

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE DECEMBER 16, 2014 WORK SESSION**

Supervisor Stumbo called the meeting to order at approximately 5:02 p.m. in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township.

Members Present: Supervisor Brenda L. Stumbo, Clerk Karen Lovejoy Roe, Treasurer Doe, Trustees Stan Eldridge and Mike Martin

Members Absent: Trustees Jean Hall Currie and Scott Martin

Legal Counsel: Dennis McLain, Angela King and Wm. Douglas Winters (arrived at 5:19 p.m.)

EXECUTIVE SESSION

Supervisor Stumbo reported the Executive Session would not be needed since Attorney McLain had gone to court on Monday, December 15, 2014 and the case had been settled.

Discuss Proposed Settlement Agreements

**A. Twp. V. Leonard Woodard, Et Al.; 2260-2262 E. Michigan Avenue
(Woodward's Auto)**

Attorney McLain provided a brief overview on the Township's case against Leonard Woodard and his wife. Mr. McLain stated the property was properly zoned for junk yard use, automobile storage and dismantling and processing until 1979, at which time the property became the subject of Split Zoning, B - 3 in the front and I - 1 Light Industrial in the rear. Attorney McLain stated the lot that eventually became Mr. Woodard's was never split, and Mr. Woodard took over the use of the property as automobile storage, only, and was licensed by the Township from 1985 forward; but he continued to violate the Township Ordinance regarding dismantling and salvage. In 2002 litigation, Judge Swartz ruled to prohibit Mr. Woodward from the dismantling and salvage operations but allowed the legal non-conforming use of automobile storage in the rear portion of the property. Mr. McLain stated in 2010 the building associated with the automobile storage, located on the B-3 portion of the property was totally destroyed by fire. Attorney McLain reported the Township Zoning Code stated that all non-conforming uses associated with that property ceased at that time. Attorney McLain stated Judge Brown's current opinion was that the law favored the termination of non-conforming use and upheld the Township Zoning Ordinance. He stated a Consent Judgment was before the Board, signed by Mr. Woodard, his wife and their attorney and awaiting Attorney McLain's signature per the pleasure of the Board. Mr. McLain explained the Consent Judgment prohibited Mr. Woodard from operating the non-conforming use as an auto storage yard, but gave him twelve months to end the use, subject to Township inspection.

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Attorney Dennis McLain requested to add this item to the Agenda under Other Business:

TO APPROVE CONSENT JUDGMENT REGARDING LEONARD WOODARD, CASE NO. 12-983-CZ AND TO AUTHORIZE SIGNING OF THE AGREEMENT

The Board agreed.

Attorney McLain stated the Chatfield Litigation had also been resolved but he would send a letter with a copy of the Order later.

Supervisor Stumbo stated Mike Radzik needed to add to the Agenda, under Other Business:

REQUEST FROM MIKE RADZIK TO APPROVE THE LOW QUOTE FROM HURON SIGNS FOR THE LAW ENFORCEMENT CENTER SIGN IN THE AMOUNT OF \$35,054, BUDGETED IN LINE ITEM # 266.301.000.975.266

Mr. Radzik had received three bids, however the lowest bid did not meet the bid specifications on the LED portion therefore he recommended approving the bid from Huron Signs. The Board Agreed.

REVIEW AGENDA

Supervisor Stumbo reviewed the agenda with further discussion on the following items:

Supervisor Report

Supervisor Stumbo stated she would yield her time to Ron Fulton.

Clerk Report

Clerk Lovejoy Roe reported on:

- latest meeting with Habitat for Humanity and referred to the handout which reported on the success of the partnership with Ypsilanti Township since 2008
- provided a brief overview of the meeting with Joe Lawson at the Girl Scout building regarding their renovations
- the successful audit by the U. S. Department of State regarding passport applications
- the successful audit of Precinct 17 by the State of Michigan, which was one of seven selected in Washtenaw County regarding the November 4, 2014 General Election

New Business

1. Budget Amendment #16

Clerk Lovejoy Roe reviewed the detail of line items in Budget Amendment #16.

**2. 1st Reading Resolution No. 2014-33, Proposed Ordinance No. 2014-440,
Amending The Code of Ordinances, Chapter 48 Entitled Parks And Recreation
Article III General Conduct, Weapons And Explosives In Township Parks**

Angela King, Township Attorney stated the Ordinance prohibited possession of firearms within Township Parks under any circumstances, but the State statute stated municipalities (which included Townships) were not allowed to regulate, in any manner, the Open Carry of firearms. Attorney King stated the Ordinance was amended to be consistent with State Law provisions which permit Open Carry of firearms, including parks, however it still prohibits any discharge of a firearm within the Township Parks and had nothing to do with carrying concealed weapons.

Attorney Report

A. General Legal Update

Attorney Winters reported the Michigan Legislature passed the Cavanaugh Bill, which allowed the Township to have legal standing to initiate civil public nuisance lawsuits against property owners that allowed illegal activity to take place on their property. He stated the Bill had now passed both houses and had been submitted to the Governor for signing. Attorney Winters extended his appreciation to Kirk Profit and the elected County Officials for their collaboration in this effort toward neighborhood stabilization.

Attorney Winters presented a brief overview regarding Flagstar Bank's investment to repair the property at 5561 Big Pine Drive.

Attorney Winters reported the owners still hope to rehabilitate the property at 2436 Burns.

Attorney Winters took this opportunity to thank the Board for supporting the professionals and administrative staff and providing direction by setting policy and funding to achieve the goal of neighborhood stabilization. He extended his thanks to the Office of Community Standards for the critical role they have played in this overall goal. Mr. Winters acknowledged this would be Ron Fulton, Building Director's last meeting and stated his expertise would be missed.

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**3. 1st Reading Resolution No. 2014-34, Proposed Ordinance No. 2014-441,
Amending The Code Of Ordinances, Chapter 48 Entitled Property
Maintenance, To Establish Minimum Standards For Boarded Window And
Door Openings**

Ron Fulton, Building Director, explained the current ordinance required broken windows and doors to be replaced within thirty days. Mr. Fulton reported the owners could not be found in many cases, within that timeframe. He stated a new process was being proposed, which entailed a photo of an existing window being applied to the boards, which greatly enhanced the overall look and provided stability.

Supervisor Stumbo asked how the boards would be applied.

Ron Fulton explained the process of attaching the boards without damaging window frames.

Supervisor Stumbo asked if this amended ordinance still required replacement within thirty days.

Attorney King responded the new ordinance language allowed forty-five days to board up because the decorative board had to be ordered.

Mr. Fulton stated the window must be boarded immediately and the decorative covering would be permitted to take up to forty-five days for installation since they were specialty items, for the most part.

Attorney King stated the new ordinance required pre-approval of the board-up.

Clerk Lovejoy Roe suggested the new ordinance read, that owners must put windows and doors in and if the owners couldn't be located, then the new product would be installed by the Township at the owner's expense, while the Township pursued litigation against owners for not replacing the windows and doors.

Discussion followed on the ordinance language and it was explained there was an option for replacing with actual doors and windows or the decorative board made to look like windows and doors.

Mike Radzik, OCS Director stated the obvious preference was for the owners to replace the broken windows and/or doors. He said that this was an option to make for a better look and reduce the intensity of the blight in difficult situations.

Ron Fulton showed pictures of a home on Eileen, which was a foreclosure that had the decorative board up.

Treasurer Doe stated he understand this option was good for long term situations, but did not think this would apply to short term situations such as a burglary.

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Clerk Lovejoy Roe suggested the policy on time limits for the decorative board ups include language that would describe the property as being vacant versus occupied.

Trustee Eldridge asked if we board up a home, how does the Township recoup the cost.

Mike Radzik stated if the property was boarded pursuant to the terms of the Vacant Housing Ordinance the cost would go on the tax roll at the end of the year. He stated if it wasn't a vacant house or it was a commercial structure, the owner would be invoiced and the Township Board could consider adding the ability to put these Board up costs on the tax rolls by amending the Property Maintenance Code in the future. Mr. Radzik stated this decorative board up was more expensive than current methods, but it was more secure.

Supervisor Stumbo stated it was a good idea to have the home not look boarded up and vacant and she understood it was cost effective as well.

Mr. Radzik stated this type of board up was more expensive than current methods but it was more secure and alleviated damage to the frames. He also explained the Township would require the companies we work with to stock the proper materials so the whole process would be done at one time.

Clerk Lovejoy Roe asked if we would do an RFP for companies to secure the board ups and Mr. Radzik agreed he would like to pursue that method for the Office of Community Standards, but he could not speak for the Fire Department, since it was a different process. Clerk Lovejoy Roe suggested a policy be developed regarding the implementation of this ordinance.

Supervisor Stumbo stated many questions had been raised and Attorney King suggested if the Township wanted to move forward with the decorative board ups, that they be considered only for vacant structures as defined in the Township's Vacant Property Ordinance.

Discussion followed on the wording of the ordinance.

Both Supervisor Stumbo and Clerk Lovejoy Roe were not comfortable with approving the 1st reading of the ordinance considering all the questions that had been raised.

The Board agreed to table this resolution.

Trustee Mike Martin commented the board up of homes in this manner was odd and gave a sense of a false community.

Supervisor Stumbo reiterated her suggestion to table this item and the Board agreed.

4. 1st Reading Of Ordinance No. 2014-442, Amending Code Of Ordinances, Chapter 42, Article VIII, Offences Concerning Underage Persons

Attorney King stated this was a proposed repeal of an antiquated ordinance adopted to address the problem of juvenile drug couriers utilizing beepers, long before cell phones had come into existence.

5. Request Of Joe Lawson, Planning Director To Approve Crown Castle Amendment To Lease Agreement Related To Wireless Communication Facility Located At 2801 Holmes Road And To Authorize Signing Of The Agreement

Attorney Winters stated he felt the option Crown Castle was asking for, an additional ten years to decide if they would increase their land capacity by an additional 50% , in order to expand their operation was too long a period of time. Mr. Winters preferred a five year option and felt \$7,500 was a fair price.

Joe Lawson stated he had discussed a five year option with James Baker, the representative for Crown Castle. Mr. Lawson stated he was more comfortable with five years and if after that time, Crown Castle wanted an additional five years, it could be brought back to the Board. He explained the \$7,500 was for the option to expand the compound on the ground at the cell tower site, in order to add additional equipment. Mr. Lawson reported Crown Castle's purpose for requesting the option was because they currently did not have a user.

Trustee Eldridge questioned if the additional square footage was at same location and Mr. Lawson replied the option was strictly for the site at 2801 Holmes Road.

Treasurer Doe asked if there was enough land to add another tower if the agreement before the Board was not approved and Mr. Lawson said it would be very tight.

The Board agreed to approve the request with the five year option.

6. Request of Fire Chief Eric Copeland To Approve Memorandum of Understanding Between Ypsilanti Township And The Regional Participating Partners for 2014 Assistance For Firefighters Grant Program For Acquisition Of Firefighter Safety And Survival/RIT Training And Equipment And To Authorize Signing Of The Memorandum

Supervisor Stumbo reported Chief Copeland was not present but would hopefully be at the Regular Meeting.

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7. Request Of Jeff Allen, Residential Services Director To Approve DTE Agreement And Certificate Of Grade Regarding Electric Service To Ford Lake Boathouse And Installation Of Underground Cables In The Amount Of \$9,198.04, Budgeted In Line Item #212.970.000.974.037

Supervisor Stumbo explained DTE needed the easement agreement signed and it had been determined that once the Township signed it, then DTE would pay the utilities.

Jeff Allen, Residential Services explained the Township had the responsibility for the initial set up to run the utilities to the building and EMU had the responsibility for monthly usage. He requested the Board approve the agreements between DTE Energy and Ypsilanti Township and authorize the signing. The first agreement was The Line Extension Agreement for Commercial and Industrial Customers, #1448300201 in the amount of \$8,738.04 and the Secondary Service Agreement for Commercial or Industrial Customers, #338007016/0 was in the amount of \$460.00 to be paid out of account #212.971.000.974.037. Mr. Allen stated the Accounting Department was holding the check pending Board approval and signing of the agreements and he confirmed Attorney Winters had approved the agreement.

Supervisor Stumbo confirmed this was the only way to finish the project because they were currently operating with generators and no budget amendment was needed.

Attorney Winters stated the architectural firm for this project had signed off on the grade requirement per the requirement from DTE and Mr. Allen stated he had a copy of the signed Certificate of Grade, from Beckett & Raeder, to give DTE.

8. Request Of Karen Wallin, HR Department To Authorize The Creation Of An Additional Ordinance Enforcement Assistant Position For The Office Of Community Standards And To Seek Approval To Waive External Posting And To Fill The Position Internally

Karen Wallin, HR Department stated in order to sustain the current level of Ordinance Enforcement and to move ahead with 2015 plans, approval was being sought for an additional Ordinance Assistant. Ms. Wallin explained the Teamsters' Union had agreed about eight months ago to allow hiring two temporary employees and Kevin Folkner had been temporarily performing the duties of this position. Ms. Wallin reported the Teamsters' had agreed to waive the external posting of the job therefore, HR was requesting authorization to waive the posting and make an offer to Kevin for full-time employment beginning Jan. 5, 2015.

Trustee Eldridge asked what the current rate of pay was for the position and Ms. Wallin responded that for a temporary employee, it was \$20 an hour and the hourly rate would be reduced for a full-time position, but would include benefits.

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Mike Radzik, OCS Director stated for the last eight months Kevin had been conducting Vacant Housing Inspections and Rental Housing Inspections and was cross-trained in general Ordinance Enforcement. Mr. Radzik reported Kevin had performed exceptionally and was recommended by all the OCS Supervisors.

9. Resolution No. 2014-35, Boards And Commissions Appointments and Reappointments

Supervisor Stumbo reported the Green's Commission would not be reappointed this year since the Golf Course would be operating as a Department in the Township, under the new Director of Golf Operations.

10. Resolution No. 2014-36 Planning Department Fee Schedule

Joe Lawson, Planning Director briefly highlighted the changes in the fee schedule for the Planning Department.

11. Resolution No. 2014-37 Building Department Fee Schedule

Ron Fulton, Building Director discussed the proposed changes in the Building Department fees and clarified the building valuation data, which would bring everything up to date. He indicated the fees had not been updated for nine years.

Authorizations and Bids

1. Request of Angela Verges, Recreation Services Manager To Seek Sealed Bids For Printing Of The Discover Ypsilanti Township Guide, Annual Park And Boat Stickers And Daily Park And Boat Passes

Supervisor Stumbo explained this was an annual expense.

2. Request of Joe Lawson, Planning Director To Seek Proposals For A Market Study Relating To The Township Owned "Seaver Farm" Property

Adjournment

The meeting adjourned at approximately 6:49 p.m.

Respectfully submitted,
Karen Lovejoy Roe, Clerk