

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE TUESDAY, APRIL 2, 2019 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 Stumbo, Clerk Lovejoy-Roe and Treasurer Doe
Trustees: Stan Eldridge, Heather Jarrell Roe, Monica Ross-Williams and Jimmie Wilson

Members Absent: None

Legal Counsel: Wm. Douglas Winters

1. DISCUSSION ON ATTENDANCE POLICY.....TRUSTEE ELDRIDGE

Supervisor Stumbo stated there had been a lot of information distributed regarding this subject since it was previously discussed.

Trustee Eldridge stated he didn't think he could say anything different than he had reported at the last meeting. He said it wasn't really a meeting attendance policy but rather categorized it as an offshoot about a daily work attendance policy.

He reported he had handed out a draft at the last meeting and the only person that had responded was Trustee Ross-Williams who had some questions.

He reported the expectation level was that a full time elected official for Ypsilanti Township would work the same hours that our employees work. He said the time off they accumulate would be consistent with a like employee in the Teamsters Bargaining Unit.

He continued that it simply asked that elected full time officials have a basic work schedule from 8:30 a.m. to 4:30 p.m., Monday through Friday. He stated any work done after 4:30 p.m. does not go toward those basic 40 hours.

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Trustee Eldridge said the only other thing he had put into the draft was that if a full time elected official choose not to comply with a policy if it was adopted, they would not be eligible for a yearly pay raise.

Supervisor Stumbo asked if there were any questions or further discussion.

Supervisor Stumbo thanked Clerk Lovejoy Roe for providing a history as it had refreshed her memory on a lot of the issues.

Supervisor Stumbo stated the Township has a Policy and Procedures Manual that every employee is given. She reported changes and updates to the Policies and Procedures Manual were currently underway and would include full time elected and appointed officials. She said the policies had not been updated since 2008.

Supervisor Stumbo said according to legal counsel, the Township could not exceed State Law in regards to this draft or any other issue. She continued that according to Michigan Law and Employment Law this was a non-union position but there was actually a category for elected officials and we would fall under that State Law.

Trustee Eldridge reported the biggest change was the original proposal had a stipulation that deducted pay, which could not be done according to State Law. He said because the State doesn't mandate that full time elected officials come to work and do the job that's expected of them, doesn't mean something can't be done different and if you do not meet a certain standard you are not eligible for a pay raise.

Supervisor Stumbo stated that could be done now.

Trustee Eldridge said he was unsure how it could be done at this point. He said if he didn't come to work all year long and come November he didn't get a pay raise, his first argument would be that you didn't tell me what the benchmarks were that had to be met to receive a raise. He said he understood that HR was

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updating the policy book but he said he wanted to put this policy on its own but if there wasn't the will to do that then he would drop the issue.

Supervisor Stumbo asked if there were any other comments.

Trustee Ross-Williams asked if schedules could be flexed.

Trustee Eldridge stated he didn't have a problem with that if other employees were allowed the same opportunity. He stated the whole premise was to ask this seven member board, some of whom had asked him to write this policy twice, to simply hold ourselves to a higher standard of accountability and responsibility.

Clerk Lovejoy Roe provided a historical overview and stated the policy started out as a Trustee/Elected Officials Policy that morphed into how to pay the Trustees salary, which ended up being per meeting with a rolling 12 months, where you can miss 3 meetings and still get paid. She said if she remembered correctly, Trustee Eldridge had withdrawn the Elected Officials portion back in 2016.

Clerk Lovejoy Roe reported in November 2016, while reviewing another draft of an Elected Officials Policy, Attorney Winters had stated the new Township Officials, along with the Park Commission and other officials had taken an oath of office to support the Constitutions of the United States, the State of Michigan and the Ypsilanti Township Ordinances that carried the responsibility to fulfill the duties, which were very specific under the laws. Clerk Lovejoy Roe said Attorney Winters stated Board Officials were elected officials not Township employees and there was nothing he could do, as Township Attorney, to say they had to do certain things that were required of a Township employee, because every four years they came up for a job performance review, and if the electors felt they were not doing their job there was an evaluation, called an election. She also reported Attorney Winters said the Township Officials had a responsibility 24/7 and worked a lot of evenings and weekends and there was no clock to punch and this was how the State of Michigan had set it up for their elected officials to conduct business.

