

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING
MONDAY, OCTOBER 16, 2006**

I. ROLL CALL

The regular monthly meeting of the Ann Arbor Charter Township Board of Trustees was called to order by Supervisor Moran at 7:33 p.m. at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan, 48105.

Present: Supervisor Michael Moran, Treasurer Virginia Forshee, Clerk Rena Basch, Trustees John Allison, Richard Dieterle, and Gene Ragland.

Absent: Trustee Della DiPietro.

Also Present: Township Attorney Sandra Sorini Elser, Fire Chief Rick Ericson, and Utilities Superintendent Rick Judkins.

II. CITIZEN PARTICIPATION

Linda Vincent, 2615 Danberry Lane: Vincent expressed concern regarding a home at 2342 Blueberry in her neighborhood that just recently sold. Vincent said she has discovered a group day care home is operating which has been licensed by the State and approved for up to 12 children. According to Vincent the State has a form which the operator is required to sign and return stating they are aware they must have clearance with the zoning regulations of the local jurisdiction. Vincent stated this form is not on file with the State and the operation of a day care home has not been approved by the Township.

Moran informed the Board the Township just became aware of the situation a couple of days ago and the Township has not issued a Conditional Use Permit. Moran said the Zoning Administrator, Gary Dresselhouse is investigating the matter and the Township will take appropriate action.

**III. APPROVAL OF MINUTES OF SEPTEMBER 18, 2006 BOARD MEETING
Allison moved approval of the September 18, 2006 minutes. Basch seconded the motion which was adopted unanimously.**

IV. NEWPORT NEIGHBORHOOD ASSOCIATION

Bob White, Spokesman, 2612 Newport Road: White addressed the Board regarding properties in the Township subject to annexation as of January 1, 2008. White informed the Board he and his neighbors have formed a group, and their purpose is to let the Township know in an official capacity they are not interested in being annexed. White asked the Board to reconsider the policy agreement which was reached between the Township and City of Ann Arbor in 1994. White said it is their understanding the policy decision is not a binding contract that either the Township or City has to adhere to. White requested the Township to consider the financial impact of annexation upon the Township as a whole and upon all the individual residences that may be affected. White said it was their understanding any properties outside of the freeway ring would not be

annexed. White stated they were never notified of any policy decision that was in the works and were never involved nor had any input during the decision making process.

~~Michal Porath~~~~Michael Horvath~~, 1451 Warrington Circle: ~~Porath~~~~Horvath~~ said she purchased her home in July 1994 just a couple of months after the policy agreement was signed and was never made aware of the agreement or that her property was to be annexed. In 1997 she said she requested a copy of the agreement and it states that “the City and Township intend to abide by these policies insofar as it is practical and permitted by law.” ~~Horvath~~~~Porath~~ stated it is not practical and believes they were not well represented at the time. Residents are now faced with annexation and paying city taxes and being part of a municipality they never intended to be part of. Residents are also being forced to hook up and pay for services they do not want and do not need. ~~Por~~~~Horvath~~ said the cost of eventual annexation is unconscionable, is not useful, efficient, level-headed, or a good cost benefit ratio.

Moran reported he had met with the group when it was initially formed and is willing to establish a dialogue with the association. Dieterle said much of the details are murky at this point, however, the Township was involved in multiple lawsuits with the City over annexation of properties when septic tanks had failed. The County had gotten involved and wouldn't allow property owners to refurbish their failed septic systems. The Township then became a Charter Township to establish more credibility with the Boundary Commission and to prevent the whole Township from being annexed into the City. Dieterle stated the Township has appealed the unreasonable cost of hook up fees but have been ignored by the City.

V. REVIEW OF 3RD QUARTER 2006 BUDGET

Moran reported Colleen Coogan was unable to attend the meeting. Moran briefly reported on the review of the third quarter budget for 2006 and requested the Board to table the item to the next Board meeting. **Ragland moved approval to table the review of the third quarter 2006 budget to the next Board meeting. Allison seconded the motion which was adopted unanimously.**

VI. INITIAL PRESENTATION OF 2007 BUDGET

Moran reported Colleen Coogan was unable to attend the meeting and requested the Board to table the item to the next Board meeting. **Ragland moved approval to table the presentation of the 2007 budget to the next Board meeting. Allison seconded the motion which was adopted unanimously.**

VII. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. CUP-02-06

Moran reported this is a request for a Conditional Use Permit by Perkins Construction to build a construction company office building in I-1 (Industrial) District. The Planning Commission recommended approval at its October 3, 2006 meeting. Allison said this is a conditional use permit for a contractor's establishment limited to a single occupant engaged in contracting for building construction and remodeling, etc., with eight specific conditions. Allison stated the property is located at 3788 Pontiac Trail just north of the

Cornwell Pool and Patio facility. There were no public comments at the public hearing and the use will be strictly for office space. Allison commented the use is consistent with the master plan and current zoning. Forshee informed the Board the address listed is incorrect but the property identification is correct and taxes have been paid.

Chief Ericson reported he met with Perkins and the Township Engineer and they have resolved his concerns regarding emergency access. **Dieterle moved approval of the resolution approving the issuance of a Conditional Use Permit for Perkins Construction Company. Basch seconded the motion which was adopted unanimously.**

B. Zoning Ordinance Amendment, Section 10.02F

Allison reported the Township used to have two different industrial zoning districts, however, the major district was annexed which left the area that was recently approved for a CUP for the Perkins Construction Company and the Cornwell Pool and Patio facility. Allison said the previous industrial districts were allowed only in areas with water and sewer. The changes to the district make it non-specific for water and sewer and restrict the type of storage allowed on site. The Planning Commission recommended approval at its October 3, 2006 meeting. **Allison moved approval of the zoning ordinance amendment to Section 10.02F. Ragland seconded the motion which was adopted unanimously.**

C. Zoning Ordinance Amendment, Section 10.03~~2~~E

Moran expressed concern that it appears the Planning Commission has stricken all permitted uses except for ambulance stations and office. Moran said he is concerned there is no industrial zoning because there is no industrial use that is a permitted use. Allison said the planning commission determined it was reasonable to make all uses conditional to have more control over them. Basch expressed concern that the amendment is too restrictive and is uncomfortable that there are no permitted uses. **Basch moved approval to table consideration of ordinance 8-2006 industrial district section 10.03E. Dieterle seconded the motion which was adopted unanimously.**

D. KLB/Earhart Corporate Center

Moran reported the Township had two separate development agreements for KLB. Moran said this PUD amendment deals with the road. After the Township had approved the development agreement for the road the WCRC forced the removal of 13 additional trees. The Township reached an oral agreement with KLB that rather than going through the process of remediation for the trees, KLB will give the Township \$15,000 in cash. Allison expressed concern that accepting the money leaves the Township with no recourse to help the neighborhood with screening of trees. **Ragland moved approval of the amendment to the planned unit development agreement. Basch seconded the motion. The motion carried with Allison opposed.**

VIII. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS

A. Joint Resolution with City of Ann Arbor

Moran said this resolution reflects the annexations in 2005. **Allison moved approval of the joint resolution with the City of Ann Arbor. Dieterle seconded the motion which was adopted unanimously.**

B. Resolution to permit Supervisor or Clerk to execute conservation easement for purchase of development rights of Kapp farm.

Moran said this is a resolution to allow the Supervisor or Clerk to execute the conservation agreement in order to purchase the development rights of the Kapp farm. Moran stated he is the purported signatory of the documents but needed to add another signatory in case he is not available. The closing date is scheduled for November 1, 2006. **Allison moved approval of the resolution to permit the Supervisor or Clerk to execute the conservation easement. Dieterle seconded the motion which was adopted unanimously.**

C. Resolution to allow Farmland Preservation Fund to borrow from Utility Fund to purchase Kapp development rights.

Moran said this is a resolution to permit inter-fund borrowing. Moran reported the Township needs \$500,000 over and above what is currently available in the farmland preservation fund. **Ragland moved approval of the inter-fund resolution. Dieterle seconded the motion which was adopted unanimously.**

D. Discussion of and possible resolution approving funds for regional police study.

Moran informed the Board the Sheriff and County are not finding ways to resolve their differences without legal intervention and he is looking at other options for police services. Moran said he has attended seminars on regional authorities and there is interest among Superior, Augusta, Salem, Ypsilanti and Northfield townships to create an Eastern Washtenaw Police Authority. Moran stated regardless of the number of deputies for each Township, each governmental entity would have only one vote on the commission. Moran said Plant & Moran have not been selected at this time to conduct the study. Moran indicated they are looking to establish a proposal to put out for bid and the estimated cost per unit is \$5,000. Dieterle said it is part of the Township's responsibility to look at a study and therefore provide some money to pay for it. Ragland said this is the logical next step and the Township is well positioned to take this on. **Dieterle moved approval to appropriate up to \$5000 for a regional police study with other townships. Allison seconded the motion which was adopted unanimously.**

E. Contract with Barry Lonik

Moran informed the Board this is an independent contractor agreement for consulting services. Moran stated the rate for compensation remains the same.

Ragland moved approval of the independent contractor's agreement with Barry Lonik. Dieterle seconded the motion which was adopted unanimously.

F. Supervisor's Report

Moran reported there has been no response from the MDEQ on the Colt Farms discharge permit. The new tables for the board room have arrived and are on wheels, tilt and configure into one large conference table. Gus from Tobin Lake Sales still needs to

mount the camera and wireless microphones. The staff is happy with the new heating and cooling system but a new door or supplemental heater may be needed for the stairwell area. The connection between the laptop and the projector is wire. Moran said he may propose a wireless connection but it would put the office remodel over budget by \$500. An update on the West Nile virus was included in the board's packets and there has been one death in ~~the State Washtenaw County~~ this year. Moran said there is a lot of resentment building among townships regarding the WCRC's proposal to reinstate the local bridge cost sharing program. Moran suggested either adopting the resolution opposing the local bridge cost sharing program or having the WCRC explain their position in a presentation to the Board. Moran reported there has been a public high school zoning change by statute that requires a public school district that plans to build a high school must first submit plans to the local zoning authority. **Ragland moved approval to invite WCRC representative to explain the need for cost sharing for repair and replacement of local bridges. Dieterle seconded the motion which was adopted unanimously.**

G. Treasurer's Report

Treasurer Forshee submitted a written report to the Board

H. Clerk's Report

Basch reported there are many openings on various County Boards and Commissions that are accepting applications and members of the community may be interested in serving on them. Basch updated the Board on the November 7th State election. The Township has issued 564 Absentee Voter ballots and the public accuracy test is scheduled for October 26th. Basch said the voter assistant terminals are scheduled to be tested on October 30th.

I. Planning Commission

Allison reported on the Planning Commission meeting held on October 3, 2006. The minutes were included in the Board's packets.

J. Public Safety

1. Fire Department

Chief Ericson reported that Lieutenant Volger secured another grant for the Fire Department in the amount of \$44,000. Ericson provided the Board with an updated capitol improvement plan and requested Board approval to make a major change in the plan. Ericson said he had discussions with the apparatus maintenance company R&R and they recommended if the Department is planning on making a major purchase in the next couple of years to do so in 2006 due to new emission standards which will significantly increase the cost of purchasing a new truck. Ericson said ladder 9 truck is scheduled to be replaced in 2010 at a cost of \$800,000. ~~Sydney City of~~ Burbank in Illinois ordered a ladder truck but is not going to fulfill their obligations. The cost of the truck is \$574,000 and they are willing to buy the Department's ladder truck for 150,000 which would result in a significant savings to the Township. Ericson requested permission to pursue this and ~~potentially possibly~~ purchase the truck in 2006 and receive it in 2007. **Dieterle moved approval to authorize the Chief to further obtain facts and figures in replacing the**

ladder truck and tentatively approving the purchase of a new ladder truck for the amount disclosed with the final approval coming back to the Board. Forshee seconded the motion which was adopted unanimously.

2. Sheriff Department

Lieutenant Troy Bevier submitted a written report to the Board.

K. Utilities Department

Rick Judkins submitted a written report to the Board. Judkins requested to replace the 1986 F250 Ford Truck with a new 2006 F350 Ford Truck. Judkins said he received three bids at government pricing. **Ragland moved approval to authorize the purchase of a 2006 F350 Ford truck. Basch seconded the motion which was adopted unanimously.**

L. Building Department

Gary Dresselhouse submitted a written report to the Board.

M. Farmland and Open Space Preservation Board

Moran reported there was a FOSPB meeting held on September 25, 2006. The minutes were included in the Board's packets.

N. Approval of Claims Listing

Allison moved approval of the claims listing for September 18, 2006 in the amount of \$2,655.05. Forshee seconded the motion which was adopted unanimously.

Ragland moved approval of the claims listing for October 2, 2006 in the amount of \$86,278.53. Allison seconded the motion which was adopted unanimously.

Forshee moved approval of the claims listing for October 11, 2006 in the amount of \$100,322.73. Ragland seconded the motion which was adopted unanimously.

IX. INFORMATIONAL ONLY ITEMS

Items were included in the Board's packets.

X. NON-AGENDA ITEMS

Ragland reported the WCRC and MDOT recommended increasing the lane widths of roundabouts from one to two lanes at the new high school.

XI. PUBLIC COMMENT - none

IX. ADJOURNMENT

Forshee moved approval to adjourn the meeting at 9:58p.m. Basch seconded the motion which was adopted unanimously.