

SCIO TOWNSHIP BOARD OF TRUSTEES
827 North Zeeb Road, Ann Arbor, Michigan 48103
MEETING MINUTES OF TUESDAY, MARCH 13, 2007

A) CALL TO ORDER (and Pledge of Allegiance)

Supervisor Nielsen called the meeting to order at 7:04 p.m.

Pledge of Allegiance

B) ROLL CALL

Present: Palmer, Ream, Nielsen, Knol, King, Dries, Nacht

Also present: Darrell Fecho, Township Manager

C) ADOPTION OF AGENDA

MOTION BY TRUSTEE REAM, SUPPORT BY TREASURER PALMER TO APPROVE THE AGENDA FOR MARCH 13, 2007, AS MODIFIED.

YES: 7 NO: 0 MOTION CARRIED

D) APPROVAL OF MINUTES

1. Minutes from February 13, 2007 Board of Trustees Meeting.

MOTION BY SUPERVISOR NIELSEN, SUPPORT BY TRUSTEE REAM TO APPROVE MINUTES FROM FEBRUARY 13, 2007 BOARD OF TRUSTEES MEETING, AS AMENDED.

YES: 7 NO: 0 MOTION CARRIED

2. Minutes from February 22, 2007 Budget Workshop Meeting.

3. Minutes from March 7, 2007 Budget Workshop Meeting.

MOTION BY TRUSTEE REAM, SUPPORT BY CLERK KNOL TO APPROVE MINUTES FROM FEBRUARY 22, 2007 BUDGET WORKSHOP MEETING AND MINUTES FROM MARCH 7, 2007 BUDGET WORKSHOP MEETING, AS AMENDED.

YES: 7 NO: 0 MOTION CARRIED

E) CITIZEN COMMENTS

Supervisor Nielsen advised before Citizen Comments that he has been informed that the Village of Dexter has no intention of annexing the Bates subdivision and related property in the farthest northwest corner of the Township, at least not in the near future.

Dee Wensel, President, Board of Trustees, Dexter Senior Center

Requesting Scio Township Board to please approve a line item in the budget for the Dexter Senior Center.

Valerie Hibbert, Program Director, Dexter Senior Center

Described growth in programs and services at the Dexter Senior Center. Again, thanked the Board for its current year contribution to the Senior Center.

Mark Ouimet, County Commissioner

Washtenaw County, also, has supported the needs of the Dexter Senior Center. Commends the Center for services it provides with limited resources.

Update on the Washtenaw County Road Patrol and jail issues. Hopeful that Road Patrol issue will be resolved short of any further litigation; aware of funding challenge to local municipalities.

Mike Nestor, 2777 Bent Tree Drive

Happy to hear Dexter has no annexation intentions in the near future, and would like such a commitment in writing. Consider prior agreement regarding annexation to be unenforceable.

(Trustee Ream indicates his opinion that the Township would be happy to rescind the Promulgation Agreement if the Village of Dexter makes a promise not to annex chunks of Scio Township.)

Jeff Surfus, 2447 Boenaro Ct.

Feel that affected citizens are getting different messages from the Village and the Township. Would like to have something in writing.

(Supervisor Nielsen indicates that the Township has not had an “official” discussion yet; personally opposes annexation.)

(Trustee Nacht reiterates commitment to “Preserve Scio” and the quality of life for its citizens. Assures citizens that the Board will be aggressive in fighting for citizen rights.)

(Trustee King indicates that citizen support before the County Board would be helpful.)

Robert Klinger, 1077 Joyce

Concerned about FSP #5063, Liberty Athletic Club. Lives almost across the street from this complex. Cites traffic issues, would like to see more safety improvements to intersection.-road controlled by City

F) PUBLIC HEARINGS

None

G) PRESENTATIONS REQUESTED BY BOARD:

1. Update on litigation and discussion of opinion by Township Attorney.

MOTION BY SUPERVISOR NIELSEN, SUPPORT BY TRUSTEE DRIES TO MOVE INTO CLOSED SESSION AT 7:30 P.M. FOR THE PURPOSE OF DISCUSSING LITIGATION AND CONFIDENTIAL WRITTEN ATTORNEY OPINION.

Roll Call: Yes: Knol, Dries, Palmer, Ream, Nacht, Nielsen, King

MOTION CARRIED

MOTION BY __DRIES_, SUPPORT BY _REAM_ TO RETURN TO OPEN SESSION AT 8:50 P.M.

Yes: Knol, Dries, Palmer, Ream, King, Nacht Nielsen

YES: 7

NO: 0

MOTION CARRIED

2. Sheriff's Report for February, 2007.

Written

3. Fire Department Report for February, 2007.

Written.

H) CONSENT AGENDA

I) REGULAR AGENDA

1. FSP #5063, Liberty Athletic Club.

Recommendation letters have been received from Carlisle-Wortman, OHM and the Township Fire Department. All fees have been paid and are up-to-date.

MOTION BY TRUSTEE DRIES, SUPPORT BY TRUSTEE REAM, BASED UPON THE INFORMATION RECEIVED FROM THE APPLICANT AND REFLECTED IN THE MINUTES OF THE JANUARY 22, 2007 MEETING OF THE PLANNING COMMISSION, THE PLANNING COMMISSION FINDS THAT THE FINAL SITE PLAN #5063, LIBERTY ATHLETIC CLUB EXPANSION MEETS THE REQUIRED STANDARDS AND FINDING FOR FINAL SITE PLAN APPROVAL PURSUANT TO SECTION 7.06 OF THE ZONING ORDINANCE, AND RECOMMENDS APPROVAL TO THE TOWNSHIP BOARD. THEREFORE THE SCIO TOWNSHIP BOARD OF TRUSTEES HEREBY GRANTS APPROVAL AS PRESENTED.

Discussion by Board:

- The improvements to the property will generate very little additional traffic to the intersection. Suggest communication with the City of Ann Arbor regarding traffic and safety at this intersection.
- It is assumed there will be no more development in this immediate vicinity. The amount of increased traffic by Liberty Athletic Club will be nominal.

**Roll call: Yes: Knol, Dries, Palmer, Ream, Nacht, Nielsen
No: King**

YES: 6 NO: 1 MOTION CARRIED

2. PSP/FSP #5107, Paul White Insurance

Approval/recommendation letter has been received from Carlisle-Wortman/OHM. Applicant fees have been paid.

MOTION BY TRUSTEE NACHT, SUPPORT BY TRUSTEE REAM BASED UPON THE INFORMATION RECEIVED FROM THE APPLICANT AND REFLECTED IN THE MINUTES OF THE JANUARY 8, 2007 MEETING OF THE PLANNING COMMISSION, THE PLANNING COMMISSION FINDS THAT THE FINAL SITE PLAN #5107, PAUL WHITE INSURANCE OFFICE BUILDING, MEETS THE REQUIRED STANDARDS AND FINDING FOR FINAL SITE PLAN APPROVAL PURSUANT TO SECTION 7.06 OF THE ZONING ORDINANCE, AND RECOMMENDS APPROVAL TO THE TOWNSHIP BOARD. THEREFORE, THE SCIO TOWNSHIP BOARD OF TRUSTEES HEREBY GRANTS APPROVAL AS PRESENTED.

Roll call: Yes: Nielsen, Knol, Dries, Palmer, Ream, King, Nacht

YES: 7 NO: 0 MOTION CARRIED

3. PRP #67, Gornik Road.

MOTION BY TRUSTEE NACHT, SUPPORT BY TRUSTEE REAM, BASED UPON THE INFORMATION RECEIVED FROM THE APPLICANT AND REFLECTED IN THE MINUTES OF THE NOVEMBER 27, 2006 MEETING OF THE PLANNING COMMISSION, THE PLANNING COMMISSION FINDS THAT THE PRIVATE ROAD PLANS FOR PRP #67, GORNIK PRIVATE ROAD, RECEIVED BY THE TOWNSHIP ON OCTOBER 24, 2006 MEETS THE REQUIRED STANDARDS FOR A PRIVATE ROAD PERMIT, AND RECOMMENDS APPROVAL TO THE TOWNSHIP BOARD. THEREFORE, THE SCIO TOWNSHIP BOARD OF TRUSTEES HEREBY GRANTS APPROVAL AS PRESENTED.

Discussion by Board:

- Approval will allow for one year for completion of the road, per Township Ordinance.

Roll call: Yes: Nacht, Nielsen, Knol, Dries, Palmer, Ream, King

YES: 7 NO: 0 MOTION CARRIED

4. Local Roads Committee appointment.

Appointment will still allow for one more appointment to reach membership level of seven.

MOTION BY SUPERVISOR NIELSEN, SUPPORT BY TRUSTEE REAM, TO APPROVE THE APPOINTMENT OF LEW KIDDER TO THE SCIO TOWNSHIP LOCAL ROADS COMMITTEE FOR A TERM TO EXPIRE APRIL 1, 2010.

Roll call: Yes: King, Nacht, Nielsen, Knol, Dries, Palmer, Ream

YES: 7 NO: 0 MOTION CARRIED

5. Applebee's Liquor License Extension.

There have been some construction delays on this project, i.e. driveway alignments. A one-year extension is being requested.

MOTION BY TRUSTEE REAM, SUPPORT BY TREASURER PALMER, TO EXTEND THE APPROVAL OF A CLASS "C" LIQUOR LICENSE FOR APPLEBEE'S OF MICHIGAN, INC., S. ZEEB ROAD SOUTH OF JACKSON BOULEVARD, SCIO TOWNSHIP, MICHIGAN THROUGH AND INCLUDING THE DATE OF MARCH 31, 2008. HOWEVER, THE LICENSE MAY BE RESCINDED BY THE TOWNSHIP BOARD IF THE RESTAURANT IS NOT OPEN TO THE PUBLIC BY THAT DATE.

Roll call: Yes: Ream, King, Nacht, Nielsen, Knol, Dries, Palmer

YES: 7 NO: 0 MOTION CARRIED

6. LPC Ordinance, Parks and Recreation Criteria.

MOTION BY TRUSTEE REAM, SUPPORT SUPERVISOR NIELSEN, TO APPROVE ORDINANCE 2007-01, AS FOLLOWS:

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 2007-01**

AN ORDINANCE AMENDING TOWNSHIP ORDINANCE 2005-02 BY ADDING SECTION 6, PART 2c, “PARK LAND ACQUISITION CRITERIA”.

Whereas, on November 2, 2004 the voters of Scio Township approved Scio Township Proposal J, with more than 75% of voters in favor and,

Whereas, a portion of the text of proposal J specifically directs that Scio Township shall “provide new parks, recreational opportunities and trails” and,

Whereas, Scio Township Ordinance 2005-2, which directs the implementation of Proposal J, contains no criteria for the selection of land for new parks, recreational opportunities and trails.

Now Therefore, The Board of Trustees of the Township of Scio hereby ordains the amendment of Ordinance 2005-02 by adding the following section:

SECTION 1. ADDITIONAL SECTION.

Section 6 - Part 2c, PARK LAND ACQUISITION CRITERIA:

Characteristics of the land: parcel size, woodlands, public water resources frontage/proximity, develop ability for active recreation.

Context: adjacent zoning, adjacent land use, proximity to protected land, connectivity.

Acquisition Considerations: matching funds, landowner contribution, development pressure, recreation potential, proximity to existing parking, securability, demonstrated need (location or use), and accessibility.

SECTION 2. INCONSISTENCIES REPEALED.

All other ordinances or parts of ordinances or resolutions of the Board of Trustees in conflict herewith are hereby repealed.

SECTION 3. SAVING CLAUSE.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. SEVERABILITY.

Should any section, clause or paragraph of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same will not affect the validity of the ordinance as a whole or part hereof other than the part declared to be invalid.

SECTION 5. EFFECTIVE DATE.

The provisions of this Ordinance are hereby ordered to take effect thirty (30) days following its publication in a newspaper of general circulation within the Township of Scio. The effective date of this Ordinance will be the 23 day of April, 2007.

This Ordinance is hereby declared to be adopted by the Board of Trustees of the Township of Scio in a meeting duly called and held on the 13th day of March, 2007.

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**

Charles Nielsen, Township Supervisor

Kathleen P. Knol, Township Clerk

ADOPTED: March 13, 2007
PUBLISHED: March 23, 2007
EFFECTIVE: April 23, 2007

Trustee Dries offered the friendly amendment to include "Parkland Acquisition Criteria" to additional language. Friendly amendment accepted by Trustee Ream and Supervisor Nielsen.

Discussion by Board:

- Recent feedback from citizens indicates that they felt they were voting for natural areas and open farmland preservation when they voted "Yes" on Proposal J. Would suggest Board wait for resident survey results to see if a majority of Township residents are, indeed, willing to pay extra taxes for maintenance of parkland that the Township will presumably at some point purchase with Proposal J funds if this resolution passes. It is not clear that the majority of Township residents, indeed, want to be paying extra taxes for active recreation/park maintenance and other incremental costs that would be associated with active recreation parkland. There is no dedicated source of Township revenue at this time for such active recreation costs.
- 75 percent of Proposal J voters voted to establish new parks and recreational opportunities. We have to do what the voters have told us what to do, not the results of a survey. Vote was in 2004, and there are not any criteria for purchase of parkland.
- As in previous Board action with the DDA, there are a lot of things in the plan that we may not necessarily do, or may not do in the near future, but the whole idea is to have the appropriate language to enable opening that door in the future, i.e. possible developer participation.
- Item shall appear in minutes in final ordinance form.

**Roll call: Yes: Palmer, Ream, King, Nacht, Nielsen, Dries
No: Knol**

YES: 6 NO: 1 MOTION CARRIED

7. Engineering Services Agreement Amendment, Jackson Blvd, Phase 3.

It has been discovered that a lot of the sewer pipes are buried deeper than expected, requiring special trenching techniques pavement realignment. Bill Upton, DDA Chair, has further supplied an explanatory memorandum on additional costs to the Board.

MOTION BY TRUSTEE NACHT, SUPPORT BY TRUSTEE DRIES:

THIS THIRD AMENDMENT TO THE JACKSON ROAD - PHASE III ENGINEERING SERVICES AGREEMENT, MADE AND ENTERED ON THIS ___ DAY OF _____, 2007 BY AND BETWEEN THE TOWNSHIP BOARD OF SCIO TOWNSHIP (THE "TOWNSHIP"), WASHTENAW COUNTY, PARTIES OF THE FIRST PART AND SCIO DOWNTOWN DEVELOPMENT AUTHORITY (THE "SCIO DDA") AND THE BOARD OF WASHTENAW COUNTY ROAD COMMISSIONERS (THE "ROAD COMMISSION"), PARTIES OF THE SECOND PART.

WHEREAS, ON FEBRUARY 15, 2005, THE TOWNSHIP, SCIO DDA AND THE ROAD COMMISSION EXECUTED THE AGREEMENT FOR ENGINEERING SERVICES ASSOCIATED WITH PHASE III OF THE JACKSON ROAD BOULEVARD PROJECT, AND

WHEREAS, ON APRIL 4, 2006, THE TOWNSHIP, SCIO DDA AND THE ROAD COMMISSION AMENDED THE ORIGINAL AGREEMENT TO INCLUDE RIGHT-OF-WAY MITIGATION SERVICES, AND

WHEREAS, ON OCTOBER 17, 2006, THE TOWNSHIP, SCIO DDA AND THE ROAD COMMISSION AMENDED THE ORIGINAL AGREEMENT TO INCLUDE DESIGN SERVICES ASSOCIATED WITH THE REALIGNMENT OF STAEBLER ROAD AND RELOCATION OF THE SCIO FARMS ESTATES METER PIT, AND

WHEREAS, THE TOWNSHIP, SCIO DDA, AND THE ROAD COMMISSION DESIRE TO AMEND THE AGREEMENT, AND

WHEREAS, THE STAGE CONSTRUCTION PLANS FOR PHASE III OF THE JACKSON ROAD BOULEVARD PROJECT NEED TO BE REDESIGNED DUE TO COMPLICATIONS ASSOCIATED WITH INCLUSION OF THE SANITARY SEWER WORK INTO THE ROAD PROJECT.

THEREFORE, BE IT AGREED THAT THE TOWNSHIP, SCIO DDA AND THE ROAD COMMISSION ADD DESIGN SERVICES FOR THE REDESIGN OF THE STAGE CONSTRUCTION PLANS TO THE AMENDED AGREEMENT AT THE ESTIMATED COST STATED BELOW.

ITEM	ESTIMATED COST
1. <u>REDESIGN OF STAGE CONSTRUCTION PLANS</u>	\$ 56,000.00
DESIGN SERVICES FOR CHANGES TO THE STAGING PLANS DUE TO COMPLICATIONS ASSOCIATED WITH INCLUSION OF THE SANITARY SEWER WORK INTO THE ROAD PROJECT.	
<u>JACKSON ROAD PHASE III ENGINEERING SERVICES (AS AMENDED)</u>	\$ 971,000.00
<u>TOTAL ESTIMATED AMOUNT TO BE PAID BY SCIO DOWNTOWN DEVELOPMENT AUTHORITY</u>	<u>\$1,027,000.00</u>

AS WORK IS COMPLETED, THE ROAD COMMISSION WILL SUBMIT INVOICES TO THE TOWNSHIP; THE TOWNSHIP AGREES TO PAY THE ROAD COMMISSION AND THE SCIO DDA AGREES TO REIMBURSE THE TOWNSHIP.

Roll call: Yes: Dries, Palmer, Ream, King, Nacht, Nielsen, Knol

YES: 7 NO: 0 MOTION CARRIED

8. Michigan Municipal League Wage and Classification Study.

Township Manager has made a request of the Board to approve this process to be conducted by MML.

MOTION BY TRUSTEE DRIES, SUPPORT BY TRUSTEE REAM,

WHEREAS, THE SCIO TOWNSHIP MANAGER AND BOARD OF TRUSTEES DESIRES TO HAVE AN EMPLOYEE CLASSIFICATION AND COMPENSATION SYSTEM THAT WILL PRODUCE A PAY SYSTEM THAT IS BOTH EQUITABLE AND EXTERNALLY COMPETITIVE AND,

WHEREAS, THE TOWNSHIP MANAGER AND BOARD OF TRUSTEES DESIRES TO HAVE THIS SYSTEM PRODUCED IN A FAIR AND UNBIASED MANNER,

THEREFORE, THE SCIO TOWNSHIP BOARD OF TRUSTEES APPROVES THE PROPOSAL FROM THE MICHIGAN MUNICIPAL LEAGUE TO PERFORM THIS CLASSIFICATION AND COMPENSATION STUDY AND TO DEVELOP A PROCESS TO IMPLEMENT, UPDATE, AND ADMINISTER THIS SYSTEM.

Discussion by Board:

- Feel in this time of our “extraordinary budget crisis”, any amount of money spent is too much. The Board should not be spending on anything we do not need to. The cost of this study will be \$6300.00.
- Have some reservations on this process. Outside suggestion has been made to do study internally, due to the small number of employees.
- Concerned with cost of expenditure; however, the Township Manager is asking the Board for tools to do his job in the charge set by the Board.
- A process like this was done in 2004. Feel results will be a mirror of previous results, however, upon review; the previous study was not complete. Expect the tools to be used from results of a new study.

**Roll call: Yes: Dries, Palmer, Ream, King, Nacht, Nielsen
No: Knol**

YES: 6 NO: 1 MOTION CARRIED

J) PAYMENT OF BILLS

MOTION BY TRUSTEE REAM, SUPPORT BY TREASURER PALMER TO APPROVE PAYMENT OF MARCH, 2007 BILLS.

YES: 7 NO: 0 MOTION CARRIED

K) REPORTS

1. Clerk’s Report.
Written
2. Treasurer’s Report.
None
3. Supervisor’s Report
 - a. Public Safety Committee update.
Recommendations to Board are anticipated in the final quarter of 2007.
 - b. Dexter 425 Agreement talks.

MOTION BY TREASURER PALMER THAT THE BOARDS REPRESENTATIVES PROCEED AS THEY HAVE BEEN DOING ON THE ACT 425 TALKS WITH DEXTER VILLAGE.

Motion withdrawn- discussion was that new motion was not required because of previous approvals. Manager Fecho will attempt to set up a conference call with Bill Fahey for first meeting in April.

4. Planning Commission representative (Trustee Dries).
Written

5. Newsletter (Trustee Ream)
Trustee Ream and David Read will be responsible for the Township newsletter publication.

Manager's report

- a. Computer replacement
- b. Wireless Washtenaw

L) DISCUSSION ITEMS

1. Personnel Committee recommendations.
2. Use of Consent Agenda.

M) CORRESPONDENCE & COMMUNICATIONS

1. Opinion Letter from Bill Fehey

N) ADJOURNMENT

MOTION BY TREASURER PALMER, SUPPORT BY TRUSTEE REAM TO ADJOURN AT 10:10 P.M.

YES: 7

NO: 0

MOTION CARRIED

Transcribed by James LaVoie

**Kathleen Knol, Clerk
Scio Township**