

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING
MONDAY, SEPTEMBER 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 7:34 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.

Allison moved approval to amend the agenda to add item IV. B. Northbrooke PUD. Ragland seconded the motion which was adopted unanimously.

III. APPROVAL OF MINUTES OF AUGUST 21, 2006 BOARD MEETING

Corrections to the 8/21/06 minutes: On page 3 under item C in the second line insert “after the initial recommendation of the Planning Commission” after the word “Commission”. On page 5 under item I in the fourth line strike “inclusion” and insert “exclusion”. **Allison moved approval of the August 21, 2006 minutes as amended. Basch seconded the motion which was adopted unanimously.**

IV. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. AZ-4-06 Request for Release for Annexation

Request by William Davis for release of 5.05 acres (parcels I-09-27-490-017, 018 & 019) at 3165 Geddes Road to obtain City sewer and water. Moran informed the Board this item was tabled at the August meeting so the Petitioner could meet with the neighbors to clarify the plans for lot 021.

William Davis, the petitioner, indicated at the August meeting some questions were raised regarding the status of lot 021, which is the triangular parcel to the north of the properties to be annexed. Davis informed the Board the parcel is under contract and he and his partner have no specific plans to develop the property. Davis said he has had discussion with the neighbors regarding the issue of road access. Davis stated access will be by way of a cul-de-sac from Geddes Road only. Davis informed the Board Ann Arbor engineering examined the site to determine the availability of utilities and there is access for public sewer and water. Davis said there has been some concern regarding the natural features of the site and he understands the natural features are important to protect and they have no intention of clear cutting the property.

The Township Attorney informed the Petitioner until there is acceptance of the properties by the City of Ann Arbor the Ann Arbor Township regulations govern. **Ragland moved**

approval of the request for release of annexation for parcels I-09-27-490-017, -018 and -019. Allison seconded the motion which was adopted unanimously.

B. Northbrooke PUD

Steve Robinson was present representing the Petitioner. Robinson said under the terms of the current PUD agreement there is a deadline of September 20, 2006. Robinson stated they are currently working with the Planning Commission to obtain final site plan approval and there are still some remaining items which need to be resolved. Robinson said based on their current status they are offering to extend the deadline to October 20, 2006 in order to resolve outstanding issues and to take the pressure off the Township from incurring any reversion rights.

Moran offered to extend the deadline to November 20, 2006. Allison inquired about the current status of the PUD agreement. Robinson said they have no intent to change the terms of the PUD agreement but they are dealing with some internal issues and any requested modifications would be very minor. Allison recommended extending the deadline to November 8, 2006 which would allow for two Planning Commission meetings and one Board meeting. The Board discussed various amendments to the PUD agreement. **Basch moved to accept the resolution to amend approval of the Northbrooke PUD rezoning petition with the following changes: removing recital F that pertains to the warranty deed, removing the conditions of approval 2.2 that pertains to delivery of the deed, changing the dates in condition 2.1 to read “September 20, 2006 to November 8, 2006”, changing the date in 2.3 transfer of preserved farmland to September 1, 2009, and in item 3 revised documents, removing the escrow agreement and having exhibits one and two only, and strike “revised PUD” and add “first amendment to PUD.” Allison seconded the motion which was adopted unanimously.**

C. PR-01-06 Northbrooke North LLC and PR-02-06 Northbrooke South LLC

Moran informed the Board this is a request for private road permits. Steve Robinson was present representing the Petitioner. Forshee informed Robinson taxes need to be paid prior to any action. Forshee hand delivered to Robinson the current tax bills. The Board discussed various contingencies as conditions for approval. **Allison moved approval of private road permits for PR-01-06 Silverman Development Corporation for Northbrooke North and PR-02-06 Silverman Development Corporation for Northbrooke South contingent upon WCDC and WCRC approval, revisions of the site plan to show the radii of the cul-de-sacs, final site plan approval by the Planning Commission, review by the Township Attorney and Engineer, and recording of Exhibit B. Ragland seconded the motion which was adopted unanimously.**

D. Ordinance for Adoption of the International Fire Code and NFPA Life Safety Code-Second Reading

Moran indicated Chief Ericson recommended revisions to the ordinance. Moran said the minor changes are reflected on page 3 item M, obstruction of fire apparatus access roads, on page 4 item N, vehicular speed reduction devices, and page 2 item C, changing the word “opening” to “open”. Allison expressed concern regarding the appeals process and

the fact the Township Board would not be the appellate body. Allison also expressed concern over the large size of the fire code and the possibility the Township may disagree with some interpretation of the code and may find itself in litigation. Chief Ericson said he originally suggested the Township create a new Board made up of building and fire inspectors. Moran said it is difficult finding individuals willing to serve on various boards for the Township. Chief Ericson stated the County uses trained inspectors who follow the code book and ordinance. DiPietro said she appreciated Allison looking ahead to possible issues which may arise, however, she suggested the Township try it out, with the understanding the Township can amend the ordinance in the future. **DiPietro moved approval of the Ordinance for Adoption of the International Fire Code and NFPA Life Safety Code upon second reading. Dieterle seconded the motion which was adopted unanimously.**

V. A. Resolution adopting International Fire Code fees and fines

Allison moved approval of the resolution to amend the fee schedule and to adopt certain fines pertaining to the Township Fire Department and fire prevention and appointing a fire code enforcement officer. Basch seconded the motion which was adopted unanimously.

E. Authorization of Millage to be levied in December 2006

Moran informed the Board this is the Clerk's statement of money to be raised by tax. Moran said the statement applies the appropriate Headlee reductions and establishes the millages to be applied to the 2006 December tax bill. **Allison moved approval of the 2006 millage rates as presented by the Clerk on form L-4029 with a dated signature of September 16, 2006. DiPietro seconded the motion which was adopted unanimously.**

V. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS

B. Resolution to adopt Road Construction Permit and fees.

Moran indicated the design of permit forms is more of an office function rather than a Board function; however, the Board still needs to approve the fee structure. The Township Attorney informed the Board this is the same permit form approved by the Board at the August meeting but now with the added words "private road". The Township Attorney said the fee schedule is the same as approved by the Board last month. Allison expressed concern that there is some ambiguity as to whether the Township sets and approves a performance guarantee bond. Moran said the private road construction form can be changed administratively to include and establish an escrow amount for a performance guarantee bond. **DiPietro moved approval of the private road construction road permit fees as outlined: \$7,500 if the construction cost does not exceed \$50,000, 10% of construction cost if construction cost does not exceed \$250,000 and 8% of construction cost if construction cost exceeds \$250,000. Dieterle seconded the motion which was adopted unanimously.**

C. Supervisor's Report

Moran reported on the MDEQ hearing held on September 5, 2006 for the Colt Farms sewage discharge permit. Moran said the Township has been working with a team of

planners, engineers, and lawyers whom have prepared a written response to the MDEQ due September 20, 2006. Moran reported on policing alternatives and provided the Board with Northfield's estimated costs to expand their police department. Moran said there is no cost savings and there may actually be additional costs. Moran informed the Board he continues to meet with Superior Township and has been attending Superior's public citizen's police committee meetings. Moran stated he attended Suburban Alliance's program on police collaboration and they have shown some interest with Washtenaw Metro Alliance. Moran reported on the office remodeling. The Township is currently waiting for the new tables for the boardroom and the fascia around the back of the building was covered with aluminum to make it maintenance free.

D. Treasurer's Report

Forshee provided the Board with a report of current accounts and requested to add the Community Bank of Dearborn to approved depositories. Forshee informed the Board the current rates for deposits of \$250,000 or more for short term investments is 5.63% for one year. **DiPietro moved approval of the use of Community Bank of Dearborn as one of the investment options for Township money. Forshee seconded the motion which was adopted unanimously.**

E. Clerk's Report

Basch reported there is a state general election coming up in November and requested to schedule an Election Commission meeting prior to the October Board meeting at 7:15 p.m. Basch reported the previously passed ordinance provision for notification for public hearings requires the clerk to keep a list of those individuals who wish to be notified. Basch said the list is to be updated every year and she would like to request to notify those individuals via email.

G. Planning Commission

Allison reported on the Planning Commission meeting held on September 6, 2006. The minutes were included in the Board's packets.

H. Public Safety

1. Fire Department

Chief Ericson reported he is working on the 2007 budget and is awaiting input from his officers. Ericson informed the Board Dave Tanner will be retiring at the end of the year and possibly another fire fighter may be leaving the Department.

2. Sheriff's Department

Lieutenant Bevier submitted a written report to the Board.

J. Utilities Department

Rick Judkins submitted a written report to the Board. Judkins reported Brian Boesel passed his S4 license which is the first step to get his S3 license. Judkins said they will be mailing out the storm water flyer as part of the phase 2 storm water program and he is currently looking at replacing their 1986 pick up truck.

J. Building Department

Gary Dresselhouse submitted a written report to the Board.

K. Farmland and Open Space Preservation Board

Moran reported Kapp is anxious to close on the PDR deal. Allison reported the Board will need to make some amendments to the PDR ordinance due to new state requirements and they are continuing discussions on the possibility of establishing a small farm program.

L. Approval of Claims Listing

DiPietro moved approval of the claims listing for August 16, 2006 in the amount of \$10,494.21. Allison seconded the motion which was adopted unanimously.

Allison moved approval of the claims listing for September 5, 2006 in the amount of \$156,278.08. Forshee seconded the motion which was adopted unanimously.

Basch moved approval of the claims listing for September 8, 2006 through September 13, 2006 in the amount of \$53,430.59. Ragland seconded the motion which was adopted unanimously.

VI. INFORMATIONAL ONLY ITEMS

Items were included in the Board's packets.

VII. NON-AGENDA ITEMS

Moran reported the Township had approved a practice field at Gabriel Richard High School which has now grown into a football field. Moran said there is a requirement for no amplification and no lights. The high school would now like to use a portable amplifier to broadcast plays during football games. Moran said he helped draft a letter to residents informing them he was issuing a one time permit to the school to use the amplifier and for residents to listen between the hours of 12 – 3 p.m. Moran said there were no complaints and nothing could be heard, however, a couple of residents commented it may have been due to the prevailing winds. The same experiment was held the following weekend and it was dramatically different and could be heard very clearly but was not disturbing. Moran said the purpose of the experiment is to see if residents object and to keep the neighbors and school involved.

Ragland informed the Board that Jerry Clayton has announced his candidacy to run for Sheriff.

VIII. PUBLIC COMMENT - none

IX. ADJOURNMENT

Forshee moved approval to adjourn the meeting at 9:09p.m. Basch seconded the motion which was adopted unanimously.