

**ANN ARBOR CHARTER TOWNSHIP  
BOARD OF TRUSTEES MEETING  
MINUTES OF MEETING - MONDAY, MARCH 20, 2023  
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 7:30pm on March 20, 2023. Per the Open Meetings Act members of the public could either participate in person or participate via ZOOM webinar platform. Members of the Board of Trustees must be physically present to participate as Members at the meeting.

Present: Supervisor Diane O’Connell  
Clerk Rena Basch  
Treasurer Carlene Colvin-Garcia  
Trustee Michael Moran  
Trustee Kristine Olsson  
Trustee Rodney Smith

Absent: Trustee John Allison

Also Present: Township Attorneys Sarah Williams and Sinead Redmond; Utilities Director Rick Judkins; Fire Chief Mark Nicholai

**II. APPROVAL OF BOARD of TRUSTEES MINUTES – February 20, 2023**

**MOTION by Colvin-Garcia, support by Olsson, to amend and approve the February 20, 2023 meeting minutes as follows:**

- Page 7, last line, correct to read: . . . Dhu Varren Court and Dhu Varren Road . . .
- Page 13, 1<sup>st</sup> line, correct to read: Lt. Blackford

**Motion passed by voice vote.**

**III. APPROVE THE AGENDA AND CONSENT AGENDA**

**A. Claims Listing 02-16-2023 to 03-16-2023 for \$ 664,270.87**

**MOTION by Basch, support by Colvin-Garcia, to approve the March 20, 2023 Board of Trustees Agenda and Consent Agenda as published.**

**Motion passed by voice vote.**

**IV. CITIZEN PARTICIPATION**

7:30 – 7:45. Citizen Participation on Agenda Items only.

None.

**V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS**

**A. Approve Professional Engineering Services for North Dixboro Road Path Gap Design – Mark Pascoe and Eric Humesky, Stantec**

Engineering Consultant Eric Humesky, Stantec, presented Stantec's March 8, 2023 proposal to provide *Professional Engineering Services for the N. Dixboro Road Path Gap Design, Permitting, and Construction Assistance*, for a project fee of \$75,000. Humesky noted that so far a \$40K Connecting Communities Grant had been secured; this would apply to this cost. There were also encouraging funding opportunities from the Washtenaw County Water Resources Commission ARPA funds and a second round of SPARK grant funding would be receiving applications.

Utilities Director Judkins said it was important to know whether the culvert would be considered an extension or a bridge. Consultant Humesky agreed. Once it was determined what the crossing will look like, the Township will be able to focus on further funding efforts.

**MOTION by Moran, support by Smith, that the Ann Arbor Charter Township approve the contract with Stantec for Professional Engineering Services for North Dixboro Road Path Gap Design, dated March 8, 2023, as submitted, in the amount of \$75,000.**

**Motion passed by voice vote.**

**B. Approve Amendment to Zoning Code Section 74-611 Agricultural Commercial Kitchens**  
**C. Approve Resolution Approving an Amendment to Conditional Use Permit for Major Agricultural Commercial Kitchen for Washtenaw Food Hub**

Township Attorney Redmond explained that Agenda Items **BA** and **CB** were related to the same request. The Washtenaw Food Hub was seeking to add a 1,200sf creamery to their suite of existing businesses. The current conditional use permit allows for a major agricultural commercial kitchen, and the ordinance considers a creamery to be a commercial kitchen.

To expand the kitchen space to add the creamery by 1200sf, the Food Hub would have kitchen space over the current ordinance limit of 10,000sf. Therefore the Food Hub was asking the Township to amend the ordinance to increase the maximum allowable size for a commercial kitchen to 15,000sf.

The Food Hub was also asking for an amendment to their conditional use permit to allow them to use a portion of building 3 as a creamery and to use a portion of building 10 as food storage in the future. The total space would still be under 15,000sf.

At their last meeting, the Planning Commission held a public hearing, considered the standards outlined in the code, and made the necessary findings and recommended approval of both the amendment to the ordinance and the resolution amending the conditional use permit. The Planning Commission resolutions are part of tonight's documentation.

The Board of Trustees was being asked to approve the ordinance amendment increasing the square footage, and was also being asked to adopt the Planning Commission's resolution to recommend approval of the amendment to the conditional use permit, in order to allow the Washtenaw Food Hub to use building 3 for the creamery and building 10 for food storage.

After discussion, and noting that the signature line on page 2 of the Draft Zoning Amendment needed to be labeled BOARD OF TRUSTEES, instead of PLANNING COMMISSION, the following motions were made:

**MOTION by Smith, support by Basch, that the Ann Arbor Charter Township Board of Trustees approve ANN ARBOR CHARTER TOWNSHIP AMENDMENT TO ZONING CODE SECTION 74-611 AGRICULTURAL COMMERCIAL KITCHENS, dated March 20, 2023.**

**Motion passed by voice vote.**

**MOTION by Smith, support by Olsson, that the Ann Arbor Charter Township Board of Trustees approve TOWNSHIP BOARD OF TRUSTEES, CHARTER TOWNSHIP OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, RESOLUTION APPROVING AMENDMENT TO CONDITIONAL USE PERMIT FOR MAJOR AGRICULTURAL COMMERCIAL KITCHEN FOR WASHTENAW FOOD HUB, dated March 20, 2023.**

**Roll call vote:**

Basch	yes
Colvin-Garcia	yes
Moran	yes
O'Connell	yes
Olsson	yes
Smith	yes

**Motion passed 6-0.**

- D. Approve amendment and restatement of Ann Arbor Charter Township Premium Only Plan for healthcare to reflect inclusion of HSAs, employer and employee contributions, etc.**

Clerk Basch explained that this was a cleanup action to bring our current plan into alignment with IRS Section 125 requirements by formally adopting a cafeteria plan. The plan election will allow those people who elect to continue with the PPO health plan to make their premium contribution in pre-tax dollars, and will allow employees to contribute to their HSAs in pre-tax dollars. The language in the Premium Only Plan Summary Plan Description that goes out to employees is consistent with the employee manual and the union contract language.

**MOTION by Smith, support by Moran, that the Ann Arbor Charter Township Board of Trustees approve ANN ARBOR TOWNSHIP BOARD OF TRUSTEES FORMAL RECORD OF**

**ACTION TO AMEND AND RE-STATE INSURANCE PLAN TO CREATE “CAFETERIA” / CODE SECTION 125 PLAN, as submitted.**

**Roll call vote:**

Basch	yes
Colvin-Garcia	yes
Moran	yes
O’Connell	yes
Olsson	yes
Smith	yes

**Motion passed 6-0.**

**E. Approve First Amendment to Agreement for Easements and Restrictive Covenants between the Regents of the University of Michigan and Toyota Motor Engineering & Manufacturing North America, Inc, NSK Americas, Inc, NSF International, KLA Corporation, IMRA America, Inc, AW Tech, Ann Arbor Charter Township.**

Township Attorney Williams introduced this agenda item. There had been a prior agreement in 1992 ~~and an assignment in 1994~~ regarding easements and restrictive covenants in the Tech ParkCenter, with the State of Michigan Treasurer shown as the developer. ~~In 1994 The agreement was now coming to the Township with~~ the development rights ~~being were~~ assigned to the University of Michigan. The prior agreement had expired December 31, 2022. The new agreement would be an extension for 10 years, to December 31, 2032.

In addition to the extension, there was also some language that adjusted the developer rights to approve amendments to the covenant agreement, giving the developer approval rights, along with 50% of the owners, so long as the developer owns any development parcel in the total park site.

Township Attorney Williams suggested that if the Board wanted to approve this agreement tonight, they should do so conditioned upon attorney review relative to what the change in the developer’s rights means.

Discussion

- The agreement proposed that the developer – now the University of Michigan – can do certain things that no one else can do. For instance, the prohibition on subdividing parcels, seeking a variance, or rezoning a property does not apply to the developer.
- Differences in the proposed agreement vs. the original agreement were confusing, especially relative to the developer’s approval rights as laid out in Amendment 3. Some members of the Board wondered if the Board should wait to take action until Township attorneys had a chance to review this document.
- Supervisor O’Connell had reached out to UofM with questions, but had not been able to discuss this agreement with anyone there.

- Township Attorney Williams felt that a motion conditioned on attorney review and Supervisor sign-off would allow the Board to take action tonight if they chose to do that. As the previous agreement had expired, there was no current binding agreement.

After further discussion, Trustee Smith offered the following motion:

**MOTION by Smith, support by Moran, to table this item to the April 10, 2023 Board of Trustees meeting, to allow time to get further information.**

**Roll call vote:**

Basch	no
Colvin-Garcia	no
Moran	no
O'Connell	no
Olsson	no
Smith	yes

**Motion to table failed 1-5.**

Board members indicated they had voted against the motion to table in order to allow further discussion.

Discussion included:

- The Township was a member of the Tech Center by virtue of the Fire ~~Department~~Station 2 parcel.
- Certain things in the proposed agreement needed to be clarified.
- The Board again discussed whether to approve the agreement conditioned on attorney review and Supervisor approval.
- Trustee Smith indicated he would like to have attorney review prior to voting.
- Trustee Moran pointed out that the next BOT meeting was April 10, which was earlier in the month than usual. There were questions that needed to be resolved.

A motion to table was again offered:

**MOTION by Moran, support by Smith, to table discussion and action on this item until the April 10, 2023 BOT meeting**

**Motion passed by voice vote.**

**F. Application for Metro Act Right of Way Permit extension from MCLmetro Access Transmission Services, LLC d/b/a/Verizon Access Transmission Services**

Supervisor O'Connell explained that the Metro Act Right of Way permit expires on April 2, 2023. The extension request is for a term to end on April 2, 2028, or a 5-year extension.

Township Attorney Williams said that when this application was originally approved in 2018, it was approved subject to four conditions:

1. Putting the \$25K bond in place. The bond was in place through 2024, and Verizon renews the bond automatically; they will keep renewing as long as the permit is outstanding.
2. The applicant obtain any necessary construction permit for new work. The applicant had said that new construction will occur within 6 months, and permits will be obtained first.
3. Confirmation of the adequacy of insurance. Tonight the Township was provided a certificate of injury insurance that shows the Township as an additional insured, with respect to the general liability insurance and the automobile insurance.
4. Provide more detailed route maps. The Township did have route maps at this time, and the maps showed that things were being moved around. The existing aerial and existing buried lines were going to be substantially adjusted according to what was being proposed.

A comparison of the certificate of insurance against the prior certificate of insurance had not yet been done.

Any approval should have substantially the same conditions as the previous approval. It was sometimes difficult to read the maps. There were parameters around what Verizon needed to submit, and to the extent that the Building and Zoning Official needed additional information in order to issue a permit, Verizon would need to provide that.

In response to questions, Township Attorney Williams said the purpose of the Metro Act was to streamline deployment of telecommunication services within the state and the unilateral agreement was on a form prescribed by the State. In 2022 the Township received just under \$7,000 as its portion of fees collected by the State. This was not a huge monetary benefit to the Township, who must go through the steps to issue permits, review route maps, etc. There was an initial permit fee of \$500 which was paid in 2008. There is no fee associated with the extension.

Utilities Director Judkins asked if language was included requiring a road right-of-way permit; this would require a detailed route map and pre-staking. Supervisor O'Connell said the 2018 agreement included language about needing a construction permit prior to construction in the Township right-of-way.

In response to questions, Township Attorney Williams said the Board could determine the bond should be increased in connection with a larger project. The bond is intended to cover any potential damages in connection with the construction.

Trustee Moran pointed out that the submitted Workers Compensation insurance expires on June 30, 2023. Work would not start until after that time; the Township needed to make sure the Workers Compensation Insurance remains current.

Township Attorney Williams advised that while the unilateral agreement requires as-builts, those as-builts have to be requested, and a 5<sup>th</sup> condition stating the requirement for as-

builds would be appropriate. Also, permit issuance should require proof of current insurance.

**MOTION by Olsson, support by Colvin-Garcia, that the Ann Arbor Charter Township Board of Trustees approve Metro Act Right of Way Telecommunication Permit 5 year extension for a term ending April 2, 2028, as requested by MCLmetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, with the following conditions:**

- 1. \$25,000 performance bond will remain in place for the duration of the extension.**
- 2. Detailed route maps and construction plans of existing lines be provided.**
- 3. Applicant to obtain any necessary construction permit prior to commencement of new work.**
- 4. As-built drawings will be submitted to the Township upon conclusion of any work.**
- 5. Updated insurance certificates, current during the time of work, be provided to the Township.**

**Motion passed by voice vote.**

## **VI. REPORTS, DISCUSSIONS, APPOINTMENTS**

### **A. Supervisor's Report**

- ARPA (American Rescue Plan Act) funds contract with the county is close to completion. Ann Arbor Township will use the funds to partner with a county shelter system for temporary emergency homeless sheltering.
- Climate consultants met with Township farmers; minutes will be distributed. This was the first meeting the climate consultants had done with any farming community.
- O'Connell will be meeting with UofM Director of Botanical Gardens relative to Dixboro trail completion.
- Ann Arbor SPARK had their first legislative meeting, inviting state reps, state senators, county commissioners, and US Rep. Dingell, with the emphasis on economic development, focusing on attracting talent to the area, and also emphasizing development that incorporates climate resiliency and efficiency through the brownfield TIF (tax increment financing) tool. The meeting conversation also turned to wastewater and water treatment, including the amount of PFAs in various water discharge systems.
- Road Commission had done a surface analysis of Dhu Varren Court and thought they could pulverize the existing material, add two coats of asphalt to the Court, with gravel and aggregate on the shoulders. The Dhu Varren SAD (Special Assessment District) will have a public hearing on April 10.
- Road Commission suggested 2023 road projects document is in the packets, along with the Washtenaw County Road Commission document *Funding Local Road Improvements in Washtenaw County*.
  - Trustee Smith reported that Warren Road was not in the County Plan for 2023 or 2024. It was doubtful Warren Road would last until 2025. Nixon Road and Whitehall Road were also not included. Dixboro Road was in the plan.
  - The \$2.8M under Total Local Road Needs on page 3 of the funding report was not a data-driven figure and did not give an accurate assessment of the Townships' needs. The Road Committee would come up with its own Local Road Needs list and funding amount.

- Trustee Moran pointed out that the Road Commission was suggesting that they will do two brine applications for dust control; this was also the time when the roads were graded. Two applications were not enough for the needed road maintenance in the Township. The Road Commission should come up with a charge per mile to grade the roads, and there should be at least three brine applications for dust control. Four would be optimum.

**B. Clerk's Report**

- March 20, 2023 written report in the packets.
- Information was posted on the website regarding branch cleanup that resulted from the recent ice storm.

**C. Treasurer's Report**

Work continuing to go smoothly in the Treasurer's Department.

**D. Planning Commission Report**

Supervisor O'Connell reviewed the draft March 6, 2023 Planning Commission regular meeting minutes that were in the BOT packets, as well as the March 14, 2023 Planning Commission work session meeting minutes.

Planning Commission is scheduling work sessions to discuss potential ordinance changes on second Tuesdays, as needed and appropriate.

**E. Committee Report**

**1) Farmland Open Space and Preservation Board Report**

Draft February 27, 2023 Farmland and Open Space Preservation Board minutes in BOT packets.

**2) Utility Committee**

Did not meet.

**3) Climate Resilience Committee**

**MOTION by Olsson, support by Smith, to approve the February 13, 2023 BOARDS & COUNCILS CONVENING ON TOWNSHIP CLIMATE ACTION PLAN minutes as presented.**

**Motion passed by voice vote.**

**4) Zoning Board of Appeals**

Did not meet.

**5) Public Safety Committee**

Did not meet.

**6) Roads Committee**

Meeting is scheduled for Thursday March 23.



**F. Utilities Department Report - Director Rick Judkins**

- February 2023 Utilities Department report in the packets.
- The State is requiring all municipalities to complete a 4-point inspection on service lines and verification of what the lines are made of (copper? lead?); a sample of 305 township inspections needs to be complete by July 2024. This is an unfunded state mandate.
- There is a new process for reporting required information, including water sample information, to EGLE.

**G. Public Safety Report**

**1) Washtenaw County Sheriff's Department**

Report in the Board packets.

**2) Fire Department – Chief Mark Nicholai**

Chief Nicholai reviewed the February 2023 Fire Department written report.

**H. Building Department Report**

Report in the BOT packets.

**VII. INFORMATION ONLY ITEMS**

None.

**VIII. NON-AGENDA ITEMS**

None.

**IX. PUBLIC COMMENT**

None.

**X. ADJOURNMENT**

**Motion by Moran, support by Colvin-Garcia, to adjourn the meeting at 9:32pm.**

**Motion passed by voice vote.**