

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE AUGUST 17, 2010 REGULAR MEETING**

The meeting was called to order by Supervisor Brenda L. Stumbo at approximately 7:00 p.m. in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township. The Pledge of Allegiance was recited and a moment of silent prayer was observed.

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

Members Absent: Trustee Dee Sizemore

Legal Counsel: Wm. Douglas Winters

PUBLIC COMMENTS

Angela Barbash, West Willow Neighborhood Watch Association stated there was increased police presence in West Willow and a Citizen's Patrol was being organized.

Wilma Goad Jones, Creekside Village West Pool and Recreation Association stated they had been notified by Pulte Homes that the pool would be turned over to the Recreation Association. The community was divided about assuming the responsibility of the pool and they were unable to obtain any information regarding maintenance cost from Pulte Homes. The association was concerned that the Township would return the bond money before the issue was resolved. Ms. Jones asked the Township to intervene on behalf of the association.

Joe Lawson, Planning Director said according to the meeting minutes, Pulte representatives stated the pool would be turned over to the Homeowners Association once 70% of the homes in the three subdivisions had been built out. The subdivisions included were Creekside Farms, Creekside Village East and Creekside West.

Supervisor Stumbo said the Township could assist with the concerns of the residents but she suggested the association also seek legal counsel.

Attorney Winters stated he was not satisfied with Pulte Homes. He said residents had paid their association fees but he did not know where the money had gone. Attorney Winters stressed he was not comfortable releasing any bond money.

Robert Jones, Vice President, Creekside Village West Homeowners Association stated their dues were collected and sent to the Recreation Association. He said he was concerned that Lombardo Homes had advertised the pool as an amenity of the Creekside Village East subdivision although they said they were not going to pay for any of the vacant lots in the subdivision.

Mr. Windeland, Lombardo Homes clarified that Creekside Village South did not have any connection or rights to the pool facility. He stated that Lombardo would be willing to meeting with the Township and any concerned residents. Mr. Windeland stated he did not believe the covenant and deed restrictions for Creekside Village East contained any reference to the pool being turned over at 70%. He said that might have been a separate document.

Arloa Kaiser, Township Resident encouraged those in attendance to speak to their neighbors about the police millage to help get it passed.

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MINUTES OF THE JULY 20, 2010 WORK SESSION AND REGULAR MEETING

A motion was made by Treasurer Doe, supported by Trustee Eldridge to approve the minutes of the July 20, 2010 Work Session and Regular Meeting. The motion carried unanimously.

SUPERVISOR REPORT

She provided an overview of meetings attended by the three full-time officials and Township staff since the board meeting.

Jeff Allen, Residential Services Director said he had been notified the Township would be receiving an additional grant from the Department of Energy in the amount of \$950,000 for a project that was submitted for the police and court building, the Community Center and an emergency generator for the Civic Center. He explained the Township would end up with \$2.376 million dollars worth of energy improvements for the out-of-pocket amount of \$990,000.

CLERK REPORT

Clerk Lovejoy Roe stated the primary election went well. The election workers used the electronic poll books that the Township received through a grant and the closing of the polls went much quicker. She thanked everyone that helped to make her first big election a success.

TREASURER REPORT

A. JULY 2010

Treasurer Doe gave the report for July 2010. The beginning balance was \$31,207,382.92 and the ending balance was \$27,993,370.92.

A motion was made by Trustee Eldridge, supported by Clerk Lovejoy Roe to receive and file the July 2010 Treasurer's report (see attached). The motion carried unanimously.

TRUSTEE REPORT

Trustee Martin stated the Water Conservation Advisory Commission discussed possible grants for the aeration project and Stanteck would put together a proposal to help solicit a grant. It would be an annual grant of approximately \$250,000 to \$1 million over 5 years. He said the grant would not pay for the upkeep and the Township would be responsible for approximately \$30,000 a year for 10 years. He further stated the study done on Paint Creek showed the water traveled too fast and there currently is not a way to control the soil erosion.

Trustee Eldridge provided a brief update on Police Services. He briefly reviewed the meetings held over the summer and said a joint meeting was planned with the City of Ypsilanti to discuss.

ATTORNEY REPORT

A. GENERAL LEGAL UPDATE

Attorney Winters provided an update on the nuisance properties currently in court and briefly summarized the roof and mold issues at Gault Village Shopping Center.

OLD BUSINESS

1. AUTHORIZE SIGNING OF MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) LETTER OF AGREEMENT AND GOVERNING BODY RESOLUTION (TABLED AT THE JULY 20, 2010 REGULAR MEETING)

A motion was made by Treasurer Doe, supported by Trustee Eldridge to remove the agenda item from the table.

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

Supervisor Stumbo provided background details of the elimination of the John Hancock pension fund and the transfer of the three full-time officials to the MERS plan. She stated that she and Treasurer Doe had enough money in their John Hancock account to purchase all their prior years of service but Clerk Lovejoy Roe did not. Supervisor Stumbo said in the emails included in the packet, MERS stated the action in December included all three full-time officials and in fairness to that determination by MERS, she would be voting in favor of the agenda item.

A motion was made by Treasurer Doe supported by Clerk Lovejoy Roe to authorize signing of the MERS Letter of Understanding and the Governing Body Resolution.

Clerk Lovejoy Roe read the Letter of Understanding into the record. She explained the only two types of service that could be purchased were governmental and generic and she distributed a MERS article, which detailed that information. Clerk Lovejoy Roe further explained the purchase of service credits must be approved by the governing body and all employees within the same division must be given the same opportunity to purchase service credits.

Trustee Martin stated his recollection of the meeting was that the Board approved allowing the three full-time officials to rollover whatever money they had in their John Hancock account. He said that was what the Board approved and even though MERS allowed the purchase, that was different from what was discussed and approved at the meeting.

Trustee Eldridge stressed it was never his intent to allow service time to be purchased. He said his full intent was to allow the three full-time officials to rollover funds from one account to another, whatever the amount was in the fund. Trustee Eldridge stated that all three were treated in the same manner and he did not recall ever talking about buying service.

Treasurer Doe said he thought the purpose of rolling over the funds was to buy their years of services and he felt it was unjust to allow two of the full-time officials to purchase their years of service but not allow the third full-time official. He stated it was very clear in their meetings with MERS, that it did not matter where the money came from when purchasing the service credits. Treasurer Doe said he felt it was an opportunity by the Board, to allow them to buy their years of service, which actually did happen for the Supervisor and Treasurer but not for the Clerk. He stressed in fairness that they all be treated equally.

Trustee Martin stated that each full-time official rolled over whatever they had in the John Hancock account and that was fair and equal treatment. He stressed that the Board did not discuss about someone removing previous pension funds, investing it somewhere else and then taking that money and wanting to roll it into the MERS plan. Trustee Martin said he could not support allowing someone to purchase more time than anyone else could. He said since employees, in the past, were allowed to purchase five years of service and even though it was a deviation from what was discussed in December, he would support the purchase of five years.

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Clerk Lovejoy Roe said the email from MERS stated that clarification was needed on the intent of the Board even for Supervisor Stumbo and Treasurer Doe to purchase their service credits. She explained that governmental service was time actually worked and generic service was not. Clerk Lovejoy Roe reiterated that MERS' defined benefit plan did not allow the Board to pick and choose who could buy service credits and that all employees in the same division must be given the same opportunity to purchase their service. She stated in retrospect, the Board did not technically authorize the purchase of prior service credits by any of the three full-time officials at the December meeting. Clerk Lovejoy Roe explained MERS and everyone else knew that the funds in her John Hancock account were not enough to purchase all of her prior years of service and

MERS specifically asked her to wait before rolling over her other funds until the exact amount was calculated. She further explained that if she had rolled over her other money at the same time as Supervisor Stumbo and Treasurer Doe, this item would not be before the Board. Instead of waiting for all her funds, MERS credited her with the years of service that could be purchased with her John Hancock fund, which amount to 2.7 years. Now because of a technical loophole at MERS additional information was needed. She stressed the issue now was whether the Board was authorizing the three full-time officials to purchase their governmental service and not five years of generic service.

Trustee Martin stated that the funds rolled over from John Hancock allowed Supervisor Stumbo to purchase her prior years, Treasurer Doe's funds purchased his prior year, and Clerk Lovejoy Roe's funds purchased 2.7 years. He said that was credited time. He further added that Dawn Grabinski's email dated April 27, 2010 stated, "If Ms. Roe plans on rolling funds over from a qualified account, form #38-Qualified Fund Rollover will need to be completed as well". Trustee Martin said that told him it was not the same process the Supervisor and Treasurer used, it was a different process.

Clerk Lovejoy Roe said the Supervisor and Treasurer had already completed that form and it was for tax purposes. She asked if it was the intention of the Board not to allow her to purchase her prior years of service because she did not have the money in the John Hancock account and that no employee could purchase any prior governmental time unless they actually had money in a plan.

Trustee Martin stated he was talking about what the Board discussed and what he believed they agreed to at the December meeting. He said the Board agreed to eliminate the John Hancock pension plan and to allow the three full-time officials to take whatever existing funds they had in the same fund, roll it into MERS and get credit for what those funds would buy. Trustee Martin stressed the Board did not discuss being able to go into a personal account and buy additional time that was not in the Hancock fund at the time when the Board severed the association with that plan. He said based on his recollection, that was what was discussed and anything else would be a modification to what was agreed upon by the Board.

Clerk Lovejoy Roe said the agenda item before the Board was to clarify the Board's intent and to make it clear. She stated it would eliminate any confusion over what each Board Member thought the Board agreed at the December meeting. Clerk Lovejoy Roe asked Trustee Martin if he had an issue modifying what he thought they agreed on.

Angela Barbash, West Willow Neighborhood Watch Association asked for clarification of governmental service years and generic years. She also questioned if moving money from the Hancock account to a personal account gave Clerk Lovejoy Roe an unfair advantage when purchasing service credits.

Clerk Lovejoy Roe explained the difference between governmental service years and generic years. She further explained that MERS determined the cost for the purchase of

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service credits based on age and several other criteria and you cannot purchase more governmental service credit than you have actually worked.

Trustee Martin told Clerk Lovejoy Roe that she had eight years in the pension fund when she, of her own volition decided to take that money and invest it somewhere else. He said that otherwise, she would have 10.7 years in the fund now and he would support the purchase of five years because another employee was allowed to purchase five years. Trustee Martin said that would give her 7.7 years and when she was re-elected, she would be vested. He then called the question and asked to a vote.

A motion was made by Trustee Martin, supported by Trustee Eldridge to call the question. The motion failed as follows:

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

Clerk Lovejoy Roe stated the five generic years were not on the agenda. She expressed her appreciation for Trustee Martin's support of allowing her to buy five years but she said she needed the other two years. Clerk Lovejoy Roe said approval of the Letter of Understanding was important because the resolution and ordinance that was approved in December 2009 eliminated the John Hancock pension and allowed the three full-time officials to join MERS. They did not mention anything about our time or our service credit. She said she thought they were all under the assumption, including MERS that when the Board approved the full-time officials joining MERS that it also meant the full-time officials could buy their governmental service credits. She explained that if she had written a check for the total amount at the same time Supervisor Stumbo and Treasurer Doe transferred their money, this would not have come to the Board. Clerk Lovejoy Roe clarified that when the confusion arose, Supervisor Stumbo felt it should be brought to the Board since the Board had not officially authorized the purchase of governmental service for any of the full-time officials.

Supervisor Stumbo suggested a possible solution would be instead of five generic years, the Board could allow Clerk Lovejoy Roe to purchase five years of governmental service.

Trustee Martin said he was fine with her purchasing five years of service.

Clerk Lovejoy Roe said she would purchase whatever the Board would allow but she wanted to make sure, as a matter of record that it was the Board's intent to allow Supervisor Stumbo and Treasurer Doe to buy all their service time that they had worked for Ypsilanti Township but to only allow her to purchase 2.7 years.

Trustee Martin said he wanted to make it clear that the intent was to allow the three full-time officials to buy the credit time they had in the pension fund at the time. He stated they were now making an exception to allow Clerk Lovejoy Roe to buy five years of governmental service. He stressed that was the intent.

Clerk Lovejoy Roe, for clarification, asked if the intent was just to allow the full-time officials to purchase only what could be rolled over.

Trustee Martin replied that was the intent.

Supervisor Stumbo said this action was adding to the intent to allow Clerk Lovejoy Roe to buy five more years and authorize signing of the resolution. She asked if that would be a friendly amendment.

Treasurer Doe asked if it was five years of her governmental time.

Supervisor Stumbo replied yes.

Clerk Lovejoy Roe stated it was a friendly amendment and she appreciated it.

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Supervisor Stumbo said the resolution would be adjusted from 7.5 years to 5 years and the Letter of Understanding would be changed to allow Clerk Lovejoy Roe to purchase five years of governmental service and to authorize signing of both.

A friendly amendment was made by Trustee Martin to allow Clerk Lovejoy Roe to purchase five years of governmental service credit and to authorize signing of the resolution and Letter of Understanding. The friendly amendment was accepted.

The motion carried unanimously.

NEW BUSINESS

1. RESOLUTION APPROVING REFUNDING CONTRACT FOR CERTAIN MATURITIES OF THE YPSILANTI COMMUNITY UTILITIES AUTHORITY (YCUA) 2000 SANITARY SEWER SYSTEM NO. 2 BONDS

A motion was made by Clerk Lovejoy Roe, supported by Trustee Currie to approve the refunding contract for certain maturities of the YCUA 2000 Sanitary Sewer System No. 2 Bonds. The motion carried unanimously.

2. RESOLUTION APPROVING CONTRACT AND AUTHORIZING NOTICE FOR INSTALLATION OF VARIOUS WATER MAINS AND RELATED IMPROVEMENTS ON HOLMES ROAD AND FORD BOULEVARD

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve the contract and authorizing notice for installation of various water mains and related improvements on Holmes Road and Ford Boulevard. The motion carried unanimously.

3. REQUEST OF SOUTHWESTERN MICHIGAN ATHLETIC CLUB FOR A CHARITABLE GAMING LICENSE

A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to approve the request of the Southwestern Michigan Athletic Club for a charitable gaming license. The motion carried unanimously.

4. REQUEST OF RAINBOW HOSPITALITY, LLC TO TRANSFER CLASSIFICATION OF 2010 TAVERN LICENSE TO A CLASS C LICENSE, LOCATED AT 2874-2876 WASHTENAW AVENUE (REFERRED TO THE LIQUOR COMMITTEE AT THE JULY 20, 2010 REGULAR MEETING)

A motion was made by Trustee Eldridge, supported by Trustee Currie to approve the request of Rainbow Hospitality, LLC to transfer classification of 2010 Tavern License to a Class C License located at 2874-2876 Washtenaw Avenue, contingent on payment of all back taxes. The motion carried unanimously.

Trustee Eldridge said the Liquor Committee met with the applicant and he said this was a business that was rapidly evolving into a national franchise. He said they planned to use Ypsilanti Township as their national headquarters. Trustee Eldridge said there was an issue with the back taxes from the previous owner and the applicant agreed to bring the taxes current by the end of the month. The Liquor Committee recommended approval of the request, contingent upon payment of the back taxes.

5. BUDGET AMENDMENT #9

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve Budget Amendment #9 (see attached). The motion carried unanimously.

6. RESOLUTION NO. 2010-13, NEW POLICE SERVICES MILLAGE

A motion was made by Clerk Lovejoy Roe, supported by Trustee Currie to approve Resolution No. 2010-13, New Police Services Millage (see attached). The motion carried unanimously.

Supervisor Stumbo stated there was a lengthy discussion by the Board at the work session and the Board agreed to 1.5 mills. She said the proposal would be place on the November 2, 2010 ballot.

Clerk Lovejoy Roe said she would support 1.5 mills but felt the Board should be asking for 2 mills so additional deputies could be hired.

Trustee Martin stated he was supporting the millage request because he felt it was necessary and it was in the best interest of the residents.

7. 2010-2011 AGREEMENT WITH HURON VALLEY AMBULANCE FOR FIRE DISPATCHING SERVICE, BUDGETED IN LINE ITEM 206.206.000.857.001

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve the 2010-2011 agreement with Huron Valley Ambulance for Fire Dispatching Service. The motion carried unanimously.

8. REQUEST TO RETAIN PROFESSIONAL SERVICES OF ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC. (ECT), NOT TO EXCEED \$10,000, BUDGETED IN LINE ITEM #101.780.000.801.000 AND AUTHORIZE SIGNING OF THE PROPOSAL

A motion was made by Treasurer Doe, supported by Clerk Lovejoy Roe to retain the professional services of Environmental Consulting & Technology, Inc., not to exceed \$10,000 and to authorize signing of the proposal. The motion carried unanimously.

Trustee Martin said he felt it was a lot of money to pay someone for help with obtaining a permit.

Supervisor Stumbo explained the permitting process was extremely detailed and errors in filing could end up in fines.

Roy Shrepnick, ECT Consulting provided a brief summary of the necessary steps in completing the permit. He explained the Township had employees capable of working on the permit but need additional expertise that would be supplied by the consulting firm.

OTHER BUSINESS

The Board agreed to add the following items to the agenda.

1. REQUEST OF RON FULTON, BUILDING DIRECTOR TO SEEK SEALED BIDS AND TO AWARD THE BID TO THE LOWEST, MOST QUALIFIED BIDDER FOR THE DEMOLITION OF PROPERTIES LOCATED AT 1735 S. CONGRESS, 146 N. FORD BLVD., 599 E. GRAND, 138 S. HARRIS, 140 S. HARRIS, 1948 N. HURON RIVER DRIVE, 1565 E. MICHIGAN AVENUE, 2485 E. MICHIGAN AVENUE, 2004 E. MICHIGAN AVENUE AND 2079 BRADLEY.

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to authorize accepting sealed bids and to award the bid to the lowest, most qualified bidder for the demolition of properties located at 1735 S. Congress, 146 N. Ford Blvd., 599 E. Grand, 138 S. Harris, 140 S. Harris,

1948 N. Huron River Drive, 1565 E. Michigan Avenue, 2485 E. Michigan Avenue, 2004 E. Michigan Avenue and 2079 Bradley. The motion carried unanimously.

Supervisor Stumbo clarified that the demolition would be paid for through the Neighborhood Stabilization Program.

2. REQUEST OF LOMBARDO HOMES TO PULL AN ADDITIONAL FIVE (5) BUILDING PERMITS WHILE THE DEVELOPMENT AGREEMENT WAS BEING COMPLETED.

Supervisor Stumbo stated the Board had previously authorized five building permits while work was being done on the development agreement but it had not been completed. Lombardo Home had five more potential purchases and was requesting the additional permits.

Greg Windeland asked based on the sales success at Creekside Village East, if the Board would consider authorizing additional permits contingent on their cooperation.

Supervisor Stumbo stated she preferred they come back to the Board because it encouraged them to complete the development agreement.

A motion was made by Trustee Eldridge, supported by Clerk Lovejoy Roe to authorize five new permits for Creekside Village East until the development agreement was executed. The motion carried unanimously.

3. SET A JOINT MEETING OF THE YPSILANTI TOWNSHIP BOARD AND THE CITY OF YPSILANTI FOR SEPTEMBER 13, 2010 AT 5:30 P.M. IN THE CIVIC CENTER BOARD ROOM

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to set a Special Joint Meeting with the City of Ypsilanti to discuss Police Services on Monday, September 13, 2010 at 5:30 p.m. in the Civic Center Board Room. The motion carried unanimously.

4. AUTHORIZATION TO INITIATE LEGAL ACTION IN WASHTENAW COUNTY CIRCUIT COURT TO ABATE THE PUBLIC NUISANCE FOR THE PROPERTY KNOWN AS GAULT VILLAGE SHOPPING CENTER.

Attorney Winters provided a brief overview of the dangerous conditions in several portions of the shopping center. He said air sampling was done and later confirmed that the one eating establishment appeared to have black mold throughout the building.

A motion was made by Trustee Eldridge, supported by Trustee Currie to authorize legal action in Washtenaw County Circuit Court to abate the public nuisance for the property known as Gault Village Shopping Center and to take all necessary actions to demolish the portions of the shopping center that were condemned . The motion carried unanimously.

Ron Fulton, Building Director provided a brief summary of the property and detailed the deplorable conditions of the property, which included pictures shown on the monitor.

AUTHORIZATIONS AND BIDS

AUTHORIZE:

1. REQUEST OF CHIEF COPELAND TO ACCEPT SEALED BIDS FOR THE PURCHASE OF ONE (1) 2010 HEAVY DUTY ¾ TON, 4 X 4 EXTENDED CAB PICKUP WITH PLOW ATTACHMENT AND SNOW PLOW

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ACCEPT:

- 1. ACCEPT THE RECOMMENDATION OF RON FULTON, BUILDING DIRECTOR TO AWARD BID FOR THE DEMOLITION OF 855 AUBURNDALE, 724 N. FORD BLVD., 1810 GEORGE AND 2421 E. MICHIGAN AVENUE TO CITADEL IN THE AMOUNT OF \$49,742, BUDGETED IN CDBG FUNDS LINE ITEM 283.283.000.807.000**

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve Authorizations and Bids. The motion carried unanimously.

STATEMENTS AND CHECKS

- A. August 3, 2010**
- B. August 17, 2010**

A motion was made by Treasurer Doe, supported by Clerk Lovejoy Roe to approve Statements and Checks for July 6, 2010 in the amount of \$391,889.46 and July 20, 2010 in the amount of \$434,248.61. The motion carried unanimously.

ADJOURNMENT

A motion was made by Clerk Lovejoy Roe supported by Trustee Currie to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at approximately 9:10 p.m.

Respectfully submitted,

Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti