simor—yes. Childers—yes. Dennings—yes. **MOTION CARRIED.** For text of resolution see attached.

SEWER, SWARTZ CREEK MEADOWS MHC SEWER BILLINGS: **MOTION** by Childers, seconded by Dennings, to reduce the sewer billings for Swartz Creek Meadows MHC by eliminating the ready to serve charges on unoccupied home pads. Billings will be based upon a monthly pad-survey and calculated quarterly. **Roll call vote:** Milem—yes. Simor—yes. Childers—yes. Dennings—yes. **MOTION CARRIED.**

The use of dumpsters vs curbside pickup for trash discussed. There was general agreement that the dumpsters will be screened in accordance with township requirements.

COLE CREEK ESTATES—SITE PLAN CHANGES: **MOTION** by Simor, seconded by Childers, to postpone review and consideration of possible site plan changes to Cole Creek Estates site condominium project until the next regularly scheduled meeting to be held on December 10, 2009. **Roll call vote:** Simor—yes. Childers—yes. Dennings—yes. Milem—yes. **MOTION CARRIED.**

RENEWAL—SCU05-02, WOODS OF FLAGSTONE II: **MOTION** by Childers, seconded by Dennings, to approve the extension for one (1) additional year of SCU05-02, Woods of Flagstone II, a special use permit, imposing any fees that are necessary. **Roll call vote:** Simor—yes. Childers—yes. Dennings—yes. Milem—yes. **MOTION CARRIED.**

BUILDINGS & GROUNDS, CEILING LEAK IN BUILDING DEPARTMENT: **MOTION** by Childers, seconded by Dennings, to authorize Deputy Supervisor Jones to contact Hall Roofing in order to investigate a ceiling leak in the Building Department. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

BIDS, SOLICIT FOR TOWNSHIP ATTORNEY: **MOTION** by Dennings, seconded by Childers, to rescind the February 6, 2009 motion authorizing Supervisor Beatty to advertise for township attorney services. **Roll call vote:** Dennings—yes. Childers—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

MOTION by Childers, seconded by Simor, to authorize Deputy Supervisor Jones to advertise, or seek out in other fashion, township attorney services. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

BUILDINGS & GROUNDS, BENDLE CEMETERY SNOW REMOVAL: **MOTION** by Childers, seconded by Simor, to authorize Deputy Supervisor Jones to contact Outdoor Specialists to get a bid for snow removal in Bendle Cemetery on an 'as call' basis. **Roll call vote:** Milem—yes. Simor—yes. Dennings—yes. Childers—yes. **MOTION CARRIED.**

CODE ENFORCEMENT PROCEDURE COMMITTEE: **MOTION** by Dennings, seconded by Milem, to appoint Trustee Simor, Trustee Childers and Zoning Administrator Edgette, as secretary, as an ad hoc committee to investigate and recommend procedures for code enforcement. **Roll call vote:** Milem—yes. Simor—yes. Dennings—yes. Childers—yes. **MOTION CARRIED.** Resident Chris Gehringer, 2365 Lost Creek Drive, (919-5293) volunteered to be on the committee.

CEMETERY, GATES FOR BENDLE: **MOTION** by Milem, seconded by Childers, to appoint Trustee Simor and Deputy Supervisor Jones as an ad hoc committee to seek bids to purchase and install gates at Bendle Cemetery. **Roll call vote:** Milem—yes. Simor—yes. Dennings—yes. Childers—yes. **MOTION CARRIED.**

DEMOLITION OF DILAPIDATED BUILDINGS: **MOTION** by Childers, seconded by Milem, to instruct Clerk Milem to research the amount of Community Development Block Grant monies available to initiate the demolition of dilapidated buildings in the township. **Roll call vote:** Simor—yes. Childers—yes. Dennings—yes. Milem—yes. **MOTION CARRIED.**

POLICE, J. STALLINGS AS FULL-TIME OFFICER: **MOTION** by Milem, seconded by Childers, to promote Police Officer Jamil Stallings to full-time status. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

POLICE, EXCHANGE OF SERVICES WITH CITY OF SWARTZ CREEK: **MOTION** by Childers, seconded by Dennings, to allow the Township Police Department to exchange services with the City of Swartz Creek Police Department on December 6th and on a future 2009 date to accommodate holiday Department parties. Approval is contingent upon Risk Management approval. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

CLOSED SESSION: **MOTION** by Milem, seconded by Childers to recess the regular session and enter into closed session in order to enter into closed session pursuant to MCL 15.268 (e), to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.** Regular session recessed at 9:29 p.m. Closed session opened at 9:40 p.m.

MOTION by Milem, seconded by Childers, to close the closed session and reconvene the regular session. **MOTION CARRIED.** Regular session reconvened at 11:25 p.m.

LITIGATION SETTLEMENT, L. SABIN: **MOTION** by Milem, seconded by Dennings, to pay former Police Officer Lin Sabin for his testimony in Clayton Charter Township v Thorpe at a rate of 100 hours times his last hourly wage plus \$54.00 less \$862.50, as previously paid by Midwest Claims by Check No. 24808 for mileage and parking. The amount represents settlement in Sabin v Clayton Charter Township litigation. **Roll call vote:** Childers—yes. Dennings—yes. Milem—yes. Simor—yes. **MOTION CARRIED.**

LITIGATION SETTLEMENT, C. MELKI: **MOTION** by Milem, seconded by Dennings, to pay former Police Chief Charles Melki for his testimony in Clayton Charter Township v Thorpe in the amount of \$2,819.34 (\$3760.74 less \$941.40, as previously paid by Midwest Claims by Check No. 24806 for mileage and parking. The amount represents settlement in Melki v Clayton Charter Township. **Roll call vote:** Dennings—yes. Milem—yes. Simor—yes. Childers—yes. **MOTION CARRIED.**

LITIGATION SETTLEMENT, S. IAMARINO: **MOTION** by Milem, seconded by Simor, to pay former Township Attorney Steve Iamarino \$10,500.00 for his services in Clayton Charter Township v Thorpe. The amount represents settlement in Iamarino v Clayton Charter Township. **Roll call vote:** Dennings—yes. Milem—yes. Simor—yes. Childers—yes. **MOTION CARRIED.**

ADJOURNMENT: Clerk Milem adjourned meeting at 11:40 p.m.

Minutes recorded by,

Accepted by,

Dennis Milem, Clerk

Dale Jones, Deputy Supervisor