

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING - MONDAY, APRIL 10, 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 7:35pm on April 10, 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 (arr. 7:37pm)
Trustee John Allison
Trustee Michael Moran
Trustee Kristine Olsson
Trustee Rodney Smith

Absent: None

Also Present: Township Attorneys Sarah Williams and Sinead Redmond; Utilities Director Rick Judkins; Deputy Treasurer Iomar Whitt

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

Clerk Basch noted that she had provided an amended set of meeting minutes.

MOTION by Moran, support by Allison, to approve the March, 2023 amended draft meeting minutes as submitted.

Motion passed by voice vote.

III. APPROVE THE AGENDA AND CONSENT AGENDA

A. Claims Listing 03-17-2023 to 04-06-2023 for \$ 90,388.12.

MOTION by Allison, support by Moran, to approve the April 10, 2023 Board of Trustees Agenda and Consent Agenda as published.

Motion passed unanimously by voice vote.

IV. CITIZEN PARTICIPATION

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

None.

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

A. Presentation of the 2022 Audit – Ken Palka of Pfeffer, Hanniford, Palka

Ken Palka, of Pfeffer, Hanniford, Palka, presented the draft 2022 Township audit. As in prior years, the audit went well. Pfeffer, Hanniford, Palka had given an “unqualified” opinion, which is the highest level of opinion possible.

Mr. Palka highlighted the following:

- Decrease in fair value of investments will reverse when the investments mature. At maturity the investments will go back up to the value paid, and in the meantime the Township was receiving a higher rate of interest on those investments. In other words, the negative change in value of investments was temporary.
- The change in fair value investments was reflected in totals throughout the audit report.
- Overall net change in fund value was still positive, at \$85,807 for the year.
- Mr. Palka reviewed the Water and Sewer Fund (p. 26). The Fund showed an operating loss of \$194,472, which is typical for a system this size. Ann Arbor Township follows good practice and adjusts its rates yearly. While the overall change in net position for the Water and Sewer Fund was negative \$632,530, the Township’s overall equity including infrastructure was still over \$21M in water and sewer funding.
- Mr. Palka reviewed the GASB (Government Accounting Standards Board) 54 General Fund Consolidation fund balance, and the GASB 54 Public Safety Fund Consolidation fund balance, explaining the methodologies used in the accounting and audit process. Graphs and pie charts provided the information in a more visual format.
- It was noted that GASB had new requirements for reporting leases, including cell tower leases. The Township was doing a good job of pulling all the various lease agreements into one place.

Mr. Palka emphasized that the Township was a “smooth running machine” relative to its financials.

MOTION by Moran, support by Smith, to accept the 2022 audit as presented this evening.

Motion passed unanimously by voice vote.

B. Approve Barton Hills Extravaganza Special Event Permit – June 23, 2023

Emily Price was present on behalf of the Barton Hills Extravaganza Special Event Permit. Ms. Price made the following points:

- The Extravaganza had been held for over two decades. About 1000 people were expected to attend.
- This year’s set-up had been updated by moving the carnival to the driving range. The tent was moved to behind the clubhouse.
- There would be a fireworks display at dusk.

- Tonight Barton Hills Extravaganza was asking for permits for the tent and the fireworks display.

Supervisor O'Connell noted that a pre-event inspection and approval must be obtained prior to ignition, and all persons lighting fireworks must be over age 18.

In response to questions, Ms. Price said adults were charged \$75/person for this event, with younger people charged less.

Board discussion:

- There were concerns that the Township was being asked to subsidize a private event.
- The application stated the Sheriff's Department, Ann Arbor Fire Department and EMS personnel participate as a community service. Private event permits required a contract with the Sheriff's Department or private security. Taxpayers that aren't attending this private event should not be paying for a Sheriff's deputy at the event, and a contract should be provided.

Ms. Price agreed to do this.

- Fire Department safety inspections were paid for via the permit process.

Township Attorney Dieck pointed out that there were some missing items in the application, and the application could be approved conditioned on those items being received.

Clerk Basch thought the Township should have a clear policy relative to Fire Department participation at private events. Again, taxpayer funds should not be used to subsidize private events.

After discussion and amendment, the following motion was offered:

MOTION by Allison, support by Moran, that the Ann Arbor Township Board of Trustees approve the Barton Hills Country Club Extravaganza to be held on June 23 2023, with the following conditions:

- Barton Hills Country Club will have a pre-event inspection and approval from the Fire Department prior to ignition.
- All personnel lighting fireworks will be over 18 years old.
- Applicant will provide a Federal Explosives License, Proof of Ownership of the property, and a contract with the Sheriff's Department.

Motion passed unanimously by voice vote.

C. Public Hearing for Dhu Varren Road – Dhu Varren Court Special Assessment District

- 1) Presentation
- 2) Consultant comments
- 3) Board of Trustees questions and comments
- 4) Public Hearing opens

5) Public Hearing closes**6) Action: Resolutions****(a) Resolution Confirming Dhu Varren Public Roadway Special Assessment Roll Under Michigan Act 188 of the public Acts of 1954, As Amended.**

Township Attorney Dieck explained that tonight was the second of two public hearings held so far by the Board. The purpose of tonight's hearing is to hear objections to the special assessment roll, and was limited to the content of the roll. After hearing from the public, the Board could revise the roll, annul the roll and direct the Supervisor to start over and set a new roll, approve the roll, or table the item.

Supervisor O'Connell opened the public hearing on this matter.

Paulette Metoyer, 467 Dhu Varren Court, read letters from Kathryn Carras, 585 Dhu Varren Court and Terry Wolf, 486 Dhu Varren Road. Both letters are part of the public record of tonight's meeting. Ms. Carras was opposed to the special assessment roll as she had limited fixed income and could not afford the assessment, which she felt would be of small benefit in her case. Terry Wolf objected to the SAD (special assessment district) because Wolf could not afford the assessment, and would receive very little benefit from it.

Jason Long, attorney for Bruce and Stephanie Benz who own 8 properties within the special assessment district, referenced his March 27, 2023 letter to the Board. As stated in the letter, Mr. and Mrs. Benz objected to the roll because the assessments were not proportional to the benefit received. Earlier efforts to form a SAD by the Washtenaw County Road Commission were based on a proportional assessment. Treating all properties equally was in violation of Public Improvement Act 188 that allowed for special assessment districts. Treating all properties equally would create financial hardship for some of the property owners. Mr. Long asked the Board to delay action on this item to further research the issues.

James McBain, 3036 Dhu Varren Court, said that as part of the prior group that tried to get road funding with the Road Commission, he knew that there had never been an intention to charge properties on a percentage or proportional basis.

Jonathan Hunt, 3018 Dhu Varren Court, said the precedent set by the Washtenaw County Road Commission was a per lot assignment. Township Boards had substantial discretion regarding SAD rolls. Opponents to the SAD bore a heavy burden of proof showing that there has been substantial disproportionality. All the properties impacted by the SAD roll would benefit from the paving of Dhu Varren Court and Dhu Varren Road. Mr. Hunt agreed that it was important not to burden those who could least afford the assessment, and the best way to protect those property owners was through a per lot roll. Mr. Hunt also responded to other comments by those who had objections to the roll.

Mohamed-Abdulrahman El-Sayed, 200 Dhu Varren Road, asked that this SAD be moved forward so that Dhu Varren Road and Dhu Varren Court could be paved this summer, so that

his child could benefit by having a safe road to ride a bicycle. Those people who could least afford the assessment would benefit by being provided the most generous terms available.

Trustee Allison acknowledged the April 7, 2023 letter received from Paulette Metoyer, in which Ms. Metoyer objected to the equal apportionment of costs.

Supervisor O'Connell closed the public hearing.

Township Attorney Dieck reviewed the draft RESOLUTION CONFIRMING DHU VARREN PUBLIC ROADWAY SPECIAL ASSESSMENT ROLL. Several items had been left blank relative to the term of the roll and the number of annual installments.

MOTION by Moran, support by Allison, that the Ann Arbor Charter Township Board of Trustees table this matter until the next Board of Trustees meeting, in order to allow time to consider comments made tonight, and to research other issues.

Roll call vote:

Smith	abstain
Moran	yes
Allison	yes
Basch	no
O'Connell	yes
Colvin-Garcia	yes

Trustee Smith abstained from voting as he lives on Dhu Varren Road.

Motion carried 4-1, with 1 abstention.

After discussion of the upcoming construction season, as well as the potential scheduling of a new public hearing should the method of assessment change, the following motion was offered:

MOTION by Allison, support by Basch, to set a special meeting of the Ann Arbor Charter Township Board of Trustees on Monday, April 24, 2023 at 7:30pm for the purpose of continuing discussion on the Dhu Varren Public Roadway Special Assessment Roll under Michigan Act 188 of the Public Acts of 1954.

Motion passed by voice vote 5-1 (Smith opposed).

Trustee Smith said he opposed the motion because he thought he would not be able to be present on April 24. However, upon reflection, he would be able to be present that evening.

VI. REPORTS, DISCUSSIONS

A. Supervisor's Report

- 1) Washtenaw County Road Commission Agreement**
The WCRC Agreement listed three items, and their costs to the Township.

Supervisor O'Connell suggested the Board agree to the following:

1. Joy Road, Earhart Road to Dixboro Road. This project is a proposed township share project with Northfield Township. Township cost: \$106K
2. Township-Wide Limestone. Township cost: \$52K

The Board discussed the other projects to consider this year.

After discussion of road needs in the Township, Board members requested that representatives of the Road Commission be asked to a future Board of Trustees meeting, and the following motion was offered relative to the 2 items listed above:

MOTION by Basch, support by Colvin-Garcia, that the Ann Arbor Charter Township Board of Trustees approve the following items in the proposed 2023 Ann Arbor Township Agreement with the Road Commission:

Item 1. Joy Road, Earhart Road to Dixboro Road, a shared project with Northfield Township, contingent upon:

Northfield Township signing its agreement with the Washtenaw County Road Commission to do this project.

Item 2. Township-Wide Limestone

Motion passed unanimously by voice vote.

Supervisor O'Connell also reported on the following:

- Report on pavement on Dhu Varren Road and Dhu Varren Court: Dhu Varren Road had 3" of hot mix asphalt over 8" of limestone aggregate, and Dhu Varren Court had 2.5" of hot mix asphalt over 8" of limestone aggregate.
- Upcoming meeting with WCRC Director of Operations Adam Lape regarding potential improvements/gravel application/drainage for Earhart Road.
- Brine applications being limited by the State due to waterways impact.
- Update on filling in the Dixboro pathway gap at the Botanical Gardens.
- Township is continuing its hiring process.

B. Clerk's Report

- Clerk Basch reviewed her April 10, 2023 written report.
- Environmental Review Board, formed in 1998 with last meetings in 2001, should potentially be re-organized, or alternatively be discontinued. The role of the Review Board is to hear appeals relative to wetland use permits, mitigation, or restoration decisions made by the Wetland Administrator, Planning Commission, or Township Board.

C. Treasurer's Report

Treasurer Colvin-Garcia provided information summarizing her activities over the past two months.

D. Planning Commission Report – April 3, 2023

Trustee Allison reported on the April 3, 2023 Planning Commission meeting.

- Planning Commission approved as a minor amendment a Toyoto site plan change to allow for an observation pad and a battery storage pad.
- Planning Commission had continued discussion relative to the home occupation ordinance. Planning Commission workshop is scheduled for April 11.

E. Committee Report

1) Farmland Open Space and Preservation Board Report

Did not meet.

2) Utility Committee

Will meet before April 24.

3) Climate Resilience Committee

- New chair is Benjamin VanGessel.
- Work with climate consultants is ongoing. Hoping to get minutes from the consultants' meeting with the farm group.

4) Zoning Board of Appeals

Did not meet.

5) Public Safety Committee

Did not meet.

6) Roads Committee

No additional information.

F. Utilities Department Report - Director Rick Judkins

Written report provided this evening.

There was brief discussion relative to the construction of the Township's proposed new water tanktower. Utilities Director Judkins said a ground lease needed to be negotiated; until that happened it was difficult to move forward with grant applications or other funding efforts.

G. Public Safety Report

1) Washtenaw County Sheriff's Department

No report, due to early BOT meeting.

2) Fire Department

March 2023 Fire Department Report in the packets.

H. Building Department Report

Report in the BOT packets.

VII. INFORMATION ONLY ITEMS

Trustee Moran reported in detail on the recent proposed 4th Gelman consent judgment, negotiated by the State and Gelman with no input or even knowledge of the intervenors. Washtenaw County has filed a formal complaint in order to be part of the process.

Trustee Moran was discouraged by the 4th consent judgment, which contained all the previously objectional items, did not add in any of the things formerly requested, and resulted in changes even more disadvantageous to Ann Arbor Township and other communities. The Agreement favored Gelman, and was more objectionable than it was before. EGLE appeared to want to conclude litigation before the EPA got involved.

Ann Arbor Township would need to make a formal complaint to be part of the process, at a projected cost of over \$1M.

Trustee Moran noted that Congresswoman Dingell continues to offer encouragement regarding the Gelman issue.

VIII. NON-AGENDA ITEMS

None.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Smith, support by Colvin-Garcia, to adjourn the meeting at 9:34pm.

Motion passed by voice vote.