

**CHARTER TOWNSHIP OF YORK BOARD OF TRUSTEES REGULAR MEETING MINUTES
TUESDAY, MARCH 13, 2018**

The Board meeting was called to order at 7:30 p.m. at the York Township Hall, 11560 Stony Creek Road, Milan, MI. The Pledge of Allegiance was recited. A Roll Call of Board Members found Chuck Tellas, John Hargrove, Sally Louis, Helen Neill, Derek Stern, Dan Pichla, Brian Iott present. Absent: None.

Others Present: Six signed in, (*list on file*); Township Attorney Lillich present.

Short Public Comments: none heard.

Presentation of Written Petitions: None received.

APPROVED MEETING MINUTES:

Moved by Neill to approve the Charter Township of York Board of Trustees February 13, 2018 Regular meeting minutes, as presented. Stern seconded. No discussion. Voice Vote: Aye: 7; Nay: 0; Absent: 0.

CONSENT AGENDA ADOPTED AS SUBMITTED

Supervisor Tellas asked the Board for any changes or corrections to the Consent Agenda.

- C 1 Approve Disbursements: February 14-March 13, 2018, as presented.
- C 2 Recognize report from Clerk: February 2018 Revenues/Expenditures.
- C 3 Recognize Treasurer's Report, month of February 2018.
- C 4 Recognize Board correspondence, month of February 2018.
- C 5 Recognize written report, Building Official/Zoning Administrator, month of February 2018.
- C 6 Appoint resident William Feight to a new 3-year term on the York Township Environmental Committee; term expires 3/31/2021.
- C 7 Appoint Mitch Gasche to a new 5-year term on the Construction Board of Appeals; term expires 3/31/2023.
- C 8 Acknowledge a Special Board Meeting scheduled for Tues., April 10, 2018 at 6:30 p.m. for the purpose of Washtenaw County Road Commission representatives' annual presentation and discussion.
- C 9 Accept, with regret, the resignation of Norm Fischer from the Parks & Recreation Committee, effective 2/28/2018 and recognize all the hard work and long hours Norm provided to York Township Parks for many years on the Committee, with particular attention to managing parks maintenance.

Moved by Neill to adopt the March 13, 2018 Consent Agenda as submitted. Seconded by Iott.

Discussion: none. Voice Vote: Aye: 7; Nay: 0; Absent: 0. Carried.

REGULAR AGENDA APPROVED AS AMENDED

Supervisor Tellas requested the Board present any changes or corrections to the Regular Agenda.

Moved by Iott to approve York Charter Township Board of Trustees March 13, 2018 Regular Agenda as amended moving "Status of Litigation, York v. Miller" from New Business and place ahead of Verbal Reports. Seconded by Stern. Discussion: none further. Voice Vote: Aye: 7; Nay: 0; Absent: 0. Carried.

Status of litigation, York v. Miller. Township Attorney Lillich gave overview of the Court of Appeals' opinion that affirmed the trial court's ruling that the Township has no power to prohibit outdoor growth of marijuana in residential areas. Attorney Lillich asked the Board for direction to make application for leave to take issue up with the Michigan Supreme Court or not; deadline to file is April 12, 2018.

MOVED BY STERN to authorize Township of York Attorney Lillich to file a brief and an application for leave to the Michigan Supreme Court on York v. Miller/Null/Miller case.

SECONDED BY IOTT. Discussion: ask MTA again for assistance.

AMENDMENT BY LOUIS to also file an application to Michigan Townships Association for support.

SECONDED BY NEILL. Discussion: no cap on cost at this time.

VOICE VOTE ON AMENDMENT: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

VOICE VOTE ON AMENDED MOTION: AYE: 7; NAY: 0; ABSENT: 0. CARRIED. Board thanked Attorney Lillich for his attendance and explanation on this case.

VERBAL REPORTS

Cpl. Keith DeZwaan, Sheriff's Dept. Handled 299 calls for service; he and Cpl. Losey working heavily on truck traffic enforcement; gave warning of scammers filing fraudulent unemployment claims; asked that residents report any door-to-door sales, no permits on file currently, Efficiency Tree Service from Taylor has been stopped and cited, but are continuing-no permits on file currently.

Tom Toth, Building/Zoning Official. Frost laws probably won't come off roads until April 1st; Warner Rd. issue - man living in a garage creating two residences on one lot; request from owner/developer to change Charter Oak Estates addresses, they will remain as issued in August 2017; off Judd Rd., Meadow Ridge Site Condominium, developer changed road name of Meadow Hill to Country Estates creating a fire and safety issue, must make application to the Zoning Dept.

Christopher Coucke, Assessor. Supervisor Tellas reported that a few Board of Review appeals were held yesterday and today, will close at 1:00 p.m. on Wednesday. Very few appointments scheduled.

BOARD REPORTS

Trustee Hargrove. Planning Commission: Mirage Lake PUD petition; Master Plan: asked for Board members' input; residential survey summary; Faust Acres. (*see meeting minutes*).

Trustee Stern. Parks Committee: Parks Master Plan; welcomed 2 new members; Norm Fischer resigned, expressed appreciation for his work on the Committee. (*see meeting minutes*)

Treasurer Louis. Tax roll turned over to County Treasurer, once settled, signals end of 2017 tax cycle; Mooreville Sewer USDA-Rural Development loan is paid in full.

Supervisor Tellas. Viewed suggested vehicles for Board's road tour; Board Officers met with Milan City Mayor Hamden and City Administrator Smith, good discussion on a number of topics, open up communication; met with Dan Cain, York resident candidate for the at-large position with MAFD;

Clerk Neill. Wrapping up fiscal year-end, posted Mooreville loan "due to/due from" journal entries between 414 and 590 Funds; enjoyed meeting with Milan Mayor and Administrator.

Trustee Iott. MAFD: meeting on Thursday, budget before them. SAFD: finalized with the paid full-time personnel with the union, positive changes.

Trustee Pichla. Nothing further from last month's report of Personnel Committee.

BUDGET PUBLIC HEARING

Purpose—questions/comments on proposed 4/1/2018-3/31/2019 Fiscal Year budgets

MOVED BY STERN to close the March 13, 2018 regular session and open the York Charter Township Budget Public Hearing for comments and questions regarding the proposed 2018/2019 Fiscal Year Budgets at 8:21 p.m. SECONDED BY IOTT. Discussion: none. VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0.

Supervisor Tellas began the hearing by requesting comments and questions of the public. He advised that the property tax millage rate of one mill for operating and 1-1/2 mills of voter-approved mills for Public Safety will be levied to support the budgets. A Public Safety millage renewal proposal will be before the residents on the August ballot. Board members thanked Supervisor Tellas for all the work he put into preparing and finalizing the budgets. He then requested a second time, comments or questions of the public with none heard. Supervisor Tellas asked a third and final time for comments or questions regarding the proposed 2018/2019 Fiscal Year Budgets:

Resident John Stanowski asked if last month's Officers' Salary Resolutions increasing their own salaries is allowed during their terms of office. Supervisor Tellas responded that rule could be for a General Law Township, but will check into it.

MOVED BY LOUIS to close the York Township Budget Public Hearing on proposed 2018/2019 FY Budgets at 8:26 p.m. after Supervisor Tellas called for comments and questions three times, as required, and return to the regular session of the March 13, 2018 meeting. SECONDED BY PICHLA. Discussion: none. VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

UNFINISHED BUSINESS

FINAL DISCUSSION, PROPOSED 2018/2019 FY BUDGETS

Supervisor Tellas asked for comments on the proposed budgets. One item previously discussed: additional contracted services in parks for maintenance not reflected as yet. MOVED BY STERN to increase Parks budget by \$5,000.00 to reflect possible additional expenses that might be incurred in contracting for services previously provided by members; add to Contracted Services, change from \$10,000.00 to \$15,000.00. SECONDED BY IOTT. Discussion: none further.
VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

Further discussion held to add monies for bike trails feasibility study. Board: apply to County Parks Commission for a grant or utilize our Planning Consultant's estimate of \$8,000-10,000 and York pays; urgent deadlines for funding applications; County voter-approved ½ mill, with 20% designated for non-motorized paths, billed to York residents each year for 5 years, raises about \$175,000.00 for paths; County prefers dedicated paved paths parallel to the road, not within the shoulder in the road right-of-way; not in favor of taking property from residents; no need to rush; apply to County to utilize taxpayers' dollars from the millage; County desires to help with bike paths in York.

NEW BUSINESS

RESOLUTION #2018-07, TO APPROVE PUD REZONING PETITION & AREA PLAN FILED BY PETERS BLDG CO.

MOVED BY IOTT to adopt Resolution #2018-07, To Approve PUD Rezoning Petition and Area Plan Filed By Peters Building Company, as presented; reviewed and prepared by Township Attorney; part of this meeting's minutes. SECONDED BY PICHLA. Discussion: Trustee Hargrove reviewed the process that the Planning Commission went through, it's a good plan, but members cited 2 conflicts within the Master Plan: p. 6-5, developments shall not be approved in A-1 and Map 5: Groundwater Recharge; Supervisor Tellas cited Zoning Ordinance Sect. 8.02: as per Master Plan or land use policy that is a logical & acceptable change; developer could apply for 1-acre lots over entire parcel instead of the clustering/open space plan; borders York Woods Subdivision. ROLL CALL VOTE: HARGROVE, NAY; STERN, AYE; LOUIS, AYE; TELLAS, AYE; NEILL, AYE; IOTT, AYE; PICHLA, AYE; ABSENT: NONE. CARRIED 6-1-0

ORDINANCE, AMEND YORK TOWNSHIP ZONING MAP OF ZONING ORDINANCE #65, INTRODUCTION & FIRST READING

MOVED BY TELLAS to accept an Introduction and approve first reading of An Ordinance To Amend The Charter Township of York Zoning Map of Zoning Ordinance No. 65, Pursuant to Authority Granted in Public Act 110 of 2006, As Amended; prepared by Township Attorney; included with meeting minutes. SECONDED BY LOUIS. Discussion: this was a hard decision, thanked the Planning Commission for conducting due diligence in researching the Master Plan; Township is very much a rural area; not setting precedent, but looking at conditions of this specific parcel at this specific time; not intended as legacy farm by owners; York Woods Subdivision was well-represented at the PC meetings, heard their good discussion and debates, kudos to the PC. VOICE VOTE: AYE: 6; NAY: 1 ABSENT: 0. CARRIED 6-1-0

RESOLUTION #2018-08, APPROVE PRIVATE ROAD APPLICATION & ROAD PERMIT, PROVIDENCE LANE

Providence Estates received final site plan approval in 2006, had begun the public road under Washtenaw County Road Commission, but not finalized prior to the economic downturn. The WCRC changed rules for roads about 5-6 years ago; developer applied to York under the Private Road Ordinance. All documents must conform to this change and record them, and others, as needed: Master Deed, Private Road Maintenance Agreement, final site plan. Zoning/Building Official Toth provided his input on this project. Board: agreed

Development Agreement not needed for this due to the history of this site condominium; road is already there; a Performance Guarantee of \$10,000.00 will cover the gravel road requirements.

MOVED BY NEILL to adopt Resolution #2018-08, Approval of Private Road Application & Permit for Providence Estates, as presented and *amended: page 2, strike Condition #2 and add \$10,000.00 to Condition #5.*

SECONDED BY STERN. Discussion: Clerk will provide this Resolution to the owner/developer enabling them to proceed with meeting the conditions.

UNANIMOUS VOICE VOTE: AYE: 7; NAY: NONE; ABSENT: NONE. CARRIED 7-0-0

EMPLOYMENT
AGREEMENT,
ASSESSOR
2018/2019 FY

MOVED BY TELLAS to approve a Contractor Agreement for Assessor, 2018-2020, as presented; between the Charter Township of York and Christopher Coucke; recommendation of the Personnel Committee; \$55,000.00 yearly salary; commencing April 1, 2018 through March 31, 2020; authorize Supervisor and Clerk to sign.

SECONDED BY HARGROVE. Discussion: best candidate of the four applications submitted per Personnel Committee; slight increase in salary.

VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

EMPLOYMENT
AGREEMENT,
BUILDING/ZONING
OFFICIAL/ORDINANCE
OFFICER/UTILITIES
MANAGER,
2018/2019 FY

MOVED BY LOUIS to approve an Employment Agreement to Provide for Building Official, Zoning Inspector/Ordinance Officer & for Services to Provide for Proper Maintenance of the Township's Water & Sewer Utilities, 2018-2019, as presented; between the Charter Township of York and Thomas Toth; Building Official rate remains at \$62,500.00/year; increase Zoning Administrator/Ordinance Officer rate by \$750.00 to \$7,300.00/year; Manage Two Utilities to remain at \$850.00/year; 457 Retirement Plan based on total \$71,500.00 gross earnings; authorize Supervisor and Clerk to sign.

SECONDED BY TELLAS. Discussion: Tom does a great job for the Township; the Zoning increase was a part of last year's agreement; benchmark study may be beneficial, address future Township needs; suggestion made to review MTA's Salary Comparison reports for Building Official, Zoning Official, DPW Depts.

VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

PLANNING
COMMISSION
APPOINTMENTS (2)

MOVED BY TELLAS to approve the appointment of resident Mitch Gasche to a 3-year term on the Charter Township of York Planning Commission; term to expire March 31, 2021; Supervisor Tellas thanked Thom Publiski for his service, He served a long time and served very well.

SECONDED BY LOUIS. Discussion: Mitch served on the Ad Hoc Compensation Committee a few years ago and currently serves on Construction Board of Appeals; Supervisor advised that he felt someone from the building community serve on the PC. VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

MOVED BY TELLAS to approve the appointment of resident Frank Rochowiak to another 3-year term on the Charter Township of York Planning Commission; term to expire March 31, 2021.

SECONDED BY HARGROVE. Discussion: meeting attendance in winter not a concern now; Frank provides input relating to the farming community aspect. VOICE VOTE: AYE: 7; NAY: 0; ABSENT: 0. CARRIED.

RESOLUTION #2018-09, ADOPT GENERAL APPROPRIATIONS ACT: 2018/19 FY BUDGETS

MOVED BY LOUIS to adopt Resolution #2018-09, A Resolution To Establish A General Appropriations Act for the Charter Township of York for Fiscal Year 2018/2019; To Define the Powers and Duties of the Charter Township of York Officers in Relation to the Administration of the Budget; To Provide Remedies for Refusal or Neglect to Comply with the Requirements of this Resolution, as presented; part of the meeting minutes. SECONDED BY STERN. Discussion: none. ROLL CALL VOTE: PICHLA, AYE; IOTT, AYE; NEILL, AYE; TELLAS, AYE; LOUIS, AYE; STERN, AYE; HARGROVE, AYE; NAY: NONE; ABSENT: NONE. CARRIED 7-0-0.

RESOLUTION #2018-10, AMEND GENERAL APPROPRIATIONS ACT, 2017/18 FY BUDGETS

MOVED BY LOUIS to adopt Resolution #2018-10, To Amend Resolution #2017-03 That Established a General Appropriations Act for Fiscal Year 2017/2018, as presented; increased Building Dept. Plumbing/Mechanical Inspector Dept. to \$19,800.00 from adopted budget of \$12,000.00; Toyota permit fees received in previous fiscal year expensed during this fiscal year. SECONDED BY NEILL. Discussion: rest of the budget in good shape. ROLL CALL VOTE: LOUIS, AYE; STERN, AYE; HARGROVE, AYE; PICHLA, AYE; IOTT, AYE; NEILL, AYE; TELLAS, AYE; NAY: NONE; ABSENT: NONE. CARRIED 7-0-0.

APPROVE TRANSFER, \$82,042.53 FROM BUILDING CAPITAL IMPROVEMENTS FUND-414 TO MOOREVILLE SEWER FUND-590 FOR PAYOFF OF USDA-RURAL DEVELOPMENT S.A.D. BONDS

MOVED BY TELLAS to authorize a transfer of \$82,042.53 from the York Charter Township Building Capital Improvements Funs-414 to the Mooreville Sewer Fund-590 as a loan to pay off the Mooreville Sewer USDA-Rural Development Special Assessment Bonds. SECONDED BY HARGROVE. Discussion: 2/3 vote of the Board required to move monies between funds. ROLL CALL VOTE: IOTT, AYE; NEILL, AYE; TELLAS, AYE; LOUIS, AYE; STERN, AYE; HARGROVE, AYE; PICHLA, AYE; NAY: NONE; ABSENT: NONE. CARRIED 7-0-0

PUBLIC COMMENTS (five minutes or less) None heard.

ADJOURNMENT: Moved by Stern, Seconded by Pichla to adjourn the Regular Board meeting at 9:21 p.m. Discussion: none. Voice Vote: Aye: 7; Nay: 0; Absent: 0. Carried.

Charles Tellas, Supervisor

Helen Neill, Clerk

Approved: _____, 2018

Synopsis published: _____, 2018

Newspaper of record: *MLive/The Ann Arbor News*

Website: www.twp-york.org