

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE MAY 5, 2010 SPECIAL MEETING**

The meeting was called to order by Supervisor Brenda L. Stumbo at approximately 8:30 a.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 Jean Hall Currie, Stan Eldridge, Mike Martin and Dee Sizemore

Members Absent: None

Legal Counsel: Wm. Douglas Winters, Angela King and John Hancock

1. CONSIDER REQUEST OF FIREFIGHTER NEGOTIATION TEAM TO APPROVE EARLY RETIREMENTS AND REDUCE MINIMUM STAFFING LEVEL FROM EIGHT TO SIX

A motion was made by Trustee Currie, supported by Trustee Sizemore to approve firefighter early retirements and reduction of minimum staffing level from eight to six at the request of the Firefighter Negotiation Team.

Chief Copeland provided a very detailed presentation of the proposed firefighter early retirement proposal. A copy of the presentation was distributed to Board Members and displayed on the monitors.

Trustee Martin asked if he understood that the Chief had proposed using taxpayer dollars to support a change in the defined benefit plan, if the Township had other contracts with defined pension benefit plans and was the pension fund sustainable with the proposed reductions. He stated the perpetual saving would only be realized if no additional firefighters were hired.

John Hancock, Township Labor Attorney stated there was a defined benefit plan with all the Township unions and the increased contribution to the pension fund would pick up the increased liability.

Trustee Martin asked where was the return on the investment to the Township through negotiated reductions. He also inquired if the six person minimum staffing guaranteed there would be no layoffs.

Attorney Hancock stated the proposal to reduce staffing came from the firefighter's bargaining team and there was not a final contract, so negotiations would continue. The agenda item before the Board would go into effect immediately because it was an immediate reduction in cost. He stated layoffs had not been discussed and the agreement committed to a six-person staffing.

Trustee Eldridge asked Chief Copeland if the desired negotiated settlement was not obtained, was there a no layoff guarantee; would the reduction in personal effect the ISO rating and had there been any other considerations for funding the fire department operations.

Chief Copeland responded there had been no guarantee made to the firefighters that layoffs would not occur, the reduction in staff could possibly affect the ISO rating and the negotiating team has looked at grants and other collaborative ways of sharing resources as a way of funding the department.

Supervisor Stumbo stated that an ISO review had not been done in twenty-five (25) years. She explained that if the proposal had not been brought forward, it would have been necessary to layoff in order to stay within the Township's current revenues.

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Clerk Lovejoy Roe stated the Ypsilanti Township Board has always been extremely, fiscally conservative and for that reason, the Township had received a bond rating increase. She stressed it was a big decision but it would save \$8 million dollars of taxpayer money. Clerk Lovejoy Roe said the employees had done a great job; especially, the employees on thirty-two hours.

Trustee Martin said he understood future collective bargaining was still necessary to balance the budget. He asked a union representative if they were committed to negotiating and if they were aware that the early retirements did not preclude possible, future layoffs.

Trustee Eldridge asked Firefighter James to explain how the union could continuously ask for additional firefighters and a millage increase and arrive at this decision. He also asked about the NFPA, two-in and two-out standard.

Firefighter James said the union was told there would be layoffs if something wasn't worked out. He said cutting staffing was a management issue and the union could not dictate the number of employees the Township retains.

Lieutenant Gakle said the two-in and two-out was a MIOSHA law and the NFPA standards were far more restrictive and not adopted by most townships. He explained the law but said there were times they would enter a building based on a judgment call.

Chief Copeland stated that under MIOSHA, there was an exception that they may enter the building on a confirmed rescue.

Trustee Eldridge questioned why they were not exploring the option of a millage increase to provide the needed funding. He thought the taxpayers should decide rather than take taxpayer money to increase and improve defined pensions without their input.

Chief Copeland stated that he wanted to explore every means possible to operate inside his current revenues and a millage increase would be the last alternative.

Trustee Eldridge said this was a big decision that involved a lot of money and he felt the millage option should be explored.

Chief Copeland explained that the union presented the early retirement proposal and this was their attempt to assist the Township in arriving at the necessary target. He said the proposal was the product of collaboration and cooperation and he appreciated the effort made by his firefighters.

Treasurer Doe stated if the proposal passed and the Board eventually had to seek a millage, it would only be necessary to ask for .3 mills rather than .8 or .9 mills. He thought that would be much more acceptable to the residents. Treasurer Doe thought it was important for the Board to keep the millage rate down as had been promised to the taxpayers. He felt a millage increase would be the last resort.

Clerk Lovejoy Roe said she was confident that the firefighters would come to the table with some creative ideas to help the Chief manage the budget and still keep the residents safe.

Trustee Currie said she was for saving money and she was 100% for saving the Township money. She stressed that she did not realize how much money would be saved with the early retirements and she would support it.

Trustee Eldridge asked if using the Township's fund balance to assist the firefighters had ever been discussed. He said his concern was using taxpayer money to enhance a defined retirement pension.

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Supervisor Stumbo asked if he would rather layoff firefighters.

Trustee Eldridge said he had a problem using taxpayer money to enhance a retirement pension when other option had not been reviewed, including the Township's fund balance.

Trustee Martin asked Chief Copeland if the six-man staffing was adequate and was the drive behind the proposal to avoid layoffs if an agreement could not be reached.

Chief Copeland stated in structural firefighting, it would be considered understaffed but when there's more than the room and contents involved, a mutual-aid response was triggered. He said the six-man minimum was the most effective way to keep stations open and have trucks rolling out of every station based on the current Ypsilanti Township operational standard.

Trustee Martin stated the jobs in the Township that could become life threatening in a moment were police officers and firefighters. He said he was very reluctant to put them in a position where they were short staffed or normally had to violate MIOSHA law. He wondered how much money that was worth.

Attorney Hancock stated the entire debate was driven by money. The union realized that and he thanked them for their cooperation. He said the statement made at the beginning of negotiations still held true. The revenue generated by the fire millage was only enough to pay for twenty-one (21) firefighters at current cost. Attorney Hancock stressed that neither side liked the six-man minimum but that was all the revenue could provide and revenue continued to decrease.

Trustee Eldridge questioned if the Township has a reserve fund and had assisted other departments in the past, was it appropriate or legal to assist the fire department with the funds they needed. He said he was aware that it would not solve the long-term problem but it would give additional time to come up with other options.

Supervisor Stumbo said as a new Supervisor under these conditions, it had been a challenge for the Township and the residents. She said historically, direction had always been given to live within the millage and it was the philosophy to not use fund balance for operations. Supervisor Stumbo explained that millage money was separate and normally, general fund money was not given to other millages. She stated things were beginning to look up and that businesses were growing, home values had stabilized, and new building permits for homes had been issued. Supervisor Stumbo stated the Township employees would not be on a 32-hour schedule, if it wasn't necessary. The other employees would not have taken a 3% reduction and the Board would not have taken the reduction if it wasn't necessary. She stated she would support the proposal.

Trustee Martin asked the feasibility of using the Township fund balance. He felt they were buying a pig in a poke because although there were initial savings, they had no way of knowing the real savings until the collective bargaining process was complete.

Clerk Lovejoy Roe said the Township fund balance was preferred by the auditors and there was nothing that indicated it was only temporary. She said right now it was in the box and she felt there would be more savings than projected. Clerk Lovejoy Roe stated that AFSCME took a huge, huge hit and to now say the Board was going to use fund balance to finance the firefighters would be unthinkable. She stressed it would be against everything she believed in, both personally and professionally. To take money out of fund balance to give to another union would crush the employees. Fund balance should be used only for a one-time expense and not for operations. She reminded the Board that the Township received a great bond rating because of being fiscally conservative.

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Trustee Martin thought to say the Township was worried about a bond rating and to say there was money in reserve when cutting core services and putting people at risk was short-sighted.

Trustee Eldridge agreed with Trustee Martin. He said he would hate for a resident or firefighter to be injured or worse because of too few firefighters. He said that was his big concern.

Supervisor Stumbo stated that Chief Copeland said he could do it safely and she would take him at his word.

The motion carried as follows:

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| Doe: Yes | Roe: Yes | Stumbo: Yes | Sizemore: Yes |
| Currie: Yes | Eldridge: No | Martin: No | |

2. EXTENSION OF CONTRACT WITH GOVERNMENTAL CONSULTANT SERVICES, INC. FOR UP TO 90 DAYS TO CONTINUE WORK ON BOATHOUSE GRANT, WITH BUDGET AMENDMENT OF \$9,000 TO FOLLOW AT THE NEXT MEETING

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve extending the contract with Governmental Consultant Services, Inc. (GCSI) for up to 90 days to continue work on Boathouse Grant and other issues, with budget amendment of \$9,000 to follow at the next meeting. The motion carried unanimously.

Supervisor Stumbo provided a brief explanation of their involvement in the grant and other Township issues.

3. WHITTAKER ROAD BIKE PATH EASEMENT AGREEMENTS

Supervisor Stumbo explained this item had previously failed with a tie of three to three. She said the concern of Board Members was the third parcel where the owner would not agree to the easement. The full-time officials learned from the Road Commission that an eight foot bike path could be installed without the owner signing an easement agreement once the roundabout was finished. She stressed it was a solution for the third connection and that was why it was placed back on the agenda.

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to allow Trustee Sizemore to abstain from voting due to a financial gain if approved.

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| Doe: Yes | Roe: Yes | Stumbo: Yes |
| Currie: Yes | Eldridge: Yes | Martin: Yes |

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve the Whittaker Road Bike Path Easement Agreements and authorized the Township to pull a permit to construct the bike path, if the third property owner did not agree to the easement.

Sandy Andresen, Park Commissioner stated she had been working on the non-motorized pathway system within Ypsilanti Township for over a year. She felt it was the moral responsibility of elected officials to provide hiking, biking and walking trails for the residents. Ms. Andresen provided an extensive explanation of why she supported the bike path.

Trustee Martin asked if Mr. Evans would receive a payment if the Road Commission easement was utilized and if not, why wouldn't the county easement be used for the entire length of the project to save the Township money.

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Treasurer Doe explained that using the county easement was a last resort. The bike path along the third parcel would run alongside the road curbing and it would only be eight foot instead of ten foot. Discussion followed.

The motion carried unanimously.

**Doe: Yes Roe: Yes Stumbo: Yes
Currie: Yes Eldridge: Yes Martin: Yes**

4. BUDGET AMENDMENT #5

A motion was made by Clerk Lovejoy Roe, supported by Trustee Sizemore to approve Budget Amendment #5. The motion carried unanimously.

Trustee Eldridge asked why the Board would approve a budget amendment prior to discussing the item that generated the amendment.

Supervisor Stumbo explained a budget amendment needed to be in place before the item could be voted on. She said if the agenda item was not approved the budget amendment would not be made.

Mike Radzik, Office of Community Standards Director provided a brief summary of the proposal to authorize police overtime in the amount of \$67,000 and to contract with the Washtenaw County Sheriff's Department for the Lincoln School Liaison in the amount of \$33,000. He also explained how the overtime would be evaluated.

Trustee Eldridge raised concerns about the cost of the contracting for the liaison. He felt the amount was excessive and wanted to insure the Township was not paying for more than ten weeks of service and receiving only ten weeks of service.

Mr. Radzik explained how the amount was calculated. He also stated the county guaranteed there would be no more than two weeks vacation or ten benefit days used during the ten weeks. Mr. Radzik said the intent was to have high visibility on the street to address quality of life issues and strict enforcement of curfew, youth loitering and any other identified issues. Discussion followed.

Supervisor Stumbo stated the contact would come back to the Board for approval.

Trustee Martin questioned where the funds for the budget amendment of \$208,500 was coming from.

Clerk Lovejoy Roe stated the detailed information showed the cost as a pass-through. She explained the Township would receive CDBG funds to do local roads in the designated areas.

5. AGREEMENT WITH WASHTENAW COUNTY ROAD COMMISSION FOR 2010 PROPOSED CDBG FUNDED PROJECTS

A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to approve the agreement with Washtenaw County Road Commission for 2010 proposed CDBG funded projects and to authorize signing of the agreement. The motion carried unanimously.

6. 1ST READING RESOLUTION NO. 2010-05, PROPOSED ORDINANCE NO. 2010-404 – AMENDING THE TOWNSHIP'S ZONING CODE, ORDINANCE 74, ARTICLE II, SECTION 201 (DEFINITIONS) AND ARTICLE XII LIGHT INDUSTRIAL - DEFINE MEDICAL MARIHUANA DISPENSARIES, MEDICAL MARIHUANA NURSERIES, AND REGULATE THEIR LOCATION (TABLED AT THE APRIL 20, 2010 REGULAR MEETING)

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A motion was made by Clerk Lovejoy Roe, supported by Trustee Currie to remove the agenda item from the table. The motion carried as follows:

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| Doe: | Yes | Roe: | Yes | Stumbo: | Yes | Sizemore: | Yes |
| Currie: | Yes | Eldridge: | Yes | Martin: | Yes | | |

A motion was made by Clerk Lovejoy Roe, supported by Trustee Sizemore to 1st Reading Resolution No. 2010-05, Proposed Ordinance No. 2010-404 – amending the Township’s Zoning Code, Ordinance 74, Article II, Section 201 (Definitions) and Article XII Light Industrial - define medical marihuana dispensaries, medical marihuana nurseries, and regulate their location. The motion carried as follows:

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| Doe: | Yes | Roe: | Yes | Stumbo: | Yes | Sizemore: | Yes |
| Currie: | Yes | Eldridge: | Yes | Martin: | Yes | | |

Angela King, Township Attorney provided an overview of the ordinance. She explained that definitions were created for both the dispensaries and the medical marihuana nurseries.

Supervisor Stumbo stressed that without this ordinance, dispensaries could be located in residential neighborhoods each with seventy-two (72) plants.

7. 1ST READING RESOLUTION NO. 2010-07, PROPOSED ORDINANCE NO. 2010-405, AMENDING CHAPTER 42, ARTICLE VII, DIVISION 1, SECTION 324, ENTITLED “CURFEW FOR MINORS AND PARENTAL RESPONSIBILITY” OF THE CHARTER TOWNSHIP OF YPSILANTI CODE OF ORDINANCES

A motion was made by Clerk Lovejoy Roe, supported by Trustee Sizemore to approve 1st Reading Resolution No. 2010-07, Proposed Ordinance No. 2010-405, amending Chapter 42, Article VII, Division 1, Section 324, entitled “Curfew for Minors and Parental Responsibility” of the Charter Township of Ypsilanti Code of Ordinances. The motion carried as follows:

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| Martin: | Yes | Eldridge: | Yes | Currie: | Yes | Sizemore: | Yes |
| Roe: | Yes | Doe: | Yes | Stumbo: | Yes | | |

Attorney King provided an overview of the ordinance. She explained the exception in the ordinance was approved by the federal courts as consistent with the constitutional principles, including the first amendment principles.

Trustee Eldridge inquired if the 90-day penalty was for the parent of the child who violated the ordinance or for the violator.

Attorney King stated the minor could be seventeen and in that case, it would apply to them. She said that she had not seen the Judge send anyone to jail for a curfew violation.

Trustee Martin said he understood this was a primary concern but he thought it was a knee-jerk reaction and the ordinance was a little bit Orwellian. He said if the intent of a minor was to break into homes, he didn’t believe they were concerned if they did it before ten o’clock at night. Trustee Martin felt there were a lot of loopholes in the ordinance.

Mr. Radzik said the curfew law had been in effect for ten or fifteen years with an 11 p.m. deadline and it was adopted as a response to the gang problem. He was it was a very effective tool for law enforcement and it would mainly address minors hanging out on the street.

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- 8. AUTHORIZATION FOR POLICE OVERTIME IN THE AMOUNT OF \$67,000 AND TO CONTRACT WITH THE WASHTENAW COUNTY SHERIFF'S DEPARTMENT FOR THE LINCOLN SCHOOL LIAISON IN THE AMOUNT OF \$33,000**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Currie to authorize police overtime in the amount of \$67,000 and to contract with the Washtenaw County Sheriff's Department for the Lincoln School Liaison in the amount of \$33,000. The motion carried unanimously.

- 9. AUTHORIZATION TO ACCEPT BID FROM PETERS BUILDING IN THE AMOUNT OF \$39,253 TO DEMOLISH 2403 E. MICHIGAN AVENUE**

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to award bid to Peters Building in the amount of \$39,253 for demolition of 2403 E. Michigan Avenue. The motion carried unanimously.

Trustee Eldridge questions if Peters Building had a background in demolition. He also asked about the phrasing of "most qualified, low bidder".

Ron Fulton, Building Director stated that the company did have a background in demolition and the phrasing "most qualified, low bidder" had been in every recommendation brought before the Board. He said that phrasing insured the most qualified bidder is awarded the job in the event that the lowest bidder was not qualified.

10. STATEMENTS & CHECKS

A motion was made by Treasurer Doe, supported by Trustee Sizemore to approve statements and checks in the amount of \$1,355,188.64. The motion carried unanimously.

Meeting was adjourned at approximately 9:40 p.m.

Respectfully submitted,

Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti