

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE JULY 18, 2017 WORK SESSION**

Supervisor Stumbo called the meeting to order at approximately 5:00 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 Larry Doe, Trustees: Stan Eldridge, Heather Jarrell Roe, Monica Ross-Williams, Jimmie Wilson Jr.

Legal Counsel: Wm. Douglas Winters

1. 2016 FINANCIAL AUDIT REVIEW

Rana Emmons of PSLZ, presented the audited financial statements for Ypsilanti Township for fiscal year ended December 31, 2016. Ms. Emmons stated that the significant sources of revenue for the Township are property taxes, state shared revenues and investment earnings. She stated that in 2016 property taxes increased approximately 2% which is based on an increase in taxable value of property in the Township. She stated this was very important because those amounts had decreased over the last several years. Ms. Emmons also stated that state shared revenue had increased 1% in 2016. She stated that the state is expecting a decrease in taxes next year and that it would be great if the Township could stay at a 1% increase in state shared revenue and not see a decrease.

Ms. Emmons stated that the only two funds that had to dip into fund balance in 2016 were the Fire Fund and the Environmental Services Fund. All of the other funds have added to fund balance or are running independently. The General Fund added approximately \$865,000.00 to the fund balance in 2016, and the general fund also came in under budget.

The Township added \$2.3 million in capital outlay, which is equipment and infrastructure that was purchased and installed in 2016. Also, \$1.215 million in debt was paid down and no new debt was added in 2016.

Ms. Emmons stated that due to changes in how the pension is reported, it appears that the pension is underfunded, even though the Township has paid its required amount each year. This is expected to correct itself over the next few years.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 2**

Supervisor Stumbo asked if the change in reporting was nationwide or just in Michigan. Ms. Emmons stated it was nationwide.

Ms. Emmons stated that next year it will be required for Township to begin reporting retiree healthcare the same as the pension.

Trustee Ross Williams asked how the formula was defined for the actuarial for the pension amounts. Ms. Emmons stated that the actuaries try to provide the most realistic number possible, however she believes it is an average across the country, even though Michigan does tend to be more conservative.

2. AGENDA REVIEW

3. PUBLIC HEARINGS

- A. 7:00PM – RESOLUTION 2017-17, CREATION OF SPECIAL ASSESSMENT
DISTRICT #209 TURTLE CREEK #2
(PUBLIC HEARING SET AT THE JUNE 20, 2017 REGULAR MEETING)**

Clerk Roe stated that the request for this streetlight was received from the New West Willow Neighborhood Association. She reviewed the cost for the streetlights to the residents.

- B. 7:15PM – RESOLUTION 2017-18, CREATION OF SPECIAL ASSESSMENT
DISTRICT #210 FORD LAKE VILLAGE #2-2
(PUBLIC HEARING SET AT THE JUNE 20, 2017 REGULAR MEETING)**

Clerk Roe stated that the request for this streetlight came from a resident in the neighborhood who was concerned about the lighting in the morning for kids waiting for the bus. She reviewed the costs for the streetlight to the residents.

Trustee Jarrell Roe mentioned an email in the board packet from a resident questioning why this special assessment district was for only 142 properties, then asked was this done by phases of the subdivision. Clerk Roe confirmed this.

Supervisor Stumbo commented that lately we have been creating streetlight special assessment districts the same way camera districts were created, by board action. She

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 3**

also stated that the Township use to pay for the installation of the streetlights, however in these most recent SAD the light installation has been paid by the residents. Supervisor Stumbo stated that she was concerned by the process being used, even though she knew the process was legal.

Trustee Jarrell Roe stated that she also thought the process may need to be reviewed for requesting streetlights.

Trustee Ross Williams stated she was glad to see the streetlight for McCartney and State on the agenda. Trustee Ross Williams said she had been asked if this light was located in the neighborhood or if it was located on the public street.

Resident Arloa Kaiser stated she did not think it was fair that one person could request a streetlight. She also did not think it was fair to use the petition process because then the person would only ask people they knew were for the streetlight(s).

Clerk Lovejoy Roe reviewed what a special assessment district could be created for and the two processes for creating one.

