

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING – MONDAY OCTOBER 16, 2023
TOWSLEY AUDITORIUM, WASHTENAW COMMUNITY COLLEGE
MORRIS LAWRENCE BUILDING
4800 EAST HURON RIVER DRIVE, 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 October 16, 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: Utilities Director Judkins
Fire Chief Nicholai
Township Attorney Redmond, Bodman PLC
Township Planner Elmiger, Carlisle Wortman
Comptroller Coogan, Woodhill Group

II. APPROVAL OF BOARD OF TRUSTEES MINUTES

A. Regular Meeting September 18, 2023

MOTION by Moran, support by Basch, to approve the September 18, 2023 regular meeting minutes as submitted.

Motion passed unanimously by voice vote.

III. CITIZEN PARTICIPATION

Paulette Metoyer, 467 Dhu Varren Rd, addressed issues relative to the Barton Road/M-14 interchange. She did not think the stop sign on the access road was an issue, but rather the length of the ramp after the stop sign was too short. Changes in 2000 or 2005 reduced visibility and made it more difficult for cars to merge safely. 18-wheeler trucks should not be allowed to use that portion of M-14, nor the Barton Hills exits, either eastbound or westbound; there was no place for them to safely exit.

Amy Olszewski, 2819 Warren Road, urged the Board to sign a resolution supported by the Michigan Municipal League and the Michigan Townships Association opposing legislative bills 4526, 4527, and 4528, which would remove local control of sand and gravel mines in Michigan. She also urged the Board to develop ordinances that specifically protect the groundwater in the Township, and to include language relative to this protection in the Master Plan.

Christin Su, 305 Dhu Varren Road, supported the Resolution being considered under Agenda Item V.A., relative to the PEL Study of the M-14 Interchange at Barton Drive. She did not think \$45M would ever be available to construct the dual roundabout, and even if it was, the \$45M could be better spent on fixing dams and bridges in the state.

IV. APPROVE THE AGENDA AND CONSENT AGENDA

- A. Claims Listing 9-15-23 to 10-12-23 for \$246,966.02.**
- B. Reappoint Jeremy Moghtader to serve on the Farmland and Open Space Preservation Board for a term ending July 1, 2026.**
- C. Appoint Jill Lada to the Planning Commission for a term ending July 1, 2026.**
- D. Approve the annual dues of \$2,192 for the Michigan Municipal League.**
- E. Approve the letter acknowledging the forfeiture of the Ann Arbor Charter Township's 2023 CDBG allocation of \$8,302.00.**
- F. Approve revised Washtenaw County Early Voting Agreement and authorize Clerk to sign; revised to remove Ypsilanti Township.**
- G. Approve appraisal fee (\$5700) for property recommended for PDR by Farmland and Open Space Preservation Board.**
- H. Authorize the Cost of the repair to R and R Fire Truck Repair, in an amount not to exceed \$12,683.**
- I. Authorize the Invoice in the amount of \$11,475 to G2 Consulting for Geotechnical Investigation.**
- J. Authorize annual dues payment of \$1,250 to American Society of Employers.**
- K. Authorize annual dues payment of \$1,000 to Washtenaw Area Transportation Study (WATS).**

MOTION by Olsson, support by Basch, to approve the Agenda and Consent Agenda as presented.

Motion passed unanimously by voice vote.

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

- A. Resolution to MDOT Regarding its 2023 Planning, Environmental, and Linkages (PEL) Study of the M-14 Interchange at Barton Drive**

Noting that he had missed the September meeting, Trustee Allison asked why the resolution did not include support for eliminating the dual roundabout as a long-term solution, as requested by Barton Hills Village. Was there an objection to including the elimination of the dual roundabout?

Discussion followed:

- Supervisor O'Connell explained that the recommendation of the Road Committee was to adopt the first 3 points of Barton Hills' recommendation, which addressed 1) implementing short-term and other recommendations of the road safety audit (RSA), 2) opposing the immediate closing of the Barton Drive ramps as a short-term solution, and 3) asking MDOT to reconsider whether the entrance ramp from Barton Drive can be improved to eliminate the stop sign as a method of traffic control on the ramp.
- Clerk Basch said the Road Committee had discussed the dual roundabout option extensively. Clerk Basch did not want to tell MDOT to eliminate their top recommendation from future consideration, and she did not agree with Barton Hills' request to state unequivocally that the solution should never be implemented.
- Trustee Smith added that the Road Committee felt it was important to oppose the idea of implementing a temporary solution, when the problems that were associated with the interchange were the result of a prior temporary solution. The Road Committee did not support a repeat of implementing a temporary solution without a permanent solution. Trustee Smith thought that when it was time to look at a permanent solution, the Township could then address that solution.
- Trustee Allison pointed out that the Barton Hills Village Board unanimously asked the Township to reject the dual roundabout solution whenever it might be brought forward. The Barton Hills' petition was signed by at least 63% of their residents. Trustee Allison believed the Board should be mindful of what their residents had requested.
- Trustee Moran suggested that a statement be included in the Resolution that Ann Arbor Charter Township Board of Trustees rejects the dual roundabout at this time, which would leave future options open.
- Clerk Basch thought the dual roundabout had much to recommend it.
- Trustee Smith thought addressing the dual roundabout was premature, as no real plan had been put forward.

MOTION by Moran, support by Allison, that the Ann Arbor Charter Township Board of Trustees amend RESOLUTION REGARDING M-14 BARTON DRIVE RAMPS AND HIGHWAY INTERCHANGE SAFETY as follows:

- **Add: 4. Ann Arbor Charter Township Board of Trustees rejects the dual roundabout (dogbone) at this time.**

Motion discussion:

- Trustee Olsson also did not think it was time to reject something that may be proposed in the future. If there was funding available, based on what she knew so far, she preferred the dual roundabout solution. When and if the dual roundabout was seriously proposed, the Township could discuss the plan at that time.
- Treasurer Colvin-Garcia said that if the dual roundabout did become more feasible, and MDOT could get funding for it, MDOT would provide more information relative to traffic flow, and there would be time for public input. She felt the dual roundabout was a promising option. She was in favor of the original resolution with its 3 points as submitted.
- Supervisor O'Connell agreed that the Board could not evaluate the dual roundabout without knowing exactly what was being proposed.

- Trustee Allison pointed out that when MDOT presented their proposal for the M-14 Barton Drive ramps, they were seeking feedback and guidance. The Resolution stated that the Board opposed shutting the existing ramp down. However, while it was apparent some Board Members liked the dual roundabout option, the Board should be mindful of what the residents had communicated, and that was why he was supporting this amendment to the Resolution. Also, if the Resolution was silent on this issue, MDOT could assume there was no opposition to the dual roundabout and would simply proceed with that option.
- Supervisor O'Connell said she had informed Barton Hills that the Resolution would include items 1, 2, and 3; she had not received any comments back.

Trustee Moran called the question.

Roll call vote:

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

Motion failed 5-2.

MOTION by Olsson, support by Colvin-Garcia, that the Ann Arbor Charter Township Board of Trustees adopt RESOLUTION REGARDING M-14 BARTON DRIVE RAMPS AND HIGHWAY INTERCHANGE SAFETY, date OCTOBER 16, 2023, as submitted.

Roll call vote:

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

Motion passed 6-1.

B. Review and Discuss 2024 Budget (Operating and Capital)

Comptroller Coogan explained that the documents presented this evening represented some modifications in the capital improvement request and the operating budget from the Fire Department since the September Board meeting. An updated Capital Improvement Plan (CIP) that had been reviewed by the Public Safety Committee had been emailed to the

Board on Saturday. The revisions extended the purchasing of large fire apparatus, so that the purchases are not occurring in a group. The purchase of the two engines are now shown occurring in 2024 and 2025, with the aerial tower expense proposed for 2026.

Additionally, the request for a transfer for roads was originally submitted at \$435K/year as a dedicated amount; that has now been decreased to \$266K.

The CIP is a 10-year plan, with the first year moved into budget appropriation. The changes took the requested budget appropriation for capital from \$4.8M to \$2.036M.

Board questions and discussion:

- Comptroller Coogan explained that the current source of funding for the CIP for public safety is from Fund 402, the Capital Fund. 402 has traditionally received an influx of money from cell tower revenue and some service agreements. However, 402 is not going to be able to continue to support long-term expenditures, although it will cover 2024. The Township needed to start transferring money into that fund.
- Comptroller Coogan suggested that in November the Township transfer the \$266K roads money into Fund 202, with any unspent funds (reserves) being dedicated to the roads. In contrast, in 2022 \$150K was budgeted for roads, but the Township only spent \$27K. If the money had been transferred into the Capital Fund, \$130,000 would be a line item held in reserve for roads. This accounting change was a suggestion only, but did also represent common accounting process, ensuring that there would be no commingling of funds, and the roads fund would be easily trackable from year to year.
- Comptroller Coogan said that there were also available funds in Public Safety that could be transferred into Fund 402, and would be treated the same way. This could be started this year.
- Clerk Basch asked if extra public safety millage money could also be treated in this way, putting some money in reserve for public safety capital.
- Comptroller Coogan explained that at the September meeting it was proposed to increase the operating millage, as shown on Form 4029. As discussed in the 2024 Budget Narrative submitted at the September meeting, in 2023 the operating millage for the General Fund is 0.400. The proposed 2024 millage is 0.7591. As in the past, the 1% administrative fee would not be levied. The millage recommendation is to levy the maximum for General Operating and Farmland, and a portion of the allowable millage for Public Safety.
- Treasurer Colvin-Garcia pointed out that there was a corresponding decrease in public safety, with a net impact of -.5; this was reflected on Form 4029.
- Trustee Allison commented that the Public Safety Fund balance is substantial, and there was no need to fund public safety capital from the General Fund. Comptroller Coogan agreed. Basch also agreed, and suggested moving public safety money into Fund 402, where it could be tracked by line item, and compared to the millage being levied.
- Supervisor O'Connell said that the Fire Department would be seeking grants to help with some of the large equipment costs.

Utilizing a PowerPoint presentation entitled *Ann Arbor Charter Township Roadwork Planning 2023*, Trustee Smith addressed work done by the Road Committee and how that impacted the budget. The Roadwork Planning document utilized information from the last 10 years.

- The annual roads budget of \$150K has not changed for at least 10 years, in spite of the current inflationary trends.
- Additionally the Township receives funds that require a match from the Road Commission. The average is \$25K - \$30K per year, although one year the amount was only \$16K.
- The current process of going down a list proposed by the Road Commission operated as an ad hoc decision making process.
- Additionally, road improvements have been funded by Special Assessment Districts.
- The Township amount spent on roads from year to year was all over the map, with the lowest amount being last year – \$27K.
- Traditionally, the ad hoc decision making process prioritizes the worst roads at the time the decisions are made, with little technical input, and with little prioritization given to preventive maintenance.
- Smith reviewed the different types of roads in the Township, and who has responsibility for those roads:
 - Public Local Roads – WCRC
 - Public Unpaved Roads (primarily local collector roads) – Township
 - Public Subdivision Roads – Landowners served by the roads, with some exceptions (Township has funded repairs on unpaved subdivision roads)
 - New developments with private roads – HOA
- The current situation has resulted in all local paved roads having a poor PASER rating. WCRC suggests PASER ratings of 1 and 2 require reconstruction at \$1M/mile. PASER ratings 3 and 4 require resurfacing at \$350K/mile.
- The PowerPoint presentation broke down projected expenses for the next 10 years, summarized as follows:

Local Paved Collector Roads	\$1,240,000
Local Paved Subdivision Roads	\$1,654,000
Unpaved Border Collector Roads	\$ 208,400
Unpaved Collector Roads	\$ 609,550
Unpaved Subdivision Roads	\$ 279,000
Township-wide Limestone	\$ 600,000
Total:	\$4,590,950

This total represents a future unfunded obligation. If the subdivision roads are removed, the total becomes \$2,657,950. Spread over 10 years, the obligation is approximately \$266K per year.

Board Discussion and Questions

- Trustee Moran said the Township had paved a small portion of Stein Road in the past, based on the residents' request and the residents committing to maintaining the road. This did not mean the Township should commit to paving more of Stein Road in the future.
- Trustee Smith said the 10-year time period tried to capture the needed cycle of road maintenance.

- Trustee Allison pointed out that road repairs occurred episodically; the Township did not need all the money all at one time. Also, the Township had ways to get the money other than just taking it out of the General Fund.
- Trustee Smith said the roads that had PASER ratings of 1 and 2 all need repair. In the case of a special assessment district (SAD), the Township had to have the money up front, and then was paid back over time.
- In response to a question from Trustee Allison, Trustee Smith explained that the \$266M (or 266K/year for 10 years) was not an attempt to set a Township funding policy. Tonight's presentation was to show that Township roads were in poor condition and needed to be fixed, and to show the cost of that effort.
- Trustee Allison pointed out that while these roads are Township roads, they are primarily the responsibility of the Road Commission. Trustee Moran added that the Road Commission's policy was to pay 50% of road maintenance for paved roads, as stated in their literature and on their website. Trustee Smith said that the Road Commission had not committed to that.
- Trustee Moran said he supported appropriating \$266K for the Capital Fund for this year, but would not support a change in Township policy.
- Supervisor O'Connell said that the request was not establishing policy; the request was to dedicate money to fix the roads that need to be fixed. The Township will continue to work with the Road Commission to get them to fund as much as possible. The Road Committee will verify what the Road Commission's policy is in terms of funding 50% of road repairs.
- Clerk Basch agreed that the Board was not setting policy tonight. The research presented tonight was methodically done, and undertaken in order to understand the cost of repairing the roads at the Board's request. The result was a reasonable amount to put in the CIP on a yearly basis, an amount that could be changed at any time.
- Supervisor O'Connell pointed out that without an inflationary increase, the \$266K/year would not mean the same thing in 2032. Tonight's discussion was the start of developing a long-term strategy for road maintenance.
- It appeared to be Board consensus to support the \$266K/year appropriation into the Capital Fund for roads.

Comptroller Coogan returned the discussion to Fund 402. The Capital Fund was picking up the entire cost of the apparatus for the Fire Department. In November she will present some transfers out of public safety into Fund 402.

Comptroller Coogan said that changes in Fund 206 Fire Fund are personnel related, representing 6 full time firefighters, with one additional firefighter in the first month of the year. There was also estimated overtime in the budget.

Chief Nicholai explained that when staff had to fill in when someone took vacation or sick time, that "fill in" time was budgeted as overtime hours. The \$190K for overtime was a \$30K reduction from last year.

Comptroller Coogan said the budget would be resubmitted for the November meeting, including the transfer into the Capital Fund discussed this evening.

C. Second reading of Ordinance Amendment, Code Sections 50-26 through 50-38, “Private Roads,” regarding specifications for rights-of-way and roadways.

Township Attorney Redmond explained that as discussed at the September meeting, this ordinance amendment will update the standards for private roads, and also contains sections that make it clear that if a private road has been proposed as part of a PUD, it will be approved through the PUD process, not by a separate application. This amendment also removes the word “clerk” where it appears, clarifying that applications will be submitted to the appropriate person/department within the Township.

MOTION by Basch, support by Olsson, that the Ann Arbor Charter Township Board of Trustees approve AMENDMENT TO CODE: PRIVATE ROADS, ORDINANCE NO. 3-2023, Code Sections 50-26 through 50-38, in the Second Reading.

Roll call vote:

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

Motion passed 7-0.

D. First reading of Ordinance Amendment, Code Section 14-121, “International Property Maintenance Code,” regarding incorporation of updates to the Property Maintenance Code.

Supervisor O’Connell explained that this proposed ordinance amendment is to update the Township to the current International Property Maintenance Code, and to authorize future updates and modifications per any subsequent edition of the Code. Tonight was a first reading of the proposed amendment.

In response to comments, Supervisor O’Connell said that Building Official and Zoning Administrator Pace will be at the November meeting to answer questions and discuss changes in the Code.

MOTION by Basch, support by Allison, that the Ann Arbor Charter Township Board of Trustees approve AMENDMENT TO CODE: INTERNATIONAL PROPERTY MAINTENANCE CODE, dated October 16, 2023, First Reading.

Motion passed unanimously by voice vote.

**E. Fleming Creek Subdivisions Street Light Assessment
1) Public Hearing**

(a) Presentation

Supervisor O'Connell explained that the Fleming Creek Subdivisions street lighting assessment was done annually as required by the PUD agreement, which requires that the Fleming Creek Subdivision homeowners are assessed the DTE bill amounts, in order to repay the Township, which pays the bills.

(b) Public Comment - There was no public comment.

(c) Public Hearing Closed

(d) Trustees' comments and questions

(e) Action

2) Fleming Creek Subdivision No. 1 Street Lighting Assessment 2023

MOTION by Allison, support by Colvin-Garcia, that the Ann Arbor Charter Township Board of Trustees adopt the resolution FLEMING CREEK SUBDIVISION NO. 1 STREET LIGHTING ASSESSMENT 2023.

Motion passed unanimously by voice vote.

3) Fleming Creek Subdivision No. 2 Street Lighting Assessment 2023

MOTION by Allison, support by Smith, that the Ann Arbor Charter Township Board of Trustees adopt the resolution FLEMING CREEK SUBDIVISION NO. 2 STREET LIGHTING ASSESSMENT 2023.

Motion passed unanimously by voice vote.

F. Ordinance Amendment, Zoning Code Section 74-2, "definitions" and 74-9, "Home occupation," regarding standards for home occupations.

Referencing her August 18, 2023 memorandum *Home Occupations Draft Ordinance – Recommendation to Township Board*, and noting that this item had been tabled at the September 18 meeting, Township Planner Elmiger highlighted the following:

- The Planning Commission worked with a model ordinance prepared by Michigan State University (MSU). The point of the model ordinance was 1) to specifically allow telecommuting as a home occupation, and 2) to help communities update their home occupations ordinance, because since the Covid pandemic many more people want to work at home in occupations that involve more activities than telecommuting.
- The purpose of a home occupation ordinance is to allow occupants of a residential dwelling to work from home within certain guidelines.
- The draft ordinance includes Category A home occupations, which have practically no nuisance potential for the neighbors, and which are allowed without a permit. Category A uses do not allow any employees from outside of the home, and do not allow clients coming to the home. Category A uses can occupy detached accessory buildings.
- Category B home occupations have the possibility for external nuisances. B uses would allow 2 off-site employees to work at the home, and would also allow up to 2

visitors/clients to visit the home at a time, between 8am and 8pm. B uses must receive a home occupations permit from the Township, administered by the zoning administrator, and must take place within the home or within an attached accessory structure.

Trustee Allison pointed out that the current ordinance is silent on the issue of telecommuting. It allows home occupations that are restricted to 20% of the floor area ratio in the home.

The new draft ordinance is a big change for Category A uses, in that Category A uses could now be conducted in accessory buildings. The Planning Commission felt that this change was de minimis in terms of its impact. The Planning Commission had much discussion focused on residential character and visual pollution, in tandem with the new draft language relative to accessory structures.

Board discussion:

- Trustee Moran said that Section 74-9 (purpose statement) could appear to condone some degree of nuisance as always being present on residential properties. However, “nuisance” is a legal term, and perhaps should be swapped out with “disturbance” or “impact.” The ordinance should not talk about some degree of nuisance as being permitted.

Township Planner Elmiger said that the current ordinance does not have a purpose statement. The language included in tonight’s draft came from the model ordinance.

Clerk Basch suggested that Attorney Redmond and Planner Elmiger work together to research whether the legal definition of “nuisance” impacted how that word should be used in the ordinance, and if recommended modify the language so as not to include the term “nuisance” in Section 74-9.

- Trustee Olsson said she found the purpose statement puzzling in some ways. She noted that the purpose statement in Grand Rapids’ home occupation ordinance was just one sentence.
- Trustee Moran said that Category B uses allowed up to 2 employees, who each needed to have a dedicated parking space. Additionally there could be 2 customers on site at a time. If the property owner had 2 cars or more (depending on number of high school or others in the home), a single property could quickly resemble a small parking lot. He was especially concerned as to how this would impact small lots.
- Clerk Basch was concerned that the ordinance prohibited such things as MaryKay or Tupperware sales parties.

Planner Elmiger said such events would not be prohibited as home occupations; usually the sales parties were episodic and would be held in someone else’s home. Such sales parties would not require a permit.

- Clerk Basch asked why Category B uses were required to be in an attached accessory structure. Why couldn’t Category A and B uses be the same in this regard, both being able to use a detached accessory structure?

Trustee Allison said this particular question had generated much thoughtful discussion at the Planning Commission. The final language is consistent with the model motion developed by MSU and had to do with visual pollution and maintaining the residential character of the neighborhood.

Currently all home occupation uses have to be in an attached accessory structure or in the home itself. The draft language allows Category A uses to be in a non-attached accessory structure. Examples of such uses include a home office or studio. Category B uses will remain as attached to or within the home, thus minimizing the nuisance factor of any Category B use. A Category B use in a detached accessory building, with parking spaces as required, could present more of an office or business appearance, degrading the residential character of the property.

- Clerk Basch said that under the draft language for Category B uses, a financial planner working out of the home could have a husband and wife visit, as long as they did not bring their children. A music teacher could arrange duet practice, as long as there were no parents accompanying the students. The 8am – 8pm limitation might unduly limit tutoring that sometimes occurred outside of those hours.

Trustee Allison said the draft ordinance sought to minimize nuisances in a neighborhood, and tried to maintain the residential character of the neighborhood.

- Clerk Basch asked why the zoning administrator was required to keep a record of home occupations. Would this requirement have unintended consequences, such as triggering the assessor to evaluate the property differently?

Township Planner Elmiger said the intent of the model ordinance was to let the zoning administrator know what home occupations were approved. Later, if there were complaints, the administrator would be able to access the records, and answer complaints appropriately, e.g., a complaint about cars being parked could be answered with the fact that a Category B use existed at that particular address, and parking as described was allowed. The 3-year time limit for permits also allowed the zoning administrator to review a permitted use in person with the resident, and make sure the resident was abiding by the rules relative to the category of use.

- Trustee Moran thought the prohibition in Section 3.f.3) against assembling groups of people (more than two) was unconstitutional.
- Trustee Smith suggested removing b.1)c., which required someone who didn't live in the building to have written permission of the owner before conducting business there. Also, if written permission was required, the consent should be kept on record at the Township.
- Trustee Smith explained that during the pandemic, a family member (non-occupant) came to his house to work remotely. Under the draft ordinance, this would not be allowed.

Township Planner Elmiger said the purpose of the home occupation ordinance is to allow occupants to expand the use of their residential property by working from home,

while prohibiting or minimizing nuisance factors. While a family member who had to use the home in order to work remotely was not likely to be an issue, there was an issue of people who might rent out an extra room as a rented office, studio, etc. Such rental or use by a non-occupant would not be permitted.

- Trustee Smith thought the draft language should be less ambiguous.
- Supervisor O’Connell said that the question of written permission could be posed at the next BOT meeting when Building Official and Zoning Supervisor Pace would be present.
- Trustee Olsson said the City of Ann Arbor’s home occupation ordinance stated that a home occupation may not generate more than 10 business-related vehicle trips in any one day.

General comments:

- In section (c)3.b., first line, delete comma after “required.”
- Under (c)6), clarify what is meant by “Commercial Vehicle Parking.”
- Simplify (c) 11) to read: *Signs are not permitted.*
- It came out in discussion that the draft ordinance as submitted tonight did not allow home occupations at all in the R-6, R-7, R-8 and R-9 zoning districts, i.e., no telecommuting. However, Trustee Allison thought the Planning Commission did not intend to allow Category B uses in higher density districts, because the potential for nuisance factors relative to high density residential, including allowing employees and requiring extra parking, was too high. Only Category A uses should be permitted in those districts.

MOTION by Allison, support by Moran, to table further discussion and action on Ordinance Amendment, Zoning Code Section 74-2 and 74-9 until the November Board of Trustees meeting.

Motion passed unanimously by voice vote.

- G. Ordinance Amendment, 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 purpose of this ordinance amendment was to address the number of requests received by the Building Official from people living on generally larger lots who want to put up some type of pole barn or larger accessory building for storage or for office or studio purposes. The current ordinance only permits one 200’sf storage building on a residential use parcel (about the size of a 2-car garage).

The draft ordinance amendment is an attempt to put some numbers to various size lots, in order to allow people to have a storage building other than a detached garage on their property. The idea behind the draft ordinance is to allow a combined ground floor area for accessory buildings, and leave it up to the property owner to decide how big a storage structure should be.

Trustee Allison added that this was a substantial change to the accessory structure ordinance in terms of what is allowed in residential areas. One of the concerns related specifically to smaller properties, relative to the potential for visual pollution and nuisance items.

Supervisor O'Connell emphasized that the Board would be seeing this draft amendment again, when the Building Official and Zoning Administrator would be present.

Clerk Basch asked why the R-1 and R-1A zoning districts were excluded from the requirement that the ground floor area of an accessory building or structure shall not exceed the ground floor area of the principal building. Trustee Allison explained that property owners with small homes on large lots could have an accessory structure such as a pole barn that has a larger area than the home.

Clerk Basch noted that in the tables in Section 74-462, new language needed to be underlined in Footnote 3. Also, the table seemed to be saying that Category B is only allowed in Single Family or Two-Family homes. But the table now appeared to show that Category A uses were not allowed in apartment complexes or other higher density developments.

Planner Elmiger said the table could be modified to clearly show that Type A category uses such as telecommuting were allowed in higher density residential districts.

Clerk Basch said that she was generally in favor of these two ordinance amendments.

In response to comments from Trustee Moran, Planner Elmiger explained that the only changes in the tables in Sections 461 and 462 related to home occupations.

It came out in discussion that that the zoning ordinance contained definitions for "structure" and "building." These definitions remained unchanged, because their use was ubiquitous throughout the zoning ordinance, and any changes in the definitions could have unintentional impacts on other unrelated ordinances.

Trustee Moran emphasized that most of his concerns related to the impact of the ordinance amendments on small lots. Trustee Allison said this issue was heavily discussed by the Planning Commission. He noted that even though all buildings and structures count toward ground floor coverage, there did seem to be the potential for an excessive number of structures on a small lot. He did not think ground floor coverage would be an effective limitation for small lots. Someone could have ten 100sf buildings on a one-acre lot.

Trustee Smith said he did not share that concern. He felt the lot size and setback requirements would naturally limit the number of structures that could be on a lot.

Trustee Moran addressed other language in the current ordinance, pointing out that accessory structures that don't meet the definition of building or structure, such as gazebos and carports, would not be counted in ground floor coverage calculations. He thought paved parking spaces met the definition of a structure under the ordinance. Allowing 5 feet greater

height for every one foot set back further from the property line could allow taller than appropriate buildings. Trustee Moran remained concerned about the impact of the proposed ordinance change on small lots; too much could be allowed on a single lot.

MOTION by Smith, support by Moran, to table further discussion and action on Ordinance Amendment, Zoning Code Sections 74-426 and 784-461 through 74-463 until the November Board of Trustees meeting.

Motion passed unanimously by voice vote.

VI. REPORTS, DISCUSSIONS

A. Supervisor's Report

Supervisor O'Connell requested that Mohit Nagpal be appointed as a member of the Climate Resilience Committee. Mr. Nagpal's resume had been circulated to the Board.

MOTION by Smith, support by Olsson, to appoint Mohit Nagpal to the Climate Resilience Committee.

Motion passed unanimously by voice vote.

Supervisor O'Connell reported on the following:

- Portion of Warren Road has been certified as a Natural Beauty Road by the Washtenaw County Road Commission.
- Supervisor O'Connell had spoken with state representatives regarding the sand and gravel bills before the legislature; right now those bills were "standing still." When and if there became a time to submit public comments, the Township would do so.
- There is also proposed legislation that would pre-empt local control for siting and permitting utility-scale renewable facilities, giving sole authority for siting and permitting to the Michigan Public Service Commission. Would the Board care to direct the Supervisor to write a letter opposing such action?

Smith said he would like to see a balanced combination of state and local control. Any siting and permitting needed to be done with local input into the process, and with local knowledge generally.

O'Connell said there did appear to be room for public and local input in the proposed legislation. She would distribute copies of the proposed bill language.

Trustee Olsson noted that there was much purposeful disinformation about the proposed legislation being put out by people and entities funding the fossil fuel industry.

- MDOT will provide additional information to the Supervisor regarding the proposed railroad fence along the Amtrak line.

Trustee Olsson noted that the Huron River Watershed Council was writing a letter in opposition of the proposed fence.

- Regarding U of M items, the proposed new water tank was down to 3 items still to be negotiated. Also, U of M has rolled out a Vision 2034 and Campus Plan 2050, with the goal of Ann Arbor (City) and U of M campus being “one,” with connectivity to and between the five campus nodes: East Medical, North Campus, Medical Center, Central Campus, and Ross Athletic. In terms of impact to the Township, U of M is planning to build connecting trails behind East Medical, and is planning to protect Fleming Creek.

B. Clerk’s Report

Clerk Basch reported on the following:

- Written report in the packets.
- November BOT meeting will be at Township Hall.
- Trustees should let the Clerk know if they will be in attendance for the November 20 BOT meeting. If there is not a quorum, the meeting date may be moved.
- Precinct consolidation bill may have immediate effect after all. If this happens, the Township will move quickly to consolidate its precincts.
- Special BOT meeting tomorrow at 2pm to enter a closed session to discuss litigation.
- Website has been updated in several areas.

C. Treasurer’s Report

Treasurer Corwin-Garcia reported on the following:

- Township has 3 avenues of communicating to the public: 1) website and media announcements, 2) push system to residents who have submitted email addresses, and 3) Township newsletter
- Treasurer agrees with comment in Clerk’s report that the Township needs to hire a modern communications professional to integrate existing tools and technologies to communicate more effectively with residents.
- Latest third quarter numbers had been provided to the Board.

D. Planning Commission Report – October 2, 2023

Trustee Allison overviewed the October 2, 2023 Planning Commission meeting, the draft minutes of which were in the packets.

The final site plan for Maple Ridge was approved, and will be coming to the Board in 3-4 months. Site plan includes a private wastewater system and a 100-acre farmland donation to the Township. Board will be reviewing a Private Road Agreement, PUD Development Agreement modifications, and Master Deed.

In response to questions, Trustee Allison said the donated land, per the Planning Commission resolution, will be conserved. Subcommittee of Supervisor O’Connell and Trustees Moran and Allison will make a recommendation regarding land use to the Board.

E. Committee Reports

1) Farmland Open Space and Preservation Board Report – September 25, 2023

Trustee Allison overviewed the September 25, 2023 Farmland Open Space and Preservation Board meeting, the draft minutes of which were in the packets. FOSPB was working on a newsletter and website update. Consultant Lonik will provide a 20-year report. Bayer property monitoring report has been signed and Code Enforcement Officer Swope has been working on other issues. Two PDR applications are moving forward.

2) **Utility Committee** - Will meet soon.

3) **Climate Resilience Committee**

Climate Action Plan should be distributed to the Board by the November meeting. A public engagement meeting (hybrid) is scheduled for November 30, with a presentation to the Board scheduled for the December BOT meeting.

Treasurer Colvin-Garcia asked how the Climate Action Plan will integrate with the Master Plan. Supervisor O'Connell explained that the Master Plan revision was just beginning; this would be a long process, and would likely incorporate aspects of the Climate Action Plan. Trustee Allison noted there was already a new and substantial section on climate resilience in the draft master plan; this had not yet been informed by the Climate Action Plan.

4) **Zoning Board of Appeals** - Did not meet.

5) **Public Safety Committee**

Committee met with Fire Chief Nicholai to discuss the Capital Plan.

6) **Roads Committee**

Committee met with Adam Lape and Mike Mastie, and tonight's roads analysis will likely be updated based on information learned at that meeting. Mr. Lape and Mr. Mastie will both be attending the January BOT meeting.

Regarding the earlier roads analysis, Trustee Allison noted that some roads required more frequent maintenance than others. For instance, Gleaner Hall Road required less maintenance, and it was not surprising it had not received limestone for 10 years.

Trustee Smith said that understanding the needs of different roads had been part of the analysis discussion. However, at some point Gleaner Hall Road will need maintenance.

Trustee Allison said that ~~unpaved subdivision roads should be treated similarly to paved subdivision roads; residents should have some skin in the game~~ the Township has historically invested about \$10K a year in what we are now calling unpaved subdivision roads; the Township should continue to do this. If more extensive work is desired, then these roads should be treated similarly to paved subdivision roads.

Trustee Smith said the Roads Committee did not yet have consensus as to how to move forward with unpaved subdivision roads. Some unpaved road treatments were

inexpensive enough to keep the roads in use for a longer period of time. The issue is the cost differential between paving a subdivision road and putting down 6" of limestone.

F. Utilities Department Report

Utilities Director Judkins referred the Board to his written report, which was in the packets, and updated the Board on road work at Polo Fields and Northbrook.

G. Public Safety Report

1) Washtenaw County Sheriff's Department

Written report is in the packets.

2) Fire Department – Chief Mark Nicholai

September Fire Department Report is in the packets.

Chief Nicholai updated the Board on Fire Department staffing. Two new firefighters had been hired. Four additional people are in the final stages of the hiring process. Fire Academy finished September 30, with 9 cadets graduating. Two full time staff had completed their training and orientation period.

In response to questions, Chief Nicholai said that of the individuals mentioned, all were paid-on-call, except the full time hires.

H. Building Department Report - Report is in the packets.

VII. INFORMATION ONLY ITEMS

Trustee Allison reported on a conversation he had with MTA Legislative Director Judy Allen regarding issues facing the Township.

VIII. NON-AGENDA ITEMS - None.

IX. PUBLIC COMMENT - None.

X. ADJOURNMENT

MOTION by Smith, support by Allison, to adjourn the meeting. Motion passed unanimously by voice vote.

The meeting was adjourned at 10:50pm.