

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING MINUTES
MONDAY, SEPTEMBER 22, 2008**

I. CALL TO ORDER

The regular monthly meeting of the Ann Arbor Charter Township Board of Trustees was called to order by Supervisor Moran at 7:35 p.m. at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan, 48105.

Present: Supervisor Michael Moran, Clerk Rena Basch, Treasurer Della DiPietro, Trustees John Allison, Richard Dieterle, Randolph Perry, and Claudia Sedmak.

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

II. CITIZEN PARTICIPATION

Mike Cicchella Supervisor of Northfield Township thanked the Board for extending a line of credit to their township to help pay for improvements to Joy Road.

IV. WASHTENAW AREA TRANSPORTATION PLAN

Terri Blackmore Director of the Washtenaw Area Transportation Study (WATS) presented a power point presentation on the transit plan for Washtenaw County. Blackmore explained there are two separate types of plans, the concept plan and the service plan. Blackmore outlined the goals and objectives of the transit plan which include promoting economic vitality and quality of life, improving quality and quantity of transit service, access and mobility, education and advocacy, and identifying opportunities for funding for implementation. Deficiencies addressed in the plan included housing units, employment, transit support~~ive~~ facilities, park and ride lots, passenger rail stops, inter and intra county service, frequency and span of service, and inadequate demand response service capacity. Recommendations for the transit plan include demand response service areas, community connectors, expanded park and ride lots, and commuter rail service. Blackmore explained the next steps for the plan is to form a new authority/administration, encourage and approve land use decisions that support existing and future transit service, and establish local dedicated funding to expand the identified services.

III. APPROVAL OF MINUTES

Corrections to the 8/18/08 minutes: On page one under item IV.A. in the fifth line strike “agreement” and insert “policy statement” and on page two in the second line strike “Planning Commission” and insert “Zoning Official.” **Allison moved approval of the August 18, 2008 meeting minutes as amended. Sedmak seconded the motion which was adopted unanimously.**

V. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. Ordinance Amendment, Numbering Buildings

Moran advised the Board this is the second reading of the ordinance amendment which was approved on first reading at the August 18th meeting. Moran reminded the Board this ordinance was inadvertently left out when the Township codified their ordinances. **Allison moved to approve on second reading the amendment to Ann Arbor Charter Township Code of Ordinances adding new article IV to Chapter 14 Buildings and Building Regulations. Basch seconded the motion which was adopted unanimously.**

B. Ordinance Amendment, Re-establishment of Planning Commission

Moran advised the Board this is the first reading of the ordinance amendment to re-establish the planning commission because of the new Michigan Planning Enabling Act. The Township Attorney provided the Board with a draft ordinance dated September 22, 2008. The Township attorney stated the main revision was to clarify section 2.232 which states the Township Board shall be responsible for preparing a capital improvement plan. The Township attorney added that the severability provision section 2.237 can be deleted because it is already in the main code and the ordinance will become effective immediately upon publication after second reading. **Perry moved to approve on first reading the amendment to the Ann Arbor Charter Township Code of Ordinances Division 1 Chapter 2 Article VI Planning Commission with the deletion of section 2.237. Allison seconded the motion which was adopted unanimously.**

C. Ordinance Amendment, Conditional Uses

Moran informed the Board this amendment eliminates the fee exemption for conditional use application for single family residences and by any governmental body or agency. The Planning Commission recommended approval. Basch requested the last sentence in the first paragraph be stricken since it is not the practice of Township staff. The Township attorney said she would like to check to make sure the language is not required. **Basch moved to approve the amendment to section 74-133 conditional use permits as indicated on the September 8, 2008 recommendation from the Planning Commission with the deletion of the last sentence in first paragraph "The Clerk shall transmit a copy of the application form and the required information to the chairperson of the Planning Commission within three days of the filing date." Allison seconded the motion which was adopted unanimously.**

D. Ordinance Amendment, Final Site Plan

Moran informed the Board the final site plan amendment clarifies the distribution of plans and the recording of conditions of approval. Moran said the planning commission recommends approval and the amendment does not add any substantive requirements. **Allison moved to approve the amendment to section 74-174(d)(2) final site plan as indicated on the September 8, 2008 recommendation from the Planning Commission. Sedmak seconded the motion which was adopted unanimously.**

E. Ordinance Amendment, Floor Area

Moran informed the Board the purpose of the amendment is to provide clarity in the definition of floor area and was recommended by the Building Official and Township planner. **DiPietro moved to approve the amendment to section 74-2 floor area as indicated on the September 8, 2008 recommendation from the Planning Commission. Basch seconded the motion which was adopted unanimously.**

F. AZ-7-08 Release for Annexation

Moran indicated this request for annexation was tabled at the last meeting because of the understanding that the City of Ann Arbor was requesting the annexation which was incorrect. Moran said he spoke with the City, County and owners of the property and discovered this is a point of sale issue. The septic system passed under the County's ordinance and only fails when it is 50% too small. The septic system is currently 40% too small. The situation was made known to the seller and buyer and the connection to city utilities was negotiated into the sale price. Moran said he therefore recommends release of the parcel. **DiPietro moved approval for release of annexation of parcel AZ-7-08. Dieterle seconded the motion which was adopted unanimously.**

G. KLB/Earhart Corporate Center

Tony Antone presented KLB/Earhart Development Associates' request to unbank 140 land banked parking spaces as allowed for under the PUD agreement. Antone said the standard is three parking spaces per 1000 square feet. Antone said the current build out is 510 spaces and they are asking to unbank 140 spaces to satisfy new tenants occupying the building. Antone said they hope to have the building fully leased by the end of the year.

DiPietro stated under the PUD agreement the deferred parking spaces shall remain deferred as long as the building is used predominately as a corporate headquarters. DiPietro said she believes the building is predominately a corporate headquarters with two thirds of the building allocated to Conway. Allison said he agrees with DiPietro and that the conditions under the PUD agreement have not been met to unbank the 140 parking spaces. Perry said he can't be fixated on the language of the PUD agreement because of a change in circumstances and that he would vote to approve the 140 parking spaces. Perry added the tenor of the section of the PUD agreement approved 650 parking spaces with 140 spaces deferred and that a compelling argument has been made for the additional parking. Dieterle said he agrees with Perry and that there is a need to make the best out of a bad situation. Basch said she would be more open to unbank the 140 spaces but the applicant has not demonstrated a compelling need as required under the PUD agreement by providing the necessary documents to support their position. Moran said there is no doubt in his mind that the building is predominately occupied as a corporate headquarters. Moran added that there was an agreement for 510 spaces but in order to finance the project another 140 spaces were necessary. Moran said the language of the PUD was drafted so that the applicant must show more than a financial need to unbank the parking spaces. Allison proposed revising the PUD agreement, gathering input from the Planning Commission on allowable uses, lifetime limit on parking, public hearing to address the public interest, revisions for impervious surface, and a revised traffic study.

Perry moved that the Board find that the applicant has demonstrated a compelling need to unbank the 140 parking spaces. Dieterle seconded the motion.

Mr. Carson said the applicant is not requesting a change beyond the original contemplated maximum spaces of 650. Carson said the only issue here is the original corporate headquarters tenant did not occupy the site and there has been a change in circumstance. Carson added that the Planning Commission will have to examine the site plan for the new spaces and that an amendment to the PUD agreement is not necessary.

Allison said the Board will give away too much if the Board finds the applicant has demonstrated a compelling need. Moran agreed with Allison and indicated the applicant has not demonstrated a compelling need pursuant to section 1.8 of the PUD agreement. **Perry moved to amend the motion that the applicant has demonstrated a compelling need to unbank some or all of the land banked spaces and that the building is no longer used predominately as corporate headquarters and to remand the matter to the Planning Commission. Motion died for lack of support. Allison moved to remand this issue to the Planning Commission to hold a public hearing, to review site plans for storm water management to the Township's current standards, and to review revised traffic study to determine if mitigation is required for unbanking 140 parking spaces. Sedmak seconded the motion. The motion carried with Dieterle and Perry opposed.**

VI. APPOINTMENTS, RESOLUTION, REPORTS, DISCUSSIONS

A. Utilities Department

Judkins submitted a written report to the Board. Judkins also reported on the Ayrshire easement acquisition process and that the project bid opening is scheduled for October 9th. Judkins also reported on franchise utility inspection fees and requested approval of a utility installation/repair permit. The Board decided to defer the matter of the permit to the Utilities Committee. Judkins also requested the Board approve the purchase of a new pick up truck to replace the township's 1996 truck. **Dieterle moved to approve the request to purchase the vehicle and plow system from Varsity Ford not to exceed \$29,000. Allison seconded the motion which was adopted unanimously.**

B. Public Safety

1. Fire Department

Ericson reported that he finished the department's draft budget and plans to meet with the controller so that he can present a final budget to the Board at their October meeting.

2. Sheriff Department

Sergeant P. Cook submitted a written report to the Board.

C. Supervisor's Report

Moran reported the EDC will hold its first meeting on Wednesday September 24th. Moran said the Township has reached an agreement with fire fighters for a medical reimbursement plan and that they are continuing with fire fighters negotiations. Moran indicated the Township is having additional difficulties with Father Gabriel Richard High School over the gravel parking lot. Moran also reported the Township received a report from Stantec on the WCC water main loop and recommends payment of the contract to Higgins Company for \$478,907.50. Moran said they are holding off on payment until they receive a check from WCC for their portion of the bill.

D. Clerk's Report

Basch reported that the auditors are recommending the Board pass a resolution for routine and budgeted expenses as a form of documentation of Township policy. **DiPietro moved to approve the resolution regarding routine and budgeted expenses. Sedmak seconded the motion which was adopted unanimously.** Basch also reported that the Election Commission is scheduled to meet on October 10th.

E. Treasurer's Report

DiPietro submitted a written report to the Board.

F. Planning Commission

Allison reported on the Planning Commission meeting held on September 8, 2008. The minutes were included in the Board's packets.

G. Building Department

John Hamlin submitted a written report to the Board.

H. Approval of Claims Listing

Dieterle moved approval of the claims listing for September 3, 2008 in the amount of \$77,471.69. Allison seconded the motion which was adopted unanimously. Allison moved

approval of the claims listing for September 5, 2008 in the amount of \$408.65. Sedmak seconded the motion which was adopted unanimously. Allison moved approval of the claims listing for September 17, 2008 in the amount of \$562,079.70. Basch seconded the motion which was adopted unanimously.

VII. INFORMATIONAL ONLY ITEMS

Items were included in the Board's packets.

VIII. NON-AGENDA ITEMS

Sedmak reported that she attended SEMCOG's meeting on Low Impact Development.

IX. PUBLIC COMMENT

Basch asked the Board to consider an urban chicken permit.

X. ADJOURNMENT

DiPietro moved to adjourn the meeting at 10:56 p.m. Basch seconded the motion which was adopted unanimously.