

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING MINUTES
MONDAY, FEBRUARY 16, 2009**

I. CALL TO ORDER

The regular monthly meeting of the Ann Arbor Charter Township Board of Trustees was called to order by Supervisor Moran at 7:30 p.m. at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan, 48105.

Present: Supervisor Michael Moran, Clerk Rena Basch, Treasurer Della DiPietro, Trustees Randolph Perry, Richard Dieterle, and Claudia Sedmak.

Absent: Trustee John Allison

Also Present: Township Attorneys Sandra Sorini Elser and Chris Bernard, Fire Chief Rick Ericson, Utilities Superintendent Rick Judkins, Building and Zoning Official John Hamlin, and Hearing Officer Jack Donaldson.

II. CITIZEN PARTICIPATION

Andrew Getting, Elizabeth Hogan's gardener addressed the Board regarding the show cause hearing on the Dozaur property. Getting said he was both for and against the issue at the same time. He commented there are those he considers "minimalist" who live with the least amount of clutter and then there are those that save everything. He said there was a fire 20 years ago which caused serious damage to the property ~~and was making it~~ unlivable. He said the house is currently stacked with junk and animals come and go. He added foliage from the trees cover the site but it is very visible during this time of year. He doesn't believe the Dozaurs have any intent to clean up the property. He thinks the property should be bulldozed and allowed to return to nature.

Moran noted the Township received a letter from Elizabeth Hogan, 4099 E. Huron River Service Drive, regarding the Dozaur property. Moran indicated a copy of the letter was included in the Board's packets.

Dale Newman, 3100 Whitmore Lake Rd, questioned whether the Board should be holding a meeting because it was a legal holiday.

III. APPROVAL OF MINUTES

Corrections to the 1/19/09 minutes: On page 2 under item F strike "choice policy" and insert "expenditure of resources". **DiPietro moved approval of the January 19, 2009 meeting minutes as amended. Basch seconded the motion which was adopted unanimously.**

IV. DANGEROUS BUILDING, HEARINGS TO SHOW CAUSE

A. 4081 East Huron River Drive (Dozaur)

1. Summary of Proceedings

Bernard explained the process before the Board is governed by the Township's ordinance at section 14.61 Article III Unsafe Buildings, and mirrors the state statute MCL 125.540 et seq.; a provision by which the Township can provide notice that a property is a dangerous building, and go through due process in order to provide the property owners sufficient opportunity to correct

the condition, culminating, if there is no correction, with an order from the Township to have the building destroyed if necessary.

In the case of Dozaur property the process began by Hamlin posting a notice that the property had various deficiencies, and providing the property owners with a copy of the notice and time to correct the conditions within 10 days. No corrective action was taken by the property owner and a report and notice to appear before Hearing Officer Jack Donaldson were issued. The notice was served on the Dozaurs, and they appeared at the hearing. As a result of the hearing, Donaldson issued an order giving the Dozaurs 2 months to correct the conditions on the property in order to make it safe. The Dozaurs made some attempt to clean up the property but Hamlin determined the conditions were still not abated by the deadline. Donaldson then forwarded a recommendation to the Board to hold a show cause hearing and the notice was properly served on the Dozaurs. Bernard indicated the greenhouse is an unsafe structure and the dwelling needs to be boarded up in order to make the property safe. The Hearing Officer's recommendation is to correct the conditions or enforce his order within 60 days. Hamlin said he supported Bernard's comments. Bernard recommended modifying the order to allow the Dozaur's the opportunity to remove any and all personal property. Hamlin distributed copies of pictures of the Dozaurs' property.

2. Homeowner's Opportunity to Show Cause

Mr. and Mrs. Dozaur were present at the meeting. Mr. Dozaur explained a series of events that have transpired as the reasons for the condition of the property. Dozaur said they've had several deaths and illnesses in the family and had to travel out of state and out of the country. Dozaur said they are currently living at Huron Towers and are current on all taxes. He said they would like to finish the house which is structurally safe and has passed inspection, except for the greenhouse. He said they have since removed the greenhouse and boarded up the house and left the overhang. Mr. Dozaur said they are in the process of cleaning up the debris but the winter has delayed the clean-up. Mr. Dozaur said they could comply with the Township's order within 60 days.

Moran informed the Dozaurs the Township is willing to allow them more time to clean up the property, otherwise the Township will be forced to do the work and create a lien on the property. Moran advised the Dozaurs the Township received a bid for the job at \$22,000 to give them some idea of the amount that would be placed as a lien on their property. **Perry moved to adopt the resolution approving the decision and order of the Hearing Officer for 4081 East Huron River Service Drive with the addition allowing the Dozaurs 60 days to remove their personal property. Sedmak seconded the motion which was adopted unanimously.** A copy of the Board's order was hand-delivered to Dozaur at the meeting.

B. 3100 Whitmore Lake Road (Newman)

1. Summary of Proceedings by Township Attorney

Bernard explained in the case of the Newman property the process began by Hamlin posting a notice of dangerous conditions upon the property providing the property owner with a copy of the notice and time to correct the conditions within 10 days. No corrective action was taken however Mr. Newman did provide the Township with a written response regarding the conditions of the property. Hamlin noticed a hearing before the Hearing Officer Jack Donaldson. The notice was served on Newman and Newman appeared at the hearing. As a result of the

hearing, Donaldson issued an order giving Newman 2 months to correct the conditions on the property in order to make it safe. At the end of the 2 month period Hamlin found the dangerous conditions were still not abated. Donaldson then forwarded a recommendation to the Board to hold a show cause hearing. The Hearing Officer's recommendation is to correct the conditions or enforce his order within 60 days. The notice of hearing was properly served on Newman. Bernard recommended modifying the order to allow the property owner to remove any and all personal property. Bernard added that Mr. Newman is also in violation of the Township's Blight ordinance. Hamlin distributed pictures to the Board of the conditions of the Newman property.

2. Homeowner's Opportunity to Show Cause

Mr. Newman was present at the meeting. Newman said he is willing to litigate this action and considers these ordinances "whiner" ordinances when someone complains about another's property. Newman said he admits the property probably does look worse than his neighbors. Newman said the property has been in commercial use for over 100 years and is primarily used for warehousing and storage. Newman said originally it was the largest dairy farm operation in the county and the first farm in the state to have electricity. He said he felt badly when the main barn fell down but the cost at the time was \$60,000 for a new roof. Newman said the Township Fire Department will be part of his lawsuit and part of the contributory negligence in that they used the structure for training exercises. Newman said the Township is trying to apply urban criteria to a rural situation. Newman said the conditions on his property are typical of a rural setting and most farms are inherently unsafe, and he doesn't see his property as a safety issue.

Perry said he has listened to the property owner and read the owner's October 10, ~~2009-2008~~ letter which is a challenge to the applicability of the ordinance to the owner's property, but that there was no real dispute to the facts. Newman said that is correct and these are all legal issues. Perry recommended the Board find the terms of the order are proper and should be enforced based on the facts. **Perry moved to adopt the resolution approving the decision and order of the Hearing Officer for 3100 Whitmore Lake Road modified to allow Newman to remove personal property within 60 days. DiPietro seconded the motion which was adopted unanimously.** A copy of the Board's order was personally served on Mr. Newman. Hamlin also personally served Mr. Newman with a notice of violation of the Township's Blight ordinance.

V. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING - NONE

VI. APPOINTMENTS, RESOLUTION, REPORTS, DISCUSSIONS

A. Utilities Department

Judkins submitted a written report to the Board. Judkins also reported on the Clark Road PRV/Meter Station, State of Infrastructure Reports, and the Ayrshire final acceptance testing in February.

B. Public Safety

1. Fire Department

Ericson provided the Board with the 2008 year end report for the department. Ericson also reported the NFPA 1901 revisions for fire apparatus became effective in January 2009, and will affect the costs of future purchases for the Township

2. Sheriff Department

Sergeant P. Cook submitted a written report to the Board.

C. Report of the Personnel Committee

DiPietro reported on the findings of the personnel committee for employee compensation. DiPietro said they looked at a wide variety of factors including inflationary increases and what other public departments and neighboring townships are doing. DiPietro said the Personnel Committee is recommending a 2 percent increase for employees. **Dieterle moved approval of the Personnel Committee's recommendation for a 2 percent increase for employees. Sedmak seconded the motion which was adopted unanimously.**

D. Resolution to approve draft of Promissory Note to Ann Arbor Township Economic Development Corporation

Sorini-Elser reported the EDC met for the first time in September and authorized a request for a start up loan in the amount of \$5,000. According to the EDC resolution the interest rate can be any rate up to 7 percent. Perry noted that 3 Board members are also EDC Board members. Sorini-Elser advised the Board she hadn't researched whether the 3 Board members can vote on matters that have to do with the EDC. Moran recommended deferring action until next month to make sure there is no conflict of interest. **DiPietro moved to table the matter. Perry seconded the motion which was adopted unanimously.**

E. Dexter-Ann Arbor Run

Moran advised the Board this is the usual request by the Ann Arbor Track Club for street closings to conduct the Dexter-Ann Arbor Run on May 31, 2009. **Basch moved to approve the proposed road closures for the Dexter-Ann Arbor Run on May 31, 2009. Sedmak seconded the motion which was adopted unanimously.**

F. Supervisor's Report

Moran reported he attended a web seminar on SEMCOG's financial projections on the affect of reductions in taxable value. Moran said the Township won't see significant reductions in taxable value due to declining property values until about 2010. Moran said he continues to attend meetings regarding the US 23 and Geddes Road interchange and provided the Board with projected costs. Moran reported MDOT has hired a private company to set up cell towers in MDOT's right of ways and is questioning whether townships have authority to regulate the construction and installation of cell towers. AATA is requesting a park and ride lot at the southwest corner of Plymouth Road and US 23 which may cause serious traffic problems. Moran reported the Township owns a small barn that needs some repair and is asking the Farmland Preservation and Open Space Board to make a recommendation. Moran reported the MTA annual meeting was helpful as to alternative energy issues. Also, Judge Connors found in favor of the Township in the Dominos Farms shopping center case.

G. Clerk's Report

Basch reported that she re-engaged Municode to get the Township's first ordinance supplement printed, which will include all ordinances approved through 2008; all ordinance changes will be incorporated online. Basch asked the Personnel Committee to write a letter documenting the

employee increases, and also reported that she attended a meeting on local food and land preservation. Basch recommended that the FPOSB contact Food Gatherers to learn more about their reported plans to lease a farm to mitigate fresh food shortages in the local food banks.

H. Treasurer's Report

DiPietro submitted a written report to the Board.

I. Planning Commission

The minutes of the February 2, 2009 meeting were included in the Board's packets.

J. Building Department

John Hamlin submitted a written report to the Board.

K. Farmland and Open Space Preservation Board

Moran reported the FOSPB as a whole is requesting \$25 per meeting per member based upon the amount of time put in by members. **Dieterle moved approval to authorize payment of \$25 to FOSPB members per meeting subject to review of the ordinance by the Township attorney. Perry seconded the motion which was adopted unanimously.** Moran also reported the FOSPB has asked the Board to authorize 2 more appraisals of property for bids in the April round of the Federal Farmland Preservation Program. **DiPietro moved approval of the purchase of up to 2 appraisals for participation in the PDR program. Dieterle seconded the motion which was adopted unanimously.**

L. Approval of Claims Listing

Perry moved approval of the claims listing for December 31, 2008 through February 2, 2009 in the amount of \$248,245.48. Dieterle seconded the motion which was adopted unanimously. Basch moved approval of the claims listing for January 1, 2009 through January 11, 2009 in the amount of \$339,456.64. Perry seconded the motion which was adopted unanimously.

VII. INFORMATIONAL ONLY ITEMS

Items were included in the Board's packets.

VIII. NON-AGENDA ITEMS - None

IX. PUBLIC COMMENT - None

X. ADJOURNMENT

DiPietro moved to adjourn the meeting at 9:10 p.m.