

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

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
Robert Doroshewitz, Trustee
Gary Heitman, Trustee
Jerry Vorva, Clerk

MEMBERS ABSENT: Jack Dempsey, Trustee, Excused

OTHERS PRESENT: Thomas Tiderington, Police Chief
Dan Kudra, Police Lieutenant
Dave Fox, Fire Battalion Chief
Ginger Moriarity, Finance Director
Kevin Bennett, Township Attorney
Jeremy Shrot, PE, Spalding DeDecker Associates
Sue Brams, Exec. Asst. to Supv.
Sarah Visel, Solid Waste Coordinator
Alice Geletzke, Recording Secretary
14 Members of the Public

B. PLEDGE OF ALLEGIANCE - Eric Anderson, Park Foreman

C. APPROVAL OF AGENDA

Tuesday, February 25, 2020

Supervisor Heise asked that Items 7-11 under New Business be heard prior to Items 1-6.

Moved by Clerk Vorva and seconded by Trustee Heitman to approve the agenda, as amended, for the Board of Trustees regular meeting of February 25, 2020. Ayes all.

D. APPROVAL OF CONSENT AGENDA

D.1 Approval of Minutes:

Regular Meeting – Tuesday, February 11, 2020

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

APPROVED MINUTES

D.2 Acceptance of Communications, Resolutions, Reports

Building Department Monthly Report – January 2020
 Fire Department Monthly Report – January 2020
 Police Department Monthly Report – January 2020
 Planning Department Monthly Report – January 2020
 FOIA Monthly Report – Clerk’s Office – January 2020
 FOIA Monthly Report – Police Department – January 2020

D.3 Approval of Township Bills:

FUND	ACCT	ALREADY PAID	TO BE PAID	TOTAL:
General Fund	101	\$426,348.88	\$194,398.29	\$620,747.17
Solid Waste Fund	226	3,876.03	106,255.47	110,131.50
Improvement Revolving (Capital)	246	0.00	0.00	0.00
Drug Forfeiture Fund	265	0.00	0.00	0.00
Drug Forfeiture State	266	.00	0.00	0.00
Drug Forfeiture IRS	267	0.00	0.00	0.00
Golf Course Fund	510	0.00	0.00	0.00
Senior Trans.	588	4,454.81	739.32	5,194.13
Water/Sewer Fund	592	283,026.18	47,999.27	331,025.45

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

APPROVED MINUTES

Trust and Agency	701	35,135.88	0.00	35,135.88
Police Bond Fund	702	2,870.00	.00	2,870.00
Tax Pool	703	00	00	00
Special Assessment Capital	805	00	00	00
TOTALS:		\$755,711.78	\$349,392.35	\$1,105,104.13

Moved by Trustee Heitman and seconded by Clerk Vorva to approve the consent agenda for the Board of Trustees regular meeting of February 25, 2020. Ayes all.

E. PUBLIC COMMENTS AND QUESTIONS (Limited to 3 minutes) – None

F. NEW BUSINESS

Copies of Resolutions referred to below are available in the Clerk's office for public perusal.

7. St. Kenneth Church Storm Drain Agreement, **Resolution #2020-02-25-21**,
Township Engineer Jeremy Schrot

Moved by Trustee Curmi and seconded by Clerk Vorva to adopt **Resolution #2020-02-25-21** authorizing the Township Supervisor to sign the Wayne County Permit M-50540 and approve the Storm Drain Agreement with Mooney Real Estate Holdings and authorize the Township Supervisor and Clerk to execute same. Ayes all on a roll call vote.

8. St. Kenneth Church Request for Vacation of Existing Public Utility Easement,
Resolution #2020-02-25-22, *Township Engineer Jeremy Schrot*

Moved by Trustee Heitman and seconded by Clerk Vorva to adopt **Resolution #2020-02-25-22** authorizing the Township to approve and record the vacated water main easement. Ayes all on a roll call vote.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

APPROVED MINUTES

9. St. Kenneth Church Watermain Easement, **Resolution #2020-02-25-23**,
Township Engineer Jeremy Schrot

Moved by Clerk Vorva and seconded by Trustee Heitman to adopt **Resolution #2020-02-25-23** authorizing the Township to approve and record the vacated water main easement. Ayes all on a roll call vote.

10. Holiday Inn Express Watermain Easement, **Resolution #2020-02-25-24**,
Township Engineer Jeremy Schrot

Moved by Clerk Vorva and seconded by Trustee Heitman to adopt **Resolution #2020-02-25-24**, authorizing the Township Clerk, Township Attorney and township Engineer to sign the water main easement for Holiday Inn and to authorize recording of same. Ayes all on a roll call vote.

11. Canada Goose Nest Destruction and Relocation Program, **Resolution #2020-02-25-25**, *Supervisor Kurt Heise and Clerk Jerry Vorva*

Requested by Colony Farm Subdivision, this resolution allows residents to participate in this program in five-year increments, complying with state and federal guidelines.

Moved by Clerk Vorva and seconded by Trustee Heitman that the Board of Trustees approve the attached DNRE Canada Goose Nest Destruction and Relocation Program, **Resolution #2020-02-25-25**, for Calendar Years 2020 through 2024. Ayes all on a roll call vote.

1. Park Rules Revisions (***Discussion Only***), *Supervisor Kurt Heise and Sarah Visel*

Board members discussed at length proposed revisions to the Park Rules with Sarah Visel, who is responsible for reservations and oversight items, and Eric Anderson, Park Foreman. Areas where proposed revisions have been made include smoking, care and maintenance of park facilities and terms of use. No action was taken at this time.

2. First Quarter Budget Carry Forwards, **Resolution #2020-02-25-17**, *Ginger Moriarty, Finance Director and Supervisor Kurt Heise*

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

APPROVED MINUTES

Supervisor Heise and Ms. Moriarity discussed the business transactions, etc., in various stages of completion at the end of last fiscal year.

Moved by Trustee Heitman and seconded by Trustee Doroshewitz that the Board of Trustees adopt **Resolution #2020-02-25-17** authorizing the Finance Director to amend the FY2020 Adopted Budget and to appropriate the General Fund balance of \$52,204.50 from FY2019 to FY2020 for funding the completion of the Office 365 implementation, for the purchase of copiers and printers in the Clerk's office, and for the replacement of flooring and drains at Fire Station #2. Ayes all on a roll call vote.

3. 2020 Downtown Development Authority Budget, **Resolution #2020-02-25-18**, *Ginger Moriarty, Finance Director and Supervisor Kurt Heise*

Moved by Trustee Heitman and seconded by Clerk Vorva that Plymouth Charter Township hereby approves **Resolution #2020-02-25-18** to authorize and adopt the Fiscal Year 2020 Budget for the Plymouth Township Downtown Development Authority. Ayes all on a roll call vote.

4. 2020 Brownfield Redevelopment Authority Budget, **Resolution #2020-02-25-19**, *Ginger Moriarty, Finance Director and Supervisor Kurt Heise*

Moved by Clerk Vorva and seconded by Trustee Heitman that Plymouth Charter Township hereby approve **Resolution #2020-02-25-19** to authorize and adopt the Fiscal Year 2020 Budget for the Plymouth Township Brownfield Redevelopment Authority. Ayes all on a roll call vote.

5. SAD Policy Revisions, **(Discussion Only)**, *Township Attorney Kevin Bennett and Public Services Director Patrick Fellrath*

Board members discussed at length and expressed their concerns regarding proposed revisions to the policy which determines how special assessment districts are established and apportioned--specifically on a per unit basis, a frontage basis, or in combination. They also discussed possible payment options.

In his absence, Trustee Dempsey sent a communication, dated February 22, 2020, to be provided to the Board regarding the discussion. (See attachment).

Attorney Bennett referred to the specifics in PA 188, and he referred to the case of Dixon Road Group vs. City of Novi, with a Michigan State Supreme Court ruling saying,

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

APPROVED MINUTES

in general, that no specific cost of an improvement is required, except that a method be selected that is fair, just, and in proportion to the benefits conferred. It was suggested he cite the case in the revisions.

6. Purchase of Police Patrol Vehicles, **Resolution #2020-02-25-20**, *Police Chief Tom Tiderington*

Police Chief Tiderington noted that the pricing on the vehicles is per state bid, and other uses of the vehicles being replaced are being considered.

Moved by Trustee Heitman and seconded by Clerk Vorva to approve **Resolution #2020-02-25-20**, authorizing the purchase of three 2020 Dodge Charter SXT AWD sedans for an amount up to \$75,829.17 from budgeted State Forfeiture Funds. Ayes all on a roll call vote.

G. SUPERVISOR AND TRUSTEE COMMENTS

Supervisor Heise noted that there will be a special meeting next Tuesday, March 3, but no meeting on March 10 because of the primary election.

H. PUBLIC COMMENTS AND QUESTIONS (Limited to 3 Minutes) - None

I. ADJOURNMENT

Moved by Trustee Heitman and seconded by Clerk Vorva to adjourn the meeting at 9:04 p.m. Ayes all.

Jerry Vorva, Township Clerk

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

APPROVED MINUTES

To: Clerk Vorva

From: Trustee Dempsey

Date: February 22, 2020

The agenda and packet for the meeting on February 25, 2020, includes item F.5 for "discussion only". Since I am out of town and not able to be present, I'd like to offer this brief commentary and request that it be provided to the Board/public in conjunction with the meeting.

I am in support, particularly, as to this language in paragraph R, page 5 of 6 (pages 107 and 113 of the Board packet) of the proposed Special Assessment District Policy document:

"The Board determines an equitable assessment of the total project cost among the property owners within the SAD."

I make this statement given the underlying statute and Mr. Bennett's memorandum of January 8, 2020. The underlying statute, MCL 41.725(1)(d), states in pertinent part:

"After finally determining the special assessment district, the township board shall direct the supervisor to make a special assessment roll in which are entered and described all the parcels of land to be assessed, with the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district."

Mr. Bennett's memorandum, page 6, paragraph VI, states in pertinent part:

"... in determining the apportionment of the costs, the Board may use a cookie-cutter approach, e.g. one share per unit, or it may use a custom approach, e.g. frontage measure for the condos and unit measure for the houses. As noted, the only requirement for validity is proportionality of benefit."

A "cookie-cutter approach" may be equitable in some situations. It is less likely so in the case of a condominium development that is part of a residential subdivision composed of single-family houses. The market value of the condos is less likely to be increased because of improvement of a subdivision road, when the condos are located on a private road that must be funded by the condo owners, than are the values of the single-family houses. There are other scenarios where a similar disproportionate effect would exist, or where special factors are at play. The major benefit to adopting the quoted language in paragraph R is in affording the Board the ability to look at and determine the equities on a case-by-case basis rather than abdicate judgment in favor of an across-the-board approach.

As support for this opinion, I'd like to cite a Michigan Townships Association article:

"Unlike a property tax, the amount of a special assessment is not based on a uniform rate, such as a millage, applied to the value of all the parcels. (There are, however, some exceptions to this rule for police and fire special assessments.) The township board must decide how each parcel benefits from the project. In turn, the amount to be paid by each parcel is set at a level proportionate to the benefit that particular parcel receives. Typical methods used to assess the benefit to a parcel include front footage, per parcel, per acre, per dwelling or a combination of any of those methods." (You Get What You Pay For: Special Assessments Fund Public Improvements, available at https://www.michigantownships.org/members/media/topics/media/mta_you_get_what_you_pay_for_special_assessments_mtn_october_2005.pdf)

The article clearly supports the principle of making such decisions on a case-by-case basis.

Thank you.

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