

**ANN ARBOR CHARTER TOWNSHIP  
BOARD OF TRUSTEES MINUTES  
MONDAY, MAY 17, 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 7:31 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, Utilities Director Rick Judkins, Fire Chief Rick Ericson, and Comptroller Colleen Cougan.

**II. CITIZEN PARTICIPATION**

The citizens present elected to wait until the agenda item of interest (proposed burn ordinance) to speak.

**III. APPROVAL OF MINUTES**

**Allison moved approval of the April 19, 2010 meeting minutes as presented. DiPietro seconded the motion which was approved unanimously.**

**DiPietro moved to amend the agenda to add item III. A. 1<sup>st</sup> Quarter Budget Adjustments. Basch seconded the motion which was approved.**

**A. 1<sup>st</sup> Quarter Budget Adjustments**

Colleen Cougan presented the First Quarter 2010 Budget Adjustments on a 1-page handout. These are adjustments to the original budget detail and technically are not adjustments and not new items, just corrections to four mistakes made in the detail line items. Under Fire Department, the Board approved the transfer from fund 205 Public Safety, but needs to actually approve the expense or transfer in. Under Farmland, a debt payment is eliminated because the debt was paid off in full in 2008. In the Water & Sewer fund there was a correction to match approved expenditures and depreciation expenses.

**DiPietro moved to approve the 1<sup>st</sup> Quarter 2010 Budget Adjustments. Sedmak seconded the motion. Motion passed unanimously.**

Cougan left the meeting at 7:36 pm.

**IV. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING**

**A. Ordinance Amendment, Section 48-22 Purchase of Development Rights—  
Amendment to definition of “Farmland and Open Space Land.” First Reading**

Moran explained a current situation where land now farmed and planned for agriculture was adjacent to and contiguous with land planned for rural residential development, and in order for the whole parcel to be eligible for the purchase of development rights program, our definition needed to be amended. Dieterle proposed that the amendment language not include subjective terms such as “reasonable” and that it be made clearer. The Board agreed upon the following changes to the amendment: strike “a reasonable” and insert “an”, strike “and other similar factors as determined by the Township Board”.

**Allison moved approval of the first reading of the ordinance amendment to Section 48-22, definition of “Farmland and Open Space Land” with those changes. Dieterle seconded. Motion approved.**

**B. Proposed Outdoor Burning Ordinance – Discussion Prior to First Reading**

Moran gave some history, that there were recently two illegal burns in the Township so he asked Chief to look into updating our ordinance to be consistent with State requirements as well as the Right to Farm Act and MI’s generally accepted agricultural practices (GAAMPs). Chief has already modified the ordinance to try and accommodate agricultural burning under the prescribed burn section.

Chief Ericson reported that he spoke to Wayne Whitman the director of MI Right to Farm and was told that they follow DNRE rules. Chief spoke with Jim Wotrosky from DNRE who also gave advice on the model ordinance that Chief followed. The Township presently has adopted the NFPA and International Fire Code as our code. When developing a workable ordinance, the Fire Department must consider life, safety, property conservation, the environment and the cost of responding. The State already has controls that must be followed, such as if within 1400 ft of an incorporated Village or City, cannot burn, period. If the ground is surrounded by snow, logs, trees, etc can be burned without any permit; if no snow you must have DNRE permit if no local authority. DNRE issues own permits, but encourages local control and enforcement. Allison asked about the DNRE website which had different information; Chief indicated that information was outdated. Chief reiterated that a permit process is extremely important. Without a permit process, whenever a burn takes place, the Fire Department receives multiple calls and ends up responding with trucks and manpower, leading to real waste of taxpayer dollars.

Moran invited members of the public to speak on the proposed burning ordinance.

