

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
MINUTES OF MEETING
MONDAY, SEPTEMBER 19, 2016**

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 7:32 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, Controller Becky Jacques, and Utilities Director Rick Judkins.

II. CITIZEN PARTICIPATION

The Board agreed to defer public comment until after the MDOT presentation.

III. APPROVAL OF MINUTES

Corrections to the 8/15/16 minutes: On page 3 under item E. in the 5th line insert commas after “meeting” and “odors” and strike “Moran asked them”. Under item F in the 2nd bullet point change “\$50 to \$50,000” and in the 3rd line strike “ASAP”. On page 4 in the 12th line after “Township” insert “may”, change “has” to “have”, and strike “determination” and insert “establishment”. In the 19th line after “home” insert “This probably was the reason for the most recent teardown in the neighborhood.” On page 5 under public comment strike “actions” and insert “promises”. **Allison moved approval of the August 15, 2016 meeting minutes as amended. DiPietro seconded the motion which was adopted unanimously.**

IV. SECOND QUARTER REVENUE AND EXPENDITURE HIGHLIGHTS and BUDGET ADJUSTMENT REQUESTS

Controller Becky Jacques presented the revenue and expenditure highlights for the 2nd quarter. Jacques stated she has no concerns with the financial statements but did note concern with engineering fees budgeted for \$19,000 with current expenses at \$14,000 and Planning Commission legal fees budgeted for \$12,000 with current expenses at \$30,000. Jacques reported there has been additional revenue generated from the building department due the high volume of activity with current year revenue over 300% higher than the same time last year. Jacques also reported she noticed a trend in the increase in the Fire Department’s overtime. Jacques requested Board approval of the recommended budget amendments for weather sirens, infiltration and parking lot expansion, Dixboro Road Multi-Use Trail, and Planning Commission Legal Fees. **Allison moved approval of the 2nd Quarter General Fund Budget Amendments based on the Controller’s memorandum dated August 1, 2016. DiPietro seconded the motion which was adopted unanimously.**

V. MDOT REQUEST FOR EXEMPTION FROM NOISE ORDINANCE FOR US 23 CONSTRUCTION

Moran reported that MDOT is requesting an exemption under the noise ordinance to permit 24/7 construction on US 23. Moran noted relevant portion of Noise ordinance and emails from Mr. Sweeney explaining the request were included in the Board packet and delivered to residents within 450 feet of the project boundary. Perry commented that he didn't see a provision under the Noise ordinance for the Board to grant an exemption and that it would be up to a court to make that decision. Moran commented he believes it's a question of whether the impossibility standard applies in this case.

Sweeney presented a power point presentation of MDOT's US23 Flex Route Active Traffic Management plan. Sweeney reported the purpose of the project is to relieve congestion problems and to allow more room for emergency responders during rush hour by creating a 3rd lane by making use of the shoulder for limited time periods. Sweeney reported the project is approximately 9 miles long extending from the M14-US23 tri-level intersection north south to Silver Lake Road ~~north~~ that includes pavement and rumble strip removal, pavement milling and resurfacing, new interchanges, new bridges, bridge widening, crash investigation sites, and extending the length of acceleration ramps. Sweeney explained the staging of the project noting 1.3 miles of the construction project is within the Township which consists of 6 to 8 weeks' worth of work. Sweeney noted the work will be stretched out over the construction season to limit daytime lane closures with the plan to construct in the evening with nighttime lane closures. Sweeney indicated construction is planned to start in early November 2016 ending in late December 2017. Sweeney also provided an overview of the homes within the Township that will be impacted by the project. Sweeney requested an exemption from the noise ordinance to allow construction work from sundown to 7 a.m. to prevent significant traffic backups, potential for secondary incidents, delays in emergency response time, and increase in travel times that affects the public welfare, safety and convenience of residents.

A resident from Warren Road commented that there ~~is~~ could be a compromise and that it can work and asked if it's possible to build a sound barrier wall. There was a lengthy discussion with residents expressing concerns about the noise at night. A resident asked when the Warren Road Bridge is going to be closed because they haul a lot of crops over the bridge. A resident asked what side of the northbound lane will the 3rd lane be added. A resident expressed concern with the impact to children living in the area. A resident expressed concern of tree coverage and if any generators will be used on site and if there will be any bridge or right of way widening.

Allison asked if the most onerous construction events could be restricted to daytime hours seven days a week. Allison also suggested a memorandum of agreement that would give the Township some ability to have control over the construction project. Perry commented that allowing nighttime lane closures allows traffic to flow during the day otherwise it will be a traffic nightmare if the Township insists on daytime lane closures. Moran commented he doesn't believe it's a worthwhile project because it turns the Township's level of service at the triple

decker intersection from B to F. DiPietro commented that she has lived through many construction projects and has great sympathy for those who have to live through this but there is no other place for traffic to go and is in favor of a shorter rather than longer construction period. Basch commented that she agrees with all the Board members, residents, and MDOT but given the lack of alternate routes and the level of traffic it's impossible to be done unless the work is done at nighttime. **Basch moved that the Board recognizes the work proposed is impossible to be performed unless the work is done between sundown and 7 a.m. Kohrs seconded the motion. Motion passed with 5 in favor and 2 opposed.**

V. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. Depression Dash, Request for Special Event Permit at Domino's Farms

Perry moved to approve the Special Event Permit submitted by the National Network of Depression Centers and supported by Domino's Farms. DiPietro seconded the motion which was adopted unanimously.

B. Marijuana Ordinance, Amendment to 74-2, 74-461 74-465 and Addition of 74-613, 74-614, 74-615, 74-616

Moran reported the proposed amendment was recommended for approval by Planning Commission at its September 6th meeting but since then the House and Senate have passed bill 4209 providing for provisioning centers, growers, processors, transporters, and licensing giving local governments the choice to opt-in to adopt ordinances to permit these uses. Attorney Rechten advised the ordinance amendment focuses on laws that are in place today and that the new bill doesn't change anything unless the Township wants to permit the other uses. Allison commented the proposed amendment is conservative and restrictions are appropriate with the patient and provider framework still in place. Moran indicated he would rather have a decision from the Planning Commission whether to reject or accept the new uses. **Basch moved to table Ordinance Amendment pertaining to Medical Marijuana Grow Operation. Perry seconded the motion which was adopted unanimously. Allison moved to approve on first reading an Amendment to Chapter 18 Businesses to add Chapter III Medical Marijuana Grow Operations. Perry seconded the motion which was adopted unanimously.**

V. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS

A. Discussion Regarding Trail along Pontiac Trail through Salem, Northfield and Ann Arbor Townships; Proposal for Feasibility Study

Moran reported the project is being coordinated through Salem Township because the largest portion of the project goes through their township. Moran reported the Township would be responsible for one-third of the costs of the feasibility study if the other jurisdictions sign off. Moran noted the County is interested in advancing this project if the road millage proposal passes in November. **DiPietro moved to approve the expenditure of 5K for the proposed Pontiac Trail Non-Motorized Pathway Feasibility Study contingent upon Northfield and**

Salem Townships approving the study. Allison seconded the motion which was adopted unanimously.

B. Weather Warning Sirens, Request to Approve Additional Funding—Board approved \$105,000 4/18/16; final bill to be \$108,100.

Moran reported the Board previously approved the expenditure of \$105,000 for the weather warning sirens but didn't include other permitting costs and that there is a question regarding electrical hook-up to one of the sirens. Judkins reported six permit applications are pending with DTE and he is waiting to confirm with DTE if the Township is responsible for providing electrical power to the one siren near the water tower which will include additional costs.

Moran moved to table. DiPietro seconded the motion which was adopted unanimously.

C. Resolution Consenting to Restatement of Qualified Retirement Plan

Moran reported the retirement plan has been restated to meet current requirements. **DiPietro moved to approve the resolution consenting to the Restatement of Qualified Retirement Plan. Sedmak seconded the motion which was adopted unanimously.**

D. Public Safety

1. Sheriff's Office

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

2. Fire Department

No report. Moran reported the new Fire Chief was unable to attend tonight's meeting.

E. Utilities Department

Judkins submitted a written report to the Board on the department's activity for the month of August 2016. Judkins also reported a pump failed at the Towsley lift station and that he had new pump installed and the old pump repaired. Judkins noted he ordered the new pump because he didn't want the system running on one pump and requested Board approval of Kennedy Industries invoices for parts and labor. **Allison moved to approve the expenditure for a new pump, pump repair, plus labor in the amount not to exceed \$9588. Kohrs seconded the motion which was adopted unanimously.** Judkins also reported the City had another sewage backup and approximately 600,000 gallons of sewage spilled into the Huron River.

F. Supervisor's Report

Moran reported on changes in the Fire Department and that a funding gap issue has arisen with the Dixboro Shared Use Trail project that needs to be resolved by December. Moran also reported on the current estimated cost of the Township's private drive and parking lot project.

G. Clerk's Report

No report.

H. Treasurer's Report

DiPietro reported 96% of summer taxes were collected by the deadline.

I. Planning Commission

Allison reported on the September 6, 2016 Planning Commission meeting. The minutes were included in the Board packets.

J. Building Department

Pace submitted a written report to the Board. Moran reported the Board will need to determine if it wants to hire an in-house building inspector and zoning administrator as a full time employee again, or to revise the contractual structure with Carlisle/Wortman code enforcement services and revise the fee schedule to ensure the Township is covering its costs. DiPietro commented that she thinks it's best to have someone in the office every day and expressed concern that her Deputy Treasurer has had enormous amount of overtime because of additional Building Department workload and that's just not sustainable ~~under the current conditions~~.

K. Farmland Preservation Committee

No report.

L. Approval of Claims Listings

Kohrs moved approval of the claims listing dated August 16, 2016 through September 1, 2016 in the amount of \$67,553.56. Sedmak seconded the motion which was adopted unanimously. Sedmak moved approval of the claims listing dated September 13, 2016 through September 14, 2016 in the amount of \$187,245.37. 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 10:00 p.m.