

# Board of Trustees Minutes

## January 11, 2005

Supervisor Reaume called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance to the Flag.

### MEMBERS PRESENT:

Richard Reaume, Supervisor  
 Marilyn Massengill, Clerk  
 Ron Edwards, Treasurer  
 Kay Arnold, Trustee  
 Robert Doroshewitz, Trustee  
 Steven Mann, Trustee

### ABSENT:

Charles Curmi, Trustee, Excused

### OTHERS PRESENT:

James Anulewicz, Public Service Director  
 Joe Bridgman, Deputy Clerk  
 Mark Lewis, Chief Building Official  
 Randy Maycock, Fire Chief  
 Thomas Tiderington, Police Chief  
 Michael Bailey, Dietrich Bailey Associates  
 Timothy Cronin, Township Attorney  
 Sally Hodges, McKenna Associates  
 Alice Geletzke, Recording Secretary  
 24 members of the public

## D. APPROVAL OF AGENDA

Regular Meeting - Tuesday, January 11, 2005

Mrs. Massengill moved to approve the agenda for the January 11, 2005, Board of Trustees Regular Meeting as submitted. Seconded by Ms. Arnold.

Ayes all.

## E. CONSENT AGENDA

### E.1 Approval of Minutes

Regular Meeting - Tuesday, December 14, 2004

### E.2 Approval of Township Bills

		Year 2005
General Fund	(101)	\$709,899.53
Water/Sewer	(592)	358,594.07
Improvement Revolving	(246)	195,710.05
SWD	(226)	93,387.75
Trust and Agency	(701)	186,930.26
Tax Pool	(703)	68,827.73
Drug Forfeiture	(265)	-
Special Assessment Capital Project Fund	(805)	8,063.54
	Total:	\$1,621,412.93

### E.3 Approval of Utility Easements Meridian Square, L.L.C.

### E.4 Communications-Resolutions-Reports

#### A. Communications

Thank you letter to the Charter Township of Plymouth Trustees and staff from Phil Kozian  
 Thank you letter from Chief Tiderington to Jason Reeves  
 Memo from the Plymouth Community Fire Department regarding a thank you to Captain Russo and firefighter David Fox  
 Thank you letter from Chief William A. Zhmendak to Supervisor Richard Reaume

B. Resolutions - N/A

C. Reports

December, 2004, Monthly Report, Building Department  
December, 2004, Monthly Report, Department of Public Works  
December, 2004, Monthly Report, Fire Department  
December, 2004, Monthly Report, Police Department

Mrs. Massengill moved to approve the Consent Agenda for the January 11, 2005, Board of Trustees Regular Meeting as presented.

Ayes all.

**F. PUBLIC COMMENT AND QUESTIONS**

Mr. Don Schnettler had questions regarding the Township Hall bond payments schedule and dues paid to the Government Finance Officers Association (GOFA) by the Township.

**G. PUBLIC HEARING**

G.1 Special Assessment District for Beacon Estates Subdivision  
Road Rehabilitation S.A.D.  
Resolution No. 05-01-11-01

Director of Public Service Anulewicz and Rhett Gronevelt of Orchard, Hiltz & McCliment, Inc., project engineers, addressed the Board and answered questions.

Supervisor Reaume opened the Public Hearing at 7:23 p.m.

The following residents of the district registered their objections to the proposed Road Rehabilitation S.A.D.: Frances and Greg Danilowicz, Archie Lytle and Morika Diamond, Joe McCarthy and Rita Furdak. Their concerns centered on the method of determining benefit on a per unit basis. Suggestions were made to get Wayne County to repair the streets or possibly combine the per unit method with a frontage per foot basis for a more equitable assessment.

Speaking in favor of the S.A.D. were Howard Oldford, Earl Smith, and Mr. Bookstein. They indicated Wayne County would not repair the streets and cited snow removal difficulties because of poor road conditions.

Mr. Don Schnettler questioned the 8% interest rate charged by the Township. Mr. Reaume indicated other means of financing could be obtained by the homeowner at lower rates and the assessment paid off to the Township.

Mrs. Massengill noted receipt of an e-mail, stating an objection to the S.A.D. from Mr. Kummer. A copy of the e-mail was forwarded to members of the Board.

Hearing no further comments, the Supervisor closed the Public Hearing at 7:58 p.m.

Mr. Doroshewitz moved to approve Resolution No. 05-01-11-01, authorizing the Engineer to complete final engineering drawings, to take bids, and have the Supervisor prepare the final Special Assessment Roll for the Board's approval upon completion of the thirty (30) day waiting period, provided no objections have been filed. Seconded by Ms. Arnold.

Ayes all on a roll call vote.

The resolution reads as follows:

WHEREAS, the Township has received Petitions from record owners of land for the creation of a Special Assessment District for road rehabilitation improvements on Beacon Hill Drive, Beacon Hill Court, Concord Drive, Concord Court, and Lighthouse Court pursuant to Public Act 188 of 1954, as amended (MCLA 41.721 et seq) and the Township Supervisor has filed his/her Certificate setting forth that the percentage of record owners of land by front footage within the District is not less than 51%; and

WHEREAS, the Board of Trustees of the Charter Township of Plymouth has caused to be prepared plans, specifications, and estimates of costs for the road rehabilitation of the hereinafter described streets; and said plans, specifications, and estimates of costs were filed with the Township Clerk for public examination; and

WHEREAS, in accordance with the Notice of Special Assessment Hearing, the same being published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, a hearing was scheduled and conducted on this 11th day of

January, 2005, commencing at 7:23 o'clock p.m. and all persons given the opportunity to be heard in the matter; and

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Township Board hereby determines to make the improvements described as the construction of the aforesaid public improvements and more particularly described hereinafter:

The proposed improvements shall consist of milling, and/or pulverization, and/or removal of the existing bituminous road, and placement of a new bituminous pavement course. In addition, select areas of concrete curb and gutter will be removed and replaced, as necessary, to promote positive drainage. The proposed improvements shall consist of two-lane asphalt pavement constructed over the existing road, as well as miscellaneous driveway and drainage work which may be needed to facilitate the placement of the asphalt road pavement. The project commences at the south right-of-way line of North Territorial Road and proceeds southward along Beacon Hill Drive approximately 1,100 feet where the road turns into Concord Drive and continues in a westward direction for approximately 550 feet. The project continues southward along Beacon Hill Drive for 580 feet to the north right-of-way line of Ann Arbor Trail. The project also includes Beacon Hill Court commencing at the intersection with Beacon Hill Drive extending to the east to its point of terminus. In addition, Lighthouse Court commencing at the intersection with Beacon Hill Drive and proceeding eastward and northward approximately 860 feet to its point of terminus is included in the project. Concord Court from the intersection with Concord Drive to its terminus is also included.

(2) The Township Board hereby approves the plans and estimate of cost in the sum of \$493,505.00 as prepared by the registered engineer and hereby determines that the petition for the improvement described above is sufficient. Of the aforesaid total cost of the project, the sum of \$493,505.00 will be spread against the Special Assessment District.

(3) The Township Board finally determines that the Special Assessment District shall consist of the following described property:

The district limit for frontage along Beacon Hill Drive, Beacon Hill Court, Concord Drive, Concord Court and Lighthouse Court consists of the following parcel numbers: R-78-033-01-0001-000 through R-78-033-01-0024-000, R-78-036-01-0025-000 through R-78-036-01-0042-000, R-78-036-02-0043-000 through R-78-036-02-0056-000, R-78-036-005-0163-000, R-78-036-05-0164-000, R-78-036-05-0172-000, R-78-036-05-0173-000, R-78-033-02-0079-000, R-78-033-02-0080-000, R-78-033-01-0002-302 and R-78-033-01-0007-002.

(4) The Supervisor is hereby directed to make a special assessment roll in which shall be described all the parcels of land to be assessed as above set for with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the assessment district as the benefit to such parcel of land bears to the total benefit to all parcels of land in the Special Assessment District.

(5) When the Supervisor shall have completed the special assessment roll, he shall affix thereto his certificate stating that said roll was made pursuant to a resolution of the Township Board of the Township of Plymouth adopted January 11, 2005, and that in making the assessment roll he has, according to his best judgment, confirmed in all respects to the directions contained in said resolution and the statutes of the State of Michigan, and the Supervisor shall then report the special assessment roll with his certificate attached thereto to the Township Board.

(6) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

## **H. COMMUNITY DEVELOPMENT**

H.1 Rezoning Request for property on the north side of North Territorial Road, between Ridge Road and Beck Road from R-1-E, Single Family Residential to R-1-H, Single Family Residential

Sally Hodges of McKenna Associates, Inc., gave a PowerPoint presentation of the area, addressed the Board and answered questions regarding the Planning Commission recommendation to approve the R-1-H rezoning request for Parcel 038-99-0001-000, a 10-acre parcel, and to deny the R-1-H rezoning request for Parcel 038-99-0002-000, a 5-acre parcel.

Mr. Terry Seaver spoke on behalf of the seller of the property and the developer, and presented plans to the Board for developing a maximum of 18 lots on the two parcels of property.

Mr. Norman Zemke, representing the seller of the property, also addressed the Board regarding their wish for expeditious handling of the request.

Three of the four residents directly to the west of the 5-acre parcel (Jim Moutzalias, Bob Badair, and Kevin Mull) expressed their concerns to the Board.

Ms. Arnold moved to approve the rezoning of Parcel 038-99-0001-000 from R-1-E, Single Family Residential, to R-1-H, Single Family Residential, as described on the attached amended zoning map and requested under Application No. 1857/1004; and to deny the rezoning of Parcel 038-99-0002-000 requested under Application No. 1857/1004, as recommended by the Planning Commission for reasons given by the Planning Commission to keep as a transition area for the westerly property. Seconded by Mr. Doroshewitz.

Mr. Mann felt the provisions of the newly adopted statute regarding contract zoning should be researched as a possible solution to this rezoning question.

Following additional comments from Board Members, Ms. Arnold withdrew her motion.

Mr. Edwards moved to postpone action on the rezoning requested in Application No. 1857/1004 until the Regular Board Meeting of February 22, 2005. Seconded by Mr. Mann.

Attorney Cronin felt he could return with a report on contract zoning by the next Regular Board Meeting of February 8.

Mr. Edwards and Mr. Mann amended the motion and support to postpone action on the requested rezoning in Application 1857/1004 until the Regular Board Meeting of February 8, 2005.

ROLL CALL:

Ayes: Edwards, Mann, Doroshewitz, Massengill, Reaume.

Nays: Arnold. Motion carried.

## **I. UNFINISHED BUSINESS - N/A**

## **J. NEW BUSINESS**

J.1 Max & Erma's Restaurants, Inc. - Storm Drain Agreement  
Resolution No. 05-01-11-02

Michael Bailey, Township Engineer, addressed the Board and answered questions.

Ms. Arnold moved to adopt Resolution No. 05-01-11-02, authorizing the Township Supervisor to sign Wayne County Permit C-42178 and approve Storm Drain Agreement with Max & Erma's Restaurants, Inc., and authorize Township Supervisor and Clerk to execute same. Seconded by Mr. Edwards.

Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, the Plymouth Charter Township has been requested by Max Erma's Restaurants, Inc., to assume jurisdiction and maintenance of a certain storm drain (or storm sewer, as the case may be); and

WHEREAS, the Wayne County Department of Public Services for the County of Wayne is agreeable to such request and has prepared a Permit No. C-42178 to be entered into by said Wayne County Department of Public Services, the Plymouth Charter Township and Max & Erma's Restaurants, Inc., for the purposes therein stated; and

WHEREAS, the Plymouth Charter Township is under no legal duty to assume such jurisdiction and maintenance or to enter into the aforesaid Permit for the particular benefit of Max & Erma's Restaurants, Inc., and the property served by the storm drain and it is necessary for the public health, safety and welfare that said storm drain be maintained and such maintenance be without cost or expense to the Plymouth Charter Township; and

WHEREAS, Max & Erma's Restaurants, Inc., has willingly and freely affirmed the desire and intent to execute and record instruments for the purpose of insuring that the Plymouth Charter Township will be held harmless from all costs and expenses in any way pertaining to the Plymouth Charter Township assuming the aforescribed maintenance and jurisdiction or to the aforesaid Permit being executed by the Plymouth Charter Township.

NOW, THEREFORE, BE IT RESOLVED that the Plymouth Charter Township shall assume jurisdiction and maintenance of the storm drain servicing the premises at the street address of 15257 Beck Road and owned by Max & Erma's Restaurants, Inc.

FURTHER, BE IT RESOLVED that the Supervisor and Clerk of the Plymouth Charter Township are

authorized and empowered to execute Permit No. C-42178 of the Wayne County Department of Public Services in behalf of the Plymouth Charter Township; and

FURTHER BE IT RESOLVED that the Supervisor and clerk of the Plymouth Charter Township are authorized and empowered to execute the Storm Drain Agreement in behalf of the Plymouth Charter Township together with Max & Erma's Restaurants, Inc., in the form and substance of the instrument presented to this Board.

#### J.2 Staff and Command School

Fire Chief Randy Maycock addressed the Board and answered questions.

Mrs. Massengill moved to approve the authorization of funds which would allow four members of the Fire Department to attend the Staff and Command School. Seconded by Mr. Mann.

Ayes all.

#### J.3 Repeal of Ordinance # C-93-05, Chapter 32, Noxious Weeds Ordinance No. C-05-01

Attorney Cronin addressed the Board and answered questions.

Mr. Edwards moved to approve the 1st reading of Ordinance C-01-01, repealing Ordinance C-93-05, the Noxious Weeds Ordinance. Seconded by Ms. Arnold.

Ayes all on a roll call vote.

A copy of the Ordinance is on file in the Clerk's office for public perusal.

#### J.4 Noxious Weeds Ordinance Ordinance No. C-05-02

Attorney Cronin noted this ordinance just deals with noxious weeds, not the height of grass or other vegetation.

Mrs. Massengill moved to approve the 1st reading of Ordinance C-05-02, dealing with noxious weeds. Seconded by Ms. Arnold.

Ayes all on a roll call vote.

A copy of the Ordinance is on file in the Clerk's office for public perusal.

#### J.5 Approving the Plymouth Township Downtown Development Authority Budget for 2005 Resolution No. 05-01-11-03

Supervisor Reaume indicated the need for the revision because monies were shifted to the 2004 budget because work progressed more rapidly than anticipated.

Mr. Edwards moved to approve Resolution 05-01-11-03, approving the Plymouth Township Downtown Development Authority Budget for 2005. Seconded by Mr. Doroshewitz.

Ayes all on a roll call vote.

A copy of the Resolution is attached to the official minutes and is on file in the Clerk's office for public perusal.

#### J.6 Approve fee for mailing Board of Trustee Agendas and Minutes; and Re-affirm the current cost of .50 cents per page for copies requested

Clerk Massengill addressed the Board and answered questions.

Mr. Doroshewitz moved that a fee of \$10.00 for mailing Board of Trustee meeting agendas and a fee of \$20 for the mailing of agendas and minutes to the public be charged per year, payable in advance. Also reaffirm the fee of 50 cents per page be charged for copies requested by the public. Seconded by Mrs. Massengill.

Ayes all.

## K. SUPERVISOR COMMENTS

Supervisor Reaume noted the Police Department is participating in a construction site theft

seminar with adjoining townships.

He indicated copies of the Township calendar have been mailed to residents and additional copies are available on the table at this meeting.

He reminded residents that Township offices will be closed Monday, January 17, for Martin Luther King's birthday. The Plymouth Ice Spectacular will begin that week, also. Michigan Townships Association convention will be the week of January 25-28.

He indicated a letter has been received from the Township Hall architects and the construction manager, in which they affirm the percentages billed on the three invoices in question were fair and reasonable. He also appointed a sub-committee of the Board to meet with the architects and possibly the construction manager regarding the fee schedule: Mr. Doroshewitz, Mr. Curmi, and himself.

He answered the question resident Richard Sharland had raised at an earlier meeting as to whether the fire fighter retirement in the ratified agreement is under Act 345 of 1937. It is not. It is under Act 427 of 1985, the Municipal Employees Retirement Act.

He also congratulated Randy Maycock on officially becoming Fire Chief, his probationary period being over at midnight.

## **L. TRUSTEE COMMENTS**

Mr. Edwards, in answer to Mr. Schnettler question earlier regarding dues of \$2,500 for Plymouth Township membership in the GFOA. The document Mr. Schnettler was referring to is GOFA's financial statement, with the actual number being \$2.5 million, which includes dues received from all member communities covering over 15,000 members. The \$2,100 review fees he referred to is actually \$2.1 million they received from over 4,400 people who submitted their financial reports for review. The fees charged depend on the complexity of reports presented.

Mr. Mann noted the Fire Department transports were down for the year.

He also indicated problems with trash pick-up by Republic Waste the week after Christmas, when they were supposed to pick up Christmas trees and any compost left over from the fall cleanup. He found they picked up the trees and threw them in with the trash and, though legal, was not what the Township bargained for when they made the agreement. Then they left the compost for two additional days and only picked it up after many calls from the Township. In other areas he had reports that they included the compost with the regular trash, a clear violation of state law.

Mr. Doroshewitz also confirmed that they threw in his compost in with the trash.

## **M. PUBLIC COMMENT**

Mr. Roy Banks, Hackberry Street, also had a complaint regarding trash pickup when he had a bag of flattened cardboard in his recycle bin and they threw it in with the regular trash. He also stated his displeasure with the rough treatment of garbage cans.

## **N. ADJOURN**

Mrs. Massengill moved to adjourn the meeting. Seconded by Mr. Edwards. Ayes all.

The meeting was adjourned at 9:30 p.m.

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Marilyn Massengill, Clerk  
Charter Township of Plymouth

PLEASE TAKE NOTE; The Charter Township of Plymouth will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at all Township Meetings, to individuals with disabilities at the Meetings/Hearings upon two weeks notice to the Charter Township of Plymouth by writing or calling the following: Human Resource Office, 42350 Ann Arbor Road, Plymouth, MI 48170.  
Phone number (734) 354-3202 TDD units: 1-800-649-3777 (Michigan Relay Services)

