

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING – MONDAY, FEBRUARY 19, 2024
TOWNSHIP OFFICES - 3792 PONTIAC TRAIL, ANN ARBOR MI**

I. CALL TO ORDER, ESTABLISH QUORUM

Supervisor O’Connell called the Ann Arbor Charter Township Board of Trustees meeting to order at 7:35 pm on February 19, 2024.

Present: Supervisor Diane O’Connell
Clerk Rena Basch
Treasurer Carlene Colvin-Garcia
Trustee John Allison
Trustee Michael Moran
Trustee Kristine Olsson (7:38pm)

Absent: Trustee Rodney Smith

Also Present: Township Attorney Gabis, Bodman PLC
Township Planner Elmiger, Carlisle Wortman
Fire Captain Lewis Kempf
Utilities Director Judkins
Township Planner Elmiger, Carlisle Wortman

II. APPROVAL OF BOARD OF TRUSTEES MINUTES

A. Regular Meeting January 22, 2024.

MOTION by Moran, support by Colvin-Garcia, to amend and approve the January 22, 2024 regular meeting minutes as follows:

- **P. 12, last paragraph under Supervisor’s report, last sentence, correct to read: . . . the trend will be ~~episodic~~ asymptotic . . .**

Motion passed unanimously by voice vote.

B. Special Meeting Open Session February 5, 2024

MOTION by Allison, support by Moran, to approve the February 5, 2024 special meeting open session minutes as submitted.

Motion passed unanimously by voice vote.

C. Special Meeting Closed Session February 5, 2024

MOTION by Moran, support by Basch, to approve the February 5, 2024 special meeting closed session minutes as submitted.

Motion passed unanimously by voice vote.

III. CITIZEN PARTICIPATION - None.

IV. APPROVE THE AGENDA AND CONSENT AGENDA

MOTION by Moran, support by Allison, to approve the agenda and consent agenda, amended as follows:

- **Move IV.G. “Approve request for furnishing and installing one Allen Bradley Compact Logix PLC to replace the existing SLC 500 pic that is no longer supported for \$65,325.00” from Consent Agenda to Utilities Report.**

Motion passed unanimously by voice vote.

Consent Agenda:

- A. Claims Listing 01/19/2024 - 02/16/2024 for \$664,380.73**
- B. Approve Personnel Committee recommendation to increase compensation of Planning Commissioners from \$150 per meeting to \$175 effective Jan 1, 2024.**
- C. Remand and approve \$3,000 for an appraisal approved by FOSPB.**
- D. Approve release for annexation of 444 Huntington Place, I -09-27-475-002, to connect to City water.**
- E. Approve \$6,000 for a contract for Tetra Tech to continues the sampling program through March 27, 2024**
- F. Approve purchase request for Engine 12-2 repair for \$24,502.55.**

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

A. Warren Road Culvert – Aaron Berkholz, Washtenaw County Road Commission

Washtenaw County Road Commission representatives present this evening included:
Aaron Berkholz, Assistant Director of Engineering
Adam Lape, Director of Operations

Supervisor O’Connell introduced this agenda item. The Township had worked with the Washtenaw County Road Commission (WCRC) to try to get the Warren Road culvert near Dixboro Road rehabilitated. After conversation with WCRC and EGLE (Michigan Department of Environment, Great Lakes and Energy) this repair had originally been quoted (in 2022) for \$60K, including the Road Commission’s 50% contribution. The Township has committed \$30K, using ARPA (American Rescue Plan Act) funds. Now the cost was being quoted at over \$400K. Mr. Berkholz and Mr. Lape were present to answer questions about this changed circumstance.

Mr. Berkholz explained that the County had two types of culvert structures.

1. A *bridge* structure had a 20’ span or greater. What defines a bridge is the span over the waterway that is flowing underneath the county road. Bridges are federally mandated

to be inspected at a minimum every 2 years. Washtenaw County has 125 federally listed bridge structures. A bridge that has a weight limited posted on it is deteriorating, and WCRC inspects those bridges more frequently. Federal and state funding resources – while limited – are available for bridge repair.

2. *Culverts* having a smaller than 20' span are left up to the local road agency (WCRC) to manage as an asset and to identify funding sources for the repair. A culvert on a local county road that has a 5' diameter or a 5' span or greater needs a funding partner, usually the local municipality. WCRC takes care of anything smaller than that.

Regarding the Warren Road culvert near Dixboro Road:

- In 2019 the weight limit was lowered to 20 tons, and the bridge changed from a 3-unit posting (such as a gravel train), to a single-unit posting (such as a box truck), indicating there is an issue with the culvert. The culvert will continue to deteriorate to the point where it has to be closed.
- The most recent inspection was in November 2023, when the bridge was again identified as being in poor condition.
- The culvert was a 12.5' CMP (corrugated metal pipe) arch, which is large enough to walk through. As is not atypical for these pipes, the metal has rusted along the waterline. The galvanizing along the waterline and into the bottom of the pipe has been stripped away, and there are holes in the bottom of the pipe. Above the waterline, the culvert is still in very good condition.
- Conversation with the Township took place in early 2022 regarding repairing or replacing the culvert. The 12.5' pipe is too small for the stream, and needs to be upsized to 20', and replaced with a longer-lasting aluminum pipe.
- In 2022 the estimated cost of replacing the pipe was ~\$350K - ~\$400K. Because the cost was so high, and based on the funding available, Mr. Berkholz worked with the County's bridge engineer and talked to other road commissions, and came up with a lower cost solution of placing a 4"-6" reinforced concrete floor in the bottom of the culvert. The \$60K estimate was put forward as the cost of that type of repair, and an agreement with the Township was reached in October 2022.
- The concrete floor liner would not increase the weight limit on the culvert; the culvert would remain weight restricted. The liner would stem further restriction on the culvert, and as a repair would last perhaps 10-15 years.
- The current process for culvert installation is to place the floor of the pipe 1' to 1.5' below the stream bed elevation, which over time establishes a natural water course through the culvert. In early 2023 WCRC participated in a site visit with an EGLE Transportation Review Unit representative, who pointed out that the existing pipe is a constriction of the stream. When this culvert was installed decades ago, the floor of the pipe was placed at the same elevation as the stream. Putting a 4"-6" floor liner in the bottom of the culvert will raise it above the stream bed, which can cause a back-water condition, or a downstream perched condition where a scour hole is created at the pipe outlet. After this conversation, WCRC decided not to submit a permit application for the work.
- About the same time, an opportunity related to ARPA funding became available. In 2022 the Township had committed \$30K from ARPA funding it had received.

- The County (not the Road Commission) had also received ARPA funding. The Board of Commissioners allocated \$2M to water resources related to stormwater quality, and set up an application process to determine qualified projects.
- WCRC encouraged its township partners to submit applications. and during the first round of applications, their township partners received funding for 12 culverts, at a 50% cost share with ARPA funds. The cost share is shared between the townships and WCRC.
- The Warren Road culvert was not one of the original applications. For second round funding, WCRC worked with the Township, which did submit for ARPA funding. If granted, ARPA would cover \$200K, and the Township and WCRC would each have to commit \$100K. Also, it should be noted that the \$400K estimate is just that – an estimate. This is a large culvert that requires large equipment to install, and prices are fluid. The applications went in on January 16; the projects have not yet been awarded. The ARPA money needs to be obligated in 2024, but the project doesn't have to be completed until 2026.
- If the funds are granted for this project, Mr. Berkholz will return to the Township to have further conversation as to whether the Township wants to increase the amount allocated for this culvert replacement.

In response to questions, Mr. Berkholz said the culvert under Dixboro Road was the same type of construction as the one under Warren; they were probably installed at the same time. However, the Dixboro culvert does not have the same level of deterioration as the Warren Road culvert, and there is no weight limit on the Dixboro culvert. The Dixboro culvert is on a county primary road, and the County would have the responsibility for repairing or replacing it, when that need arose.

Mr. Berkholz and Mr. Lape discussed with the Board other local road projects planned for the next few years, including the upcoming work on Joy Road. Mr. Lape will email Supervisor O'Connell more information regarding local projects.

B. Resolution Authorizing a Temporary Road Closure for the Dexter- Ann Arbor Run – Doug Goodhue

Materials regarding this request were in the Board packets, including a certificate of liability insurance, endorsements, lease contract and map, along with a draft resolution.

MOTION by Basch, support by Olsson, to approve the ANN ARBOR CHARTER TOWNSHIP BOARD OF TRUSTEES RESOLUTION AUTHORIZING A TEMPORARY ROAD CLOSURE FOR THE DEXTER-ANN ARBOR RUN.

Motion passed unanimously by voice vote.

C. Ordinance Amendments, Zoning Code Section 74-2, “definitions” and 74-9, “Home occupation,” regarding standards for home occupations.

Township Planner Elmiger explained that the draft Home Occupation ordinance language had been updated based on comments provided by the Board at previous meetings.

Discussion:

The word “telework” had been replaced with “telecommuting.” However, “telework” still occurred in two instances – on p. 3, sub. (b)e., and on p. 7 sub.(e). In both instances, the term could just be removed, without replacement.

MOTION by Basch, support by Allison, that the Ann Arbor Charter Township Board of Trustees adopt AMENDMENT TO ZONING CODE: HOME OCCUPATIONS, revised February 14, 2024, with the word “telework” removed in those instances where it occurs.

Motion passed unanimously by voice vote.

D. Ordinance Amendments, Zoning Code Section 74-426, “Requirements, scope, uses, exceptions,” and 74-461 through 74-463, “Schedule of Use Regulations,” regarding accessory structures.

Township Planner Elmiger explained that the draft ordinance amendments regarding accessory structures had been updated to incorporate comments provided by the Board at their previous meeting.

As requested, Planner Elmiger had created three worksheets to calculate the maximum size for accessory buildings on a lot. The worksheets cover the three “lot size” categories in the ordinance. After Planner Elmiger and the Board worked through one of the worksheets, Planner Elmiger said she would make modifications and corrections based on her own experience and the experience of the Board this evening. The worksheet would be attached to the permit application, and would not be part of the ordinance.

After discussion, the following motion was made:

Motion by Allison, support by Moran, that the Ann Arbor Charter Township Board of Trustees adopt AMENDMENT TO ZONING CODE: ACCESSORY BUILDINGS AND STRUCTURES, revised February 14, 2024, with the following changes:

- p. 4, top of page, add vi. Accessory structures that are for farm operations (barns, silos, farm markets) are not subject to the total area size requirements listed in c (1) above.
- p. 4, under d. Zoning Compliance Certificate, last line, change his/her to their.

Motion passed unanimously by voice vote.

E. Amendments to Zoning Code Chapter 74, Sections 74-2 “Definitions and Interpretation,” 74-600 “Fence Regulations,” 74-595 “Setbacks on Arterial Roads,” and 74-426 “Requirements, Scope, Uses, Exceptions” - Sinead Redmond

Referencing her January 25, 2024 memorandum, Township Planner Elmiger explained that the Building Official has received a number of requests for residential fence permits that propose to fully enclose the front yard, and locate a gate across a driveway. Typically, the fence runs along the front property line/road right-of-way line, which doesn’t leave any

space for an emergency vehicle or delivery truck to pull off the road onto the driveway due to the gate there.

Planner Elmiger, the Building Official, and the Fire Chief worked together to develop an ordinance to amend the fence ordinance to allow a fence across a driveway, as long as the fence is located so that emergency vehicles can get to the driveway without having to park in the road and then open the gate and then get up to the house.

The Planning Commission took the opportunity to review the entire fence ordinance and made other changes to the ordinance as appropriate. The Planning Commission reviewed the subsequent draft, and held a public hearing on July 6, 2023. The Commission received comments from homeowners who have/want to have a fence enclosing their gardens that is tall enough to keep deer out, and has an electric current for the same purpose.

Planner Elmiger reviewed the changes in the fence ordinance as listed in the January 25, 2024 memo, and tonight Planner Elmiger reviewed those changes with the Board of Trustees.

After review and discussion, the Board directed Planner Elmiger to further research and potentially provide language as follows:

1. Clarify when fences are allowed in setbacks. Are setbacks along a road frontage measured from the property line or road right-of-way? Should the exception for fences be removed from 74-595 "Setbacks on arterial roads?"
2. When are fences permitted in easements and/or road right of ways? The Township's Utility Director has found that fences at common rear property lines have been installed atop utility and/or access easements. The ordinance is somewhat unclear - perhaps fences should specifically be prohibited within any right-of-way or easement. Perhaps the language could say that any fences built within any easement is the property owner's responsibility to repair or replace (or pay the cost) if work needs to occur within the easement and the fence needs to come out.

The Board questioned how other communities were addressing this issue.

3. Should interior fences have a height restriction different than the height of the primary structure? Should perimeter fences on a common property line between 2 properties have an absolute height limit?
4. Should the ordinance further clarify responsibility for maintenance of fences constructed on common property lines? Does allowing your neighbor to construct a fence on the property line then cause you to also be liable for fence repairs?
5. Clarify the definition of Knox Box.
6. Regarding Section 74-600(j), clarify who "Board of Appeals" refers to. Could the Building Official approve temporary fence extensions, rather than the Board of Appeals?

MOTION by Basch, support by Allison, to table discussion regarding Amendments to Zoning Code Chapter 74, Sections 74-2 "Definitions and Interpretation," 74-600 "Fence Regulations," 74-595 "Setbacks on Arterial Roads," and 74-426 "Requirements, Scope,

Uses, Exceptions”, so that the Township Planner can incorporate tonight’s discussion in the draft language.

Motion passed unanimously by voice vote.

F. Approve Carlisle Wortmann Agreement for Consulting Services – Sally Elmiger, Carlisle Wortmann

The new Carlisle Wortmann Agreement for Consulting Services was in the Board packets, along with an updated fee schedule. Fees are being raised \$5 per hour for each project team member.

Township Attorney Gabis said she had reviewed the Agreement. The only change of note is in Section 7.0, the indemnity provision, which had some differences from the original contract (2005).

After discussion, and in order to allow time to get a fuller explanation of the proposed changes in Section 7.0 from Carlisle Wortman Associates, the following motion was offered:

MOTION by Moran, support by Allison, to approve Attachment 1 FEES of the Agreement for Consulting Services, and table further discussion and action of the Agreement to the March Board of Trustees meeting.

Motion passed unanimously by voice vote.

VI. REPORTS, DISCUSSIONS

A. Supervisor’s Report – O’Connell

- Joy Road repair is on the Road Commission weekly work schedule.
- Upcoming meeting with Road Commission, Mid Michigan Materials, and the Township regarding needed maintenance/repair on Earhart.
- MDOT is taking some easement for the Maple Road Bridge repair. This will affect the land donation property, and there will be a different legal description.
- Township gateway sign was approved by MDOT.
- Township is doing ALICE (active shooter) training on March 5.
- Upcoming meeting with University of Michigan regarding the water tank construction.
- Township is supporting the \$21M Watershed Council grant, which has many partners. This is a federal grant for designing and building green infrastructure.
- A subcommittee will be evaluating the mining ordinance, with Trustee Allison taking the lead and Trustee Moran also participating.
- Potential community meeting led by the Road Commission with residents of Earhart Road.

B. Clerk’s Report – Basch

Clerk Basch updated the Board on activity in the Clerk’s office, especially as related to the presidential primary, where early voting was taking place; the Township audit;

preparation for Board of Review; many tax payers at the counter; and preparation for special meetings.

C. Treasurer's Report – Colvin-Garcia

Treasurer Colvin-Garcia update the Board on activity in the Treasurer's office:

- Audit completed.
- The last of the costs are in for the Dhu Varren Road special assessment district.

D. Planning Commission Report – February 5, 2024 – Allison

- Planning Commission continues to work on Master Plan goals.
- Public engagement meeting scheduled for March 12th.
- Discussion of Planning Commission Bylaws relative to conflict of interest.

E. Committee Reports

1) Farmland Open Space and Preservation Board Report

Trustee Allison reviewed the January 29, 2024 FOSPB minutes, a copy of which was in the Board packet.

- New PDR easement language being reviewed by the Township Attorney.
- Clerk Basch will follow up on request for storage space for FOSPB documents (in addition to minutes) on the Township server.
- FOSPB continues to discuss the end of the millage and potential recommendation to the Board.
- A PDR application has been recommended for an appraisal.

2) Utility Committee

Meeting Thursday the 22nd, 1:30pm.

3) Climate Resilience Committee

- Working on rewrite of the Climate Action Plan
- Applying for a Community Energy Management Grant of ~\$100K to perform an ASHRAE (American Society of Heating, Refrigerating and Air Conditioning Engineers) energy audit of the Township's larger buildings.

4) Zoning Board of Appeals

Did not meet.

5) Public Safety Committee

Did not meet.

6) Roads Committee

Did not meet.

F. Utilities Department Report

Utilities Director Judkins reported on the following:

- Water main break and repair just across the road from the Fire Station; the break was caused by corrosion.

- Director Judkins addressed the request pulled from the consent agenda, **Approve request for furnishing and installing one Allen Bradley Compact Logix PLC to replace the existing SLC 500 plc that is no longer supported for \$65,325.00.** The Programmable Logic Controller that operates the Township's water system is no longer supported; there are no parts available, and if the PLC goes down, the entire system goes down. This request has been put off for several years, in hopes of doing this at the same time the water tank is constructed, but waiting is no longer a prudent or safe option. He has been trying to get a 2nd bid; he should hopefully have that bid for the Utility Committee meeting on Thursday.
- Director Judkins is going to ask the Utility Committee to make a recommendation that escrow money and interest related to private wastewater systems stay with the sewer treatment plants, in order to provide funds to help pay for future replacement if something fails.
- All Seasons is planning on starting construction of their next phase this spring.

G. Public Safety Report

1) Washtenaw County Sheriff's Department

Report in the Board packets.

2) Fire Department – Captain Lewis Kempf

January 2024 Fire Department Report was in the Board packets.

Captain Kempf addressed the Apparatus Repair approved as part of the Consent Agenda.

H. Building Department Report

Report is in the packets.

VII. INFORMATION ONLY ITEMS - None

VIII. NON-AGENDA ITEMS

CARD (Coalition for Action on remediation of Dioxane) resolution will come before the Board in March, hopefully to be submitted in tandem with Scio Township's similar resolution.

IX. PUBLIC COMMENT - None.

X. ADJOURNMENT

MOTION by Colvin-Garcia, support by Olsson, to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting was adjourned 10:17 pm.