

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

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

PRESENT: JOHN D. BRENNAN, 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 BRENNAN 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 14B and an Executive Session item were added.

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

MOTION carried.

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

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

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on December 27, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

MOTION by MALBURG seconded by DUNN to approve the minutes of the meeting of December 27, 2006 as presented.

MOTION carried.

5. **Consent Agenda Items:**

A. Clerk's Department:

1. Request for Wall Sign Bond Return; Creekside Animal Hospital, 48884 Romeo Plank Road, Parcel Number 08-28-101-010.
2. Request for Site Plan Bond Return; Brann's Steakhouse & Grille, 17757 Hall Road, Parcel Number 08-32-400-020.
3. Request for Decorative Wall Bond Return; The Retreat, Phase II; Section 24, Parcel Number 08-24-300-013.
4. Request for Landscape Bond Return; The Retreat, Phase II; Section 24, Parcel Number 08-24-300-013.
5. Request for Landscape Bond Return; The Retreat, Phase I, 22 Mile Road West Entrance; Section 24, Parcel Number 08-24-300-013.
6. Request for Decorative Wall Bond Return; The Retreat, Phase I; Section 24, Parcel Number 08-24-300-013.
7. Request for Monument & Irons Bond Return; Clearstone Subdivision, Parcel Number 08-05-200-011.
8. Request for Ground Sign Bond Return; Fountains of Macomb, 21 Mile Road Entrance, Section 30, Parcel Number 08-30-354-024.
9. Request for Sidewalk Bond Return; Chelsea Court Subdivision, Section 28, Parcel Number 08-28-200-013, Bond # 10316.
10. Request for Ground Sign Bond Return; Fountains of Macomb, Hayes Road Entrance, Section 30, Parcel Number 08-30-354-024.

B. Department Monthly Reports:

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

Supervisor BRENNAN reviewed this matter and asked if there were any issues which the Board wanted to remove from the Consent Agenda. There were none.

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

MOTION carried.

6. **Public Comment – None**

PLANNING

7. **Proposed Amendment to Zoning Ordinance Number 10**, Amendment 10-36, Screening Devices.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated the reasons for the amendment. He further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by KOEHS to approve the Proposed amendment to Zoning Ordinance Number 10, Amendment 10-36, Screening Devices, as follows:

**TOWNSHIP OF MACOMB
MACOMB TOWNSHIP, MICHIGAN
ZONING ORDINANCE NO. 10-36
AMENDMENTS TO THE TOWNSHIP OF MACOMB
ZONING ORDINANCE**

An ordinance amending Article III of the General Provision Section of the Township of Macomb Zoning Ordinance to provide for the installation of sound deadening devices on a building elevation that faces a residential zoning district.

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

Section 1. AMENDMENTS

The zoning ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb, is hereby further amended as follows:

ARTICLE III. GENERAL PROVISIONS SECTION 10.0347 shall be deleted in its entirety and replaced as follows:

Openings in Building Elevations that Face Residential Zoning Districts.

In all commercial, warehouse or industrial districts, where the respective zoning district line abuts and shares a common property line with parcel(s) AG, or any other residential zoning classifications, the building plan shall be subject to the following:

Except for required fire doors, any openings, including windows on a building elevation that face a residential zoning district shall have sound deadening devices installed, such as plastic strips, within the opening. The sound deadening method shall be approved by the planning commission as part of site plan review.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

Section 2. SEVERABILITY

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

Section 3. PUBLICATION

A true copy of the Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation, in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. EFFECTIVE DATE

This ordinance shall take effect seven (7) days after publication.

Section 5. CERTIFICATION

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 14th day of July, 2006, by the following vote of the members thereof.

MOTION carried.

8. Final Plan – Lakeside Industrial; Located on the east side of Hayes Road, approximately 1,000 feet south of 23 Mile Road; Boulder Construction, Petitioner. Permanent Parcel No. 08-19-300-013.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that while the planning portion of this project was completed and is being recommended for approval, the engineers had an issue with the development. Mr. James VanTifflin explained to the Board that the developer had not paid all of the required fees connected with this project, and he was requesting that the matter be tabled to the meeting of January 22, 2007 to allow for the petitioner to correct this oversight.

