

**CHARTER TOWNSHIP OF YPSILANTI  
MINUTES OF WORK SESSION  
DECEMBER 4, 2018**

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 Lovejoy Roe, Treasurer Larry Doe, Trustees: Stan Eldridge, Heather Jarrell Roe and Jimmie Wilson, Jr.

**Members Absent:** Trustee Monica Ross-Williams arrived late

**Legal Counsel:** Wm. Douglas Winters

**2. AGENDA REVIEW.....SUPERVISOR STUMBO**

Supervisor Stumbo began with the Agenda Review.

**1. PUBLIC HEARING**

**A. 7:00 – RESOLUTION 2018-34, 2019 FISCAL YEAR BUDGET (PUBLIC HEARING SET AT THE NOVEMBER 20, 2018 REGULAR MEETING)**

Supervisor Stumbo stated the only change in the Budget was for 14B Court. It was filling a position not a dollar amount. We didn't budget for that position since it was not filled this year but after speaking with Mark Nelson, Court Magistrate, she realized the need. She explained that position would be in charge of collections, overseeing cash receipts and, deposits. She further explained there would be no change to total Budget Expenditures because there was \$170,000 in the Indigent Funds and we would only be responsible for what we currently pay which was \$50,000.00 and the Grant from the State will pay for anything over that amount. She stated the rest of the budget would be the same.

Supervisor Stumbo asked the Board's permission to make those line item changes. The Board had no objection.

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Arloa Kaiser, Township Resident asked if she was correct when she counted 17 new positions, stating that we must be doing pretty well financially for that many new hires, but also a little scary to have that many positions filled in such a short amount of time.

Supervisor Stumbo went over the new and restored positions:

- One position in Human Resources restored

- Restoration of Parks Operation Superintendent that was combined into one position

- Restoring one position for Building Operations Superintendent that had been combined with parks in 2008-2009 to save costs

- One position for Financial Coordinator for 14B Court (that was already budgeted for in 2018)

- One new Full-Time Hydro Operator

- In 2018 a new Equipment Operator at the Compost Site - filled

- A new full time Custodian for the Law Enforcement Site - filled

- A Compost Facility Manager, a position moved into by a current employee

- Heavy Equipment Operator at the Compost Center -filled

- Deputy of Elections was filled by moving a current position in the Clerk's Office to management and adding \$2.00 per hour

- Assessing Department moved an existing position into Management / Deputy Assessor with increase

- Added Assistant Director of Golf in 2018 - filled

Positions still vacant: Residential Services Director (Jeff Allen's position)

- Chief Building Official

Supervisor Stumbo reported there had been a 7.4% increase in Taxable Value Revenue which enabled the Township to make these changes.

Trustee Eldridge stated he was fine with the budget and followed up with Ms. Kaiser, voicing caution by making sure the changes were necessary, in order to prevent another downturn.

**2. PUBLIC COMMENTS**

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**3. CONSENT AGENDA**

**A. MINUTES OF THE NOVEMBER 20, 2018 WORK SESSION AND REGULAR MEETING**

**B. STATEMENTS AND CHECKS**

**1. STATEMENTS AND CHECKS FOR DECEMBER 4, 2018 IN THE AMOUNT OF \$269,953.55**

**1. DISCUSSION ON STIPENDS FOR PARK COMMISSION, PLANNING COMMISSION AND ZONING BOARD OF APPEALS.....  
.....TRUSTEE ROSS-WILLIAMS**

Supervisor Stumbo stated there had been a resignation of the Park Commission Chair since he moved to Saline, which created another vacancy. Discussion followed regarding the appointment to that position and the need to do it within the 45 day timeframe after he notifies the Clerk's Office.

Trustee Ross-Williams provided background information on each of the Commissions from her memo from the Board Packet.

Trustee Ross-Williams discussed the Stipends for the Commissions. She stated that according to Karen Wallin, Human Resource Director, the Park Commission stipend had been at \$50.00 per meeting for years but the Planning Commission and Zoning Board of Appeals had gone from \$40.00 to \$50.00 per meeting in February of 2018.

Supervisor Stumbo stated she thought that change had been a result of the stipend being lowered from \$50.00 to \$40.00 during the hard times and then raised back up in February for the Planning Commission and the Zoning Board of Appeals.

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Trustee Ross-Williams compared Ypsilanti Township with Canton, Pittsfield, Superior and Van Buren Townships and questioned if a change was warranted and should there be a difference between the Chair and Board Members stipends.

Trustee Eldridge questioned why Van Buren Township didn't have a Park Commission since they have a fairly robust park system and what the difference was between that and a Leisure Services Committee.

He wondered what the differences were between having no Commission versus a Leisure Services Committee and a Park Commission and how could we be best served moving forward.

Trustee Ross-William provided clarification this discussion was for the 2020 Budget.

Clerk Lovejoy Roe spoke to Trustee Eldridge's question stating that Park Commissions were governed by State Legislation specific to a Charter or Non-Charter Township.

Trustee Ross-Williams said she could do research to get more answers and stated an increase was warranted since the Township has 27 Parks. She said the Park Commission managed policy, created policy regarding gate fees and recommendations to the Township Board regarding equipment and maintenance issues.

Trustee Wilson agreed to the action of making the Park Commission an appointed Board rather than an elected position and also raising the stipend slightly.

Supervisor Stumbo stated since the changes being discussed were for 2020 there would be time to put a committee together to research and come up with recommendations. She voiced agreement with Trustee Wilson citing the fact it was hard to get people to run for the position. She stated it was her understanding the sole reason behind the Park Commission was for the purpose of getting Federal Funds for the Golf Course and that was why there was not a Budget associated with the Park Commission.

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Arloa Kaiser asked what has happened to the idea of community service. She voiced her agreement with Trustee Wilson regarding the Board being appointed but was not in favor of raises.

Supervisor Stumbo returned to the Agenda Review.

**OLD BUSINESS**

- 1. 2<sup>ND</sup> READING OF RESOLUTION 2018-30, PROPOSED ORDINANCE 2018-483, AN ORDINANCE AMENDING ORDINANCE NO. 74, TOWNSHIP ZONING ORDINANCE SO AS TO CONDITIONALLY REZONE 3160 WEST MICHIGAN AVENUE (20.57 ACRES) , PARCEL ID K-11-18-340-001, FROM ITS CURRENT RM-2 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT TO B-3 (GENERAL BUSINESS) ZONING DISTRICT WITH VOLUNTARY PROHIBITION OF AUTOMOTIVE USES AS DEFINED IN TOWNSHIP ZONING ORDINANCE SECTION 306 AND AS DESCRIBED IN A CONDITIONAL ZONING AGREEMENT AND REQUEST TO APPROVE A CONDITIONAL ZONING AGREEMENT BETWEEN MIODRAG RAKIC OR HIS ASSIGNEE AND THE CHARTER TOWNSHIP OF YPSILANTI TO BE RECORDED WITH THE WASHTENAW COUNTY REGISTER OF DEEDS**  
(1<sup>ST</sup> READING HELD AT THE OCTOBER 16, 2018 REGULAR MEETING)

Supervisor Stumbo stated she had told Charlotte Wilson to come to the Regular Board Meeting at 7:00 p.m., when the Petitioner would be present. She reported Attorney Winters had addressed many questions regarding this Rezoning with Mike Radzik and Carlise Wortman resulting in this Agreement which was in the packet now with a proposed new Ordinance targeted for January 2019.

Clerk Lovejoy Roe voiced her appreciation and respect for the work on this item to Mike Radzik, Attorney Winters and Charlotte Wilson to get this item in the proper form.

Michael Radzik, OCS Director stated it was the desire to have a complete and thorough record of this process.

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Michael Radzik reported the 1<sup>st</sup> Reading had been approved strictly as a Conditional Rezoning with the voluntary request by the petitioner for Prohibitive Automotive Uses and a Deed Restriction. He stated after the 1<sup>st</sup> Reading, the State Statute was reviewed to make sure we were meeting the spirit, legal requirements and intent of the law, then Carlise & Wortman drafted a proposed ordinance to be brought before the Planning Commission and Township Board to be added to our Zoning Code with a complete, beginning to end process on how Conditional Rezonings would be handled in Ypsilanti Township from this point forward.

Michael Radzik stated the primary change was rather than having a Deed Restriction there would be a Conditional Zoning Agreement. He said this was drafted collaboratively and Attorney Winters had reviewed and approved it. He reported the agreement was a legal document for the Rezoning and outlined a specific list of prohibited automotive uses. He explained the Conditional Rezoning, if approved tonight would not become effective until the Conditional Zoning Agreement was fully executed, recorded with the Washtenaw County Clerk/Register of Deeds and a certified copy of the recorded document provided to the Clerk's Office for the official record.

Mr. Radzik drew attention to Paragraph B which stated the purpose of the Rezoning was to develop the property by developing an Indoor/Outdoor Tennis Recreation Facility and in addition proposed to develop some commercial out lots along Michigan Avenue within the B-3 Zoning.

Michael Radzik reviewed the Conditional Rezoning Agreement, specifically Paragraph 5.2 entitled Expiration which stated the Conditional Rezoning was subject to the Developer getting the Final Site Plan approval and commencing construction of Phase I, the Tennis Facility, within two years of the effective date of the Rezoning. He said once they moved on to Phase II, the out lot, commercial part, there were no time constraints. He explained if for any reason they had not completed Phase I within the two years they could come back to the Board for an extension. Michael Radzik stated there was adequate protection for the Township and the Developer to move this item forward.

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Trustee Jarrell Roe posed a question regarding the possibility of problems if there were to be any expansion of bus routes in the future.

Michael Radzik stated any changes would be by mutual consent and agreement of the Developer, Planning Commission and Township Board.

Trustee Ross-Williams asked if for some reason the Developer does not go forward with Phase I within the two years, does the property still stayed zoned as B-3.

Michael Radzik responded if expired on its own terms the Township Board had the authority to leave the zoning the same, revert it back to Multi-Family Zoning or Rezone the property any way they preferred under our Zoning Code.

Attorney Winters provided clarification regarding the process if this Rezoning was voided for any reason, the Township Board could turn it back to the RM-2 Zoning or something more appropriate at the time.

Michael Radzik reiterated a very important distinction to remember with Conditional Rezonings was the Developer voluntarily offered their purpose to the Board.

**NEW BUSINESS**

**5. REQUEST TO APPEAL YPSILANTI TOWNSHIP FREEDOM OF  
INFORMATION ESTIMATED PROCESSING FEE**

Supervisor Stumbo stated the information was in the packet and appearing before the Board was part of the process in appealing a Freedom of Information processing fee.

Clerk Lovejoy Roe added a submittal in writing, another required part of the appeal process was also in the packet.

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Myla Harris, stated she was AFSCME Local 3451 Vice President and a Charter Township of Ypsilanti Employee for 25 years and confirmed she had completed her submission of appeal for the packet.

Myla Harris asked the Board what the proper procedure was for placing Agenda Items in the Packet. She voiced several concerns regarding how her information for the Packet had been handled as well as the fees she was charged and presented arguments opposing those fees.

Clerk Lovejoy Roe indicated she put the agenda and packet together and it was common to make changes from what was submitted.

Myla Harris itemized the charges she had been quoted in regard to her FOIA request which she felt were excessive to the point that she felt was also in retaliation.

Myla Harris stated since the grievance was against Clerk Lovejoy Roe she felt it was a conflict of interest for her to process the FOIA request.

Myla Harris questioned whether it was appropriate for Clerk Lovejoy Roe to submit election pay requests in lump sums without back up information and she felt it was an abuse of power.

Trustee Ross-Williams asked if it was normal to charge for FOIA's regarding Union Grievances.

Clerk Lovejoy Roe stated she had handed out copies of the Ypsilanti Township Board Adopted FOIA Policy & Procedures which was very specific regarding the costs to be charged for FOIA's and the Appeal Process, effective July 2015. Clerk Lovejoy Roe stated the item that was before the Board was whether or not the Board would reduce or waive the FOIA fees as requested in the Appeal. Clerk Lovejoy Roe referred to two situations in which employees had submitted FOIA requests, Dawn Seitz and Larry James, which were grievance related and neither of those fees had been waived. Clerk Lovejoy Roe stated she had no knowledge of anytime that fees were waived when an employee had requested information

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regarding the Union and/or grievance information. She reported Karen Wallin, Human Resources would have to be the one to prepare the email documents since she was the only one Travis McDugald, IS Manager was allowed to share employee emails with.

Clerk Lovejoy Roe reviewed how the costs were estimated per the FOIA Policy and Procedures and then arrived at for the final fees.

Clerk Lovejoy Roe stated the appeal was before the Board. She said the Policy and Procedures stated the Board could make adjustments but must provide a reason for doing so. Clerk Lovejoy Roe voiced her opinion that whatever the Board decided that should be the way all FOIA requests would be handled for all employees in the future.

Clerk Lovejoy Roe stated her office had never waived fees regarding requests from employees and she said that per the adopted FOIA Policy and Procedures she had no authority to waive fees. She provided the things she would need regarding a determination tonight from the Board in order to respond appropriately within the 10 day time frame to which FOIA's are held.

Myla Harris responded the FOIA fee was supposed to be the wage of lowest paid person in that office, not the Clerk's wage. Myla Harris continued to question how the numbers were arrived at regarding the fees.

Trustee Ross-Williams asked for clarity regarding notifying the person when information was included and excluded from the packet.

Myla Harris questioned why Supervisor Stumbo's work only took 16 minutes and everyone else was an hour or more. She stated she no longer wanted the USB Drive but did want the copies.

Trustee Jarrell Roe stated she still didn't know what the cost would be and questioned if the appeal process could even be started without knowing the final cost.

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Lisa Stanfield, Deputy Clerk referred to Section 3 in the Policy and Procedures stating a good faith deposit was due if the request estimated amount was more than \$50.00 before any work was completed.

Trustee Eldridge questioned what happened if a person put down the \$50.00 deposit and then when the final cost was figured, decided they did not want the information. Clerk Lovejoy Roe responded the deposit was not returned. He voiced his opinion that, that was where the breakdown was, there was not good faith in this situation. Trustee Eldridge stated if the fee was to be for the lowest paid person compiling this information, he had several concerns.

Lisa Stanfield responded to the question regarding the lowest person in the department, explained Myla's request was for emails between Clerk Lovejoy Roe, Karen Wallin, Supervisor Stumbo, six different ways. Lisa Stanfield stated all emails were included when a data dump was executed and she gave example that she was sure Supervisor Stumbo did not want or expect Debbie Graham to go through all of her emails she had received and sent, to extract the ones regarding this request; and the same held true for Karen Wallin and Clerk Lovejoy Roe.

Trustee Eldridge stated he could certainly understand that position but questioned what the law stated.

Lisa Stanfield said the law stated it was the lowest paid person who could perform the duty.

Supervisor Stumbo voiced her opinion that the fee could still be for the lowest paid individual even though a higher paid employee had performed the task. Lisa Stanfield stated she didn't believe that was how the current policy was set up.

Trustee Eldridge stated when he was a newly elected Trustee he had requested information through Karen Wallin, along with the Labor Attorney and was told he had to pay a FOIA fee. He said he had objected and was given the information within 24 hours and the fee was waived.

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Myla Harris stated Debbie Graham did have access to all of the Supervisor's emails; Robin Castle-Hine had access to Karen Wallin's emails and it should be the lowest paid individual who was capable in the Clerk's Office for fees.

Trustee Ross-Williams stated her opinion was that there shouldn't be a charge for a FOIA regarding a grievance.

**The Work Session adjourned 6:55 p.m.**

Respectfully Submitted,

Karen Lovejoy Roe, Clerk

Charter Township of Ypsilanti

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