

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING
MONDAY, DECEMBER 18, 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 7:30 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, Della DiPietro and Gene Ragland

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

II. CITIZEN PARTICIPATION – No citizen signed up for participation.

III. APPROVAL OF MINUTES OF NOVEMBER 20, 2006 BOARD MEETING

Corrections to the 11/20/06 minutes: On page 2 under public hearing in the twelfth line insert “some” between “for” and “zoning”. On page 6 under Fire Department strike “City of Burbank” and insert “Crimson Fire”. **Allison moved approval of the November 20, 2006 minutes as amended. Basch seconded the motion which was adopted unanimously.**

Allison moved approval to amend the agenda to advance items VI. A. and B. Ragland seconded the motion which was adopted unanimously.

VI. A. Silverman, Northbrooke

Moran indicated he has been presented with a deed by the Silverman Company for 153 acres of farmland. The Township Attorney noted use restrictions have been signed and the deed is acceptable and recordable including a commitment for title insurance and a survey showing the correct description of the 153 acre farmland parcel. Moran informed the Board the Planning Commission approved the final site plan contingent upon the Township Board’s approval of the PUD agreement and area plan including consultant comments and the like. **Allison moved approval that the Township Board accepts, in conjunction with the proposed Northbrooke PUD, the donation of 153 acres of farmland and the proposed use restrictions and directs the Supervisor to have the deed and use restrictions recorded immediately. DiPietro seconded the motion which was adopted unanimously.**

VI. B. ZC-3-05 Silverman, Northbrooke

Basch expressed concern with item I pertaining to the PWS ordinance of the Resolution approving the PUD rezoning petition and area plan. Basch said in the sixth line the phrase “intends to adopt” should be stricken and replaced with the word “adopted” including the specific date of adoption. Basch noted the same correction needs to be made in the development agreement. **Allison moved approval of the Resolution approving the Northbrooke PUD rezoning petition and area plan and development agreement.**

DiPietro seconded the motion which was adopted unanimously.

IV. Washtenaw County Road Commission

Roy Townsend, Director of Engineering of the WCRC, gave a brief presentation on posted speed limits for gravel roads and local bridge funding. Townsend informed the Board that Governor Granholm signed a bill on April 2, 2006 which became effective November 9, 2006 which allows speed limits to be established on both hard and soft surface roadways based on access points. Townsend explained an access point is defined as any side street, driveway, private road, etc. that intersects a major roadway. Roads must meet specific criteria that are based on the number of access points within one-half mile section of roadway. In all platted subdivisions roads will remain at 25 mph. Townsend said the following criteria applies to all other roads: 25 mph with 60 or more access points; 35 mph with 45 to 59 access points; 45 mph with 30 to 44 access points; and 55mph for all other roads with no posted speed limit.

Allison commented that Newport road between Maple and the City limits may qualify for the 35 mph criteria since it has been a long standing request by residents to reduce the speed limit.

Townsend also addressed the Board regarding the WCRC's proposal for townships to share in the cost for repair and replacement of local bridges. Townsend said the WCRC can only spend up to 50% for improvements on local roads and on bridge replacement projects, the WCRC usually applies for critical bridge funds through the local bridge program. The WCRC used to have a township participation program for bridges up until the year 1999. Due to a gas tax increase in 1997, former Director Bob Polens did away with the township participation program in 2000. Townsend said there has been no increase in the gas tax since 1997 therefore the WCRC is strapped for funds. The construction of bridges is funded 95% with federal and state funds however the WCRC is responsible for covering 5% of the costs for design and construction engineering. Townships would be expected to pay half of the 5% costs unless townships participate in the local matching program which could reduce a township's cost in half. Townsend advised the Board with the new local bridge program the WCRC can now apply for funds for bridge rehabilitation and maintenance.

V. 2006 Budget

Moran reported on the final amendments to the 2006 budget. Coogan provided the Board with a new short overview report. Moran noted under general accounts expenditures exceeded revenues by \$146,000, with \$100,000 of that due to the township office remodeling contract. Moran explained the Fire Department has a slight overage due to the new contract for wages and the Building Department continues to ~~make money~~ have a surplus. The Utilities Department account shows the expenditure of \$400,000 from reserves pursuant to the Board's decision to absorb the last two rate increases imposed by the City of Ann Arbor rather than pass the costs on to residents. This expenditure puts the reserves in line with auditor's recommendations. **Basch moved approval to accept the 2006 Budget final amendments. Dieterle seconded the motion which was adopted unanimously.**

VI. C. AB-1-06 Tax Abatement, AW Technical Center

Moran informed the Board that AW Tech asked the Township in March of 2002 to approve a six year tax abatement for 1.8 million in new equipment with the proposal of getting a MEGA grant from the State of Michigan. In March of 2002 the Township approved the six year tax abatement and in June of 2002 AW Tech advised the Township that they didn't receive approval of the MEGA grant and asked for a 2 year personal property tax abatement for the new equipment. The State Treasury didn't act on the abatement until February of 2004 and approved a 2 year abatement that expires on 12-31-06. AW Tech is therefore requesting a 2 year extension of the tax abatement.

The Township Attorney advised the Board that according to the [State-MI Economic Development Corp.](#) the State is not requiring a new application even though the statute requires one. The Township Attorney said a proposed resolution and agreement is before the Board for consideration which recites that the district was established in 1985 and that in June 2002 the Board adopted a 2 year abatement. The State didn't approve the abatement until 2004 so the period of the abatement expires on 12/31/06. The Township Attorney further advised that AW Tech has requested an extension, the Board will be holding a public hearing, notices were delivered by the Clerk, the Township is below the 5% threshold, and that the Board finds it is in the interest of the Township to grant the extension.

Moran opened the public hearing at 8:21 p.m. There were no public comments. Moran closed the public hearing at 8:22 p.m.

DiPietro moved approval of the resolution and the agreement with AW Technical Center for a 2 year tax abatement for the \$1.8 million investment. Dieterle seconded the motion which was adopted unanimously.

VI. D. AB-2-06 Tax Abatement, AW Technical Center

This item was removed from the agenda at the request of the petitioner.

VII. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS

A. Reappointments to the Board of Review

Moran requested the confirmation of the reappointment of Robert Mullins, Dawn Foerg and John Talbot to two new two year terms to the Board of Review to expire 1-1-09.

Ragland moved approval of the reappointment of Robert Mullins, Dawn Foerg and John Talbot to the Board of Review. Allison seconded the motion which was adopted unanimously.

B. Approval of Assessment Contract with Wayne Appraisal

Moran reported he received a contract from Wayne Appraisal which is proposing a five year contract with a five percent annual increase over five years. Moran said the Township currently pays \$55-58,000 per year for a part time assessor which is relatively

high compared to other jurisdictions which have similar number of parcels. Moran said he wanted to bring this up for discussion because he finds it troublesome signing a five year contract with any consultant as opposed to a three year contract. Moran stated shorter contracts forces the Township to review them more frequently and forces the Township to review how we use them. Moran said he finds the five percent increase is too high and if costs continue to escalate the Township may want to consider sharing a full time assessor with another township. Moran informed the Board the Township is currently under going a State audit of their assessing procedures which the State has noted some record failures and has given the Township a year to correct its' records. Moran said Wayne Appraisal has been very helpful and brought in two additional full time employees with no additional charge to the Township. Forshee pointed out that the Township is losing properties due to annexation. DiPietro suggested signing a contract up until the massive change from annexation takes place then re-evaluate the percentage of less work. Basch suggested getting other quotes from other contractors. Moran said it's too late to get other quotes since the Township is about to enter another year and because Wayne Appraisal has provided substantial assistance with the state audit. Moran said he would discuss a possible two to three year contract with a less than five percent increase with the contractor.

C. Thomas More Law Center

Moran informed the Board the Thomas More Law Center is a conservative legal group which has a donor who is donating a significant piece of property which they can auction off in order to obtain the proceeds. In order to auction off the property they need to have a non-profit charitable gaming license. In order to get a non-profit charitable gaming license they have to apply to the State and show they are a non profit organization including a resolution from the local governing body recognizing they are a non profit organization. The resolution presented to the Township is essentially a request by the TMLC to be recognized as a non profit organization operating in the community for the purpose of obtaining charitable gaming license. **DiPietro moved approval that the Thomas More Law Center is an Ann Arbor institution requesting to be recognized as a non profit organization operating in the community. Dieterle seconded the motion which was adopted unanimously.**

D. Pinebrook Estates

Moran informed the Board Pinebrook Estates was approved in 1996 as a single family condominium residential district. There were two residences which pre-existed prior to the development of the neighborhood. The basement level of the two houses ~~isare~~ very low and there was some concern over the retention pond. Two weeks ago due to excessive rain the retention pond threatened to overflow into the two houses and it was discovered that drain pipes were crushed on the Otto ~~Moehrle~~ property that caused the problem. Moran said there needs to be some permanent solution for residents such as establishing a drainage district. If the Township initiates the establishment of a drainage district and no district is established the Township must refund the County for their costs. If a drainage district is established regardless of who initiates the district the WCDC will determine some portion of the costs to be paid by the Township.

A representative from Pinebrook Estates thanked the Township for stepping up and helping those residents whose homes were threatened by the water. The representative indicated the homeowners association unanimously supports the establishment of a drainage district and understands that the homeowners ~~bear~~^{are} the costs.

Ragland moved approval of the application for laying out and designating a county drainage district. DiPietro seconded the motion which was adopted unanimously.

E. Supervisor's Report

Moran reported the County is proposing a new position for a jail population manager. Moran said other jurisdictions have used this approach to great success because they are not a sheriff employee or beholden to the courts and make recommendations to various diversion programs. Sheriff deputies have agreed to one year shift bids and a reduction in comp time through union negotiations. Moran said he continues to meet with townships regarding establishing a regional police authority which continues to seek companies other than Plante and Moran who may be interested in providing guidance in establishing such an authority. On the public high school sidewalk issue Moran said he has had discussions with the architect and that the school district wants the Township to initiate the request for the sidewalk which will cause some significant disruption to several residents' yards. Moran commented the sidewalk issue should be initiated by the school district. The Governor has signed the video franchising bill which Moran predicts will cause a loss of 5% in revenues. The Colt Farms MDEQ discharge permit is still undecided and a decision may not be reached until early next year. The child care facility on Blueberry lane represented the petitioner was a full time resident of the household. Moran received a copy of the application from the State and it appears the representations made by the petitioner were false. The Township has sent several letters to the operator informing them they have failed to attempt to comply with any Township ordinance and that daily fines may be imposed. The operator has requested to withdraw their operation/application and is asking to be given until February to put the house up for sale or rent. The Fire fighters are interested in a Michigan Employee Retirement System hybrid defined benefit plan. It was represented to the Township and the firemen by MERS representatives that the Township's contribution could be protected and the Township would incur no liability for signing on to the plan. After consultation with the Township attorney Moran was advised that the MERS plan does not limit the Township's liability.

F. Clerk's Report - None

G. Treasurer's Report

Treasurer Forshee submitted a written report to the Board.

H. Planning Commission

Allison reported on the Planning Commission meeting held on December 4, 2006 and the workshop meeting held on December 11, 2006. The minutes were included in the Board's packets.

I. Public Safety

1. Fire Department

Ericson informed the Board that ladder truck 12-9 has been sold to Putnam Township Fire Department with a delivery date of May 31, 2007. Ericson expects delivery of the new truck in June 2007. Ericson advised the Board that Dave Tanner's last day is December 30, 2006.

2. Sheriff Department

Lieutenant Troy Bevier submitted a written report to the Board.

J. Utilities Department

Judkins submitted a written report to the Board. Judkins indicated he spent considerable time at Pinebrook Estates dealing with the water problems and completed his test for soil erosion and sedimentation control for one and five acre sites.

K. Building Department

Gary Dresselhouse submitted a written report to the Board.

L. Farmland and Open Space Preservation Board

Allison reported on the FOSPB meeting held on November 27, 2006. The minutes were included in the Board's packets.

M. Approval of Claims Listing

Ragland moved approval of the claims listing for October 23, 2006 in the amount of \$35,944.83. Allison seconded the motion which was adopted unanimously.

Basch moved approval of the claims listing for November 2, 2006 in the amount of \$350,472.02. Allison seconded the motion which was adopted unanimously.

DiPietro moved approval of the claims listing for November 15, 2006 in the amount of \$105,022.86. Basch seconded the motion which was adopted unanimously.

DiPietro moved approval of the claims listing for December 4, 2006 in the amount of \$39,408.11. Allison seconded the motion which was adopted unanimously.

Allison moved approval of the claims listing for December 14, 2006 in the amount of \$135,696.55. DiPietro seconded the motion which was adopted unanimously.

IX. INFORMATIONAL ONLY ITEMS

Moran informed the Board that Trustee Gene Ragland has offered his resignation in order to fulfill a desire to be retired but acknowledged a willingness to participate with the Township in a less time restrictive manner. Moran said he will certainly miss him. Ragland said it has been a pleasure serving on the Board and he has had mixed emotions over leaving, however, he knows the Board is in good hands, is a high quality Board, and his potential replacement will make for a smooth transition. DiPietro said this is a very

sad task and she will miss Gene very much who has always asked very insightful questions and has brought a lot of wisdom to the Board. **Dieterle moved approval to accept Ragland's resignation from the Board of Trustees effective January 16, 2007. Moran seconded the motion. The motion carried with DiPietro and Forshee opposed.**

X. NON-AGENDA ITEMS

Ragland suggested the Board pass a resolution opposing the public high school sidewalk. **Ragland moved approval for the Supervisor to draft a letter expressing the Township's concern over the necessity for the sidewalk, the impact on the two homes and to encourage the school district and WCRC to explore other options for solving the solution, such as handling the storm water through underground piping and a much smaller sidewalk above. Allison seconded the motion which was adopted unanimously.**

XI. PUBLIC COMMENT - none

IX. ADJOURNMENT

Ragland moved approval to adjourn the meeting at 9:42p.m. Forshee seconded the motion which was adopted unanimously.