MOTION by KRZEMINSKI seconded by NEVERS to table this matter to the Board of Trustees meeting scheduled for 7:00 p.m. on Monday, January 22, 2007.

MOTION carried.

NEW BUSINESS

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

9. Request Authorization to Defend Litigation; Twin Rivers Development v Macomb Township.
Supervisor BRENNAN reviewed this matter and stated his recommendation to authorize Legal Counsel to defend this matter.

MOTION by DUNN seconded by KRZEMINSKI to authorize legal counsel to defend the Township in the matter of Twin Rivers Development v Macomb Township.

MOTION carried.

10. Request to Adopt the Real Property Tax Poverty Exemption Resolution.

Supervisor BRENNAN reviewed this matter and stated that this is an annual request and that we follow the federal guidelines on this matter. He further stated his recommendation for approval.

MOTION by DUNN seconded by BUCCI to adopt the Real Property Tax Poverty Exemption Resolution as follows:

**TOWNSHIP OF MACOMB
COUNTY OF MACOMB, STATE OF MICHIGAN
REAL PROPERTY TAX POVERTY EXEMPTION RESOLUTION**

Memorandum of Resolution made and adopted at a Regular Meeting of the Board of Trustees of Macomb Township, Macomb County, Michigan, held in the Macomb Township offices on Wednesday the 10th of January, 2007.

MEMBERS PRESENT: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger M. Krzeminski and Nancy J. Nevers.

MEMBERS ABSENT: None

The following preamble and resolution were offered by Member DUNN and supported by Member BUCCI:

Whereas, Section 211.7u of Act No. 206 of the Public Acts of 1893, as amended, provides that the homestead of a person who, in the judgment of the Supervisor and Board of Review, by reason of poverty, is unable to contribute toward the public charges are eligible for exemption in whole or in part from taxation under the Act; and,

Whereas, said section provides certain eligibility requirements for exemption under said section; and,

Whereas, said section requires that an applicant meet the federal poverty income standards as defined and determined annually by the United States

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

**Office of Management and Budget or alternative guidelines adopted by the governing body of the local assessing unit; provided, however, such alternative guidelines do not provide income eligibility requirements less than the federal guidelines; and,
Whereas, the Board of Trustees of the Township of Macomb is the governing body of the local assessing unit; and,**

NOW, THEREFORE, BE IT RESOVED that the following standards be adopted in relation to applications for the Real Property Poverty Exemptions:

In order to qualify for the Poverty Exemption, the claimant MUST meet all of the following requirements. It may be possible that a claimant meets the income standard for the Poverty Exemption but not meet the asset standard or other standards as set forth in these guidelines. In this instance the claimant would NOT qualify for the exemption even though the income standard was met.

The Board of Review shall follow these guidelines when granting or denying a Poverty Exemption. The same standards shall apply to each claimant in the Township for the assessment year “unless the Supervisor and Board of Review determines that there are substantial and compelling reasons why there should be deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant.”

In granting Poverty Exemptions, the Township of Macomb and the Board of Review realizes that this represents a shift of those property taxes exempted to the other taxpayers of the Township. Poverty exemptions are intended to assist those who are in temporary financial straits and are NOT intended as a permanent or continuous subsidy. Poverty exemptions shall apply only to the applicant’s qualified homestead and the property must be classified RESIDENTIAL for property tax purposes. Under no circumstances shall a poverty exemption be granted or apply to the property of a business, partnership or corporation.

To be eligible for exemption by reason of poverty, a person shall do all of the following on an annual basis:

Applicants MUST be an owner of and occupy as a homestead (as defined by MCL 211.7c) the property for which an exemption is being requested. Vacant, unplatted, contiguous land shall not qualify as homestead property for purposes of these guidelines.

Applicants MUST file a completed “Poverty Exemption Application” with the Board of Review on a form provided by the Assessing Department and include a copy of their Michigan Homestead Property Tax Credit Claim AND State of Michigan Income Tax Returns and all supporting documents and schedules for ALL PERSONS residing in the homestead, including any property tax credit

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

returns (MI-1040CR), filed in the immediately preceding year or in the current year.

Applicants must provide a valid driver's license or other form of identification and must also provide a copy of a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested by the Assessor or Board of Review.

