

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, JANUARY 22, 2019**

APPROVED MINUTES

Supervisor Heise called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Kurt Heise, Supervisor
Mark Clinton, Treasurer
Charles Curmi, Trustee
Jack Dempsey, Trustee
Robert Doroshewitz, Trustee
Gary Heitman, Trustee
Jerry Vorva, Clerk

MEMBERS ABSENT: None

OTHERS PRESENT: Patrick Fellrath, PE, Dir. Of Public Services
Dan Phillips, Fire Chief
Jon Brothers, Police Lieutenant
Kevin Bennett, Township Attorney
David Richmond, PE, Spalding DeDecker Associates
Sue Brams, Executive Assistant to the Supervisor
Sandy Groth, Deputy Clerk
Alice Geletzke, Recording Secretary
68 Members of the Public

B. PLEDGE OF ALLEGIANCE – Cub Scouts Pack 1594

C. APPROVAL OF AGENDA
Tuesday, January 22, 2019

Supervisor Heise noted the removal of Item F.4 from the agenda, Text Amendment to Zoning Ordinance No. 99, Article XXII. Moved by Supervisor Heise and seconded by Clerk Vorva to approve the agenda for the Board of Trustees regular meeting of January 22, 2019 as amended. Ayes all.

D. APPROVAL OF CONSENT AGENDA

D.1 **Approval of Minutes:**
Regular Meeting – Tuesday, January 8, 2019
Special Meeting/Study Session – January 15, 2019

D.2 **Acceptance of Communications, Resolutions, Reports:**
Building Department Monthly Report – December, 2018

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Fire Department Monthly Report – December, 2018
 Police Department Monthly Report – December, 2018
 FOIA Activity – Clerk’s Office – December, 2018
 FOIA Activity – Police Department – December, 2018
 Thank you to Chief Phillips – American Red Cross Blood Drive

D.3 Approval of Township Bills:

FUND	ACCT	ALREADY PAID	TO BE PAID	TOTAL:
General Fund	101	\$311,629.02	\$118,549.78	\$430,178.80
Solid Waste Fund	226	2,604.88	141,803.73	144,408.61
Improvement Revolving (Capital)	246	.00	.00	.00
Drug Forfeiture Fund	265	.00	.00	.00
Drug Forfeiture State	266	.00	.00	.00
Drug Forfeiture IRS	267	.00	2,260.21	2,260.21
Golf Course Fund	510	91.09	110.25	201.34
Senior Transportation	588	3,336.58	2,571.44	5,908.02
Water/Sewer Fund	592	40,477.21	21,117.60	61,594.81
Trust and Agency	701	1,470.00	.00	1,470.00
Police Bond Fund	702	1,320.00	.00	1,320.00
Tax Pool	703	9,447.04	.00	9,447.04
Special Assessment Capital	805	38.01	.00	38.01
TOTALS:		\$370,413.83	\$286,413.01	\$656,826.84

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Moved by Clerk Vorva and seconded by Trustee Heitman to approve the consent agenda for the Board of Trustees regular meeting of January 22, 2019. Ayes all.

Trustee Dempsey explained that Saturday is Statehood Day, the anniversary when Michigan became a state in 1837. On loan and on display is a document from that year signed by the first Governor, Stevens Thompson Mason. He encouraged everyone to look at the document and keep in mind the significance of Statehood Day.

Supervisor Heise noted the presence of three former state representatives, John Stewart, Jerry Vorva and himself. He introduced the current representative, Matt Koleszar, who gave an update on his appointments to the House Education and Health Policy Committees. He conveyed that he wants to be an asset and resource to the Board and to the community. Auto insurance reform and transparency in government are current considerations.

E. PUBLIC COMMENTS AND QUESTIONS (Limited to 3 minutes)

John Stewart, former trustee and state representative, reviewed past comments made by Trustee Doroshewitz regarding political ideals. He noted the April 6 combined community concert with the Michigan Philharmonic at PARC and spoke of the cancellation of PEP, the Plymouth Preschool Enrichment Program, because of frozen pipes.

Mary Weidel and Eileen Coleman spoke of their objections to portions of the proposed Criminal Code Supplementation Ordinance #1016, Amendment #22.

Attorney Patrick Arella, commented on the text amendment to the Zoning Ordinance No. 99, Article XXII, Single Family Cluster Housing option. He noted the filing of a notice of intent to petition objecting to 2019-01-22-01 and a notice of intent to petition objecting to the application that was submitted to the Planning Commission. He is acting on behalf of 15 members of the Plymouth Commons Homeowners Association.

Ron Rotole also commented on the Zoning Ordinance text amendment and gave a demonstration on density using a Monopoly board. He also answered questions from the Board about notices received by the adjacent property owners and in the newspapers.

Joseph Van Esley also commented on the density issue via the Zoning Ordinance text amendment.

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Copies of the resolutions and attachments referred to in the motions below are available in the Clerk's office for public perusal.

F. NEW BUSINESS

1. Bond Application for Independence Village - Public Hearing, *Clerk Vorva and Supervisor Heise*

Moved by Supervisor Heise and seconded by Trustee Heitman to open the public hearing regarding the Bond Application for Independence Village at 7:35 p.m.

ROLL CALL: AYES: Heise, Curmi, Clinton, Doroshewitz, Vorva, Heitman,
NAYS: Dempsey

Motion carried.

Eric McGlothlin of the law firm of Dickinson Wright addressed the Board and answered questions regarding the tax code requirement for approval by the governmental unit having jurisdiction over the area in which the facility being acquired is located. Independence Village is being acquired by Great Lakes Senior Living Communities, LLC, a non-profit 501©(3) organization and tax exempt private activity bonds will be issued by the Arizona Industrial Development Authority. There is no obligation on the part of the Township.

Moved by Supervisor Heise and seconded by Trustee Heitman to close the public hearing at 7:45 p.m.

ROLL CALL: AYES: Doroshewitz, Vorva, Curmi, Clinton, Heise, Heitman
NAYS: Dempsey

Motion carried.

Trustee Dempsey requested that the Board excuse him from voting on Items F.1 and F.2 because of his affiliation with the law firm of Dickinson Wright under MCL42.7 and the Ethics Ordinance.

Moved by Clerk Vorva and seconded by Trustee Heitman to excuse Trustee Dempsey from voting on Items F.1 and F.2 because of any possible conflict of interest. Ayes all on a roll call vote with Trustee Dempsey abstaining.

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2. Independence Village, Bond Application, Board Consideration, **Resolution #2019-01-22-05**, *Supervisor Heise*

Moved by Trustee Heitman and seconded by Clerk Vorva to approve **Resolution #2019-01-22-05**, authorizing the Local Host Jurisdiction approval of Great Lakes Senior Living Communities, LLC, issuance of tax-exempt bonds by the Arizona Industrial Development Authority to finance purchase of Independence Village of Plymouth based on the attached resolution and letter dated January 11, 2019 by Providence Resource Group. Ayes all on a roll call vote with Trustee Dempsey abstaining.

3. Contract with AVM Ventures for Management of Hilltop Golf Course, **Resolution #2019-01-22-06**, *Supervisor Heise and Attorney Bennett*

Attorney Bennett noted three minor revisions that were agreed to by himself and ADM's attorney that will be included in the final copy of the agreement that will be signed.

Moved by Trustee Curmi and seconded by Clerk Vorva that the Board of Trustees will approve **Resolution #2019-01-22-06** authorizing the Supervisor and Clerk to sign the attached Contract with ADM Ventures, Inc., for the management of Hilltop Golf Course, subject to final approval by the Township Attorney. Ayes all on a roll call vote.

4. Text Amendment to Zoning Ordinance No. 99, Article XXII: Single Family Cluster Housing, **Resolution #2019-01-22-07**, *Planning Director Laura Haw*

The above item was removed from the agenda.

5. Contract for "Cityworks" Data Management System, **Resolution #2019-01-22-08**, *Director of Public Services Patrick Fellrath*

Director of Public Services Fellrath explained that the first phase of Cityworks implementation was completed last November as part of a SAW Grant for sewer assets. This phase includes the software system acquisition and configuration for the water assets and system user training. Since Cityworks is a web GIS-centric system, the data and analysis tools will be fully integrated and easily accessible to both office and field users. GHD led the first phase implementation of Cityworks and costs will come from the Water and Sewer Fund account.

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Moved by Clerk Vorva and seconded by Trustee Dempsey to approve **Resolution #2019-01-22-08**, authorizing GHD to perform the work in accordance with the attached proposal from GHD in an amount not to exceed \$50,000 for completing Cityworks implementation. Ayes all on a roll call vote.

6. Allocation of Wayne County Special Assessment District Funding for 2019, **Resolution #2019-01-22-09**, *Supervisor Kurt Heise*

Supervisor Heise reviewed his recommendation for allocating the Wayne County Local Road Improvement Funds to the Plymouth Notch (Litchfield Road) Special Assessment District Project because of the substantial costs of repair due to the road's poor condition which eventually will diminish property values and the extremely high cost per each of the 30 households to repair it. Board members discussed other options for distribution of the funds, possibly including the only other potential SAD for Rolling Oaks Subdivision with 162 homes.

A resident of Litchfield Road said that it is a very tight vote for the project and the high cost is a large deterrent to going forward. He also cited reduced real estate values.

Moved by Clerk Vorva and seconded by Trustee Heitman to approve **Resolution #2019-01-22-09**, authorizing the 2018-19 Wayne County Local Road Improvement Funds to the Plymouth Notch (Litchfield Road) Special Assessment District Project in the amount of \$388,888.00 and request that the Supervisor negotiate an Intergovernmental Agreement with the County for receipt of the funds.

ROLL CALL: AYES: Vorva, Heitman, Dempsey, Heise
NAYS: Clinton, Curmi, Doroshewitz

Motion passed.

7. **Prohibition of Marihuana Establishments Ordinance #1016**, Amendment #21, Second Reading, **Resolution #2019-01-22-10**, *Attorney Bennett*

Moved by Trustee Curmi and seconded by Trustee Doroshewitz to postpone this item to the Study Session.

The motion was withdrawn by the maker and supporter.

Moved by Supervisor Heise and seconded by Clerk Vorva that the Board of Trustees of the Charter Township of Plymouth hereby officially introduce and approve the second reading of the Charter Township of Plymouth's Prohibition of Marihuana Establishments

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Ordinance #1016, Amendment 21, **Resolution #2019-01-22-10**. Ayes all on a roll call vote.

8. **Criminal Code Supplementation Ordinance #1016, Amendment #22, Amendments to Criminal Code**, Second Reading, **Resolution #2019-01-22-11**, *Attorney Bennett*

Moved by Trustee Curmi and seconded by Trustee Dempsey to postpone consideration of the second reading of Criminal Code Supplementation Ordinance #1016, Amendment #22, Amendments to Criminal Code.

ROLL CALL: AYES: Curmi, Dempsey
NAYS: Heise, Clinton, Doroshewitz, Vorva, Heitman

Motion defeated.

Attorney Bennett provided clarification for some of the provisions which had been mentioned in earlier public comments such as those regarding prescribed and controlled substances, open house parties, and breach of peace.

Eileen Coleman, Brinton Baker, Mary Weidel, Patrick Arella, and Ann Baker had questions and expressed concerns about provisions of the ordinance including those about penalties involved for various offenses, use of discretion by officers, potential infringement of personal freedoms, and trying cases in district court vs. circuit court.

Moved by Clerk Vorva and seconded by Supervisor Heise to approve **Resolution #2019-01-22-11**, second reading which includes typographical issues brought up by the Board, and authorization to publish the Charter Township of Plymouth Ordinance #1016, Amendment #22; Criminal Code Supplementation, and to make the Ordinance effective on January 24, 2019.

ROLL CALL: AYES: Clinton, Doroshewitz, Heise, Heitman, Vorva
NAYS: Curmi, Dempsey

Motion carried.

F. SUPERVISOR AND TRUSTEE COMMENTS

Trustee Heitman thanked the people for their comments and hope they continue.

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Supervisor Heise thanked Board members for voting for the golf course contract. He also mentioned being appreciative of the fact that people come forward with questions and concerns such as regarding the criminal code revisions, but he cautioned that manipulation occurs on social media by people with political agendas so there's a need to be mindful as to where information is received.

G. PUBLIC COMMENTS AND QUESTIONS (Limited to 3 Minutes)

Ron Rotole had comments regarding the golf course and thanked the Board for listening regarding the cluster housing comments.

Patrick Arella also had questions regarding the cluster housing text amendments and application for use of the property.

Trustee Dempsey thought it would be useful to separate the density issue from any other changes to be made to the ordinance.

Mary Weidel, co-vice-president of the Country Club Village HOA, presented estimates from a contractor to make repairs to electrical lines at their subdivision entrance. She also commented further on the time allowed for residents to be informed of new items, thus the use of social media.

Supervisor Heise indicated the Township is following State law completely with regard to ordinances.

H. ADJOURNMENT

Moved by Trustee Heitman and seconded by Clerk Vorva to adjourn the meeting at 10:05 p.m. Ayes all.

Jerry Vorva, Township Clerk

Minutes approved at Board of Trustees regular meeting of February 12, 2019.