

**Minutes of a Regular Meeting
Pittsfield Charter Township Board of Trustees, December 13, 2005
E.A. Jackson Morris Hall, The Robert A. Lillie Service Center
6201 W. Michigan Avenue, Ann Arbor, Michigan 48108**

Members Present: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter
Members Absent: None.
Others Present: Yolanda Holmes (Recording Clerk), Judith Walter, Mike Luptowski, Sabrina Gross.

1.0 Call Meeting to Order

Supervisor Walter called the meeting to order at 7:30 p.m. A quorum was present.

2.0 Pledge of Allegiance led by Supervisor Walter.

3.0 Roll Call – all members present.

4.0 Public Comment I

Supervisor Walter added item 15.5 and 15.6 to the agenda.

5.0 Public Hearings/Presentations

6.0 Approval of Minutes

6.1 Request to Approve Minutes of the Regular Meeting held on November 22, 2005.

Motion by Trustee Burhop, supported by Trustee Brostrom, to approve minutes of the regular meeting held on November 22, 2005.

MOTION CARRIED.

7.0 Consent Agenda

8.0 Items from the Treasurer

9.0 Items from the Clerk

9.1 Request for Action: Payment of Payables, checks #52728 - #52843 in the amount of \$693,140.86.

Motion by Trustee Burhop, supported by Trustee Urda-Thompson, to approve payment of payables, checks #52728 - #52843 in the amount of \$693,140.86.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

9.2 Request for Action: Payment of Payables, checks #52844 - #52939 in the amount of \$318,507.17.

Motion by Trustee Conner, supported by Trustee Urda-Thompson, to approve payment of payables, checks #52844 - #52939 in the amount of \$318,507.17.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

9.3 Receive the November 2005 Revenue/Expenditure Report.

Motion by Trustee Burhop, supported by Trustee Brostrom, to receive the November 2005 revenue/expenditure report.

MOTION CARRIED.

9.4 Resolution #05-80 to Establish Method of Publication of Notices, Ordinances and Proceedings.

Motion by Treasurer Lirones, supported by Trustee Burhop, to approve resolution #05-80 to establish method of Publication of Notices, Ordinances and Proceedings. (See attachment #1)

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

10.0 Items from the Supervisor/Assessor

10.1 Motion to increase the rate paid to the law firm of Reading, Etter & Lillich from \$110.00 per hour to \$120.00 per hour, effective January 1, 2006.

Motion by Trustee Burhop, supported by Trustee Brostrom, to increase the rate paid to the law firm of Reading, Etter & Lillich from \$110.00 per hour to \$120.00 per hour, effective January 1, 2006.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

11.0 Items from the Office of Public Safety

- 11.1 Request for Action: Approval to purchase two recliner chairs for the fire department from Lay-Z-Boy (Station 2) at a total cost of \$1,298.00 and charge to account number 336-778 Building Maintenance and Supplies.**

Motion by Trustee Burhop, supported by Trustee Brostrom, to approve purchase of two recliner chairs for the Fire Department from Lay-Z-Boy (Station 2) at a total cost of \$1,298.00 and charge to account #336-778 Building Maintenance and Supplies.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

- 11.2 Receive Fire Department Incident Summary Report for October 1, 2005 through October 31, 2005.**

Motion by Trustee Conner, supported by Trustee Brostrom, to receive Fire Department Incident Summary report for October 2005.

MOTION CARRIED.

- 11.3 Request for Action: Authorization to purchase one rotary hammer drill from Hilti USA at a cost not to exceed \$1,514.00, and charge to the Fire Equipment Supplies Account number 336-777.**

Motion by Trustee Conner, supported by Trustee Urda-Thompson, to approve purchase of one rotary hammer drill from Hilti USA at a cost not to exceed \$1,514.00, and charge to the Fire Equipment Supplies account #336-7773

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

- 11.4 Request for Action: Authorization to purchase and replace carpeting, window treatments, and chairs in the Police Department from Builders Carpet Outlet (\$23,453.51), Home Run Services (\$2,035.00), and Office max (\$1,564.00) and charge to the Police Department Capital Expenditure account number 301-970.**

Motion by Treasurer Lirones, supported by Trustee Burhop, to approve purchase and replace carpeting, window treatments and chairs in the Police Department from Builders Carpet Outlet (\$23,453.51), Home Run Services (\$2,035.00) and Office Max (\$1,564.00) and charge to the Police Department Capital Expenditure account #301-970.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

12.0 Items from the Office of Municipal Services/Planning and Zoning

- 12.1 Request for Action: Request enrollment in INP170 – Web Coding and INP182 – Photoshop (100% requested) for courses to be taken from January 11, 2006 to April 27, 2006 at a total cost of \$372.00 for Housing Inspector Thornsberry.**

Motion by Trustee Conner, supported by Treasurer Lirones, to approve enrollment in INP170 – Web Coding and INP182 – Photoshop (100% requested) for courses to be taken from January 11, 2006 to April 27, 2006 at a total cost of \$372.00 for Housing Inspector Thornsberry.

MOTION CARRIED.

- 12.2 Request for Action: Request enrollment in Acctg – 151-2 and Econ – 252-51 (100% requested) for courses to be taken from January 16, 2006 to May 3, 2006 at a total cost of \$434.00 for Utilities Billing and Customer Service Coordinator White.**

Motion by Trustee Conner, supported by Clerk Meyer, to approve enrollment in Acctg – 151-2 and Econ – 252-51 (100% requested) for courses to be taken from January 16, 2006 to May 3, 2006 at a total cost of \$434.00 for Utilities Billing and Customer Service Coordinator White.

MOTION CARRIED.

- 12.3 Receive Pittsfield Charter Township Building Department Monthly Permit List for November 2005.**

Motion by Clerk Meyer, supported by Treasurer Lirones, to receive Pittsfield Charter Township Building Department monthly permit list for November 2005.

MOTION CARRIED.

- 12.4 Request Approval of Allied Waste Services rubbish collection report and to pay bill in the amount of \$63,006.30.**

Motion by Treasurer Lirones, supported by Trustee Brostrom, to approve Allied Waste Services rubbish collection report and to pay bill in the amount of \$63,006.30.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

12.5 Request for Action: Motion to approve the purchase and installation of chopper pumps, from JGM Valve of Commerce, Michigan for the Warner Creek and Ashford Village sewage lift stations.

Motion by Trustee Conner, supported by Clerk Meyer, to approve the purchase and installation of chopper pumps, from JGM Valve of Commerce, Michigan for the Warner Creek and Ashford Village sewage lift stations for a cost not to exceed \$49,775.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

13.0 Items from the Parks & Recreation Department

13.1 Request Approval to purchase a MultiQuip MVC 88GH Plate Compactor for \$1,700.00 from Wolverine Rental, 5475 South State St. Ann Arbor, MI 48108. #751-970.000.

Motion Treasurer Lirones, supported by Trustee Burhop, to approve purchase of a MultiQuip MVC 88GH Plate Compactor for \$1,700.00 from Wolverine Rental, 5475 South State St. Ann Arbor, MI 48108, and charge to account #751-970.000.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

14.0 Unfinished Business

14.1 Receive Township Attorney's memoranda dated December 7, 2005 and December 10, 2005 and Natural Resources Commission's memorandum dated December 9, 2005 regarding Ordinance Language Suggestions.

Motion by Trustee Conner, supported by Trustee Burhop, to receive the township attorney's memoranda dated December 7, 2005 and December 10, 2005 and Natural Resources Commission's memorandum dated December 9, 2005 regarding ordinance language suggestions. (See attachment #2)

MOTION CARRIED.

15.0 New Business

15.1 Motion to approve the resolution accepting the proposal from D&S Electric, Inc. to install underground electric service to the Wilson Farm property.

Motion by Trustee Conner, supported by Trustee Brostrom, to approve the resolution accepting the proposal from D&S Electric, Inc. to install underground electric service to the Wilson Farm property.

WHEREAS, Pittsfield Charter Township and the Pittsfield Historical Society have entered into a lease agreement for the historic Wilson farmstead, and

WHEREAS, The electrical service needs to be upgraded and put underground, and

WHEREAS, The lease calls for Pittsfield Charter Township to be responsible for the utilities to the museum, and

WHEREAS, D & S Electric, Inc. has submitted a bid for \$3,300 to do the work requested by the Pittsfield Historical Society and have agreed to a price of \$200 to install the additional meter box needed to separate the electricity bills that are the responsibility of the Pittsfield Historical Society from the bills that are the responsibility of Pittsfield Charter Township.

NOW, THEREFORE, BE IT RESOLVED, that the Pittsfield Charter Township Board of Trustees approves the proposal from D & S Electric, Inc. with the \$200 addition for the second meter box, and

BE IT FURTHER RESOLVED, that \$3,500 from the Contingencies Fund be made available for this work.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

15.2 Authorization for the Supervisor and Clerk to sign the Land Sales Contract to purchase 42.9 acres on Platt Road between Merritt and Bemis Roads (“The Herrold Property”) for \$300,000.00, for future use as a Township park.

Motion by Trustee Conner, supported by Trustee Burhop, for the Supervisor and Clerk to sign the Land Sales Contract to purchase 42.9 acres on Platt Road between Merritt and Bemis Roads (“The Herrold Property”) for \$300,000.00, for future use as a township park.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

15.3 Appointment of Dennis Ward to the Pittsfield Charter Township Zoning Board of Appeals, to fulfill the unexpired term of Edward V. Resha, term ending January 1, 2007.

Motion by Trustee Conner, supported by Trustee Burhop, to appoint Dennis Ward to the Pittsfield Charter Township Zoning Board of Appeals, to fulfill the unexpired term of Edward V. Resha, term ending January 1, 2007.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

15.4 Authorize the Supervisor and Clerk to sign Farming Contracts for the Pittsfield Preserve with McCalla and Weisenreder, and for P.G. Palmer Park with McCalla, for the year 2006.

Motion by Trustee Conner, supported by Trustee Burhop, to authorize the Supervisor and Clerk to sign Farming Contracts for the Pittsfield Preserve with McCalla and Weisenreder and for P.G. Palmer Park with McCalla, for the year 2006.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

15.5 Appointment of Richard Plisko to the Pittsfield Charter Township Planning Commission, to fulfill the unexpired term of Edward V. Resha, term ending September 28, 2007.

Motion by Trustee Brostrom, supported by Trustee Burhop, to appoint Richard Plisko to the Pittsfield Charter Township Planning Commission, to fulfill the unexpired term of Edward V. Resha, term ending September 28, 2007.

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

15.6 Request to approve Resolution #05-82 to amend the General Fund Budget.

Motion by Treasurer Lirones, supported by Trustee Brostrom, to approve resolution #05-82 to amend the General Fund Budget. (See attachment #3)

ROLL CALL VOTE:

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

16.0 Public Comment II-none.

17.0 Adjournment by Supervisor Walter at 7:51 p.m.

Yolanda Holmes, Department Assistant
Recording Clerk
Pittsfield Charter Township

Feliziana Meyer, Clerk
Pittsfield Charter Township

James R. Walter, Supervisor
Pittsfield Charter Township

MINUTES APPROVED AT THE PITTSFIELD CHARTER TOWNSHIP BOARD OF
TRUSTEES MEETING HELD JANUARY 10, 2006.

**PITTSFIELD CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

RES #05-80

**RESOLUTION TO ESTABLISH METHOD OF PUBLICATION OF NOTICES,
ORDINANCES, AND PROCEEDINGS**

December 13, 2005

Minutes of a Regular Meeting of the Township Board of Pittsfield Charter Township, Washtenaw County, Michigan, held at the Township Administration Building located at 6201 W. Michigan Avenue, in said Township, on the 13th day of December, 2005, at 7:30 p.m.

Members Present: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter
Members Absent: None

The following preamble and resolution were offered by Member Lirones and supported by Member Burhop.

WHEREAS, MCL 42.8 provides that the proceedings of the Township Board must be published once a month and allows the Board to determine the method of publication;

WHEREAS, MCL 42.20 requires the Township Clerk publish the full text of a proposed zoning ordinance and amendment or a proposed nonzoning ordinance (Township Code amendment) before its adoption;

WHEREAS, MCL 42.22 requires that every nonzoning ordinance (Township Code amendment) enacted by the Township Board be published in full text after enactment;

WHEREAS, Section 3(b) of MCL 42.8 allows publication of the foregoing ordinances and proceedings of the Township Board by posting in the office of the clerk and on the Township's website followed within 7 days of posting by notice in a newspaper published in Washtenaw County of the location of such posting and the purpose or nature of the ordinance or proceeding posted;

NOW THEREFORE BE IT RESOLVED, that Pittsfield Charter Township will use the Township website, www.pittsfieldtwp.org, for the publication of proceedings of the Township Board in the manner described in this resolution and in the form of minutes of the Township Board meetings.

BE IT FURTHER RESOLVED, that Pittsfield Charter Township will use the Township website, www.pittsfieldtwp.org, for the publication of the full text of proposed zoning ordinances and amendments in the form introduced **before adoption** pursuant to MCL 42.20.

BE IT FURTHER RESOLVED, that Pittsfield Charter Township will use the Township website, www.pittsfieldtwp.org, for publication of proposed Township Code amendments **before adoption** pursuant to MCL 42.20 and for publication of Township Code amendments **after enactment** pursuant to MCL 42.22.

ROLL CALL VOTE:

PITTSFIELD CHARTER TOWNSHIP
Board of Trustees Meeting
Held December 13, 2005
ATTACHMENT #1

AYES: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

Feliziana Meyer, Clerk
Pittsfield Charter Township

DATED: December 13, 2005

CERTIFICATE

I, Feliziana Meyer hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 13, 2005, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Feliziana Meyer, Clerk
Pittsfield Charter Township

DATED: December 13, 2005

MEMORANDUM

TO: Pittsfield Charter Township Board of Trustees
FROM: R. Bruce Laidlaw
DATE: December 7, 2005
SUBJECT: Ordinances

A resolution approved at your November 22, 2005 meeting directed me to review a list of ordinances proposed to the Board. I will discuss them individually. However, I should caution that if the combined effect of several regulations or other actions by a municipality has the effect of thwarting an otherwise legal land use, there is a risk of liability for a "taking". That is what happened to the City of Novi. The resulting multimillion dollar judgment forced the city to convey one of its parks to a developer to satisfy part of the judgment.

1. Require permeable concrete parking lots for new businesses built after November 2005 with more than 300 parking spaces.

The Township has the authority to regulate the type of paving used in the parking lots open to the public. The validity of a permeability requirement would depend on whether the feasibility, cost and benefit made it a reasonable requirement. If feasible, the requirement might be linked to a reduction in required stormwater retention. I suspect that a cost factor to consider would be the durability of such paving.

2. Request that the Public Safety Director carry out a Public Safety Impact Assessment for the development at State and Michigan Ave.

That is not an ordinance issue.

3. Prohibit firearm sales within 1,000 feet of school property.

Public Act 319 of 1990 severely restricted local regulation of firearms. In relevant part, it states:

A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

The statute has been broadly construed to prohibit local firearm regulations. See *Michigan Coalition For Responsible Gun Owners v City of Ferndale*, 256 Mich App 401, 662 NW2d 864 (2003). The statute prevents the adoption of the suggested ordinance.

4. Require stores with more than 500 parking spaces and within 1,000 feet of school property to provide parking lot security 24 hours a day.

Regulation of parking lot security is within the police power of a township. A typical requirement is adequate lighting. Where a regulation is based on a parking lot size and proximity to school property, it would be necessary to be able to articulate the relationship of those factors to public safety. Such an ordinance would have to include detailed standards of what constitutes adequate security. Would it require licensed security guards? Could the requirement be met by video surveillance? If so, would there be requirements for monitoring the surveillance equipment?

5. Prohibit RV overnight parking at commercial businesses within 1,000 feet of school property.

The Zoning Ordinance does not permit camping in the commercial districts. Also, I believe this issue has been addressed by the Township Code amendment regarding camping in parking lots.

6. Require store hours for businesses greater than 100,000 square feet and within 1,000 feet of school property to not exceed 8am – 10pm.

Regulation of business hours is with the police power of a township. Such regulations are typically imposed to reduce the impact of noise on nearby properties. For example, I have drafted ordinances which restricted mineral extraction operations to specified daytime hours. I have also prepared ordinances restricting residential construction to daytime hours. An ordinance of the type suggested would have to be based on a rational connection between the size of the business and the proximity to a school. One would have to ask whether such a restriction would increase or decrease traffic during school hours.

7. Prohibit retail businesses with more than 700 parking spaces from building within 1,000 feet of school property.

Under its zoning authority, a township may restrict potentially harmful businesses within a specified proximity of schools. For example, a typical ordinance regulating “adult entertainment business” will require a specified separation from schools and churches. To amend the zoning ordinance to require the proposed separation between large parking lots and schools would require a demonstrable rationale for the regulation. Where such an amendment would restrict or prohibit a use for which permission had already been sought from the Township, it is unlikely that a court would allow the application of the amendment to that particular project.

8. Restrict access to potentially abusive substances in businesses within 1000 feet of school property.

Restricting access to dangerous substances could be accomplishing zoning as mentioned above regarding adult entertainment businesses. Under the police powers, the Township could forbid the sale of dangerous substances such as drug paraphernalia. Such an ordinance would need to clearly specify a substance shown to be dangerous. However, if a substance is normally harmless, but could be harmful if misused, it is hard to conceive of how an ordinance could be crafted that would be upheld in court.

9. Sex offender Ordinance. – Business within 1,000 feet of school property must verify employee criminal background records for comparison with State’s registry of sexual offenders.

I interpret this as proposing an ordinance to require an employer to determine whether a prospective employee is registered under the Sex Offenders Registration Act. I could not find another Michigan ordinance that purported to make this type of regulation of employment practices. However, Charter Townships have broad ordinance authority under MCL 42.15

“The township board of any charter township may enact such ordinances as may be deemed necessary to provide for the public peace and health and for the safety of persons and property therein....”

It is arguable that the board authority includes the right to adopt ordinances regarding employment practices. Public Act 127 of 2005 takes effect on January 1, 2006. It prohibits a registered sex offender from loitering or obtaining employment within 1000 feet of school property. An ordinance requiring a background check including the sex offenders registry would appear to be in furtherance of the policy of the state law. On the other hand, one might expect that an employer located within 1,000 feet of school property would voluntarily make that background check.

10. Fast food restaurants prohibited within 1,000 feet of school property.

It is common for zoning ordinances to classify different types of restaurants. Usually the classification is by seating capacity. A small restaurant might be permitted in a local commercial area, but large restaurants would be confined to general commercial areas. There have been ordinances which confined restaurants to limited districts if the sale of food was primarily to drive up customers. But such restaurants are virtually a thing of the past. There are two serious flaws in the proposal. The first is the elusive problem of defining a fast food restaurant. Could you define the restaurant solely by the speed in which food would be prepared? Unlikely. Second, could you show that the speed of food preparation would have a negative effect on nearby properties? Also unlikely.

11. Demolition Bond – new retailers of over 80,000 sq. ft. post a “demolition bond” with the township prior to construction of the building. This bond would be used for the demolition or other costs necessary to assure appropriate redevelopment or reuse of the retail facility.

There are bond requirements to insure removal of temporary structures. However, I can find no authority for requiring a bond for the possible removal of a permanent structure. Under state law, there is a procedure a municipality can follow to remove an abandoned structure. See MCL 125.541. That law allows the municipality have the abandoned structure removed and to compensate the municipality by placing a lien on the real estate. In view of the availability of that remedy, it is likely that a court would find that an additional bond requirement to be invalid.

R. Bruce Laidlaw

MEMORANDUM

TO: Feliziana Meyer, Pittsfield Township Clerk
FROM: R. Bruce Laidlaw
DATE: December 10, 2005
SUBJECT: Ordinance proposals

You requested that I comment on two ordinances that a citizen proposed at the November 22, 2005 Township Board meeting.

Lights Out Ordinance

This ordinance proposal would require that if a retail facility of over 80,000 square feet were to remain vacant for over 12 months, the owner would be required to sell it to the Township for its assessed value. The proposal would violate constitutional restrictions against taking property without due process of law. Private property can only be taken by a public body in accordance with procedures that determine fair market value. The procedure in Michigan is pursuant to a condemnation action wherein a jury determines fair market value. If the public body had been the owner of the property it could sell it on the condition that it not remain vacant. However, it cannot by ordinance require that property be sold to it.

Limit on Sale of Nontaxable Goods

The proposal would limit to 5% of floor space that a retailer having more than 100,000 square feet of floor space could devote to selling goods not subject to sales taxes. While a zoning ordinance can classify retail businesses according to the types of goods sold, the classification has to be a rational one based on the impact on other property. Under the proposal, only 5% of floor space could be devoted to the sale of sales tax exempt food products. The remaining 95% could be used for selling liquor, beer, wine or any other product subject to the sales tax. It is difficult to fathom how that could be considered rational land use planning. Also, it would undoubtedly be considered an invalid as a violation of the state policy behind tax exemption for food products.

To: Pittsfield Township Board of Trustees

From: Pittsfield Natural Resources Commission
Wilma Luna, Secretary

Date: December 9, 2005

Re: Comment on the proposal to "Require permeable concrete parking lots for new businesses with more than 300 spaces."

In compliance with Phase II of the Clean Water Act, the PNRC Storm Flow Committee, and its predecessor, the Surface Water Quality Committee, have been working since 2001 to enact a Surface Water Quality and Storm Water Management Ordinance. The new regulations would authorize the township to require site-specific storm water management plans for all developments, including single sites as well as subdivisions.

Currently, Pittsfield Charter Township refers subdivision site plan proposals to the Washtenaw County Drain Commissioner, for review and approval of storm water management designs. The current standard addresses water quantity only, and requires that all storm water be retained on the proposed site, using engineered retention or detention ponds. Recognizing that many new techniques are becoming available, the County Drain Office has announced that new standards will be issued, but the actual date is not yet known.

Porous paving, of which permeable concrete is one type, is among the numerous best management practices that can be used to meet storm water quantity and quality control requirements. However, it is suitable only in areas with permeable soils that are three feet or more above the high water table. Because site conditions vary, and much of Pittsfield Township is heavy clay close to the water table, infiltration methods such as porous paving will not work in many sites. Therefore, it would be impossible to enforce a standalone ordinance that requires one single method for all sites.

In addition, regulations must be based upon clear standards for the performance of storm water management techniques. The use of porous paving is relatively new to the Michigan climate, and research is still underway to determine construction specifications, maintenance requirements, and replacement timelines. At this time, porous paving is generally much more expensive than traditional paving due to the necessity of extensive under-layer construction as well as the special mix of surface paving material that must exclude fine particles. Maintenance requires the use of a special vacuum truck twice a year in order to remove particles that clog the top of the porous surface. Some types of paving also require a special snow plow blade.

The additional cost of porous pavement installation could eventually be offset by reductions in other engineered storm water controls such as detention basins and piping. However, until standards have been established and Drain Office rules have been changed, the use of porous pavement can only take place in the context of a voluntary agreement.

PITTSFIELD CHARTER TOWNSHIP
Board of Trustees Meeting
Held December 13, 2005
ATTACHMENT #3

**PITTSFIELD CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
RES #05-82
Resolution to Amend the 2005 General Fund Budget**

Minutes of a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building, located at 6201 W. Michigan Avenue, in said Township on Tuesday the 13th day of December 2005, at 7:30 pm

Present: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter
Absent: None

The following preamble and resolution were offered by Member Lirones and supported by Member Brostrom.

WHEREAS, the Uniform Budgeting and Accounting Act, Act 2 of 1968, Budget Sections as amended through Act 493 of 2000, 141.437 Section 17 (1) states that any deviation from the original general appropriations act shall not be made without amending the general appropriations act,

WHEREAS, the legislative body of the local unit shall amend the general appropriations act as soon as it becomes apparent that a deviation from the original general appropriations act is necessary and the amount of the deviation can be determined,

WHEREAS, an amendment shall indicate each intended alteration in the purpose of each appropriation item affected by the amendment,

WHEREAS, if during a fiscal year it appears that the actual and probable revenues from taxes and other sources in a fund are less than estimated revenues, amendments to the revenue appropriations shall be recommended to meet sufficient balance in the general appropriations act,

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees for Pittsfield Charter Township, the following amendments to the General Fund:

1. Increase the General Fund Revenues Budget line item 101-699 Fund Balance Reserves in the amount of \$300,000 and Increase the Capital Outlay Budget (900) line item 101-900-970 in the amount of \$300,000. (Land Purchase).

ROLL CALL VOTE:

Ayes: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter
Nays: None
Absent: None
Abstain: None

RESOLUTION DECLARED ADOPTED.

Feliziana Meyer, Clerk
Pittsfield Charter Township
DATED: December 13, 2005

PITTSFIELD CHARTER TOWNSHIP
Board of Trustees Meeting
Held December 13, 2005
ATTACHMENT #3

CERTIFICATE

I, Feliziana Meyer hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 13, 2005 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Feliziana Meyer, Clerk
Pittsfield Charter Township

DATED: December 13, 2005