Applications **MUST** be filed after January 1 and before the final day of the March Board of Review meetings for that assessment year.

Applicants **MUST** meet poverty income standards determined by the Township of Macomb. These income standards shall be posted annually in the Department of Assessment and made available upon request at no charge. These income standards will be based upon the current year Federal Poverty Thresholds multiplied by a rate of 135% (1.35).

The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an Applicant meets Township poverty income standards as established by the Township Board of Trustees.

In addition to income as noted above, savings accounts, checking accounts, investments and interest earnings/dividends, in total, from all household members, may not exceed double the amount of the current annual property tax obligation. The Board of Review may also take into consideration other assets such as ownership interest in other real estate and/or personal property.

NOTE: Under no circumstances shall the Board of Review reduce the taxable value of a claimant that is not currently receiving the maximum refund of \$1,200.00 from the State of Michigan unless the claimant's household income is equal to or less than the federal poverty income standards as defined and determined by the United States office of management and budget. Any relief granted shall be based upon the tax obligation in excess of the maximum \$1,200.00 homestead credit refund allowed by the State of Michigan.

Under no circumstances shall the Board of Review reduce the taxable value lower than that which would produce an annual ad valorem tax equal to 3.5% of an applicants income plus property tax credit refund payable by the State of Michigan. It is not the intent of the Township to adopt a policy of an individual being "automatically entitled" to exemption.

AYES: DUNN, BUCCI, KRZEMINSKI, NEVERS, MALBURG, KOEHS AND BRENNAN.
NAYS: None
ABSENT: None

RESOLUTION DECLARED ADOPTED.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

MOTION carried.

BUILDING DEPARTMENT

11. Request to increase Engineering Fees.

Mr. Bob Beckett, Building Official, reviewed this matter and reviewed the problems that were causing the need for this proposed increase in fees. He further stated his recommendation for approval.

MOTION by BUCCI seconded by KOEHS to set the civil engineering fee for plot plan and grade certification as follows: Two hundred fifty dollars (\$250.00) for a single family dwelling and three hundred dollars (\$300.00) for a four unit multiple family dwelling.

MOTION carried.

WATER AND SEWER DEPARTMENT

12. Purchase Order Requests

- A. SLC Meter Service - \$16,240.00

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Purchase Request for SLC Meter Service in the amount of sixteen thousand two hundred forty dollars (\$16,240.00).

MOTION carried.

- B. East Jordan Iron Works – \$9,346.52

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Purchase Request for East Jordan Iron Works in the amount of nine thousand three hundred forty six dollars and fifty two cents (\$9,346.52).

MOTION carried.

HUMAN RESOURCES

- 13 Request Approval to Begin the Recruitment Process for a Full-time Fire Sergeant

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

Mr. John Brogowicz, Human Resource Director, reviewed this matter and the reasons for requesting a supervisor for the afternoon portion of the day. He further stated his and the Fire Chief's recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to authorize the Human Resources Department to begin the recruiting process for one full time fire Sergeant.

MOTION carried.

14. Request Approval to Begin the Recruitment Process for POC Fire Fighters

Mr. John Brogowicz, Human Resource Director, reviewed this matter and indicated that the number of paid on call fire fighters has diminished to the level that necessitates this request for recruitment. He further stated his recommendation for approval.

MOTION by KOEHS seconded by DUNN to authorize the Human Resources Department to begin the recruiting process for twenty (20) paid on call fire fighters.

MOTION carried.

BOARD COMMENTS

- 15. Supervisor Comments: None
- 16. Clerk Comments: None
- 17. Treasurer Comments: None
- 18. Trustees Comments: None

EXECUTIVE SESSION

MOTION by BUCCI, seconded by KRZEMINSKI to adjourn to Executive Session.

MOTION carried. *(The Board adjourned to Executive session at 7:28 p.m.)*

(The Board returned from Executive session at 7:39 p.m.)

MOTION by KOEHS seconded by NEVERS to accept the resignation and approve the Letter of Understanding as presented.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 10, 2007

ADJOURNMENT

MOTION by **BUCCI** seconded by **KRZEMINSKI** to adjourn the Board meeting at 7:41 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk