

VIENNA TOWNSHIP BOARD MEETING

MONDAY, JANUARY 5, 2015

CYNTHIA J. BRYAN, CLERK

Roll Call: Present: Taylor, Bryan, Cain, Fuller, Lemieux, Belill, Thomas
Absent: None

Previous Minutes: December 15, 2014. Moved by Bryan, seconded by Thomas to approve the minutes of December 15, 2014 with any changes or corrections. All in favor

Bills: Bills in the amount of \$ 19,023.76 were presented. Moved by Fuller, seconded by Thomas to approve the bills in the amount of \$ 19,023.76.

ROLL CALL: Yeas – Bryan, Cain, Fuller, Lemieux, Thomas, Belill, Taylor
Nays – None Motion carried

A bill in the amount of \$3,313.00 was presented for approval. Moved by Fuller, seconded by Belill to approve the bill in the amount of \$3,313.00 to Blue Flame.

ROLL CALL: Yeas – Fuller, Lemieux, Belill, Thomas, Taylor, Bryan, Cain
Nays – None Motion carried

Additions/Changes: New Business:
4. Approval of 12/23/2014 Special Meeting Minutes
5. Water Rate Increase
6. 2015 BDA Budget

Correspondence: Genesee County Road Commission. 2015 Local Road Construction Improvement Projects. Taylor stated that the projects are tentative for now and questioned where the correspondence came from. Bryan stated that it was addressed to him and must have come from him. Taylor stated that he must have forgotten and explained that he has worked with the county on the 5 year road plan. Fuller questioned whether to \$53,970 would be the matching funds that come from the County. Taylor explained that the \$53,970 combined with about \$47,000 that he negotiated with Montrose Township, giving Vienna Township about \$110,000 for 2015. Lemieux felt that \$53,000 was a poor return on the fuel taxes.

Public Comment: None

Unfinished Business:

1. 2163 Plaza Drive, Special Land Use. Cain explained that Andy Abueita, who is acting as a representative for Mr. Shango and has been given the responsibility of having all of the cars removed, came into the office and requested the first two Wednesdays in January to complete the removal of all cars. Cain stated that he asked Abueita to sign an affidavit that the removal would be complete by then, and acknowledging that any cars not removed by the 15th of January would be towed at the owners expense. Cain stated that he would make contact with Abueita and reiterate the commitment.

2. Rezoning Ordinance 419 Final Reading, 1196 W. Vienna Road, 18-13-400-009. Bryan stated that discussion have been ongoing with Falardeau and Doerr on rezoning of this property. Bryan stated that as it currently stood the building is zoned commercial and the property is zoned residential and any use of the building in a commercial manner would be approved through a special land use. Bryan stated the way it current stands, allows the Township to have a say in what type of business can be operated and from the emails that she has read between Doerr and Falardeau, Doerr has suggested that it be determined what type of non-conforming building it is and proceed from there. Bryan stated that she felt it was in the best interest of the Township as it currently stands and to require the property owner apply for special land use to use it as anything other than residential. The property owner stated that they were trying to obtain the rezoning in order to make it more saleable and expressed frustration over the expense of \$300 and the months it has taken to get this taken care of. Fuller questioned what the Planning Commission voted and Bryan stated that the rezoning passed 3-2 at the Planning Commission. Bryan expressed a wish to table the action in order to gather clarification from Doerr and explained the difference between Class A and Class B non-conforming structures. The property owner stated that their original wish was to sell the property and have decided that they would like to use it, but not as any of the uses that it is currently approved for. She stated that without a change they would never be able to sell the property and expressed her dissatisfaction with how this was mishandled in the past. Bryan suggested that action be held until an interpretation is received from Doerr. Bryan stated that she would rather get the right answers from Doerr than make a decision without it. The property owner asked if she could still hold her granddaughters Birthday party at the facility and Belill questioned whether the Special Land use was revoked from the day care center and stated that she did not remember it being removed. Moved by Bryan, seconded by Belill to table until February 2, 2015.

ROLL CALL: Yeas – Bryan, Cain, Fuller, Lemieux, Thomas, Belill, Taylor

Nays – None

Motion carried

New Business:

1. FOIA Coordinator, Resolution 01-05-15-01. Moved by Bryan, seconded by Thomas to adopt Resolution 01-05-15-01 to designate the Deputy Clerk as the FOIA Coordinator. Bryan stated that the reason this is being done is the requests over the past year have increased and the purpose is to designate one person to handle all request, respond and invoice for the requests. Bryan stated that she and the Deputy Clerk have handled the request thus far. Belill questioned whether this would cover all Boards and Bryan stated only those not operating as their own Authority or serving multiple municipalities. Lemieux questioned whether the Deputy Clerk is up to speed, Bryan stated that she is up to speed. Bryan questioned whether a stipend should be set for the coordinator position and discussions were held on recouping FOIA costs. Lemieux stated that the Flint Journal recently ran an article about a Township doing away with FOIA requests and just giving the information they were being asked for. Fuller suggested that the stipend be looked at next year so it can be seen how much additional work there would be. Lemieux expressed concerns over the amount of additional workload and whether it will get to be

too much. Bryan stated that she spoke with the Deputy and that she agreed to taking on the additional work.

ROLL CALL: Yeas – Taylor, Bryan, Cain, Fuller, Lemieux, Thomas, Belill

Nays – None

Motion carried

3. 2015 Board of Review Appointments. Taylor stated that he can see there have been some recommendations presented, but that it is his job to make the recommendations and that he would recommend Ron Ignash and Gery Giltinan and then it could be decided by the Board between Dave DeMarr and Jeff Riley. Bryan stated that while there are a couple Boards where Taylor would make the recommendations, the Board of Review was not one of them. She stated that the Newsletter announced openings on Boards, and letters of interest were received from Giltinan and DeMarr. Taylor stated that his only reason behind recommending Ignash was that he is an honest and intelligent individual and he felt he was just getting his feet wet. Fuller recommended that each individual be appointed one at a time. Moved by Fuller, seconded by Bryan to appoint Marie Canterbury to the Board of Review.

ROLE CALL: Yeas – Bryan, Cain, Fuller, Lemieux, Thomas, Belill, Taylor

Nays – None

Motion carried

Moved by Taylor, seconded by Fuller to appoint Gery Giltinan to the Board of Review.

ROLE CALL: Yeas – Cain, Fuller, Lemieux, Thomas, Belill, Taylor, Bryan

Nays – None

Motion carried

Moved by Taylor, seconded by Fuller to appoint Ron Ignash to the Board of Review.

ROLE CALL: Yeas – Taylor, Belill

Nays – Thomas, Fuller, Cain, Bryan, Lemieux

Motion denied

Moved by Taylor, seconded by Fuller to appoint Dave DeMarr to the Board of Review.

ROLE CALL: Yeas – Cain, Fuller, Lemieux, Thomas, Belill, Taylor, Bryan

Nays – None

Motion carried

Moved by Taylor, seconded by Fuller to appoint Jeff Riley to the Board of Review.

ROLE CALL: Yeas – Fuller, Lemieux, Thomas, Belill, Taylor, Bryan, Cain

Nays – None

Motion carried

Taylor stated that he was disappointed that Ignash was not reappointed, but voted yes for the other individuals because they are all good people.

4. Genesee County Sheriff Department. Sheriff Pickell thanked the Board for their time and stated that he has been the Sheriff for 16 years of the 20 years that the Genesee County Sherriff's Department has patrolled Vienna Township. Undersheriff Chris Swanson presented the Board with details on what is happening in Vienna Township as it pertains to police services and additional administrative services provided.

5. Approval of December 23, 2014 Special Meeting Minutes. Moved by Bryan, seconded by Thomas to approve the Special Meeting Minutes of December 23, 2014 with any corrections or changes.

All in favor

6. Water Rate Increase. Bryan stated that the Township received notification from Genesee County Water and Waste of a rate increase by the Detroit Water System of \$.30 per 100 Cubic Foot effective March 2, 2015. Bryan stated that this increase will need to be approved by February 15, 2015 and will be brought to the Board for approval February 2, 2015. Bryan encouraged everyone to look at the fee resolution and incorporate other changes to the resolution at one time.

7. 2015 BDA Budget. Cain stated that it was at his request that this was placed on the Agenda and after carefully looking over the budget as it was presented he is not sure that the Board could approve the budget as presented. Cain stated that he has yet to see a revised budget reflecting the \$25,000 in police funding that was agreed upon, but that in looking at the Bi-Laws of the BDA he has other concerns as well. Cain read section 3.5 of the Bi-laws that states no member of the Board may be compensated, but could be reimbursed for expenses and stated that the per diem allocated in the budget was a direct conflict with not only the Bi-laws, but with the MCL. Moved by Cain, seconded by Fuller to rescind the approval of the 2015 BDA Budget until corrections are made and the budget is presented to the Board for approval. Taylor stated that he believes there will be a change to the Bi-Laws and if not it would need to be changed. Taylor stated that the BDA Board had not yet met and he thought that was still the plan. Cain stated that he felt there wasn't enough time to look it over when it was approved in December. Bryan stated that that she researched PA 197 and it states pay is not allowed. Taylor stated that they were paid before he was on the Board, Cain stated that is true but it doesn't mean it should continue. Belill stated that all Boards should be looked at and Cain agreed.

ROLL CALL: Yeas – Cain, Fuller, Lemieux, Thomas, Belill, Bryan, Taylor

Nays – None

Motion carried

Fuller asked that Cain inform the BDA of the action.

Public Comment: Vernon Curtis, BDA Treasurer, reported that the \$25,000 adjustment has been made to the BDA Budget and that the per diem pay will be addressed.

Board Comment: Belill stated that she was in the Building on Saturday and upon entering encountered unlocked doors and a space heater that was left on. Lemieux questioned if they had been left unlocked since Tuesday. Cain stated that it was more likely that someone with a key entered the building after Tuesday and forgot to relock the doors, because the levers were done. Lemieux stated that it may make a case for badge readers and that it may be time to change the locks as there are a lot of keys that are issued and unaccounted for.

Moved to adjourn at 7:05PM

Cynthia J. Bryan
Clerk

Approved

CERTIFICATION:
STATE OF MICHIGAN
COUNTY OF GENESEE

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the regular meeting of the Township Board of the Charter Township of Vienna, Genesee County, Michigan, held on the 5th day of January, 2015.

Randy Taylor
Supervisor

Cynthia J. Bryan
Clerk