PUBLIC COMMENTS

Resident Arloa Kaiser asked if emails are kept by the Township and how it is determined if the person sending the email is a resident. Clerk Lovejoy Roe stated that emails that are received in reference to Public Hearings for special assessment districts are permanent records. Other emails that are received are kept based on the State of Michigan retention guidelines. Both Clerk Lovejoy Roe and Supervisor Stumbo stated that the identities of persons emailing about issues are confirmed when they are contacted through follow up.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 4**

CONSENT AGENDA

A. MINUTES OF THE JUNE 20, 2017 WORK SESSION AND REGULAR MEETING

B. STATEMENTS AND CHECKS

- 1. STATEMENTS AND CHECKS FOR JULY 4, 2017 IN THE AMOUNT OF \$1,377,768.83**
- 2. STATEMENTS AND CHECKS FOR JULY 18, 2017 IN THE AMOUNT OF \$185,965.08**
- 3. CHOICE HEALTH CARE DEDUCTIBLE ACH EFT FOR JUNE 2017 IN THE AMOUNT OF \$37,509.06**
- 4. CHOICE HEALTH CARE ADMIN FEE FOR MAY7 2017 IN THE AMOUNT OF \$1,215.00**

C. JUNE 2017 TREASURER'S REPORT

ATTORNEY REPORT

A. GENERAL LEGAL UPDATE

Attorney Winters reviewed the situation that has occurred at 923 Ecorse Rd. (former Forbes Cleaners). He stated that he felt that Washtenaw County Treasurer Catherine McClary had failed to do her duty in regards to this property and neglecting to protect the basic health and welfare of Ypsilanti Township residents.

Attorney Winters stated that Forbes Cleaners was inspected last March pursuant to the Township's ordinance regarding vacant commercial property and approximately one hundred photos were obtained detailing various violations. He stated that the carcinogens that have been used in the past by dry cleaners are on the radar of the state as dangerous. Attorney Winters also stated that this location was being watched by the Washtenaw County Environmental Health Department

CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 5

since approximately 2005. He stated that in 2015, this department inspected the site and found 160 gallons plus of PCE, or PERC waste that was located in unsecured containers. This waste is required to be disposed of in a lawful manner with a manifest filed by the disposer with the MDEQ confirming how it was disposed. Attorney Winters stated that during a third subsequent inspection by the County Environmental Health Dept., it was discovered that the business had closed. He stated the property was subsequently foreclosed on by the County. At this time it is believed that the matter of the unlawful waste was turned over to the MDEQ by the Washtenaw County Environmental Health Dept. for possible enforcement action.

Attorney Winters stated that once the business was closed, and the property foreclosed on, the Township filed its notices of violations with the County. After this, Mike Radzik was informed by Nathan Voght of the Washtenaw County Office of Community and Economic Development that a Phase I Site Assessment had been performed, which was dated May 16. That report was forwarded to Ypsilanti Township. The Phase I Site Assessment recommended a Phase II Assessment be performed which would include such tests as soil, ground water and vapor intrusion (air). Attorney Winters stated that Phase II testing could lead to further testing of the area around 923 Ecorse Rd. and possible remediation.

Attorney Winters said he had contacted Nathan Voght, of the Washtenaw County Office of Community and Economic Development to inquire about the Phase II Site Assessment. Mr. Voght stated that the request for the Phase II was going to be presented to the Washtenaw County Brownfield Redevelopment Authority for funding for the Phase II Site Assessment. Attorney Winters stated that several days later he was then informed by Nathan Voght that County Treasurer McClary had removed the request for funding from the Brownfield Redevelopment Authority's agenda because she had been advised by her attorney that she was under no legal obligation to have the testing performed. Attorney Winters states he then contacted the MDEQ, who say they will do whatever is necessary to complete the Phase II Site Assessment, and also believe that if it is warranted, they may have the authority to remove the property from the County Auction List and convey it to the Michigan Land Bank.

CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 6

Attorney Winters stated that he does not know why any public official, who was aware of a potential hazardous situation to the public, and had funding available, would not do everything possible to identify and remedy the situation.

Supervisor Stumbo stated she was contacted today (July 18, 2017) by Greg Dill, Washtenaw County Administrator. Mr. Dill stated that he was meeting with Treasurer McClary and asked Supervisor Stumbo for an overview of the situation with 923 Ecorse Rd. Supervisor Stumbo states that she explained to him the Township wants the Phase II Site Assessment performed to see if there are any hazardous materials in the area.

Supervisor Stumbo asked Attorney Winters if he thought a motion by the Board asking to have 923 Ecorse Rd. removed from the County Auction List would be a good idea. Attorney Winters responded he felt that it should be worded by any means necessary to protect the health and welfare of the residents and to get it removed from the County Auction List.

Clerk Lovejoy Roe stated that she contacted Treasurer McClary after reading the Phase I Site Assessment report and reading about the open barrels, to find out what had happened. Clerk Lovejoy Roe states that she was told by Treasurer McClary that she had not read the report. Clerk Lovejoy Roe states that she told the County Treasurer that she should read the report and take steps to secure those barrels before someone was injured by them. Clerk Lovejoy Roe states that she contacted Treasurer McClary a second time by phone after learning the Treasurer had removed the request for funding for the Phase II Site Assessment from the Brownfield Redevelopment Authority's agenda. Clerk Lovejoy Roe states that she was told by Treasurer McClary that she had contacted her attorney and was under no legal obligation to have the testing performed. Clerk Lovejoy Roe stated that she asked the Treasurer to move forward with testing, but Treasurer McClary refused, stating they could discuss it at a scheduled meeting in approximately one week. Clerk Lovejoy Roe states she asked the Treasurer not to wait the extra week, but the Treasurer responded "what difference does it make". Clerk Lovejoy Roe responded that it would be longer that people are possibly exposed to toxic chemicals.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 7**

Trustee Wilson confirmed that we still do not know the reasoning behind Treasurer McClary's decision to not have the Phase II Site Assessment performed and may not know until the next meeting. Attorney Winters responded the scheduled July 25 meeting was to talk to Treasurer McClary about removing 923 Ecorse Rd. from the auction list and had not been intended as a means to discuss with her Phase II Site Assessment Testing. Attorney Winters felt that Phase II Site testing was a given based on the results of the Phase I testing and the opinions of other Washtenaw County employees.

Trustee Ross Williams thanked Attorney Winters for making sure the Board was notified of the events that have occurred in regard to 923 Ecorse Rd. She read some information on PERC's, and that they are considered carcinogens to humans. Trustee Ross Williams states she is shocked to learn that any public official would not feel responsible to the people to fix this situation, especially given the results of the Phase I Site Assessment Testing.

Supervisor Stumbo asked if the Board was in agreement to add the following motion under Other Business, "request for approval to use any means necessary to remove Forbes Cleaners from the Washtenaw County Auction List, to have a Phase II investigation completed, to notify nearby residents, to develop a possible press release, and to do everything possible to protect the health and safety of our residents"

NEW BUSINESS

1. BUDGET AMENDMENT #10

Clerk Lovejoy Roe explained Budget Amendment #10.

Trustee Wilson asked if the one of the streetlight issues was tabled, would the budget amendment need to amended. Supervisor Stumbo stated that the budget amendment could go through because the amounts are only encumbered, funds would not be spent without Board approval.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 8**

Attorney Winters stated that he had just received an email from Kevin Lund of the MDEQ and asked if he could share that information now. Both Supervisor Stumbo and Clerk Lovejoy Roe agreed. Attorney Winters stated that Mr. Lund communicated that the MDEQ was preparing to request access to quite a few addresses to conduct field investigations based on the situation at 923 Ecorse Rd. He also stated that the MDEQ would be requesting access to 923 Ecorse Rd.

Trustee Jarrell Roe asked if it would be appropriate for the Township to send out a communication informing residents of the investigation by the MDEQ to let them know that their local government was aware and working on the situation, as well. Attorney Winters responded that maybe that could be coordinated with the MDEQ.

Trustee Ross Williams asked about issuing a press release to insure that the residents and other people could be aware that the Board had done it's due diligence in working to fix the issue. Attorney Winters stated that he had spoken with MLive and given an interview in regard to the situation, but that the Board could still issue a press release. Trustee Ross Williams stated she hoped MLive would publish this issue, since they had covered a similar situation in Ann Arbor.

**2. REQUEST TO APPROVE FIRST AMENDMENT TO THE MASTER DEED OF
THE MANORS AT CREEKSIDE VILLAGE PORTION OF PLANNED
DEVELOPMENT #25**

Michael Radzik detailed the changes set forth in the amendment and stated that Attorney Winters had reviewed the document and it was ready to be recorded by Lombardo. Mr. Radzik said the only concern of his office was that the amendment restricts fence heights to 4ft., but Township Ordinance allows up to 6ft. Mr. Radzik said this issue was discussed with Greg Windingland, Lombardo Homes representative who stated that he was aware of the problem and that they have run into this in several of their communities. Mr. Radzik stated that the OCS will be updating their documents for issuing fence permits to state that even though the Township does allow 6 ft. fences, applicants should check with their homeowners association to see what is allowed.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 9**

Supervisor Stumbo asked if any of the changes on the amendment affected Creekside South. David Hensel, of Lombardo Homes answered that Creekside South would not be affected by these changes.

Clerk Lovejoy Roe stated that Creekside South did not allow sheds and fences and that she did not believe that residents of Creekside South would be happy if the Manors would be allowed to have them, since it was thought both developments were supposed to be uniform. Clerk Lovejoy Roe stated she would not be comfortable moving forward with this portion of the amendment without input from Creekside South Residents.

Supervisor Stumbo asked why the change was made to add fences and sheds. Mr. Hensel stated that the Manors was looked at as a separate development from Creekside South and changes were made.

Clerk Lovejoy Roe asked would it be possible to table this until questions were answered. Supervisor Stumbo asked for attorney's opinion. Attorney Winters stated this was the master deed for the Manors at Creekside Village and these items would be enforced by their homeowners association. Supervisor Stumbo asked if the original master deed was approved with the development agreement, and Attorney Winters confirmed this was correct. Attorney Winters asked if the original master deed allowed fencing and sheds, Mr. Hensel stated he would have to review the master deed to answer the question.

Supervisor Stumbo stated she was concerned some of the included documents were attempting to re-plat Creekside South. Mr. Hensel said he did not have an answer for that question.

Clerk Lovejoy Roe gave the history of Creekside South and Manors at Creekside Village and why the developments were split for financial reasons, but that it was expected they would still remain uniform in looks.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 10**

**3. REQUEST TO APPROVE PROFESSIONAL SERVICE RATES FOR FISCAL YEARS
2017 TO 2021 FOR FINANCIAL AUDITING PERFORMED BY PSLZ, LLP**

Clerk Lovejoy Roe stated this was for the next five years and would lock down our rates for financial auditing.

Trustee Jarrell Roe asked about the variation in rate increases over the five year period. Rana Emmons of PSLZ responded that the rates include working with Township staff throughout the year to answer questions and provide guidance and PSLZ does not bill for this. Ms. Emmons stated they do attempt to keep rates in line with increases given to staff, and new pronouncements made for accounting guidelines are absorbed in the yearly fee, as well.

Trustee Ross Williams confirmed that the rates were locked in and inquired about single audits. Ms. Emmons stated single audits had to do with federal grant money that would be received in a single year in excess of \$750,000.00 and that the Township does not typically come near that amount. If the township did exceed, we would be required by the federal government to complete a single audit in addition to our regular yearly fiscal audit.

**4. REQUEST FOR APPROVAL OF ACCESS AGREEMENT WITH THE AMERICAN
CENTER FOR MOBILITY (ACM), WILLOW RUN ARSENAL OF DEMOCRACY
LANDHOLDINGS LIMITED PARTNERSHIP (WRAD) AND YPSILANTI
TOWNSHIP FOR ACCESS TO TYLER POND FOR TESTING PURSUANT TO
THE COMPREHENSIVE DEVELOPMENT DATED NOVEMBER 4, 2016**

Supervisor Stumbo stated this was for testing of the storm water that was required for the development of ACM. This will allow access to the property for testing.

**CHARTER TOWNSHIP OF YPSILANTI
JULY 18, 2017 WORK SESSION MINUTES
PAGE 11**

**5. REQUEST TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN
THE REGENTS OF THE UNIVERSITY OF MICHIGAN ON BEHALF OF ITS
ECONOMIC GROWTH INSTITUTE DEFENSE MANUFACTURING
ASSISTANCE PROGRAM (DMAP) AND YPSILANTI TOWNSHIP**

Supervisor Stumbo stated that this is a grant that was received by the University of Michigan. She stated that Ypsilanti Township qualified due to the loss of the General Motors plant, as well as the loss of defense manufacturing companies in the area. Supervisor Stumbo stated this is a great opportunity for the Township to work with the University of Michigan. She stated this grant will be focused on strategic planning for the Township which is not something the Township has been able to do over the last eight years due to the economic downturn.

The meeting was adjourned at approximately 6:48 p.m.

Respectfully Submitted,

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti