

**ANN ARBOR CHARTER TOWNSHIP  
BOARD OF TRUSTEES MEETING  
MINUTES OF MEETING  
MONDAY, APRIL 16, 2007**

**I. ROLL CALL**

The regular monthly meeting of the Ann Arbor Charter Township Board of Trustees was called to order by Supervisor Moran at 7:32 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, Della DiPietro and Randolph Perry.

Absent: Richard Dieterle

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 MARCH 19, 2007 BOARD MEETING**

Corrections to the 3/19/07 minutes: Apply Roman numeral III to motion to approve action in closed session. On page 2 in the second line change “historical” to “historic”. On page 3 under item E in the second line strike “addressable and”. On page 4 under item A. in the sixth line strike “has some concerns” and insert “needs and request more information”. Under item B change “Committee” to “Commission”. Under item C strike the last sentence and insert “Auditors advised no audit is required.” Under item D in the tenth line strike “said she is not inclined to grant marketing support and would have” and insert “asked about the legal need for a letter and if needed asked”. On page 5 in the eleventh line strike “improve” and insert “progress”. **DiPietro moved approval of the March 19, 2007 minutes as amended. Basch seconded the motion which was adopted unanimously.**

**IV. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING**

**A. Soil Erosion and Sedimentation Control Ordinance**

Moran informed the Board the Utilities Committee has been working on this ordinance for quite some time. Moran explained the ordinance was initiated by the Planning Commission and then recommended to the Board that the Township undertake permitting and inspection for soil erosion and sedimentation control. Moran said soil erosion control is currently done by the County, however, the County is very short staffed and the Township typically visits building sites regularly. Moran further explained under the ordinance’s fee structure and application it will be revenue neutral. The Township Attorney advised the Board the ordinance was sent to the State which conducted a thorough review and recommended minor revisions to sections 1.03, 3.01(C) and 3.04(B) due to recent changes in the statute. Perry recommended the same revision to section 3.04(A)(2) to be consistent with the statute. Moran noted the Utilities Committee also spent a lot of time on how best to exempt small projects. The Board discussed single family residential projects which may or may not require a soil erosion permit and the

ability of the administrator to use reasonable discretion in the determination of the issuance of a permit. Judkins advised the Board an educational brochure will be mailed to homeowners informing them of the Township's new soil erosion ordinance. The Township Attorney noted a developer is required to do a written permit transfer advising homeowners they are responsible for soil erosion and sedimentation control. **Allison moved approval of the Soil Erosion and Sedimentation Control Ordinance with the additions of "and adjacent properties" in sections 1.03, 3.01(C), 3.04(A)(2) and 3.04(B) on first reading. Basch seconded the motion which was adopted unanimously.**

#### **B. Agricultural Preservation Residential District**

Moran informed the Board the Township recently received letters from Paul Roney, President of Domino's Farm Corporation and Shaun Murray of the Home Builders Association. Moran said he shares the concerns of Domino's and the HBA regarding the density bonus, and he is not persuaded the Township will get any interested developers with only a 20% density bonus. DiPietro expressed similar concern and said if the Township really wants to use the ordinance as a tool she is not sure there is enough incentive to do so. Basch agreed with Moran and DiPietro. Allison said the APRD complies with the existing master plan so increasing the density bonus would require an increase in the density bonus in the master plan. Allison said the APRD implements the portion of the master plan which provides the only way for a developer to get a density bonus. Allison said although the density bonus may be modest, a developer's costs would be reduced. Allison further noted the Township's first preference is for agricultural preservation through the PDR ordinance and that this ordinance is the second best use of the land and is an option for landowners. Moran expressed concern if people are not going to farm or volunteer for PDR than the Township needs to give them more value for the land. Moran said if the Township doesn't allow for more than a 20% density bonus than the developer is more likely to split the property into 10 acre lots. Moran suggested a 30-40% density bonus. Basch said this ordinance is a very valuable tool for land preservation, but it needs a larger density bonus to be more of an enticement for property owners to use it; there is not enough funding or interest for PDR to preserve a large percentage of land. The Township Attorney advised the Board that amendments to the master plan on the density bonus could be done in a relatively short period of time. **Perry moved to table the Agricultural Preservation Residential District Ordinance and direct the Planning Commission to modify the Master Plan to permit a higher density bonus of 0.14. Basch seconded the motion. The motion passed with Allison opposed.**

#### **C. Purchase of Development Rights Ordinance**

Moran advised the Board the Farmland Preservation Board recommended minor changes to the ordinance in order to comply with the state funding guideline requirements. Allison explained the specific revisions to the ordinance. **Basch moved approval of the first reading of the Purchase of Development Rights Ordinance as amended. DiPietro seconded the motion which was adopted unanimously.**

#### **D. Codification of Township Ordinances**

Moran said the Board will be unable to approve the codification of Township ordinances because Municipal Code Corporation made the PDR ordinance a zoning ordinance instead of a police power ordinance. Moran said the code will have to be corrected and renumbered before the Board can act on it.

**E. AZ-1-07 Release for Annexation**

Moran said this is a request to comply with the agreement with the City of Ann Arbor to initiate annexation for water and sewer service. Forshee informed the Board taxes have been paid and the legal description is correct. **Allison moved approval of the release for annexation for parcel 09-27- 490-013. DiPietro seconded the motion which was adopted unanimously.**

**F. AZ-2-07 Release for Annexation**

Moran said this is a request for release of annexation to connect to city utilities. Moran indicated the request is very old with initial papers dating back to 2004. Moran explained the City of Ann Arbor moved the request on to the Township to complete. The Township requested John Birchmeier to provide current documentation that he has authority to sign the release. The additional documentation indicating John Birchmeier as the Successor Trustee of the E. F. Birchmeier Living Trust Agreement was attached to the petition. Forshee informed the Board taxes have been paid and the legal description is correct. **Allison moved approval of the release for annexation for parcel 09-18-480-010. DiPietro seconded the motion which was adopted unanimously.**

**G. Special Event Permit**

Moran informed the Board this is a request for a special event permit by Barton Hills Country Club for their annual fireworks display to be held on June 29, 2007. Moran said a certificate of liability insurance is attached to the request naming the Village and the Township as additional insured. The Fire Chief has approved the layout and is requesting approval of the permit be made contingent upon the Fire Marshall's inspection of the firing site and setup. Ericson advised the Board that under the Township's new ordinance the Township may charge a fee to cover expenses incurred by the Fire Department. Ericson said he would not object to waiving the fee. **DiPietro moved approval of the special event permit contingent upon the Fire Marshal's approval and with waiver of the customary fee. Allison seconded the motion which was adopted unanimously.**

**V. APPOINTMENTS, RESOLUTION, REPORTS, DISCUSSIONS**

**A. Fleming Creek Special Assessment District for Street Lighting**

Moran advised the Board the Township needs to set a public hearing for the Fleming Creek 1 and 2 special assessment districts for street lighting. **Basch moved approval to set a public hearing for May 21, 2007 for the Fleming Creek 1 and 2 special assessment district for street lighting. Forshee seconded the motion which was adopted unanimously.**

**B. Ann Arbor SPARK**

Moran informed the Board this is a request by SPARK for continuation of funding for the fiscal year 2007. Perry recommended amending the contract on the last page under clause (a) to correct the spelling of tortious. The Township attorney recommended revisions to section 4 of the agreement. **Perry moved approval of the 2007 agreement with the suggested spelling change and deletion of all of the language in section 4 except for the first sentence and authorizes the Supervisor and Clerk to sign the agreement. DiPietro seconded the motion. The motion passed with Allison opposed.**

**C. Washtenaw County Road Commission**

Moran said the WCRC has provided the additional information requested by the Board at their last meeting regarding road projects. The Board discussed the proposed improvements to Englave Drive between Newport and Danbury, Danbury from Blueberry to the end of pavement and Blueberry from Maple to Englave. The Board decided upon the following road projects: Englave, Danbury, Blueberry Option B, Woodlawn, Riverside and Blakeway. The Board also decided to request one application of calcium chloride versus brine applications for dust control. **Allison moved approval of the road improvement program as outlined by the Supervisor in the amount of \$65,000. DiPietro seconded the motion which was adopted unanimously.**

**D. Regional Police Authority Study**

Moran provided copies of the response from Virchow Krause for the Board's review. Moran explained the Committee was persuaded that Virchow Krause was by far the better choice than Plante and Moran. So far Superior, York, Salem and possibly the City of Ypsilanti have all agreed to contribute up to \$8000 for the study. The County has agreed to contribute equally to the funding. Moran said the Board previously authorized up to \$5000 for the study, and he is now requesting authorization of up to an additional \$4000. Moran advised the Board that he is losing confidence in the Sheriff's Department and the Township must evaluate all their options. **DiPietro moved approval authorizing the Supervisor to spend up to an additional \$4000 to fund the police authority study. Allison seconded the motion which was adopted unanimously.**

**E. Budget for Revision of the General Development Plan**

Moran said he had previously expressed some concern about a wholesale rewrite of the GDP. Moran said he discussed his concerns with Township Planner Dick Carlisle who explained it is more of a reorganization of the GDP and expects half of the costs are associated with updating the maps and related materials. Moran asked Carlisle to specifically address the issue of roads and transportation. Allison explained the Planning Commission fully supports the revision to the GDP and is in line with the proposed reorganization. Allison said the proposal includes the master plan update dealing with roads, impervious surface, wetlands, storm water management, PWS and updates to the maps. **Allison moved approval to approve the budget not to exceed \$11,000 for the purpose of the master plan update. Perry seconded the motion which was adopted unanimously.**

**F. Supervisor's Report**

Moran reported the Police Services Steering Committee continues to meet. The US 23 rail study is looking viable and an application has been filed for a million dollar federal grant. Moran said several senators and representatives and various townships and organizations are supporting the federal grant application. Wireless Washtenaw continues to build out and is attempting to locate antennae in the Township. Care Response Ambulance has decided given the nature of the service they provide they don't need letters of support. Moran said he prefers the Township be serviced by Exelon Energy instead of DTE which will result in a savings of \$1300 per year. The Township's old microphones were sold to Dexter Township. Colt Farms has appealed the MDEQ permit denial and the Township has intervened in that appeal. DF Land Vistas has been affirmed by the Court of Appeals. Moran informed the Board a proposal may be presented to the Township in a few months for a senior assisted living facility on the Matthaei property. Moran said the Board of Review had four times as many people appealing their taxes this year due to the state's audit of the Township's assessing department. Moran said he met with Sue McCormick and discussed the possibility of deferring costs for connection fees for water and sewer for people who are over 65 years of age and/or disabled and are forced to annex.

**G. Clerk's Report**

Basch reported a School Board election is scheduled for May 8<sup>th</sup>. Basch said she expects the Township newsletter will be published soon. Basch also reported she attended a Food System Economic Partnership (FSEP) Conference with some members of the Farmland Preservation Board at the Washtenaw Community College and learned that the Township's Small Farm Initiative is on the right track.

**H. Treasurer's Report**

Forshee submitted a written report to the Board.

**I. Planning Commission**

Allison reported on the Planning Commission meeting held on April 4, 2007. The minutes were included in the Board's packets.

**J. Public Safety**

**1. Fire Safety**

Ericson reported \$31,500 of the \$33,000 grant money has been received from the federal government. Ericson said a new Explorer was purchased at a cost of \$25,235 and the new ladder truck is expected to arrive within 30 days. Ericson informed the Board the Fire Department received another grant for Jaws of Life extrication equipment valued at \$18,000 - \$20,000.

**2. Sheriff Department – No report.**

**K. Utilities Department**

Judkins submitted a written report to the Board. Judkins reported the Pinebrook Homeowner's Association has decided to try to fix their storm water problem on their

own by installing a new drainage pipe and creating a new inlet structure. Judkins also reported the County is looking at different GIS programs to implement.

**L. Building Department**

Dresselhouse submitted a written report to the Board.

**M. Farmland and Open Space Preservation Board**

Allison reported on the FOSPB meeting held on March 26, 2007. The minutes were included in the Board's packets.

**N. Approval of Claims Listing**

**DiPietro moved approval of the claims listing for March 9, 2007 in the amount of \$101. Allison seconded the motion which was adopted unanimously.**

**Allison move approval of the claims listing for March 23, 2007 in the amount of \$25,965.94. DiPietro seconded the motion which was adopted unanimously.**

**Basch moved approval of the claims listing for April 11, 2007 in the amount of \$70,215.78. DiPietro seconded the motion which was adopted unanimously.**

**VI. INFORMATIONAL ITEMS**

Items were included in the Board's packets.

**VII. NON-AGENDA ITEMS - None**

**VIII. PUBLIC COMMENT - None**

**IX. ADJOURNMENT**

**Forshee moved approval to adjourn the meeting at 10:05 p.m. Basch seconded the motion which was adopted unanimously.**