

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MINUTES OF MEETING
MONDAY, JUNE 21, 2010**

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 7:35 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, and Claudia Sedmak.

Absent: Richard Dieterle.

Also Present: Township Attorney Sandra Sorini Elser, Township Planner Sally Elmiger, Utilities Director Rick Judkins, Fire Chief Rick Ericson and Comptroller Colleen Coogan.

II. CITIZEN PARTICIPATION

Otto Moerhle a local resident, farmer, and member of the Farmland Preservation Board said he had raised objections to the proposed Woodlands Ordinance at their last meeting and indicated the issue on the bottom of page 4 has been addressed to his satisfaction. Moerhle however stated he believes the requirement for a woodlands stewardship plan for forest operations infringes on his rights and liberties.

III. APPROVAL OF MINUTES

Corrections to 5/17/10 minutes: On page 2 under item B in the fifth paragraph sixth line strike "getting out of control" and insert "exceeding normal size limit". **Allison moved approval of the May 17, 2010 meeting minutes as amended. DiPietro seconded the motion which was adopted unanimously.**

Allison moved to amend the agenda to advance item VI.C. after item IV. DiPietro seconded the motion which was adopted unanimously.

IV. FIRST QUARTER 2010 FINANCIAL STATEMENT

Coogan reported she added notes on the summary page for the Utilities Fund. Coogan said the Utility Fund income is only at 3% of the budget because the 1st quarter revenue was not recorded until April and should have been back dated for the water and sewer billings. Coogan said other than that everything else is on track and the Township is currently at 25% of their budget. First quarter budget amendments were submitted last month. Coogan noted she would shift the credit for the SARE grant to the legal and professional line item for the Farmland and Preservation Fund.

VI. C. Establish Utility Rates for July 2010 to July 2011.

Moran indicated in 2005 the Township established a formula for the determination of utility rates that accounts for maintenance, depreciation, additions to the system and utility rate increases from the City. Moran reported the Utilities Committee is recommending an increase for water rates at 4.66 per 100 cubic feet which is a 5.3% increase from last year, and an increase for wastewater rates at 4.79 per 100 cubic feet which is a 4.2% increase from last year. Coogan reported the Utilities Committee is recommending an increase for wastewater connection fees at \$300 and an increase for water connection fees at \$900 for the average residential user. **DiPietro moved approval of the proposed wastewater and water rates as well increases in water and sewer connection fees as indicated in the chart. Allison seconded the motion which was adopted unanimously.**

V. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. Ordinance Amendment, Section 48-22 PDR

Moran indicated this is the second reading of this amendment to the definition of farmland and open space land. **Allison moved approval of Ordinance Number 48-22 Purchase of Development Rights to modify the definition of farmland and open space land. Sedmak seconded the motion which was adopted unanimously.**

B. Woodland Ordinance, Amendment to Zoning Code Section 74-2 and New Section 74-605

The Board discussed at length the purpose of the ordinance, the question of when this ordinance would apply, and the implementation of the ordinance. Moran questioned whether the Township should use its government influence to support local property values as it relates to trees. DiPietro commented that it is an extraordinarily complicated ordinance. Sedmak commented that it's not the Board's job to protect someone's view. Perry stated he is philosophically opposed to the ordinance because it's not a workable document and there may not be a way to make it work for him. Perry added he can't see a fixed ordinance he could vote for because there are too many problems with it. Basch voiced support for the general concept of having a woodlands ordinance because the Planning Commission doesn't have a lot of teeth for mitigating trees during site plan development. Basch added the current ordinance may go too far and may need to be modified to address the real issue of preventing clear cutting by developers. Moran said there are a number of issues of implementation dealing with single family residences, the need to clarify the issue of farmers and their right to harvest their woodlots, and to differentiate between farmers who want to sell to a developer that wants to clear cut. Moran added he is not convinced the ordinance can't be rewritten in a way that he could support it. Allison indicated the ordinance is workable in other communities and the planner has told us to get it out of the Land Development Standards and into an ordinance. **Allison moved to table. DiPietro seconded the motion which was adopted unanimously.**

V. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS

A. Utilities Department Monthly Report

Judkins submitted a written report to the Board. Judkins requested the Board accept the Utilities Committee's recommendation to purchase a replacement pump and to install a variable frequency drive for the new pump at a cost not to exceed \$30,000 for the booster station. Judkins explained recent operational data indicates pressures from the city fluctuate between 45 and 75 psi which significantly restricts the operational flexibility of the booster station. Judkins added the purchase of the pump and VFD will reduce the amount of pumping hours and will increase energy efficiency and extend the life of the pump. **Allison moved to accept the Utilities Committee's recommendation to purchase pump and install a VFD not to exceed \$30,000. DiPietro seconded the motion which was adopted unanimously.** Judkins also requested the Board accept the Utilities Committee's recommendation to purchase a 4" portable engine driven pump not to exceed \$35,000. Judkins noted the purchase of this pump will serve as a by-pass pump for emergency situations. **DiPietro moved to accept the Utilities Committee's recommendation to purchase a 4" portable engine driven pump at a cost not to exceed \$35,000. Allison seconded the motion which was adopted unanimously.**

B. Public Safety

1. Fire Department

Ericson updated the Board on the capitol improvement fund. Ericson also reported on the recent storm night where an 11,000 square foot home in Scio Township burned to the ~~ground~~ due to an extremely narrow driveway. Ericson explained that Scio Township only had 3 firefighters on site and HVA was extremely short on dispatchers which resulted in delayed responses from other fire departments.

2. Sheriff Department

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

D. Discussion of Contract rate with Controller

Moran reported in the past Colleen Coogan kept track of her time but with her new job it is difficult for her to do so and she is proposing a flat fee of \$17,100 annually. Moran noted he will need to put together at minimum a letter of agreement. DiPietro said she is not opposed to a flat fee but would like minimum times she is available. **DiPietro moved to approve a salary flat rate of \$17,100 contingent upon Township attorney review and approval of the agreement, and a scheduled time of availability as approved by the Supervisor. Sedmak seconded the motion which was adopted unanimously.**

E. Huron River Watershed Council Annual Dues

Allison moved approval of the Huron River Watershed Council's annual membership dues in the amount of \$486.70. Basch seconded the motion which was adopted unanimously.

F. Michigan Townships Association Annual Dues

Sedmak moved approval of the Michigan Townships Association's annual membership dues in the amount of \$5,299 and for the legal defense discretionary assessment in the amount of \$317.94. Allison seconded the motion which was adopted unanimously.

G. SEMCOG Annual Dues

DiPietro moved approval of SEMCOG's annual membership dues in the amount of \$734. Sedmak seconded the motion which was adopted unanimously.

H. Resolution for Zeeb Purchase of Development Rights

Moran reported the Township is scheduled to close on the Zeeb property on June 23, 2010. The Township attorney reported there is a signed purchase agreement for \$628,000. The FRPP is paying \$307,000, City of Ann Arbor is paying approximately \$160,000 and Ann Arbor Township is paying approximately \$160,000 plus \$2000 in closing costs. **Allison moved approval of the resolution approving the participation agreement, purchase agreement and conservation easement and execution of closing documents dated June 21, 2010. DiPietro seconded the motion which was adopted unanimously.**

I. Acceptance of 2009 Audit

Moran provided a copy of the 2009 audit in the Board's packets. Moran asked the Board to accept the 2009 audit and advised the Board that Ken Palka will be at their July meeting to answer any questions. **Basch moved to accept the audit as prepared for the 2009 fiscal year. Allison seconded the motion which was adopted unanimously.**

J. Supervisor's Report

Moran reported the Township has reached a resolution with NSF regarding the shortfall in water and sewer payments due to a broken water meter. Domino Farms has appealed their property tax value and WCC has proposed an ordinance they would like the Township to adopt that would allow them to develop as they wish within the scope of their community college campus setting. Moran noted he has asked Carlisle/Wortman to investigate and provide an analysis of other communities with community colleges. Moran reported in the Sheppard Montessori case the Supreme Court ruled that the Township did not discriminate against them because of their religion. Moran also reported the WCRC is compiling their capital improvement plan and he is recommending improvements to Pontiac Trail. Moran also advised the Board that they won the Vista lawsuit in Circuit Court.

K. Clerk's Report

Basch requested to schedule an Election Commission meeting for July 12, 2010 at 1:15 p.m.

L. Treasurer's Report

DiPietro submitted a written report to the Board. DiPietro also reported she is ready to send out the 2010 summer tax bills. DiPietro noted there is no statutory requirement for a monthly Treasurer's report and asked the Board to allow her to move the report from monthly to quarterly.

M. Planning Commission

Allison reported on the Planning Commission meeting held on June 7, 2010. The minutes were included in the Board's packets.

N. Building Department

Hamlin submitted a written activity report to the Board.

O. Farmland Preservation Committee

Allison reported on the recent meeting of the FOSPB. The minutes were included in the Board's packets.

P. Approval of Claims Listings

Basch moved approval of the claims listings for May 28, 2010 in the amount of \$58,105.06. DiPietro seconded the motion which was adopted unanimously. Allison moved approval of the claims listings for June 2, 2010 in the amount of \$26,965.32. Sedmak seconded the motion which was adopted unanimously. Sedmak moved approval of the claims listings for June 16, 2010 in the amount of \$100,491.78. Allison seconded the motion which was adopted unanimously.

VIII. INFORMATION ONLY ITEMS - Items were included in the Board's packets.

IX. NON-AGENDA ITEMS – None

X. PUBLIC COMMENT – None

CLOSED SESSION:

The Board adjourned to closed session at 10:13 pm to discuss purchase of development rights on a piece of property for which there is no purchase agreement. The Board reconvened from closed session at 10:21 p.m. **Allison moved to authorize the Supervisor to take the action discussed in closed session. DiPietro seconded the motion which was adopted unanimously.**

XI. ADJOURNMENT

DiPietro moved to adjourn the meeting at 10:23 p.m. Allison seconded the motion which was adopted unanimously.