

**Charter Township of Emmett**  
**Regular Board Meeting**  
**May 10, 2018**

Supervisor Tim Hill called the meeting to order at 5:30 p.m. on Thursday May 10, 2018. The Meeting was held at the Township Hall located at 621 Cliff Street, Battle Creek, MI 49014. The pledge of allegiance followed the opening.

**BOARD MEETING ATTENDANCE-**

Dougherty, Brown, Buller, Gunning, Myers, Myers-Malone and Hill **QUORUM PRESENT**

**APPROVAL OF AGENDA-**

Motion 18-05-01 by Gunning/Brown to approve Agenda by moving Public comments to directly after Public Safety.

Roll Call Vote: Myers, Myers-Malone, Dougherty, Brown, Gunning, Buller, Hill **ALL YES**  
**MOTION CARRIED**

**APPROVAL OF CONSENT AGENDA-**

Motion 18-05-02 by Gunning/Buller to approve the Consent Agenda; subject to a couple correction presented by Buller from the March 22 meeting for the Motion 18-03-14 to also include wording, “for road improvements”.

Roll Call Vote: Dougherty, Brown, Gunning, Buller, Myers, Myers-Malone and Hill. **ALL YES**  
**MOTION CARRIED**

Receive and file the monthly Treasurer’s report with balances on hand:

General fund	\$1,812,214.83
SW Emmett Sewer/Water	\$ 968,576.42
Sanitation fund	\$ 782,050.51
Project V Sewer fund	(\$ 115,098.27)
Drug forfeiture Fund	\$ 18,531.13
Public Safety fund	(\$ 82,533.65)
Public Safety Extra	\$ 556,028.38
Beadle Lake weed	\$ 22,738.78
Econ Dev. Corp.	\$ 4,594.96

**MONTHLY CHECK REGISTER-**

Motion 18-05-03 by Gunning/Myers to accept the Check Register as printed. Dougherty & Brown asked questions regarding USA Today payment of \$389 and Civil Engineers payments.

Roll Call Vote: Brown, Gunning, Buller, Myers, Myers-Malone, Dougherty, and Hill **ALL YES**  
**MOTION CARRIED**

**DEPARTMENTAL VERBAL REPORTS-**

**Supervisor, Tim Hill-** Asked Chief about the advertising for the lawnmower. Also wanted to know if the new sewer fee schedule (resolution) had been sent to the City.

**Clerk, Tracy Myers- Malone-** The May 8<sup>th</sup> Election is done; all School District millages PASSED that were on the ballot. Low voter turnout for all precincts. Starting to prepare for the August Primaries. HUGE THANK YOU to Victory Life Church for the use of their fantastic facility as well as their accommodating and generous staff with the set up and tear down of the precincts.

**Treasurer, Rachelle Myers-** We are still accepting business personals from 2017. Summer & Winter Real Property Taxes of 2017 are at the County as well as dog licenses. We are starting to work on the Summer 2018 Tax Roll.

**Planning and Zoning Business-**

Rezone 13350 6-1/2 Mile Rd. from Low Density Residential to Regional Commercial. Planning Commission and County Planning approved as it matches the “Master Plan”. Engineer from the buyer of the property at said above location was able to show where buffer zones will be as well as a picture of the plan for the new Hilton Brand Hotel.

Motion 18-05-04 by Gunning/Buller to rezone 13350 6-1/2 Mile Road from Low Density Residential to Regional Commercial.

Roll Call Vote: Myers-Malone, Buller, Myers, Dougherty, Brown, Gunning, and Hill **ALL YES**  
**MOTION CARRIED**

Rezone 13-10-019-002.00 from Medium Density Residential to Light Industrial. Residents living next to the subject parcel of land both opposed the rezone for the property. Residents voiced concerns on neighborhoods safety if a medical marijuana facility was to go in that location. Planning commission originally passed the rezone, then it came back from the County Planning Commission denied as they opposed the change because it doesn’t follow the Township “Master Plan” for that designated area, the Planning Commission ended on a stale mate and passed this rezone to the Board of Trustees.

Motion 18-05-05 by Myers-Malone/Dougherty to accept the County Planning Commission to DENY the rezone of parcel 13-10-019-002.00 from Medium Density Residential to Light Industrial.

Roll Call Vote: Myers-Malone, Buller, Myers, Dougherty, Brown, and Hill  
*RECUSED-* Gunning **6 YESES**  
**MOTION CARRIED**

Approve Pre-Approval of 1770 East Columbia Avenue (Murphy’s Trailer Sales) to change zoning back to Industrial. Front of 32 acres is Zoned Industrial and the owners/ buyer are asking to change back to Industrial. Motion 18-05-06 by Brown/Gunning to accept Pre-Approval of 1770 East Columbia Ave to Rezone back to Industrial.

Roll Call Vote: Buller, Myers, Dougherty, Brown, Gunning, and Hill **6 YESES**  
Myers-Malone **1 NO**  
**MOTION CARRIED**

**Assessing-**

Motion 18-05-07 by Buller/Gunning to approve Resolution T18-05 for the last of the new street lights to be added to the LED street lights.

Roll Call Vote: Myers, Dougherty, Brown, Gunning, Myers-Malone, Buller, and Hill **ALL YES**  
**MOTION CARRIED**

Motion 18-05-08 by Brown/ Dougherty to hold off on the new phones P.O. 18-5302 for \$7,000 until we get information on trade-in as well as warranty information.

Roll Call Vote: Dougherty, Brown, Myers-Malone, Buller, and Myers **5 YESES**  
Gunning & Hill **2 NOS**  
**MOTION CARRIED**

**PUBLIC SAFETY-**

April 2018 Monthly Activity Synopsis

The following is the activity for the Emmett Township Department of Public Safety:

		<u>Previous Month:</u>
<b>Complaints/Calls for Service:</b>	<b>677</b>	<b>698</b>
<b>Arrests:</b>	<b>25</b>	<b>17</b>
<b>Citations Issued:</b>	<b>65</b>	<b>65</b>
<b>Accidents</b>	<b>21</b>	<b>21</b>
<b>Medicals:</b>	<b>80</b>	<b>95</b>
<b>Fires:</b>	<b>11</b>	<b>8</b>
<b>All other Fire Calls:</b>	<b>30</b>	<b>18</b>

We had two more reported school threats over the past month. Once again, our School Resource Officer (S.R.O.) investigated both incidents and fortunately they didn't materialize. The S.R.O. determined that they were not credible and the matter was turned over to school administration for corrective action.

We had another extraordinarily busy month. Of the 11 fires, three of them were structure fires, three were vehicle fires and four were brush fires. We had a very large brush fire along D Drive North in a heavily wooded area that is being cleared for housing. We utilized 3 different departments, primarily relying on their smaller all-terrain vehicles because the traditional "grass rigs" could not reach some of the areas. Once again, it was a great joint effort.

**PUBLIC COMMENTS-**

Resident upset about the School Millage Passing, he feels like he's paid 36 mills.

Resident corrected errors on the meeting minutes from April 12, 2018.

Resident would like new lines painted in the parking lot of the Township Office.

**OLD BUSINESS-**

Carpet for Administration discussion on what priorities we have for the Township; such as a new water heater and furnaces for the Office as well.

Motion 18-05-09 by Buller/Gunning to table carpet for administration.

Roll Call Vote: Brown, Gunning, Myers-Malone, Buller, Myers, Dougherty, and Hill **ALL YES**  
**MOTION CARRIED**

**RESOLUTIONS AND PROCLAMATIONS-**

Motion 18-05-10 by Gunning/Buller to go forward with the purchase of 8803 B Dr. N and not to exceed \$7,500. \$4,500 from the Economic Development Corporation & \$3,000 from the General Fund.

Roll Call Vote: Brown, Gunning, Myers-Malone, Buller, Myers, & Hill  
Dougherty

**6 YESES**

**1 NO**

**MOTION CARRIED**

**QUALIFIED:**

**Hill-** We've tried before to use the Economic Development Corporation to buy property and get it back on the tax roll.

Motion 18-05-11 by Brown/ Dougherty to Table "Del- Rae's" building as a donation to the Township.

Roll Call Vote: Myers-Malone, Myers, Dougherty, Brown, Gunning, and Hill  
Buller

**6 YESES**

**1 NO**

**MOTION CARRIED**

**NEW BUSINESS-**

Jeff from Fleis & Vanderbrink talked about Funding for Capital Improvement Plan by using a USDA Rural Development Loan program. \$150 million available through this program PLUS \$23 million in GRANT dollars. The Application fee is \$35,000 and covers all improvements.

Motion 18-05-12 by Buller/Gunning to proceed forward with plan from SAW grant for application for Rural Development.

Roll Call Vote: Buller, Myers, Dougherty, Brown, Gunning, Myers-Malone, and Hill

**ALL YES**

**MOTION CARRIED**

**Building Official-**

John MacFarlane talked about employee vs. independent contractor. John encouraged the Board to follow the State Construction Code and State Law; Building Officials must be an employee. In addition, by definition of hours worked (over 30) Buller must be classified as a full-time employee. Any additional duties can be assigned by the Board. Possible misclassification of employee. If the IRS feels the Township acted intentionally they could place a fine on the Township, fines to substantially increase, and possible criminal charges. Attorney General Opinion that the Building Official must be an employee. The Building Official must enforce the State Construction Code.

Wage Committee made a presentation to the Board. There was much discussion and questions from Board Members. Wage Committee recommended Building Official be a full-time employee with a salary of \$3,000 with the Building Inspector, Mechanical Inspector, Plan Review paid as it is currently (a portion of the permit fee) (\$66,000 total for this position at this time). Buller would like to be a full-time employee classified for over 20 years plus benefits.

If Buller becomes an employee can he still be a trustee? Answered by the attorney; Yes, he can.

Will Buller still be able to do outside employment if he becomes an employee? Attorney; Yes, there's nothing illegal about moonlighting.

Myers-Malone agreed that the Building Official needs to be a W-2 employee but doesn't agree with inspectors as a salaried employee when we never know what's coming and going for inspections.

Dougherty- when Steve hired in he was hired in as a building inspector (with that understanding). We never hired a building official. Steve assumed this title. Dougherty wonders how this position transitioned?

Motion 18-05-13 by Gunning/Hill to concur with the Wage Committee and Legal Counsel for the Building Official to receive a salary of \$63,000 plus Full Benefits.

Roll Call Vote: Gunning & Hill

Myers, Dougherty, Brown, & Myers-Malone

**2 YESES**

**4 NOS**

**MOTION NOT CARRIED**

*RECUSED*- Buller

**QUALIFIED-**

Myers (NO)- Being in her position she wants to talk to a Labor Attorney before making any decisions. Quality of labor law.

Dougherty (NO)- Appreciates John but wants a second opinion. Doesn't like the way it was done and wants a labor attorneys recommendation. Feels like this was shoved down our throats.

Myers-Malone (NO)- Agrees that the Building official needs to be a W-2 but feels that the building, mechanical, and site plan review should still be 1099 as with the other inspectors.

Hill (YES)- Hill said the CPA & Attorneys want to rectify the law. Sure, this will be reported to the IRS and that he supports it.

**BOARD COMMENTS-**

Brown- First of all, Tim called a staff meeting with MacFarlane, Steve was in the meeting (trustee) and wants to know why the other trustees weren't invited? Tim replied that department heads are different during the day. Brown asked if it was a violation of the open meetings act and stated at that time Buller wasn't a department head. Attorney replied; no. Brown stated all trustees should be noticed about meetings and the attorney also agreed that the whole board needs notice of meetings. Buller stated that during the day he isn't a trustee he is staff. Brown is disappointed that he's not included in the medical marijuana process. Tim apologized to Dick if he thought he should be at a meeting. Tim said that Trustees shouldn't be in the Office during the day because it confuses employees. Tim explained the "staff meeting" was purely administrative. Attorney said that the meeting was a workshop on the application.

Second, Tim hired his son. Tim's son is now doing blight. Tim confirmed that he has him doing blight. Brown told Leslie that if he doesn't have enough work to do then why do you have a property appraiser? Tim said that Jacob was going out on Fridays and then Brown stated why are we paying him overtime. Shouldn't this job be posted? We need a blight officer, Brandi doesn't have time. What about Sackriders property where the old skating rink was? Brandi replied that they will be taking care of that but she doesn't have it on paper.

Dougherty- Been coming to these meetings for 40 some years and he's dedicated time. Absolutely the worst he's ever seen at this Township. Sat here and watched Diane say she was persecuted in the office. She left because of the stress in the office. The way we are being treated, no communication. Supervisor should have more communication. Absolutely disgusted.

Myers-Malone- None.

Hill- wouldn't recommend anyone to run for government especially in this Township. Was just accused of harassing the old Treasurer and not having meetings. Dedicated time to trying to turn this Township around. When he came into office the utilities were in shambles. He's been trying to fix roads, no raises for police or staff. Tim isn't lying. He gives up his time. He's a Republican, conservative, Christian. Sick of lying people. Sick of people trying to stop the progress. Stirring up the public about stealing money rumor. He doesn't know how he even has access to the safe. 20 years of someone's life with no retirement because people on this board

have a problem with him. Want employees to enjoy the working environment. Most backstabbing job. Board voted down a law from IRS that he needs to be a W-2. Doesn't understand why people are wanting to recall him? This gentleman now has a case to go to a labor attorney and sue the Township and Hill doesn't blame him. If you have a board member telling that he's stolen money call him 339-1233 or email [timhill@emmett.org](mailto:timhill@emmett.org) please call him and he will discuss it with you. Please call me.

Myers- Thanked the wage committee and Thanked John MacFarlane. Apologized for the long meeting. Understand the Township needs a Building Official (no doubt) but being in her position she wants to know exactly how we need to move on with this. It's sad this has happened this way in the past and we would like a conclusion soon? Frustrating that we have to have this public dirty laundry. It's frustrating and embarrassing. Proud Emmett Township resident loves working here. Once a Month Board meeting is not enjoyable, would like to have a more professional manner.

Buller- Thank you to the Wage Committee and thank those who support him. Not sorry for serving the public for almost 22 years. When people ask why you put up with what you do; if it wasn't for a feeling of contributing to the community and serving the public there would be no way he could continue this. To Dick- When he's sitting here in this chair he's a trustee. Before building inspector, he was on the zoning board of appeals. He wanted to serve the Township in additional ways. Buller has only been a trustee for the past five years. Buller thinks the Township still does good even through the heartaches.

Brown- ran for this office to try and improve the community, but it hasn't been fun at all. Has learned how to speak and apologized for times that he may have misspoken. Never accused anyone of stealing, and never will not what he meant.

Gunning- Thanked and apologized to the wage committee for this stupid ass Board. Been on the Board for 20 years and never witnessed a bunch of Bullshit that goes on up here. It's bad and He's embarrassed. Wage committee works fanny off and what do they get, slapped in the face for it. Like their nothing, nobody here has time to do what they're doing. They came up with recommendations and they get put down. This is the worst Board he's ever set on.

## **ADJOURNMENT**

Motion 18-05-14 to Adjourn at 8:50 p.m.

Voice Vote

**ALL YES  
MOTION CARRIED**

*Timothy Hill, Supervisor  
Emmett Charter Township*

*Tracy Myers-Malone, Clerk  
Emmett Charter Township*