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Clerk Lovejoy Roe presented a hand out with the information from Attorney Winters. She stated the underlying premise of Trustee Elbridge's draft policy is that full time elected officials are employees and that was where the problem was. Clerk Lovejoy Roe said employees under the law, are defined in very specific legal terms according to the Michigan Labor Relations Act, FLMA, Michigan Township Association and other entities, and does not include full time elected officials. She said it took her time to understand that any full time elected official, no matter what office, was elected to that particular office for the duration of four years, 365 days a year, 24 hours per day, not just a 40 hour, 8:30 a.m. to 4:30 p.m. job. She said the jobs require much more than this and the law sets the standard requiring more.

Clerk Lovejoy Roe stated that elected officials are always elected officials for the duration of the term of office regardless of whether in the office, in the evening, on weekends and must uphold all the duties associated with their office every hour of every day, every week and even when out of town. She stated it is not possible to adopt a policy that was in conflict with state law.

Trustee Ross-Williams stated this is a new Board and she would like to have it looked over and determine what is legal and what is not.

Trustee Eldridge said he appreciated everyone's comments and the Clerk's historical reference. He went on to say his understanding of a policy was that when it was in place and you did not adhere to it then there was a penalty in place as well. Again if there is no expectation of what the work hours are, the number of hours worked, the number of days, the amount of time off, how do you tell someone at the end of the year that they are not eligible for a raise. He stated he was willing to withdraw the request. He said this was a chance for us to hold ourselves to a higher standard.

Supervisor Stumbo stated every year we adopt salaries for every position and the Trustees. She said the Trustees salary has been set at a Per Diem rate for attending meetings and the reason for that was the fact that we had a Trustee that did not come to any of the meetings and members of the community did not

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think that was right to continue to pay a salary when not attending meetings. She continued she didn't know how that could be done for a full time elected official, but she said this draft proposal contained a lot more.

Trustee Eldridge responded that everyone had two weeks to think about it and he had only received one call.

Supervisor Stumbo said she thought it was supposed be discussed here, at the Work Session.

Trustee Eldridge said if there is no desire to go forth than he was okay with that and he would not bring it up again.

Treasurer Doe stated when it comes to December and we have resolutions for pay increases, it does take four members of the Board to pass the resolutions, so if four people voted not to give me a raise, he said I wouldn't get one. He continued to say that if someone thinks he was doing something he shouldn't be doing, not putting enough time in or not doing his job properly then a raise could be voted down, so he felt that opportunity was already in place.

Trustee Ross-Williams asked what are the standards for deciding as a Board to give raises to full time elected officials. She said she did not know the process of how raises were arrived at.

Supervisor Stumbo stated communities do it differently, some have a Compensation Committee, but this Board did not want to do that, so a Resolution comes before the Board every year and people vote on it.

Trustee Eldridge questioned how a Compensation Committee would change things because there were not here everyday, nor were the Trustees so they could not be aware of the hours kept by full time officials.

Trustee Wilson asked how would a Compensation Committee or anyone know the information the draft policy requires daily that could result in not receiving a

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raise. He said elected officials are out in the community attending meetings on behalf of the residents.

Trustee Eldridge responded we had not gotten to that point at this time but he agreed the current full time officials were at a lot of meetings during those business hours and it was easy enough to find out, but that was not what he was speaking to. He said again there did not seem to be a will so he would withdraw the proposal to move forward.

Supervisor Stumbo stated that was not true because she had recommended it to be placed in the Policy Manual.

Trustee Eldridge said he still thought there was no will to do it because there was no will to put in parameters and without standards in a policy he didn't know how to hold someone accountable.

Supervisor Stumbo responded you would hold them accountable to same way you do other non-union employees.

Trustee Eldridge asked when an employee currently breaks a policy or doesn't adhere to a policy is there something or punishment, either verbal or something else?

Supervisor Stumbo stated there were work schedules for employees as determined by written policy and communicated to each employee, and altered work schedules shall be subject to the employees Collective Bargaining Contract and by Township policy. Every employee was expected to be regular and punctual in attendance. She stated if we could just incorporate full time elected officials in the policy manual it would at least set an expectation.

Trustee Eldridge said he agreed, if an employee does not meet that standard is there a penalty for them not coming to work on time? Do we not have supervisors that will supervise them?

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Supervisor Stumbo asked who Trustee Eldridge wanted the full time officials supervisors to be?

Trustee Eldridge stated this was the debate we got into last time and we keep saying the people can choose not to re-elect you. He stated he would like to withdraw the proposal.

Trustee Ross-Williams stated she knew Trustee Eldridge was willing to withdraw his proposal but what Supervisor Stumbo suggested was a start.

Clerk Lovejoy Roe stated she felt it was really important that we have policies that are legal. She said the suggestion that we didn't want to hold people accountable was not true. She reported in terms of wages and salaries, there was a time when the economy was really bad and the entire Township Board, including the Trustees were the first people who did not take raises. She said the full time elected officials took pretty hefty wage cuts and cut their pensions drastically and stopped Health Care for the part time Trustees and all members of the Board voted unanimously to do that. She said she thought people thought it was a fair and easier way than the Compensation Committee. She said it was not accurate to say we did not want to police ourselves. She stated though she loved Ms. Kaiser attending the meetings it was the people who walked into the offices, made phone calls and emails that spoke to the issues at hand, and she felt the three full time officials prided themselves in responding to each of those situations within 24 hours. She stated that people who sent those emails and made the phone calls did so because they couldn't be here at the 9 – 5 hours and appreciated a response back outside those business hours. She continued that to her it was all about meeting the needs of the residents. She felt if you only put in the 40 hours a week from 8:30 a.m. to 4:30 p.m., you couldn't effectively meet everyone's requests and needs. Clerk Lovejoy Roe stated people had a history of what they expected out of their officials and cited the Board, under the direction of Supervisor Stumbo had gone beyond the call of duty by getting the GM property developed, other instances such as the SPARK initiative and the YMCA. She said there were a lot of things the Board had accomplished outside that traditional legal requirement of 2,080 hours of work per year. She agreed that

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could be put into a policy of some kind and see what's legal before we have HR look into it.

Arloa Kaiser, Township Resident stated that she was here whenever the Trustee mentioned earlier did not show up or do anything. She stated it was all about accountability. She said Stan had done a great job and it should go into the Policy book for this Board and those in the future.

2. AGENDA REVIEW.....SUPERVISOR STUMBO

A. PROCLAMATON FOR LINCOLN HIGH SCHOOL DIVISION 1 STATE BASKETBALL CHAMPIONSHIP

Supervisor Stumbo said Lincoln High School will be in attendance according to the invitation from Clerk Lovejoy Roe.

Trustee Ross-Williams asked what the status of the last item of business was.

Supervisor Stumbo stated they had started implementing policies for full time elected officials and appointed officials, like cell phone usage, and she felt those expectations could be implemented in the Personnel Policy as well and would come back to the Board for approval. She stated that Stan had asked to withdraw his draft proposal but she had every intention of adding it to that Policy which had already been started.

Supervisor Stumbo explained the next order of business, the Public Hearings section, included more Public Hearings than any other meeting in the past, so possibly there would be a gap in the times allotted to each one, so we will proceed to other business on the Agenda as time allows and then return to the next scheduled Public Hearing.

B. PUBLIC HEARING

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- 1) 7:00 PM – RESOLUTION 2019-14, CREATION OF STREETLIGHT SPECIAL ASSESSMENT DISTRICT #214 LAKEWOOD/MAJESTIC LAKES
- 2) 7:15 PM – RESOLUTION 2019-15, CREATION OF SECURITY CAMERA SPECIAL ASSESSMENT DISTRICT #071 LAKEWOOD/MAJESTIC LAKES
- 3) 7:30 PM – RESOLUTION 2019-16, CREATION OF STREET LIGHT SPECIAL ASSESSMENT DISTRICT #215 PONDS AT LAKEWOOD AND MAJESTIC PONDS
- 4) 7:45 PM – RESOLUTION 2019-17, CREATION OF SECURITY CAMERA SPECIAL ASSESSMENT DISTRICT #072 PONDS AT LAKEWOOD AND MAJESTIC PONDS
- 5) 8:00 PM – RESOLUTION 2019-18, CREATION OF STREETLIGHT SPECIAL ASSESSMENT DISTRICT #216 REDWOOD/NAUTICA POINTS APARTMENTS
- 6) 8:15 PM – RESOLUTION 2019-19, CREATION OF SECURITY CAMERA SPECIAL ASSESSMENT DISTRICT #073 REDWOOD/ANUTICA POINTS APARTMENTS

C. PUBLIC COMMENTS

D. CONSENT AGENDA

- 1) MINUTES OF THE MARCH 5, 2019 WORK SESSION AND MARCH 19, 2019 WORK SESSION AND REGULAR MEETING

Trustee Jarrell Roe thanked Mike Radzik for responding to a report that the cameras had been vandalized and he clarified the cameras had been readjusted.

Trustee Ross-Williams made a request for a correction to the minutes.

STATEMENTS AND CHECKS

- A) STATEMENTS AND CHECKS FOR APRIL 2, 2019 IN THE AMOUNT OF \$627,215.64

E. ATTORNEY REPORT

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1) GENERAL LEGAL UPDATE

Attorney Winters reported Angela King had attended the closing in regard to the Rivergrove Townhomes from the last title holder that conveyed his legal interest of 17.19 acres comprised of 75 lots to the ownership of Ypsilanti Township. He said last year the plan was to seek Requests For Proposals (RFP) to develop the property and that an adjustment may be necessary as the township moves forward now re-seeking a RFP as the land might be part of the Border to Border Connecting Communities Projects and there will be some degree of clarity needed regarding future infrastructure and maintenance. Attorney Winters said if the 75 additional condos were built similar to Phase I, it will be great housing option for Township residents and will increase attendance for Van Buren Schools.

Attorney Winters reported Angela King and Angela Verges had worked out a contract with Friends at Rutherford Pool that made sure the Township was named as an additional insured on the insurance policy.

Attorney Winters said we are the only Township in the State of Michigan that continues to be very aggressive when it comes to handling property owners of houses and apartment complexes that are being utilized to sell illegal narcotics. The CAT Team and LAWNET work hand in glove with each other and keep Mike Radzik informed. He reported raids this last week involved the seizure of fentanyl, which we have learned has been mixed in with heroin and caused a lot of drug overdoses.

Attorney Winters reported the most serious challenge involving environmental clean-up funds from MDEQ ,was for the site at 923 Ecorse Road, the former Forbes Cleaners. He said the MDEQ funds that had been committed to 923 Ecorse Rd. had been redirected for the time being. He reported the Township Officials had a conference call with MDEQ and Supervisor Stumbo had written to our State Officials wanting answers. He said Mary Miller had done an excellent job trying to spearhead that clean-up. He said if these dollars have been reallocated at this time, we have to make sure they are brought back to the Township for the October Fiscal Year State Budget.

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Attorney Winters said he said he anticipated having at the next Board Meeting the One Year Contract Extension for the 2019 Township Firefighters.

Attorney Winters reported on the issue of Recreational Marijuana. He stated he has talked with numerous attorneys, especially those who specialize in the area of those who grow and sell marijuana, around the State of Michigan and until LARA has adopted their rules, as Supervisor Stumbo will share later tonight, he said he recommended that we opt out until everyone is sure of the ground rules. He said work had been done to revise the Ordinance as recommended by MTA and set forth in great detail a Resolution as to what purpose that Ordinance will detail.

Attorney Winters stated Michael Saranen had reported DTE was doing some work at North Hydro that shut down the Dam. Attorney Winters stated Michael Saranen has taken steps to ensure we don't suffer any penalty since we are able to produce electricity and DTE won't let us do so. Attorney Winters said that was all right as long as it didn't affect our \$80,000 escrow payment at the end of the year.

Trustee Ross-Williams commented on 923 Ecorse by thanking Supervisor Stumbo for a letter, and she was sad the money was reallocated and hoped with the new budget, they would put it back to remediate any ongoing issues.

F. OLD BUSINESS

- 1) 2ND READING OF RESOLUTION 2019-07, PROPOSED ORDINANCE 2019-485, AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF YPSILANTI CODE OF ORDINANCES, CHAPTER 42-210 ENTITLED FIREWORKS (1ST READING HELD AT THE MARCH 45, 2019 REGULAR MEETING)**
- 2) 1ST READING OF PROPOSED ORDINANCE 2019-484, AN ORDINANCE PROHIBITING RECREATIONAL MARIJUANA ESTABLISHMENTS WITHIN YPSILANTI TOWNSHIP AS PROVIDED BY THE RECREATIONAL**

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MARIJUANA BALLOT INITIATIVE 1 OF 2018 (TABLED AT THE FEBRUARY 5,
2019 REGULAR MEETING)

Supervisor Stumbo said Attorney King had outlined a process to all the Board Members in an email. She said if it is the will of the Board, it would be necessary to remove this item from Table. She said then a motion to strike out the entire ordinance and to substitute a new resolution and new ordinance would be necessary. She said the new resolution and new ordinance was in the packet and on the Agenda under New Business. She stated if the board votes to strike out the entire ordinance and to allow the substitution then a motion would be required to approve the new resolution and the first reading of the new ordinance.

Trustee Jarrell Roe voiced her appreciation to Attorney King and Attorney Winters for all their work on this item. She felt it got the attention it deserved and she appreciated it and her fellow Board members for their patience.

Supervisor Stumbo stated it was now properly before the Board and Attorney Winters had provided an article from the Free Press stating the item was on the fast track with LARA, so it was very important for the Board to act quickly by gathering the information needed.

Supervisor Stumbo stated she had met with Superior Township regarding the decision to remove the Peninsular Dam. She reported it would affect six to eight Ypsilanti Township residents along the river, Superior Township and the City of Ypsilanti. She reported as they were meeting they mentioned they were going through the same thing regarding the Marijuana issue.

G. NEW BUSINESS

- 1) 1ST READING OF RESOLUTION 2019-20, PROPOSED ORDINANCE
2019-484, PROHIBITION OF RECREATIONAL MARIJUANA
ESTABLISHMENTS**

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Supervisor Stumbo stated if they adopted the 1st Reading of the substituted Resolution and proposed Ordinance then there was no need for this item.

2) REQUEST TO APPOINT RYAN HUNTER TO THE ANN ARBOR AREA TRANSPORTATION AUTHORITY (AAATA) BOARD WITH TERM ENDING APRIL 30, 2024

3) RESOLUTION 2019-08, FEE SCHEDULE AND VALUATION DATA FOR BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, SIGN AND BIKE PATH PERMITS

Supervisor Stumbo stated the request for approval was from Mike Radzik which included 2018 and 2019 and was based on fees from the surrounding area.

4) RESOLUTION 2019-13, PROFESSIONAL SERVICE FEES FOR TOWNSHIP, ATTORNEY, PLANNER, ENGINEER AND FIRE DEPARTMENT

5) REQUEST TO APPROVE AGREEMENT WITH THE WASHTENAW COUNTY ROAD COMMISSION FOR THE INSTALLATION OF NINE (9) SPEED HUMPS ON EDISON AVE. IN THE AMOUNT OF \$61,950.00 BUDGETED IN LINE ITEM #101-446-000-818-022

Supervisor Stumbo stated residents had been trying for some time and had finally succeeded in getting enough signatures for this project. She added Edison was on the list for improvements with the Washtenaw County Road Commission so the timing made perfect sense.

6) BUDGET AMENDMENT #6

Supervisor Stumbo stated this amendment had been revised to include cameras and the DTE costs from the Public Hearings.

H. AUTHORIZATIONS AND BIDS

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1) REQUEST OF SUPRVISOR BRENDA STUMBO TO ACCEPT QUOTES FOR THE FOLLOWING EQUIPMENT

- **TORO 5910 MOWER IN THE AMOUNT OF \$111,739.20 TO BE BUDGETED IN LINE ITEM #101-774-000-977-000 CONTINGENT UPON BUDGET AMENDMENT APPROVAL**
- **FORD F-550 WITH ARBORTECH 11' CHIPPER BODY IN THE AMOUNT OF \$69,969.00 TO BE BUDGETED WITH 80% CHARGED TO LINE ITEM #101-774-000-977-000 AND 20% TO LINE ITEM #226-226-000-977-000 CONTINGENT UPON APPROVAL OF THE BUDGET AMENDMENT**
- **BOBCAT 36" TREE SPADE IN THE AMOUNT OF \$9,866.64 TO BE BUDGETED IN LINE ITEM #212-212-000-977-000 CONTINGENT UPON BUDGET AMENDMENT APPROVAL**

2) REQUEST OF TRAVIS MCDUGALD, IS MANAGER TO ACCEPT THE FOLLOWING PROPOSALS:

- **REQUEST TO ACCEPT PROPOSAL FROM COMCAST FOR THE INSTALLATION OF ETHERNET NETWORK SERVICE BETWEEN NINE (9) TOWNSHIP LOCATIONS WITH INSTALLATION COSTS OF \$40,930.00 AND MONTHLY COSTS OF \$3,202.00 FOR SIXTY MONTHS (60) BUDGETED IN LINE ITEM #101-266-000-857-100**
- **REQUEST TO ACCEPT PROPOSAL FROM ACD FOR INTERNET SERVICE AT THE CIVIC CENTER IN THE AMOUNT OF \$699.95 FOR SIXTY MONTHS**
- **REQUEST TO ACCEPT THE LOW PROPOSAL FROM GRANITE TELECOMMUNICATIONS FOR THE PLAIN OLD TELEPHONE SERVICE (POTS) IN THE AMOUNTY OF \$281.00 PER MONTH FOR TWELVE (12) MONTHS**

3) REQUEST OF TRAVIS MCDUGALD, IS MANAGER TO ORGANIZE A "CASH AND CARRY" EVENT TO DISPOSE OF RETIRED AND/OR

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**OBSOLETE EQUIPMENT AND TO DISPOSE OF ANY UNSOLD ITEMS
THROUGH RESPONSIBLE RECYCLING**

Trustee Jarrell Roe asked Travis McDugald if he had a date for this event and he responded that he did not yet have a date.

Trustee Jarrell Roe asked if this was something that had to have Public Notice and Supervisor Stumbo stated "Yes".

**4) REQUEST OF MIKE SARANEN TO SEEK QUOTES FOR THE NEW
TRUCK FOR HYDRO STATION USE**

Supervisor Stumbo explained a new truck was needed since there was a new full-time employee on board for the Hydro Station.

3. OTHER DISCUSSIONBOARD MEMBERS

Clerk Lovejoy Roe announced there would be an election on Tuesday, August 6, 2019 regarding WISD but there was no language at this time. She reported WCC had a ballot proposal slated for November but efforts were underway to have them move their proposal to the August 6, 2019 election.

Clerk Lovejoy Roe stated workers would be needed and since it would be a smaller election it would be a great opportunity to learn and train to get ready for the big election coming up next November.

Supervisor Stumbo asked when the No Reason AV would be effective.

Clerk Lovejoy Roe stated it would be effective by law for the May Election, but Ypsilanti Township would not have an election this May.

Arloa Kaiser thanked Trustee Ross-Williams for attending the Sugarbrook Neighborhood Watch meeting to provide an explanation regarding the marijuana

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ordinance. She also thanked Crystal Campbell, Community Engagement Coordinator for getting the word out as well.

Trustee Ross-Williams reported she observed a gentleman picking up trash. She she thought he worked for CVS so she stopped to ask and discovered his name was Dave McCloud, a Township resident, just doing it on his own and she wanted to make sure he was recognized.

Trustee Ross-Williams reported she had spoken with Supervisor Stumbo regarding some ways the trash problem could be addressed.

Supervisor Stumbo reported the seasonal employees had started work a little earlier and were working picking up trash and the Work Program with Washtenaw County was being utilized as well anytime they were available. Supervisor Stumbo stated we also have a Professional Services Contract with Looking Good Lawns that had a vacuum they were going to use for trash before they mowed. She reminded everyone the best solution was not to litter in the first place and encouraged everyone to be involved. She recognized a gentleman who was in a wheelchair that kept Ford Boulevard clean. She reported neither MDOT nor Washtenaw County Road Commission had a program to deal with the trash problem.

Work Session ended at approximately 6:26 PM.

Respectfully Submitted,

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti