

**Ann Arbor Charter Township
FARMLAND AND OPEN SPACE PRESERVATION BOARD MEETING MINUTES
Monday, July 24, 2023
Township Offices, 3792 Pontiac Trail, Ann Arbor MI
7:30 PM**

I. Call to Order, Establish Quorum

Vice Chair Allison called to order the regular meeting of Ann Arbor Charter Township Farmland and Open Space Preservation Board at 7:42 pm.

Present: John Allison
Alex Cacciari
Ali Kawsan
Ken Judkins

Absent: Tom Bartoshesky
Jeremy Moghtader

Also in attendance: Land Preservation Consultant Barry Lonik

II. Approval of Minutes of Regular and Closed Session Meetings of May 22, 2023

MOTION by Cacciari, support by Kawsan, to amend and approve the minutes of the Regular May 22, 2023 meeting as follows:

- p. 2, 2nd bullet point, 1st sub-bullet point, amend as follows: ~~The Board~~ Member Judkins discussed the potential impact of this 4' rise in the wetland, which could cause flooding on nearby properties resulting in the loss of farmland, and flooding on a county road.

Motion passed unanimously by voice vote.

MOTION by Cacciari, support by Judkins, to approve the Closed Session meeting minutes of May 22, 2023 as published.

Motion passed unanimously by voice vote.

III. Public Comments - None

IV. Project Updates – Land Preservation Consultant Lonik

Lake Erie RCPP (Regional Conservation Partnership Program)

- \$7.4M in dedicated federal funds available to the Greenbelt, County, and funded townships including Ann Arbor Township. Funds were committed October 2021 to be used for different kinds of easement projects, not just farmland, but the process for this RCPP has been very frustrating, starting with no RCPP coordinator in Michigan for a long time. A coordinator was finally hired, but then there was confusion about what the regulations said in terms of the proposal Ann Arbor Township submitted.

- The funds have been committed, but the process to access them has not been approved by the NRCS (Natural Resources Conservation Service). The Greenbelt staff have been working with the NRCS on this, but every time it seems the correct language is used, the application is rejected. There has been change of staff in terms of the reviewer in Washington, which causes the whole process to effectively start over.
- Other RCPP projects around the country are reporting the same difficulty.
- The Farm Bill is up for its 5-year reauthorization. Brian Thomas, USDA, who works with the ACEP (Agricultural Conservation Easement Program), anticipates the Farm Bill will be extended for a year, but between all the unspent money dedicated for the RCPP across the country, along with the funds available via the Inflation Reduction Act, it was uncertain whether the RCPP will continue to be reauthorized in the next version of the Farm Bill, and whether Ann Arbor Township will have access to RCPP funds.

In response to questions, Lonik gave the following further information:

- Senator Stabenow's office is aware of the RCPP situation.
- Other funds with other partners are still available, including ACEP funds. This program was going smoothly, and applications will again be due in November 2023.

Bayer wetland permit/application

Insofar as the wetland permit granted by EGLE (Michigan Department of Environment, Great Lakes and Energy) to Ms. Bayer impacted the Township's easement and wetlands, it is within the Township's purview to regulate the easement and wetlands. However, the Township does not have a wetlands permit application.

Fund Balance

Using County records, Lonik compiled a list of 36 property owners of the remaining open space lands, farmland and natural areas in the Township, in order to send a mailing regarding the Township's Farmland and Open Space preservation program. Lonik provided spreadsheets with the 36 properties in a single list, and also sorted them by open space properties and agricultural properties.

The last mailing was sent in 2021, and included several pieces including an FAQ, testimonials, and a protected lands map. Was there anything else that should be included in a new mailing?

Board discussion included:

- Using a few notable news articles about properties closed in Ann Arbor Township, along with testimonials, one or more case studies could be presented as a success story, discussing the process, what a property owner was able to do with the money received, and how they were still able to utilize their land.
- A new mailing should reference the upcoming end of the millage. A directed effort should be made to contact high-priority property owners before the millage ended.
- The last land preservation projects closed in the Township in January 2021 and June 2021.
- It came out in discussion that the mailing sent in 2021 had not generated any interest. It was important to continue to reach out in person to potential program participants.
- The website included a Ten-Year Report to Citizens. This should be updated to be a Twenty-Year Report, which could be abstracted in a township newsletter article, and also be included as an attachment in the mailer.

- Many of the open space parcels left in the Township were smaller parcels.
- The millage cannot be used for buy/protect/sell projects. There were other ways for creative use of this type of funding, including a 3rd party who might front the original purchase, or if a different township fund was used as source funding.
- By consensus, the Board directed Lonik to formulate a new letter to appropriate landowners, with the same attachments as were included in 2021, and also including a 20-year report, recent news articles, etc.

Spring monitoring: Bayer

Lonik reported that spring monitoring went well, with the one outstanding unsigned monitoring report and ongoing blight issues being relative to the Bayer property.

The Board discussed the history of this property and specific communications to Ms. Bayer regarding removing blight, including communication from the Building Official and Zoning Administrator as well as from Lonik.

It came out in discussion that apparently a response had been received from Brian Thomas, USDA/ACEP coordinator for this area regarding Ms. Bayer's request to construct a building in the easement. One of the [Board of Trustees'](#) conditions of constructing the building, should construction be approved in concept, was to clean up the property prior to work being done. In any event, Lonik had walked the property with Ms. Bayer and Ms. Bayer's attorney and manager, and pointed out to them what needed to be done for the property to be brought into conformance with the Easement Agreement and the blight ordinance. One enforcement option the Township had was to clean the property and add the costs to the property's tax bill.

After discussion and amendment, the following motion was offered:

MOTION by Cacciari, support by Allison, to recommend that the Ann Arbor Township Supervisor address the issue of blight and lack of compliance relative to the Conservation Easement on the Bayer property, which issue has been ongoing for several years and which has been called out and documented by the Township Preservation Consultant, by taking appropriate legal and/or administrative action.

Motion passed unanimously by voice vote.

V. End of Millage Discussion

Lonik reported that there was one more collection under the current millage, which runs from 2004 to 2023 inclusive. Generally the annual collection will generate ~\$400K/year. There is about \$2 million in the account right now.

By consensus the Board supported Lonik confirming with the Township attorney that a millage renewal – per MTA (Michigan Townships Association) – can be put on the ballot up to year past its expiration date, as long as the millage language is unchanged. This would give the Township until November 2024 to put the millage renewal before the

voters. For a ballot renewal request, the renewal millage rate can stay the same or go down; the rate cannot not go up.

In response to questions, Lonik gave the following further information:

- Historically funds raised through the millage have received a 2 to 1 match. If this scenario continues, the current \$2M in the millage fund would effectively be \$6M. At about \$10K per acre for development rights, the \$2M will purchase ~600 acres of land. Match grants are available from the County, State, [City](#) and Federal government. The County millage for this effort was just renewed for another 10 years.
- The current millage has resulted in 1,284 preserved acres. Other preserved parcels bring the total to a little over 1700 acres. If the Township is able to conserve another 600 acres, the original goal of preserving 2000 acres will be more than met.
- The smallest parcels in the total available acreage spread sheets were about 5 acres. There were some larger parcels where the owners might also be interested in participating in this program.

Board discussion:

- Perhaps the main question is: does the Township need a millage renewal?
- The Township had a year to decide whether to ask for a millage renewal. In the meantime, it was critical to “beat the bushes” relative to high priority properties, and let property owners know this may be their last opportunity to participate in the program using millage funds.
- Lonik could not give an accurate estimate of how much money an individual property would generate by participating in the PDR process. However, prospective participants could be given generic non-specific dollar values (how property owners used the money) based on past experience, or be given a generic amount based on typical dollar amounts over the past 5 years.
- If the millage ended, the Board would still meet at least twice a year, as the Board will need to monitor participating properties, and also supervise the disbursement of the money currently in the fund.

VI. Membership discussion

No applications/nominations received. Effort to recruit members is ongoing.

VII. Matters Arising - None

VIII. Closed Session - None

IX. ADJOURNMENT

MOTION by Cacciari, support by Kawsan to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting adjourned at 8:54 pm.