

**ANN ARBOR CHARTER TOWNSHIP  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
MONDAY, MAY 16, 2017**

**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 7:34 p.m.

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

Also Present: Township Attorney Matt Rechten, Fire Chief Mark Nicholai, Township Engineer Eric Humesky, Township Planner Sally Elmiger, and Utilities Director Rick Judkins.

**Allison moved to amend the agenda to add first reading of the utilities water and sewer system rates, fees and charges, and connection fees under item IV and to defer item IV.A for later consideration in the meeting. Sedmak seconded the motion which was adopted unanimously.**

**II. CITIZEN PARTICIPATION - No citizen signed up for participation.**

**III. APPROVAL OF MINUTES**

Corrections to 4/17/17 minutes: On page 2 under item B in the 4<sup>th</sup> line after “entirely” strike the remainder of the sentence, and before the motion insert “Moran requested any proposed amendment be forwarded to him.”; under item V. after the second to last sentence insert “Allison and Basch commented on the poor condition of Huron River Drive between Hogback Road and Huron Hills Golf Course and requested immediate consideration of repair.” **Perry moved approval of the April 17, 2017 meeting minutes as amended. DiPietro seconded the motion which was adopted unanimously.**

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

**D. Amendment to Chapter 70, Sections 71, 72, 241 and 242 - First reading of the utilities water and sewer system rates, fees and charges, and connection fees**

Moran reported the Utilities Committee has recommended a method to smooth out the fluctuation in rates from the City so that the rates are more uniform over a period of 5 years. Moran reported the Utilities Committee has drafted language to that effect and is recommending approval on first reading with further revisions to be drafted and included on second reading. Attorney Rechten explained the proposed changes with the new language underlined in green with deleted language stricken in red. Moran noted the intent is to establish new uniform rates, fees and charges and connection fees in time for the July billing. **Allison moved to approve on first reading Amendment to Chapter 70-Utilities, Article II – Water System, Division 2 –**

**Rates, Fees and Charges, Section 70-71- Water Rates and 70-72 – Connection Fees and Article III – Sewer System, Division 2 – Rate, Fees and Charges, Section 70-242 – Sanitary Sewer Rates, and 70-242 – Connection Fees Ordinance as outlined in memo with modifications discussed tonight. Perry seconded the motion which was adopted unanimously.**

**B. Release for Annexation**—Request for release for annexation by owner of 2935 Devonshire Road, parcel I-09-34-150-010 for connection to City Utilities. Tabled by Board of Trustees at May 16, 2016 meeting. Owner withdraws request for Release for Annexation.

**C. Release for Annexation**—Request for release for annexation by owner of 2945 Devonshire Road, parcel I-09-34-150-011 for connection to City Utilities. Tabled by Board of Trustees at May 16, 2016 meeting. Owner requests release.

Moran explained the owner bought two lots side by side but was unsure of which lot he wanted to build on, and there was a question of what he was going to do with the other lot, if he was going to incorporate the lot into his yard or if he was going to sell it. According to the City’s ordinance adopted in 1990 it states an owner who seeks to annex to the City of Ann Arbor shall seek to annex all property he owns in the Township. However, according to the 1994 Boundary Agreement which the City’s ordinance is superseded by, the agreement permits an owner to request annexation of a parcel to connect to City utilities but does not require annexation of any other property they may own in the Township to the City. Moran reported he has taken this position with the City, and the City hasn’t taken any position to the contrary to force annexation. **DiPietro moved to release for annexation parcel I-09-34-150-011, 2945 Devonshire Road to connect to City utilities. Basch seconded the motion which was seconded unanimously.**

## **V. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS**

**A. PR 01-17, Private Road Permit by Owner of Cornwell Farms, SP 02-16**— Planning Commission has approved final site plan for 28 home development contingent upon issuance of Private Road Permit.

Attorney Rechten presented the proposed resolution approving the Cornwell Farms private roads. Rechten summarized the findings and conditions of the resolution and noted because the applicant hasn’t closed on his interest in the property recommended adding section A.15. with the following provision: “The owner shall provide its written consent to the terms of this permit.” Perry recommended striking the word three under sections J.7. and A.9., and striking the acronyms under section P. Basch noted the treasurer’s name should be stricken and replaced with the supervisor’s name for the correct required signature. **Basch moved approval of the Resolution Approving Cornwell Farms Private Roads draft dated May 15, 2017 with modifications discussed tonight. DiPietro seconded the motion which was adopted unanimously.**

**B. Stantec, Request for Amendment to Contract for Township Parking Lot Expansion to Account for Additional Services**

**Moran moved to table to provide further information next month. Perry seconded the motion which was adopted unanimously.**

**C. Special Event Permit**—American Diabetes Association Tour de Cure request special event permit for bicycle event to be held on June 3, 2017.

Moran reported there is no signed contract for police services included with the permit application. Moran noted the Township normally requires a detailed explanation and plans to provide police protection services as part of the permitting process. Attorney Rechten advised it is discretionary by the Township to require a police services contract and recommended conditioning approval of the applicant providing a sufficient plan for police protection. **Allison moved approval of the Special Events Permit for the American Diabetes Association for the Tour de Cure on June 3, 2017 conditioned upon providing a police protection plan with approval by the Township supervisor. Perry seconded the motion which was adopted unanimously.**

**Allison moved to bring back to table ordinance amendments. Sedmak seconded the motion which was adopted unanimously.**

**A. Amendment to Zoning Code sections 74-2, 74-461, 74-462, 74-463, 74-464, 74-547, 74-592, 74-763, 74-764 and 74-835, and Addition of Section 74-613**

**“Campgrounds.”**—Recommended for approval by Planning Commission at its meeting on March 6, 2017, tabled by Board of Trustees at April 17, 2017 meeting.

Elmiger stated she agreed with Attorney Rechten that a sod farm would be considered a farming operation and would be permitted as such. DiPietro questioned if sod farms have been expanded to all 3 districts and if the Township can restrict the use to certain districts. Elmiger indicated farming operations have been expanded and the uses have been congregated under farm operations as defined in the ordinance and consistent with the Right to Farm Act. Moran asked if the RTFA only applies to areas designated for agricultural use. Elmiger stated she believes farming has to be a permitted use in the district for it to be allowed. The Board discussed removing the intensive use of raising of livestock and sod farms from the R-C and A-R districts and listing them separately from farm operations. Perry recommended forming a committee to take up the issues and make a recommendation to the Board. Moran asked Rechten and Elmiger to explore conditions or nature of conditions that could be placed on the A-R district. Moran also asked if the Township can limit agricultural uses in the A-R district, and if so, what uses the Township would want to limit. Rechten advised the Board to decide how it wants to regulate farm operations with the understanding ~~one's~~a landowner's defense may be the RTFA. Basch recommended changing farming operations to a conditional use in R-C and A-R to resolve the issue. **Basch moved to approve Amendment to Zoning Code Sections 74-2, 74-461, 74-462, 74-463, 74-464, 74-547, 74-592, 74-763, 74-764 and 74-835, and Addition of Section 74-613**

**“Campgrounds.” with the following changes on page 4 changing farming operations from a permitted use to a conditional use in the R-C and A-R districts, on page 5 return livestock, animal raising and remove it as a permitted use in R-C and permit it under A-1, and return sod farm and remove it as conditional use in R-C and leave it as a permitted use in A-1.**

**Motion failed for lack of support.** The Board continued discussion without reaching a consensus. Elmiger recommended separating each use and addressing them individually. **Basch moved to table to the next Board meeting. Allison seconded the motion which was adopted unanimously.**

**D. Special Event Permit**—Barton Hills Country Club requests special event permit for annual fireworks event to be held on June 23, 2017.

**Allison moved approval of the Special Events Permit for Great Lakes Fireworks LLC on behalf of Barton Hills Country Club on June 23, 2017 subject to Fire Chief inspection prior to ignition. DiPietro seconded the motion which was adopted unanimously.**

**E. Resolution to Apply for and Accept Grant from State of Michigan for New Voting Equipment**—Request from Clerk Basch.

**Allison moved approval of Resolution Authorizing Entering into State Grant Agreement for New Voting Equipment as amended striking “Washtenaw County on this day of 15 day of May, 2017 and correcting the date in the certification. Kohrs seconded the motion which was adopted unanimously.**

**F. Discussion re Washtenaw County Road Commission Road Projects**

Moran reported on a proposal from the WCRC for three berm removal projects on Warren Road at a cost of \$38,700. Moran noted he received a bid of \$41,000 to remove the dead wood along Warren Road, and for canopy removal on Ford Road. Board discussed other possible road projects, and the option of passing a millage or township-wide special assessments to help pay for road improvements. Moran recommended additional brine applications for dust control and to help maintain the condition of the roads. **DiPietro moved approval of two additional township-wide brine applications and three berm removal projects on Warren Road. Allison seconded the motion which was adopted unanimously.**

**G. Extension of Washtenaw Urban County Cooperative Agreement**—Supervisor requests extension

**Allison moved approval to permit extension of the Washtenaw Urban County Cooperative Agreement for the period July 1, 2018 through June 30, 2021. Kohrs seconded the motion which was adopted unanimously.**

**H. Establish Registration Fee for Sealant Contractors**—The Board’s recently enacted Coal Tar Ordinance calls for a registration fee for commercial applicators to be set by resolution of the Board. Staff suggests an annual registration fee of \$45.00.

Moran reported the annual registration fee includes inspections. **Allison moved approval to**

**establish a registration fee in the amount of \$45 for commercial sealant applicators. DiPietro seconded the motion which was adopted unanimously.**

**I. Public Safety**

**1. Sheriff's Office**

The Board received a written report from the Sheriff's Department.

**2. Fire Department**

Chief Nicholai submitted a written report to the Board on the department's activity for the month of April. Nicholai also requested Board approval to equip new firefighters with turnout gear through the FEMA grant. **Kohrs move to authorize the Fire Chief to front up to \$13,100 for turnout gear to be reimbursed by the FEMA grant. DiPietro seconded the motion which was adopted unanimously.**

**J. Utilities Department**

Judkins submitted a written report to the Board on the department's activity for the month of April. Judkins also reported warning sirens are tested the first Saturday of every month and that one siren is not currently working.

**K. Supervisor's Report**

Moran reported he met with the EPA and showed EPA officials areas of concern regarding the PALL plume. Moran indicated the EPA seemed concerned about people being safe with a focus on people who may be consuming the water and those that may be exposed to it. Moran also updated the Board on a recent meeting with the MDEQ and that the Superfund is still ~~a legitimate concern and is~~ under consideration. Moran also reported he attended the grand opening of Toyota's supplier center, and the Dixboro Road Shared Use Trail project is making progress.

**L. Clerk's Report**

Basch reported on the new voting equipment grant and that the Township will be responsible for the cost of any spare tabulators and accessories, and for implementation and training. Basch noted the new voting equipment is expected to roll-out in time for the November 2017 election. Basch also reported the May 2<sup>nd</sup> election ran smoothly, the Township has been randomly selected for another state audit, and the ZBA meets tomorrow on the DTE solar array sign variance request again.

**M. Treasurer's Report - No report.**

**N. Planning Commission**

Allison reported on the May 4, 2017 Planning Commission meeting. The minutes were included in the Board packets.

**O. Building Department**

Pace submitted a written report to the Board.

**P. Farmland Preservation Committee - No report.**

**Q. Approval of Claims Listings**

**Sedmak moved approval of the claims listing dated March 31, 2017 through May 1, 2017 in the amount of \$441,695.69. Kohrs seconded the motion which was adopted unanimously.**

**Kohrs moved approval of the claims listing dated May 10, 2017 in the amount of \$193,503.77. Allison seconded the motion which was adopted unanimously.**

**R. Approval of Bills over \$5,000**

**DiPietro moved approval of the Hallahan & Associates, P.C. invoice in the amount of \$11,380.04. Kohrs seconded the motion which was adopted unanimously. DiPietro moved approval of The Woodhill Group, LLC invoice in the amount of \$5,163.75. Kohrs seconded the motion which was adopted unanimously.**

**VI. INFORMATION ONLY ITEMS - None**

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

**VIII. PUBLIC COMMENT - None**

**IX. ADJOURNMENT**

**DiPietro moved to adjourn the meeting at 10:24 p.m.**