

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES Special Meeting Resignation of Zoning Administrator and Interim Direction</p> <p style="text-align: center;">Board of Trustees Saturday - March 2, 2013 @ 10:00AM Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Approved March 14, 2013 As presented</p>
<p>Meeting called to order at 10:00 a.m. by Supervisor Mark Englerth.</p> <p>Roll Call: Present: Jerkatis, J. Lippert, M. Englerth, M. Cook, Campbell. All Present.</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Visitors: (7) Cathy Strickland, Mike Cunningham, Gordon Wells, Richard Beukema, Greg Purcell, Frank Fiala (all members of the Planning Commission). Fran Faverman of the <u>Sun & News</u> was in attendance as well.</p> <p>It was noted that the Planning Commission will not participate in the meeting. They are present to observe.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>PURPOSE OF TODAY'S MEETING</p> <p>Today's special meeting notice was posted in the Township Hall office on March 1, 2013 at 11:21 a.m. This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act), MCLA 41.72a (2) (3) and the Americans with Disabilities Act (ADA).</p> <p>M. Englerth announced the purpose of this meeting was to accept the resignation of the Zoning Administrator, Robert Lippert and to determine the direction for the interim of the Zoning Administration position.</p> <p>Motion by M. Cook with support from Campbell to accept Mr. Lippert's resignation (with M. Cook's personal regrets). ROLL CALL: Jerkatis: yes, J. Lippert: Present, Englerth: yes, M. Cook: yes, Campbell: yes. All 4 Yes; 1 present. MOTION CARRIED.</p> <p>Englerth continued that an interim process needs to be set in place, working within the budget. M. Englerth has spoke with different people to possibly give out packets to residents and cross-train to cover responsibilities of the Zoning Administrator. Discussion took place regarding current office employees being able to hand out packets of information to residents, working on packets, possible availability of Jim Carr interim Zoning Administrator, a site plan packet already in place, and Sandy Marcukaitis being trained and knowledgeable of the ZA's duties.</p> <p>DISCUSSION OF INTERIM DIRECTION FOR ZONING ADMINISTRATOR POSITION:</p>	<p>PURPOSE OF TODAY'S MEETING</p> <p>Motion to accept Mr. Lippert's resignation. MOTION CARRIED.</p> <p>Page 1 of 4 YST Joint Meeting 3-2-13</p>

Jerkatis asked for the minutes as to when the Site Plan packet was approved.

Campbell asked if there was an ongoing list of projects to be handled in a timely manner.

Englerth mentioned the buoy project and Orangeville Township's interest in that project.

M. Cook mentioned that it is first of all important to have the paperwork available for residents who would like to start projects. She noted that by the end of the month things will be a lot busier.

M. Englerth mentioned having Cathy Strickland do some work in the evenings and maybe Jim Carr coming into the office during the day with Sandy Marcukaitis helping out. Englerth also mentioned Ed Kaufmann/Coffman, of Hastings, being another possibility for handling ZA duties.

Jerkatis commented that it might be wise to look at someone in the ZBA or within the township to do these duties.

J. Lippert mentioned that in the past, when the ZA was not present, the Supervisor and the PC Chairman (Frank Fiala) would go over site plans.

Discussion then turned to the position of the Zoning Administrator and posting of the vacancy. Englerth commented that enforcement of the zoning ordinance may possibly be done by a different individual rather than the administrator. F. Faverman mentioned that Frank Fiala or Cathy Strickland acting as a ZA may be a conflict of interest as they are on the Planning Commission. Englerth remarked that he has been in contact with the attorney regarding this.

M. Cook emphasized that when someone comes in to the office and needs to go through the PC or ZBA process it would be in the best interest of the public to have one person be the contact rather than a different person depending on the day of week. J. Lippert added that the one person could be P.C.I.

Mike Cunningham, of the PC, asked why the PC was at the meeting if they were "muzzled" somewhat. Cunningham commented that he was resident of Yankee Springs. He was asked to come to the meeting.

For the record: PC members received an email or a phone call – but not from the Clerk as a public notice.

Cunningham mentioned, not as a PC member, that as a resident, maybe a resident could be guided through the process (for site plan review) by a two person team that would "shepherd" the resident through it.

**DISCUSSION OF INTERIM
DIRECTION FOR ZONING
ADMINISTRATOR
POSITION**

OPEN MEETINGS ACT DISCUSSION:

Discussion then turned to the Open Meetings Act. Englerth commented that it was not to muffle the members of the PC. J. Lippert mentioned the official time and date of posting (11:21 A.M. on March 1, 2013). J. Lippert also commented that 3 out of a 5 person board can call an 18 hour meeting notice. Jerkatis commented that since 2000, he has attended PC meetings but couldn't say anything as a board member, but as a citizen. He didn't appreciate being stifled. Fiala mentioned that he has spoke to legal counsel about the Open Meetings act. He mentioned the meeting as "informational" and "important". Fiala also suggested that Thursday night's PC work session would be a place to ponder the interim position. Fiala commented that the Site Plan is a PC function. It was relegated to the ZA, and it can be relegated back to the PC.

FURTHER DISCUSSION OF INTERIM DIRECTION:

M. Englerth commented that he was still concerned about this Monday morning at 9:00 a.m. Things have to start moving forward. J. Lippert commented that she is in the office Monday through Friday and people come in with a Site Review Plan with a check attached. J. Lippert commented that she will give this to M. Englerth and they will review it together. Englerth commented that he is working over 40 hours a week now and in all fairness this (resignation) came up by surprise. J. Lippert repeated that in the absence of the Zoning Administrator, the Supervisor does the reviewing of SPR's. Englerth also mentioned the buoy situation, and a land split needing to be handled.

G. Purcell, speaking as a citizen, not as a PC member, commented that action needs to be taken, and the Supervisor should probably be give authority to hire someone (interim) for a 30 – 60 day period. Purcell also suggested taking the time to observe and review the position, and publishing the opening. Purcell mentioned PC or ZBA members possibly taking a leave of absence to assist in the interim. Purcell commented that he was not an advocate for seeing Bob Lippert leave, but that is now over and business needs to be carried out.

M. Cook remarked that she would like to see a decision today. She feels that a person could serve up to 90 days and that within two weeks this person could be working as the interim ZA. She feels strongly about funneling everything through one person.

Jerkatis commented that he agreed with M. Cook almost 100% except that 90 days is too long.

J. Lippert will have the ZA job description for everyone on Monday, March 4.

M. Cook added that if the board chooses not to put "enforcement" on the interim ZA, she has no problem with that.

Motion by M. Cook with support from Jerkatis for the next two weeks to have the Supervisor and Planning Commission Chairman handle the Zoning Administrator responsibilities and give the Supervisor authority to hire an interim Zoning Administrator under the parameters of keeping hours and pay the same, and once this is

Motion to hire interim ZA not to exceed 90 days. Supervisor/PC Chair to handle ZA responsibilities for next 2 wks. MOTION CARRIED.

done to rewrite the job description for the Zoning Administrator. The interim position is not to exceed 90 days. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

Discussion occurred regarding current enforcement and complaint driven enforcement.

J. Lippert also noted that the Zoning Administrator was on a salary, not paid hourly. M. Cook commented that pay for the interim Zoning Administrator should be calculated as hourly.

ADJOURNMENT

Motion by Campbell with support from J. Lippert to adjourn meeting at 11:02 a.m. Approved by all.

Respectfully submitted:
D. Mousseau
Recording Secretary
3-2-13

Approved Date: _____
By: Janice C. Lippert, Clerk
Final Approval of Minutes: March 14, 2013

Motion to grant authority to Supervisor to hire an interim ZA. Supervisor/PC Chair to cover ZA duties for next two weeks. MOTION CARRIED.

ADJOURNMENT