

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING MINUTES
MONDAY, APRIL 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 John Allison, Randolph Perry, Richard Dieterle, and Claudia Sedmak.

Also Present: Township Attorney Sandra Sorini Elser and Lieutenant Louis Kempf.

II. CITIZEN PARTICIPATION

No citizen signed up for participation.

III. APPROVAL OF MINUTES

Corrections to the 3/16/09 minutes: On page 1 under item IV in the eighth line strike “Dixboro” and insert “Hogback”. On page 3 under item D in the first line strike “Bodman” and insert “Brown”. **DiPietro moved approval of the March 16, 2009 meeting as amended. Allison seconded the motion which was adopted unanimously.**

IV. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. Construction within Rights of Way Ordinance

Moran advised the Board this is the second reading of the proposed ordinance to regulate construction within the rights of way located in the Township. Moran said the Township has been experiencing much activity in the rights of way and this ordinance will address current issues facing the Township. **Basch moved to adopt Chapter 50 Roads, Bridges, and other Public Places Ordinance on second reading with changes under section 50-1(c) striking the last sentence. Allison seconded the motion which was adopted unanimously. Basch moved to adopt the initial fee schedule presented in Exhibit A - of a nonrefundable administrative fee or \$100, a plan review fee of \$100, and an inspection deposit of 3% of the approved estimated construction cost with a minimum deposit of \$500. Allison seconded the motion which was adopted unanimously.**

B. Storm Water Management Ordinance

The Township attorney explained she did some research regarding the Plat Act and has forwarded draft language referencing the site plan ordinance and Plat Act to Moran. Moran indicated he should have the proposed ordinance pared down by the May meeting for the Board’s consideration.

C. PDR Ordinance Amendment

Moran indicated the purpose of the proposed amendment is to compensate Farmland and Open Space Preservation Board members for their services. Moran said the amendment will permit the Board to approve reasonable compensation. **Allison moved to approve amending**

Ordinance Chapter 48 Purchase of Development Rights on first reading. DiPietro seconded the motion which was adopted unanimously.

D. Fire Works Permit

Moran advised the Board this is Barton Hills Country Club's request for a fireworks display permit for the Club's annual Fourth of July party on June 26, 2009. The Township attorney indicated the Club's certificate of liability insurance is in order. **DiPietro moved to approve the fireworks permit for Barton Hills Country Club on June 26, 2009. Dieterle seconded the motion which was adopted unanimously.**

V. APPOINTMENTS, RESOLUTION, REPORTS, DISCUSSIONS

A. KLB Earhart Corporate Center

Moran indicated he supplied the Board with relevant portions of the Development Agreement, Planning Commission resolution, traffic and storm water studies, and letters from Midwestern Consulting, WCRC and KLB Earhart Development Associates.

Robert Carson on behalf of KLB Earhart Development Associates presented their request to unbank 140 parking spaces. Carson said KLB has diligently followed the request of the Board to look at impacts to storm water and traffic and all of the issues have been resolved. Carson said traffic adjustments can be made by inter-agency cooperation. Carson said the center has multi-tenants and expects two more tenants to come on line along with Conway's projection of 75 new employees by September. Carson indicated they have satisfied all of the planning issues and most issues are not related to the building. Carson added they are willing to work with the Township, WCRC and MDOT regarding timing of traffic lights.

Moran expressed concern about the number of unused parking spaces and that KLB has failed to show a compelling need under the PUD agreement.

Carson said they don't want to incur anymore expenses than they need to, and the Board needs to accept, for the reasons that without unbanking spaces, there will be no viable approach to sell space and they will be unable to effectively compete in the marketplace. Carson added it is not beneficial to nibble at the problem by gradually unbanking the parking spaces. Carson said they would like to do the construction all at once so landscaping can take hold, and they do not run into a crunch of no parking or risk anyone parking somewhere else.

Allison stressed the need to amend the development agreement so that it clearly states what the uses are. Allison said traffic mitigation may be necessary and recommended a no left turn sign Monday through Friday. Allison added a parking utilization study recommends 400-720 at the mean for this size of building, and expressed concern that this may be the first of many requests of this nature in the future.

DiPietro suggested a no left hand turn would be helpful during evening rush hour. DiPietro indicated the F rating of the intersection was one of the reasons why the Board limited parking at the site in the first place. DiPietro said part of the planning process includes showing a compelling need and believes KLB has failed to do so due to the unused parking spaces.

Basch felt it is time to move this issue along. Basch said it was agreed in the past that the 510 parking spaces would be the compromise, but it was also identified in the future there would be a new situation that would require a total of 650 spaces, and that would be the new compromise. Basch said she feels the future is now. Basch added the original occupant never occupied the building, it was never a corporate headquarters, and if 650 parking spaces were once envisioned as reasonable, she doesn't see why it wouldn't be now. Basch said she believes the Board can use Conway's request as a compelling need, and that the deferred parking spaces are required now.

Perry stated he agreed with Basch and that it is a changed situation and the owner has gone a long way to work with the Township. Sedmak agreed with Basch and Perry. Sedmak said she understands there has been a lot of history with this building prior to her being on the Board, but the Township needs to attract jobs to the area, and the Planning Commission has done a thorough job.

Allison moved to table to allow the Supervisor to propose a redraft of the PUD agreement with KLB Earhart Development Associates. DiPietro seconded the motion. The motion failed ~~for lack of support~~ on a 4-3 vote with Allison, DiPietro and Moran in favor.

Basch moved that the Board find the petitioner has demonstrated a compelling need for some or all of the deferred parking spaces to be unbanked. Basch withdrew her motion.

Perry moved that the Board unbank the 140 deferred parking spaces for the reasons that the petitioner has met the requirements of section 1.8 of the PUD agreement and is based on the presentation by the petitioner, discussions tonight, and the findings of the Planning Commission. Basch seconded the motion. The motion carried with Allison, DiPietro, and Moran opposed.

B. Fleming Creek Special Assessment 1 and 2 Street Lighting Districts

DiPietro moved to set a public hearing for the May 15~~18~~, 2009 meeting for the Fleming Creek Special Assessment 1 and 2 Street Lighting Districts. Sedmak seconded the motion which was adopted unanimously.

C. Utilities Department

Judkins submitted a written report to the Board. The Board discussed whether to continue in the educational aspects of the Huron River Watershed Council Phase 2 Storm Water Plan.

DiPietro recommended tabling the matter to the May meeting for further discussion.

Dieterle seconded the motion which was adopted unanimously.

D. Public Safety

1. Fire Department

Kempf requested the Board's approval for the overrun expense for the new roof on Fire Station 2 in the amount of \$235. **DiPietro moved approval of the additional expense of \$235 for the new roof on Fire Station 2. Allison seconded the motion which was adopted unanimously.**

2. Sheriff Department--Sergeant P. Cook submitted a written report to the Board.

E. Supervisor's Report

Moran updated the Board on the status of the Traditions project. Moran reported on the park and ride lot and indicated the Township did release the parcel to the City. Moran said the City has agreed to the lot and will address storm water issues. Moran also reported on the Board of Review changes, and the Financial Subcommittee for Sheriff Costs work in determining the actual cost for contracted deputies.

F. Clerk's Report

Basch reported on the School Board election scheduled for May 5, 2009 and the need to adopt an email policy, and a policy for document management and retention of Township records.

G. Treasurer's Report

DiPietro submitted a written report to the Board.

H. Planning Commission

Allison reported on the Planning Commission meeting held on April 6, 2009. The minutes were included in the Board's packets.

I. Building Department

Hamlin submitted a written activity report to the Board. Moran reported the Dozaurs are making progress on the clean up and repair of their property and would like the Board to consider giving them more time to comply with the Township's orders. **DiPietro moved to extend the Dozaur's time for clean up and remediation for 45 days. Sedmak seconded the motion which adopted unanimously.** Moran also reported that Dale Newman filed a lawsuit but he has not served the Township.

J. Farmland and Open Space Preservation Board

Allison reported on the FOSPB meeting held on March 22, 2009. The Board discussed establishing a reasonable rate of \$40 per acre for leasing Township farmland.

K. Approval of Claims Listing

Allison moved approval of the claims listing for April 1, 2009 in the amount of \$66,437.73. Dieterle seconded the motion which was adopted unanimously. Sedmak moved approval of the claims listing for April 15, 2009 in the amount of \$116,045.97. Dieterle seconded the motion which was adopted unanimously.

VI. INFORMATIONAL ONLY ITEMS

Items were included in the Board's packets.

VII. NON-AGENDA ITEMS - None

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT

DiPietro moved to adjourn the meeting at 9:35 p.m. Allison seconded the motion which was adopted unanimously.