

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING – MONDAY JULY 17, 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 July 17, 2023.

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

Absent: None

Also Present: Township Attorneys Alex Dieck and Sinead Redmond, Utilities Director Rick Judkins, Fire Chief Mark Nicholai and Captain Lewis Kempf

II. APPROVAL OF BOARD OF TRUSTEES MINUTES

A. Regular Meeting June 19, 2023

MOTION by Basch, support by Allison, to amend and approve the June 19, 2023 meeting minutes as follows:

- **Amend last paragraph on p. 4 as follows: Trustee Olsson noted that the City is also working on a Source Water Protection Plan from the Huron River Watershed Council that will among other things ~~would~~ address source water protection upstream of the WTP, including prevention of contaminants, forest and wetland protection from and lack of groundwater inputs including habitat destruction through development and encouraging agricultural best management practices.**

Trustee Smith explained that as he had been traveling, he had received the minutes too late to review them.

Motion approved 6-1 by voice vote (Smith opposed).

III. CITIZEN PARTICIPATION

Jason Morgan, State Rep. for the 23rd District; Jennifer Conlin, State Representative for the 48th District; and Sue Shink, State Senator for the 14th District, were present this evening, and all

made comments relative to the importance of protecting groundwater in the state, and also noted their support for local control relative to regulating sand and gravel operations within local jurisdictions.

Rick Bunch, 4989 Earhart Road, said that he lived across the street from the entrance to the sand and gravel mine on Earhart Road. His property had not yet been affected by the well issues faced by other property owners, but he was concerned about the surface water ponds that under state statute should be protected. Anything that interrupts groundwater flow will very likely affect surface water ponds. Furthermore, once affected, a spring could not be remediated so that it would start flowing into the bottom of the pond again. State statute stated that all legitimate uses of water and the property values attached to it must be protected.

James Frantz, 4200 Nixon Road, said that there was a pond on his property and he shared a pond with his neighbors, and he echoed what Mr. Bunch had just said.

Oren Sagher, 2411 Westbrooke Circle N., had past experience of living in a township where the water table was drawn down and wells went dry. People had to get their water from a water supply source off their property. Mr. Sagher was also concerned that changing ground water flow patterns could result in chemical contamination of the aquifer, in this case from the dioxane plume coming from the west, although other chemicals could also be a problem. The only recourse homeowners would have would be long, drawn-out lawsuits with the gravel pit operators, Township, and/or State, something that would negatively affect property values and that will not heal the damaged ecosystem.

Steven Kunkel, 2797 Trailwood, lives about 1 mile southwest “as the crow flies” from the gravel pit. Mr. Kunkel said this his well went dry on July 7. Cribley Drilling came out very expeditiously, and after an assessment Cribley staff told Mr. Kunkel that per the watermark on the piping from his well, the water table had dropped 17 feet in a very short period of time. Mr. Kunkel said that he had a copy of the gravel company’s water withdrawal permit application, which gave the company the right to pull 4.8 million gallons a day from the aquifer, resulting in 7-8 billion gallons a year being taken. Mr. Kunkel was concerned that his property value would drop to zero, and he would be forced to haul water to his home. He looked to the township elected officials to determine the best course of action.

Ingrid Wiemer said she and her sister owned property on Earhart Road. There were too many outstanding questions regarding the impact of the current level of water withdrawal at the gravel pit on the neighbors’ wells and the aquifer.

Amy Olszewski, 2816 Warren, said she lived next door to Mr. Kunkel. She urged EGLE (Michigan Department of Environment, Great Lakes and Energy) to take the full 120 days to consider the application from the gravel pit, because things were changing weekly in the Township. No one knows how many wells have been affected. The Township does not know, and EGLE knows of 6 that are in writing, but verbally they are aware of 8. A local well driller reports that he had replaced 8-10 wells on Earhart alone. The number of impacted wells needs to be clarified. The date of the aquifer assessment attached to the permit was from 1982; much had changed since then in terms of development, and the public needed to know where the underground water was going. The current Vella permit is for less than 2 million gallons per day; the new permit

request was for 4.8 million gallons per day. One of the impacted wells dropped down into the lower aquifer, which came up with arsenic-laced water that then required mitigation. Residents were seeing wells going dry and deeper wells laced with arsenic. Ms. Olszewski asked for a township-wide meeting with representatives of the gravel pit present, so that questions could be answered. Ms. Olszewski also noted that trucks were traveling on Warren Road; she had been told she had to take go out to the road and take pictures of them to document this complaint, which requirement she found inexcusable.

Howard Bockbrader, 2749 Trailwood Lane, said his well went dry in January. At that time Cribley Drilling was able to lower the pump 10', but 10 weeks later the well went completely dry, and they had to put in a new well in April.

Louisa Self, 2443 Westbrooke Circle N, Northbrooke Subdivision HOA President, said that the HOA was very concerned that the Mid-Michigan gravel pit had trucks driving on roads that should not be used by gravel haulers, and that wells very close to Northbrooke Subdivision were going dry. The Subdivision was a neighborhood of \$1million+ homes; residents did not want to find they could not sell their homes because they no longer had an aquifer. The Subdivision did not support a permit that would give the gravel pit the right to extract even more water, and they asked that the gravel pit's conditional use permit be evaluated to see if the pit should even be in operation.

Jeffrey Souza, 2432 Westbrooke Circle S., read from a prepared statement that outlined his concerns relative to the water tables and the effect of the suggested increase in water extraction by Mid Michigan Materials (MMM). The first issue to be considered is risk; the risk resulting from gravel pit operations should not be borne by the homeowners and residents of Ann Arbor Township. From his background in earth science, Mr. Souza knew that the risk was never zero, and there were no certainties in any environmental impact studies that might be done. The potential damage of making homes uninhabitable is very large. Mid Michigan Materials should be required to make financially whole anyone who has been harmed by their dewatering operation. Mid Michigan was asking for a permit to be approved so they can make more money, vs. the homeowners' risk of having an uninhabitable home. There was an inequity in risk responsibility in this request. Was there any provision for Mid Michigan to bear the financial burden for the risk? If Mid Michigan went bankrupt or became insolvent, what is their responsibility to the Ann Arbor Township community? Were funds being put in escrow sufficient to cover potential burdens? If there is an environmental impact study, the community needs time to interpret that study and have input into its conclusions. There is also the possibility that the City of Ann Arbor will decide to drill wells to avoid the dioxin plume threatening the Huron River, drawing down the aquifer further. Everyone needed to be extremely careful managing the water supply. Mr. Souza suggested reducing the allowed extraction that exists right now, because it is already causing problems.

Carole Bennett, 1575 Chalmers Dr, represented family members who live on Warren Road near Earhart. If her relatives had to dig a deeper well, even if Mid Michigan helped with that cost, the arsenic-laced water could not be used to water the garden, or be used on food. Who will pay for the triple osmosis filters that will be needed throughout the house? Who will pay for the moving costs should the family have to move, or who will pay for water cubes that may be needed? The

lack of potable water will cause people to flee the area. Not only should water extraction not be increased, the current use should be re-examined and decreased.

Sr. John Dominic said she lived with the 60-100 religious women who resided at 4597 Warren Road. Their property backed up to the gravel pit. With a residence that was 115,000sf, where would they go if their wells dried up? They had been part of the Township for 23 years, had built their home, and were concerned that they would have nowhere to go, except perhaps to a smaller property in Texas that was not large enough for their community. They hoped to be living in the Township for many years, without the risk of losing water.

Tom Bartoshesky, 3909 Earhart Road, shared the concerns already spoken. The lower aquifers with their unacceptable levels of arsenic were not a solution. The previous pit owners dredged to get the gravel; they did not dewater. While the dredging process may cost the pit more money, when weighed against residents losing their water and their home values that option should be considered.

Tiffany Ballard, 2427 Westbrook Circle N., said that their neighborhood was only 5-6 years old, and when they moved there the last thing they expected was to be concerned about losing their wells. She was also concerned about the Green Things Farm as well as farm co-ops in the area, and what a loss of water would do to those enterprises. It was important to come together as a neighborhood and a Township to support each other and make sure everyone was aware of what was going on.

Benjamin VanGessel, 2891 Warren Rd, echoed concerns already stated, and also highlighted the amount of surface water that is being discharged into the Fleming Creek watershed. He asked the Board of Trustees to consider the impacts of additional development on groundwater discharge and use, especially as the Township is facing development pressures. It was important to contextualize that new development impacts existing residents, before the Township explored options for significant changes in land use.

Senator Shink emphasized the importance of protecting neighborhoods and communities, and taking neighborhood concerns seriously. She thanked everyone who had come out this evening.

Theresa Romens-Woerpel, 2751 Warren Road, supported the comments already made and added her encouragement to taking a look at the status of the aquifers. She supported requiring the gravel pit to reduce the amount of water currently being taken. The issue of the wells was a huge concern to the people in her neighborhood. If the wells had to be dug deeper and the water contained arsenic, there were concerns relative to children playing outside in areas where there might be arsenic, and there were concerns about home values in the area.

Kyle Logue, 3750 Nixon Road, supported the comments already made. Everyone should be thinking about the possibility of legal action; this could be pursued in tandem with working with the Township and the State.

Thomas Moir, Sisters of Mary School, 4101 E. Joy, said that he supported the comments already made. Also, one of the ministries of the Dominican Sisters is that they run a school that is on the corner of Earhart and Joy Roads, serving 200 K-8 students. The children were literally within a

stone's throw of the pit, and would be affected by any potential water access and quality issues. The children were also impacted by the flow of trucks up and down the road.

Seeing that no other public indicated they wished to speak, Supervisor O'Connell closed public comment.

IV. APPROVE THE AGENDA AND CONSENT AGENDA

- A. Claims Listing**
6-15-23 to 7-12-23 for \$ 163,398.69
- B. Appoint Ken Judkins to the Farmland and Open Space Preservation Board for a term ending July 1, 2025.**
- C. Appoint Tom Bartoshesky to the Farmland and Open Space Preservation Board for a term ending July 1, 2026.**
- D. Appoint Jill Lada to the Zoning Board of Appeals for a term ending July 1, 2026.**
- E. Appoint Gary Kade to the Board of Review for a term ending January 1, 2025.**
- F. Appoint Ali Kawsan to the Farmland and Open Space Preservation Board for a term ending July 1, 2026.**
- G. Appoint Alexandra Cacciari to the Farmland and Open Space Preservation Board for a term ending July 1, 2026.**
- H. Appoint Gene Ragland to the Compensation Commission for a term ending July 1, 2027.**
- I. Approve a revision to Chapter 12, Land Development Standards, to update address signage to meet the requirements of the 2021 International Fire Code.**

Trustee Allison noted that there is an opening on the Farmland & Open Space Preservation Board and encouraged interested persons to apply.

MOTION by Allison, support by Olsson, to approve the Agenda and Consent Agenda as presented. Motion passed unanimously by voice vote.

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

- A. Discussion on the Part 327 Permit Application for Mid-Michigan Materials Vella Pit — Andrew LeBaron, Department of Environment, Great Lakes, and Energy**

Supervisor O'Connell explained that a 327 surface water withdrawal permit application from Mid Michigan Materials Vella Pit had been received by EGLE. Andrew LeBaron was present this evening to discuss the criteria for the permit.

Utilizing a PowerPoint presentation, Mr. LeBaron, Senior Environmental Quality Analyst for EGLE, gave the following information:

- Michigan's 2006 water withdrawal law required permits for the first time on large water withdrawals in the state. Usually one or two permits were received a year; at the most there might be half a dozen. In other words, there was no vast history and experience to draw from when reviewing the permits, and each new permit might result in EGLE staff experiencing something new that had never before been considered.
- Regarding permit review, an applicant is required to provide an evaluation of the existing hydrological conditions. While EGLE does ask applicants to provide a prediction of what the

potential impact might be, this information is not required by statute. Whether this prediction is provided or not does not impact the permit review or the completeness of the application.

- EGLE has 120 days from receipt of the permit application to make a decision on the permit. Within those 120 days, there is a minimum 45 days public comment period, which in the case of Mid Michigan had already lapsed. However, EGLE was going to accept comments virtually to the end of the permitting process, as long as they were received early enough to be part of the public record.
- The final decision date had been set for September 13.
- Mr. LeBaron was the primary reviewer for this permit application. His recommendation will go to his superiors in the Department, who will review the application as well.
- By statute, all that can be considered are 16 criteria laid out in State law and the Great Lakes Compact. If the criteria are met, EGLE is required to issue the permit.
- Part 327 contains the only water withdrawal regulations in Michigan. The Great Lakes Compact is a legally binding interstate compact applying to all states in the Great Lakes Basin. For purposes of tonight's discussion, water withdrawal meant surface water withdrawal. The Vella pit uses groundwater that is expressed as surface water.
- The 16 criteria from Part 237 and the Great Lakes Compact fall under four primary concepts:
 1. No "adverse Resource impact"
 - Applied only to reduction of levels in rivers and streams.
 2. No violation of public or private rights
 - Someone's well going dry would fall under this concept.
 3. Reasonable use v. reasonable harm
 - Statute required that this determination be made, although there was not much guidance as to how to make this decision.
 4. Severity and duration of other impacts
 - This can include impact on wetlands, lake levels, and ponds.
- The permit review is a kind of balancing test between social, economic, and environmental factors. These factors are weighed against each other as decisions are made.

The Board engaged in a wide-ranging question and answer session with Mr. LeBaron relative to the information provided in his presentation. Some of the issues discussed included:

- Permits are required for any withdrawal that exceeded 2 million gallons per day. In other words, Mid Michigan Materials Vella Pit had authorization under Part 237 to withdraw and discharge offsite up to 2 million gallons of water per day without a permit. There is no remedy in state statute for negative impacts at this level of withdrawal, although there might be remedy under civil law.
- By law, a water withdrawal permit should match the maximum capacity of the equipment that is on site. Presently, the equipment on the Mid Michigan site could not withdraw more than 2 million gallons per day. If the permit was granted, the permit would be for 4.8 million gallons per day, because that is how much capacity the new equipment would have.
- The key issues regarding the Mid Michigan Materials Vella Pit permit include:
 - a. Current authorization limits withdrawal and off-site discharge to 2 million gallons per day.
 - b. The permit seeks withdrawal capacity of 4.8 million gallons per day.
 - c. What has been communicated to EGLE is that the maximum depth of excavation and dewatering has already been reached – there will be no increase.

- d. Will additional wells be impacted, with the main question being: if a well must go into the lower aquifer, will the water contain unacceptable levels of arsenic?
- During periods of drought, such as that experienced in late spring/early summer of this year, the withdrawals will reach deeper into the ground. However, there was no way of knowing what the result would have been had Michigan had a more typical weather pattern this year, with more rain early on.
 - Mr. LeBaron did not know what the applicant meant when they stated in the application that they would need additional water for site-specific requirements. This statement, along with others in the submitted documentation, will be evaluated when the actual permit review occurred.
 - The permit application was posted online.
 - The permit application showed the hydrological analysis the applicants had done. The only standard the hydrological analysis had to meet was that EGLE must feel they have enough information to make a determination. In the case of Mid Michigan's permit application, the application had been determined to be complete.
 - There was later information with more data points than the 1982 aquifer assessment. However, there had not been a coordinated effort to map the aquifers in the State; this was almost impossible to do in Michigan where the geology was too complex and changed quickly.
 - Regarding arsenic in the wells, about 25% of the Township's wells have arsenic present, whether or not they are deep wells. About 25% of the wells with arsenic will be above the action level requiring mitigation. There is no guarantee that wells drilled into a deeper aquifer will contain arsenic.
 - There were hundreds of thousands of wells in Southeast Michigan that have arsenic treatment, requiring ongoing maintenance costs and action activities.
 - Acknowledging that there had been requests from the public to extend the 120-day permit decision period, Mr. LeBaron explained that the State required that a decision be made within 120 days, or by September 13.
 - Mr. LeBaron explained how drawdown works, which was steep in the beginning and then begins to level out over time. In Michigan and any other humid climate where there is ample precipitation, if the well is appropriately sized, regardless of how much water is pumping, at some point the aquifer will reach a steady state where the water is no longer declining (the static water level).
 - A best effort is made to predict if additional wells will be impacted, using water well and pump record well logs. The well driller is required to submit well logs to EGLE, including such information as construction details and the geology encountered; the date the well was drilled, the well depth, and screen depth; and the static, natural water level and pump setting depth. The data from the almost one million records of wells in Michigan reveal aquifer patterns by creating a geologic cross section, and while this is an inexact science, certain conclusions regarding vertical layering can be posited from the gathering of this information.
 - Mr. LeBaron discussed the slide: *Geology technical review – cross-section of well record lithology includes 5 wells that were dewatered*. The data showed that there was a continuous body of sand and gravel that exists north and south of the Vella pit, and wells drilled in that area appeared to be most affected.
 - Wells that followed a more east-west line that were not located in sand and gravel areas did not seem to be impacted by the pit's drawdown.

- However, tonight property owners to the west said their wells were also impacted. Analysis would also have to take into account other development in the area.
- The Vella pit was relatively small, and the assumption was that the pit impacts will not change, although the center of dewatering within the property itself will shift over time.
- The current pit owners are pulling water from the excavated pit with a surface water pump.
- It was unknown if there was arsenic in the water being withdrawn from the pit.
- A decision to issue or deny a permit was probably not going to be based on the prediction of impact to wells. Also, since the application had been determined to be complete, EGLE would be very unlikely to ask for more materials during the 120-day review. EGLE could gather certain types of information itself, using registered pump installers to test certain wells.
- If a permit is issued, one of the conditions of maintaining compliance is to pay for new wells if a problem occurs. This requirement was attached to all water withdrawal permits. Ongoing arsenic mitigation could also be a condition of a permit. However, mitigation usually only lasted for the lifetime of the pit, which in this case was predicted to be about 20 years.
- There was no set standard to determine reasonable harm. If a residential well went permanently dry, this would be a violation of private water rights. Interference with providing water is the highest severity violation that might be considered. However, if there was remediation available (to be paid for by the pit owner) by drilling a deeper well, that must also be considered. Impacts on wetlands or lake or pond levels would be a lower priority than that highest severity. Mr. LeBaron had never experienced a water withdrawal activity impacting lake or pond levels.
- Regarding the Mid Michigan Materials Vella pit specifically, the decision to issue a permit must consider:
 - Will the permit decision stand up in court?
 - If the permit is denied, the withdrawal can continue exactly as it is now at less than 2 MGD (million gallons/day) without any monitoring or additional oversight. The state has no legal authority to step in and do anything at this level. The equipment Vella has is not capable of pumping over 2MGD, and can be operated without a permit. The fee for operation is \$200.00.
 - If a permit is issued, compliance conditions can be enforced such as: immediate remedy, potential monitoring, and potential restrictions if no acceptable remedy is available.
- The first and best line of defense against a problem relative to a water withdrawal at less than 2MGD is the County Health Department, who would have a record of when well permits were pulled to replace a failed well. Mr. LeBaron had not received information from the Washtenaw County Health Department that confirmed the number of well failures put forward during public comment.
- Mid Michigan Materials has a surface water discharge permit issued by the Water Resources Division that allows them to discharge water to the wetland.
- Mr. LeBaron had contacted Michigan Aggregates Association, who had explained that while there were other methods of mining the sand and gravel, including dredging, the cost of doing so would be prohibitive. For instance, a single piece of dredging equipment will cost \$8M, plus the process itself was much more energy intensive.
- EGLE would most likely not do any modeling such as using the water withdrawal assessment tool for analysis of Fleming Creek, for instance, because the assessment tool would give

highly inaccurate results, based on the fact the tool has no built in capability for the return of water to the Creek.

- There were no rules on how much water is too much to add to streams. Again, Mid Michigan has an NPDES (National Pollutant Discharge Elimination System) discharge permit.

Board discussion included:

- Through the Conditional Use Permit, the Township had the ability to regulate the sand and gravel pit, per the conditions of the CUP agreement.
- Whether the requested permit was issued or not, there were still issues with the existing Vella pit operations and its impact on nearby wells.
- Supervisor O’Connell had asked the County Health Department to inform the Township whenever there is a new well dug in the Township.
- When Mid Michigan applied for a Conditional Use Permit, they said that all water would be contained on site. Discharging water into Fleming Creek appeared to be a violation of the CUP.

Supervisor O’Connell asked Mr. Le Baron to provide tonight’s PowerPoint presentation for posting on the Township website.

After discussion regarding the best course of action for the Board to take, the following motions were offered:

MOTION by Allison, support by Olsson, that based on public comments and Board discussion during tonight’s meeting, as well as written comments received by the Board, the Ann Arbor Board of Trustees directs the Supervisor to send a letter to EGLE expressing the Board’s and residents’ grave concerns regarding the Part 327 Permit Application for Mid-Michigan Materials Vella Pit.

Motion discussion:

- Written comments received from residents could be attached as an appendix to the letter.
- Residents are encouraged to submit their written comments to EGLE and to Mr. LeBaron directly. The link for the permit application remains open and active.

Motion passed unanimously by voice vote.

MOTION by Smith, support by Allison, that the Township notify residents within a reasonable radius that anyone with new well problems should notify the Township of issues being experienced.

Motion discussion:

- The wording of the notification will be left to the Supervisor’s discretion.
- Direct mail is the best way to contact residents.
- Information regarding this issue could also be included in the next Township newsletter.
- The Township website should have a link dedicated to this issue.

Motion passed unanimously by voice vote.

Supervisor O'Connell read the following written comments into the record:

- Letter from Jared Rundell, 4210 Earhart Road, relative to problems experienced with his well.
- Letter from Susan Minard and Kay Yourist, 4125 Earhart Road, relative to concerns regarding the impact of the dewatering being done by Mid Michigan Materials Vella Pit, and opposing the Part 327 permit application.

Both letters are part of the permanent record of tonight's meeting.

Clerk Basch noted that the ZOOM chat will be saved and shared with all Trustees as submitted comments for the meeting.

B. Warren Road Bridge and US 23 – Mike Davis, MDOT

Using schematics, Mike Davis, MDOT (Michigan Department of Transportation) Engineer, provided the following information:

- MDOT has an upcoming project on the Joy and Warren Road bridges to be constructed in late 2024/early 2025. Mr. Davis had been in conversation with Supervisor O'Connell and the Washtenaw County Road Commission regarding the possibility of including non-motorized accommodations over those bridges.
- As proposed by MDOT, Warren Bridge will be rebuilt with two 11' lanes and 8' shoulders, with regular barriers on the bridge. (Existing bridge has 12' lanes with less than 2' shoulders.)
- Non-motorized options available to the Township include:
 1. The bridge be built without non-motorized accommodations, but with providing a kind of superstructure for future additions to the bridge, similar to what had been done with North Territorial Bridge by Whitmore Lake Road. There would be no cost to the Township for this option, which would allow for a future retrofit project for pedestrian and cyclist traffic.
 2. Build the non-motorized accommodation into the current project, adding an additional 8' to the bridge, which would then act as an 8' – 10' non-motorized pathway or sidewalk, separated from the road itself. MDOT does not have the funding identified to construct this today; the cost of adding the non-motorized pathway would be ~\$700K, an amount that adds in some contingency for inflation. There were some funding opportunities for funding part of the \$700K.

In response to questions, Mr. Davis provided the following further information:

- The job was scheduled to go out to bid in summer 2024. To delay a Township decision past August would likely delay the entire project for another year.
- Sometimes these bridges are programmed with a relatively short timeline. This project was pulled out of MDOT's 5-year plan and moved forward.
- MDOT would have liked to have a decision from the Township at the beginning of July, but could hold off until mid-August, giving Mr. Davis and the Township time to work with SEMCOG's Transportation Alternatives Program (TAP). It did sound like TAP had some funds available, although the amount was not yet known.
- The County Road Commission had no plans to widen the shoulders of Warren Road beyond the 4' paved and 2' gravel shoulders.

- The cost of the retrofit would likely be \$1.5M - \$3M. If the Township chose to go with the 2nd option and commit the \$700K, that would be a firm amount and would not change. TAP funding generally expected the municipality to cover 40% of a project's cost, which in this case would be \$200K - \$300K, which was still a significant amount.
- Both choices (option 1 or 2) were acceptable, and either choice was an improvement over the status quo.

Board discussion included:

- The non-motorized pathway would be constructed on the bridge, but would taper down quickly to match the existing cross section of Warren Road. In other words, the project was purely for the bridge.
- Trustee Smith was in favor of having the infrastructure in place for a future retrofit, but was not in favor of committing \$700K for the actual work to be done right now. There was further conversation that would need to take place, including how this project fit within other non-motorized goals, and he did not want to have the Township's deliberations responsible for putting the project off for another year, given the state of Warren Road.
- Trustee Moran said he supported trails and non-motorized pathways, but in all the discussions the Board had, he did not recall any discussion that would show any connection or pressure for a trail that would be across the Warren Road bridge. He also would support the first option of having the infrastructure in place for a future retrofit.

MOTION by Olsson, support by Moran, that the Township indicate to MDOT that the Board of Trustees supports option #1, which will provide the infrastructure for a future retrofit for non-motorized traffic for the Warren Road Bridge. Motion passed unanimously by voice vote.

Supervisor O'Connell noted that with the work being done on the Joy Road bridge, it would be appropriate to have a gateway sign installed welcoming people to the Township. MDOT had given options and potential costs regarding gateway signs.

Mr. Davis said he would relay to his team that the Board was exploring options relative to a gateway sign; a decision could be made regarding the sign at the August BOT meeting.

C. Resolution to support the designation of Warren Road as a Natural Beauty Road

Supervisor O'Connell explained that a public hearing regarding the request to designate a portion of Warren Road as a Natural Beauty Road would be on the agenda at the August 16 Washtenaw County Road Commission meeting. She noted that Ann Burke had spearheaded this effort, and invited Ms. Burke to comment.

Ann Burke said that the neighbors on Warren Road thought designating Warren Road as a Natural Beauty Road would be a way to preserve the natural beauty of the Road, and would extend the already established Natural Beauty Road in Superior Township on Warren Road on the other side of Dixboro Road. In Ann Arbor Township the Natural Beauty Road designation would go from Dixboro Road to Nixon Road. This effort came out of many conversations with neighbors, local government officials, and advocacy groups who see this as a way to preserve the natural beauty of Warren Road, and also preserve the reasons why people use Warren Road

for recreation. There were many pedestrians, runners, sports training participants, and cyclists that use Warren Road for recreation and for group events.

In response to questions, Ms. Burke said she had not heard from WATS (Washtenaw Area Transportation Study) regarding pedestrian and bike counts. The County Road Commission had listed the portion of Warren Road as having 215 vehicle trips per day on June 14 and June 15, 2022, well below the limit of 500 vehicle trips for this designation.

After discussion, the following motion was offered:

MOTION by Allison, support by Colvin-Garcia, that the Ann Arbor Charter Township Board of Trustees adopt the RESOLUTION TO SUPPORT NATURAL BEAUTY ROAD FOR WARREN ROAD between Dixboro Road and Nixon Road, July 19, 2023, with the following amendment:

- **First Whereas, change the last word as follows: ~~zoom~~ video conference.**

Motion passed unanimously by voice vote.

D. Special Event Permit for Green and White Night - Father Gabriel Richard High School

Joe Jordano, President, Father Gabriel Richard High School (FGRHS), said that the High School was planning to host their annual Green and White night on Saturday, August 12, 2023. This was a welcome back event for families and students. In past years this had been more of a daytime activity. Last year the event had been condensed to an evening event, and they had experienced a better than anticipated turnout. This year they were seeking a permit in order to hold the event.

There would be a mass in the chapel, with the outdoor activities starting around 5:00pm and being over by 9:00pm or earlier. The event will be in the parking lot, with food trucks, a few 10'x10' tents, and a DJ. They will be mindful to control the sound so as not to disturb the neighbors. There will be a scrimmage, with the FGRHS team divided into a green team and a white team. There will be cornhole and those types of games. The equestrian team will have a few horses to offer horse rides.

To improve over last year's parking situation, FGRHS had made arrangements to offer parking in the Trinity Health lot. Parking attendants will make sure parking is orderly.

In terms of medical care, two athletic trainers will be present. FGRHS did not anticipate any need for any other medical staff.

The bathrooms and water fountains will be open. No alcoholic beverages will be served.

Board questions and discussion:

- In response to a question as to what provisions had been made for pedestrians that will have to cross Whitehall Road to get to the school, Mr. Jordano said they could have parking attendants there as well. They anticipated that most vehicles will drop people off in the school parking lot, so the pedestrians crossing Whitehall Road will be limited to the drivers.

- In response to a question regarding whether a DJ was appropriate, when the Township had received concerns by neighbors over many years about noise on this site, Mr. Jordano said that in the past months they had been very considerate and accommodating of the neighbors. This would be a festive event and music was part of the festivities. They did not anticipate being disruptive to the neighbors.
- The Sheriff's Department had been contacted regarding this event.
- In response to a question relative to the off-site noise projection compared to last year, Mr. Jordano said last year there was noise projection from the press box when each of the fall teams was introduced with short speeches; none of that would be occurring this year. Also, last year the majority – if not all – the sound that was audible to the neighbors came from a speaker that has since been disconnected, and they will be cautious to reorient the speakers the DJ is using so that they are not facing or pointed toward the neighbors. If there were any issues, the neighbors knew how to reach FGRHS staff.

Trustee Moran said he was disappointed in the permit application for this event. Last year the parking, including significant illegal parking, was everywhere. He had expected to see something that indicated how many people were assigned to help with parking, and how FGRHS would make sure there was no illegal parking. There was nothing in the application that spoke to that. Would there be signage directing people, and letting people know there was parking available at Trinity Health? What provisions were being made to safely transport people including children from Trinity Health to this event? Again, nothing was expressed in the application about this issue.

Trustee Moran said that having two athletic trainers on site was inadequate to meet potential medical problems. Had anyone notified Huron Valley Ambulance that this event could have more than 600 people, and had FGRHS worked out a staging area for ambulances so that a quick response would be possible?

Trustee Moran shared the concern about the DJ and the noise from this event impacting the neighborhood. At a minimum, there should be no amplified music after 9:00pm.

Without having these issues resolved, Trustee Moran could not support granting this application. FGRHS had a year to figure out both the permit application and the needs for this event.

Supervisor O'Connell summarized that additional information was required regarding overall parking, and particularly regarding parking and medical response facilities. Huron Valley Ambulance needed to be notified regarding this event, and FGRHS needed to come up with a parking plan for the ambulance service.

Mr. Jordano said they would be happy to resubmit the application with the requested information. They would meet the requirement of no amplified music past 9:00pm; the entire event should be over by then.

Trustee Allison said that with the conditions just discussed, he could support granting the requested permit.

MOTION by Allison, support by Olsson, that the Special Events Permit for the Green and White night event in the FGRHS parking lot be granted, with the following conditions:

- **FGRHS will notify Huron River Valley Ambulance regarding this event.**
- **FGRHS will provide a plan showing parking and the number of parking attendants for the event.**
- **No amplified sound after 9:00pm.**

Motion discussion:

Athletic Director Mickey Redmond explained that this was the 14th year this event will be hosted by the FGRHS Booster Club. Currently there was a SignUpGenius going around, and parking attendants was part of that. Four parking attendants were assigned – 2 for the FGRHS parking lot, and 2 for the Trinity Health parking lot. Signs were already made saying “This parking lot is full. Additional parking at the Medical Center.” What further information was needed for the permit application?

Supervisor O’Connell explained that the information just given should have been part of the permit application. For these types of events, it was important to add a level of detail so that the Board is convinced the event will be safe, and that everything has been thought out in advance regarding any kind of possible emergency.

Trustee Smith added that FGRHS should make sure that there will be no parking other than in the two parking areas described. Mr. Jordano said that information is part of the communication that will go out to the FGRHS community prior to the event, and the parking attendants will be trained to monitor parking throughout the event.

In response to a question from Supervisor O’Connell, Mr. Jordano said the requested information would be submitted this week.

Motion passed unanimously by voice vote

VI. REPORTS, DISCUSSIONS

A. Supervisor’s Report

- 1) Supervisor O’Connell attended the David R. Byrd Center Open House, which houses the African American Cultural and Historical Museum of Washtenaw County. The event was well attended.
- 2) Supervisor O’Connell was elected to SEMCOG’s Regional Review Committee.
- 3) A recording was available of Rep. Dingell’s very informative community forum regarding the Gelman Plume litigation.
- 4) Huron River Watershed Council dues renewal invoice is in the packets. The Watershed Council is always ready to provide information and help regarding the quality of the surface water, and does much good work protecting the water, as outlined in the letter that describes all the things the Council does.

MOTION by Olsson, support by Colvin-Garcia, to authorize payment of the 2023 HRWC Membership Dues in the amount of \$452.70.

Motion passed unanimously by voice vote.

- 5) Regarding Washtenaw County Road Commission updates, Supervisor O’Connell had received an estimate of \$43,000 to make Earhart Road a little better, with some grading, spot limestone applications, and drainage controls, from Joy Road to M-14, with the funding made possible through ARPA (American Rescue Plan Act) funds. The Road Committee is supporting this action.

Trustee Allison strongly suggested that Mid Michigan Materials – Vella Pit be asked to contribute to this effort, per their CUP development agreement. Supervisor O’Connell said she would follow up with this request.

Trustee Allison pointed out that a long-term plan needed to be developed for maintenance at the corner of Warren and Earhart Roads, due to the amount of gravel pit truck traffic using that intersection. Mid Michigan Materials should be participating significantly in these maintenance and repair costs. Trustee Moran agreed.

MOTION by Smith, support by Basch, that the Township contracts with Washtenaw County Road Commission to do the work of minor repairs as described on Earhart Road from M-14 to Joy Road, for a cost not to exceed \$43,000.

Motion passed unanimously by voice vote.

- 6) Meeting with MDOT, Barton Hills, and the Township is scheduled for August 10, 6:00pm at Traverwood Library, regarding MDOT’s four alternatives for the Barton Hills ramps.
- 7) Potential dates will be distributed for the road tour with the County Road Commission.
- 8) 2022 SPARK annual report is in the packets.
- 9) Supervisor O’Connell introduced Dr. Stephen Wright. Supervisor O’Connell requested that Dr. Wright be retained as consultant for reviewing geologic and hydrogeologic materials relative to the Mid Michigan Materials – Vella Pit issues.

Motion by Allison, support by Moran, that the Ann Arbor Charter Township Board of Trustees retain Dr. Stephen Wright as consultant to review geologic and hydrogeologic issues relative to Mid Michigan Materials – Vella Pit.

Motion passed unanimously by voice vote

- 10) Township was close to hiring a full-time building assistant.

B. Clerk’s Report

Written report is in the packets. However, Clerk Basch had just discovered this morning that precinct consolidation cannot occur until 2024, because the legislature did not grant the enabling bill immediate effect.

C. Treasurer’s Report

Treasurer Colvin-Garcia reported on the following:

- Summer tax season was ongoing; Treasurer Colvin-Garcia was working with Deputy Treasurer Whitt to incorporate efficiencies relative to handling taxes.
- There were some maturities in Township investments in the last quarter.
- Fund Balance Committee met.
- WRRMA (Washtenaw County Regional Resource Management Authority) is continuing to develop a contract for the 4-5 members seeking a consolidated contract for waste and recycling pickup. The contract is being designed so that other members can join when their contracts end, should they desire to do so.
- Personnel Committee was finalizing the hire of a new full-time building assistant.

D. Planning Commission Report – July 6, 2023

Trustee Allison reviewed the draft minutes of the July 6 Planning Commission meeting. Three ordinance amendments would eventually be coming before the Board, relative to home occupations, accessory buildings, and fencing. The recommended changes to the accessory building ordinance were significant.

The Planning Commission was also beginning the Master Plan update process.

The Board asked that the Township Planner prepare memoranda regarding the ordinance changes prior to them coming to the Board.

E. Committee Reports

1) Farmland Open Space and Preservation Board Report

Meeting scheduled for Monday July 24th. The Board has one vacancy.

2) Utility Committee - Did not meet.

3) Climate Resilience Committee

Benjamin VanGessel, Climate Resilience Committee, reported that the work product received from the climate consultants was being sent back with instruction to better meet the description and components listed in the request for proposals.

Supervisor O'Connell noted that the Climate Resilience Committee had been working with Chief Nicholai regarding the purchase of a new utility vehicle for the Fire Department.

4) Zoning Board of Appeals - Did not meet.

5) Public Safety Committee - Did not meet.

6) Roads Committee

In addition to discussion already held, it was noted that Dhu Varren Road had been paved, with shoulder completion taking another 3 weeks. The neighborhood was having a celebration September 3.

Trustee Allison pointed out that Joy Road had been scheduled for repairs but nothing had been done.

F. **Utilities Department Report** - Written Utilities Department report in the packets.

G. **Public Safety Report**

1) **Washtenaw County Sheriff's Department** - Written report in the packets.

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

The written June Fire Department Report was in the packets.

Referencing his July 17, 2023 purchase request, Chief Nicholai explained that based on research by the Climate Resilience Committee, the recommendation was to purchase a hybrid model vehicle to replace a utility vehicle in the Department. Unfortunately, the market for this type of vehicle is very robust, and it was virtually impossible to find a dealer who will hold a vehicle until formal approval could be received from the Board. Therefore he was requesting that the Board authorize the Township Supervisor to approve the purchase in an amount not to exceed \$72,000, once a vehicle is located that meets the required specifications.

After discussion, the following motion was offered:

MOTION by Smith, support by Basch, that the Ann Arbor Charter Township Board of Trustees authorize the Township Supervisor to approve the purchase of a replacement utility vehicle as described in the July 17, 2023 Fire Department purchase request, at a cost not to exceed \$72,000, and that this purchase be charged to line item 402-900-976.001.

Motion passed unanimously by voice vote.

H. **Building Department Report** - Written report in the Board packets.

VII. INFORMATION ONLY ITEMS

A. Barton Hills Information related to the M14 Planning and Environmental Linkage Study (PEL)

VIII. NON-AGENDA ITEMS - None.

IX. PUBLIC COMMENT

John Petz, Domino Farms, thanked the Board for their time and attention to the MMM water withdrawal permit application. Two of Domino Farms' four wells were tested this past week, with the drawdown levels found to be decreased significantly enough that they will have to be replaced. Mr. Petz will notify the Township as soon as Cribley Drilling provides its final report. The wells were located at 3867 and 4485 Earhart Road.

The Board discussed this situation with Mr. Petz, who reminded the Board that when Domino Farms had a golf course study project, they had a geological hydro study done in order to understand the impact on neighboring wells. A copy of that hydro study had been provided to EGLE and to the Township. 15-20 neighboring wells had observations during the test timeframe, and it was determined that at 600 gallons per minute, there was no adverse impact. However, the study projected that anything moving up into the 1500 gallons per minute range would likely have a long-term adverse impact.

Mr. Petz said that at the current MMM drawdown rate of up to 2 million gallons per day, the per minute rate is just over 1300 gallons. If the permit was granted and MMM was able to withdraw 4.8 million gallons per day, that would equal 3300 gallons per minute.

Mr. Petz pointed out that in both Ann Arbor and Northfield Township Domino Farms owned almost 700 acres. Clearly there were aquifer capacity issues where future by-right development could be adversely impacted. Domino Farms had owned that land since the mid-1980s.

John Darish, 4715 Ridge Creek Lane, had concerns about the well at his brand-new house running dry. He was also concerned about rising water levels; he had pictures of water about a foot below the road. Mr. Darish showed pictures of the gravel pit from 2020 and from 2022, noting the changes that had occurred during that period.

~~Michael Steven~~ Watts, 4700 Grandeur Oaks, said that the geologic study referred to by Mr. Petz included one of the four wells on his property, which directly abuts the northeast boundary of the Vella pit property. Mr. Watts had seen significantly increased runoff from the Vella pit production facility onto his property; he had reported this to the Township Building Official and Zoning Administrator, who had subsequently visited his property. MMM was requesting this permit in order to maximize profits and mine the pit more quickly. Mr. Watts believed the amount of water requested to be withdrawn over the course of a year equaled the amount of water in Long Lake, Silver Lake, or Torch Lake. A company that is making millions every year could afford an \$8 million piece of equipment in order to use a different withdrawal method. Mr. Watts opposed granting the requested water withdrawal permit.

Sarah Spratt, 4949 Ridge Creek Lane, had pictures of sediment from the lake coming directly toward her house and then into the water. She would do everything she could to help with this situation.

Benjamin VanGessel, 2891 Warren Road, said that Father Gabriel Richard High School's lackluster permit application was consistent with his own interactions with the school over the years. He asked the Board to hold FGRHS to the terms of the permit, as there had been consistent issues with noise, lights, and unsafe behavior.

X. ADJOURNMENT

MOTION by Basch, support by Moran, to adjourn the meeting. Motion passed unanimously by voice vote.

The meeting was adjourned at 11:19pm.