1. Kenny Judkins of 1270 Dhu Varren Road said he runs the Christmas tree farm for his parents Charlie and Cathy Braun, amongst other farms. They follow the MI Christmas Tree Association best practices, which prescribes cutting some weak “bait” trees in March and burning them in June in order to control insects without the use of insecticides. Kenny spoke to Craig Anderson with MDA who said in the next 6 months they should have completed a GAAMP on burning. Kenny described a case law issue that has come up in Cass and Manistee Counties which tried to put tight restrictions on agricultural burning. He said nearby townships handle burning simply, for example Salem does prescribed burns, and Northfield just requires a phone call. Judkins said the proposed ordinance is far too restrictive.
2. Ken Koch, corner of Earhart and Warren Rds. Koch, a farmer, does not see a problem with this ordinance; he thinks it makes sense. He would not have a problem following it as proposed.

Chief said Manistee County is a DEQ priority area and that Washtenaw County is not on that list. He also proposed to change Section 7.00 to be more clear about large piles: Section 7.2 delete “but less than 50 ft in diameter” and in Section 7.3 delete “than 50 ft” and insert “10 ft”. Chief discussed managing neighbor-to-neighbor burn issues in residential parts of the township. Allison was concerned that the 10 ft diameter was not reasonable given his personal experience with burning brush. Chief reported having had to respond to fires ~~getting out of control~~ exceeding the normal size limit in the Ayrshire neighborhood.

Perry said that while the ordinance is well-intentioned, he is opposed to the proposed draft because it goes way beyond state regulations; he feels we are adequately protected by the burn permit process now in place.

Dieterle agreed with Perry, and listed several additional concerns, but basically feels the proposed draft is regulatory over-reach and the current permit process works fine.

Allison said he would like to see us ban outdoor wood burning boilers outright, and just eliminate Section 9.0; he also felt Section 11 could be eliminated.

Further discussion clarified that if there is a discrepancy between MDA and DNRE, the DNRE regulations apply, and also that many neighboring rural townships still operate under simpler, older ordinances and burn permit systems.

## **V. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS**

### **A. Utilities Department Monthly Report**

Rick Judkins said is still waiting on Edison to wrap up the Clark Road water main project.

Masco had a water main break, which is fixed but a lot of landscape repair will need to be done.

The utilities committee will need to meet prior to the next Board meeting to discuss utility rates.

### **B. Public Safety**

#### **1. Fire Department**

Toyota has given us a \$2000 donation for equipment. Chief will write a thank you letter.

#### **2. Sheriff Department**

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

### **C. Selection of Local Road Projects for 2010**

After the recent downpours, Moran drove the local roads again and verified the ones identified as bad, indeed need repair. Barton Hills Village has agreed to contribute \$10,000 of their Act 51 money to use towards repair of Country Club Rd. Scio Township has agreed to contribute approximately \$7,000 towards Maple Rd. On Maple, the WCRC will start work at the Foster Bridge and work north doing the ditching, going as far as possible with the amount of money available. The estimated amount to be paid by the Township for the proposed projects, taking into account contributions and matching funds will be \$50,000.

**Basch moved to approve the proposed local road projects outlined on the 2010 Ann Arbor Township Agreement with the Washtenaw County Road Commission and to authorize Supervisor Michael Moran to sign the agreement. Dieterle seconded. Motion was unanimously approved.**

### **D. Public Hearing for Fleming Creek Street Lighting Assessments**

**1. Presentation by Treasurer** – DiPietro explained that this process must be followed each year to pay for the electricity to run the Fleming Creek subdivision streetlights.

**2. Board discussion** - None

**3. Public Hearing** – Moran opened and closed the public hearing at 8:48 pm. There was no public comment.

**4. Action** – Sedmak moved approval of the Fleming Creek Street Lighting Assessments for 2010 in the amounts of \$21.19 per lot for Subdivision No. 1 and \$19.78 per lot for Subdivision No. 2. Allison seconded. Motion passed unanimously.

### **E. Supervisor's Report**

Moran reported he met with Father Gabriel Richard High School to discuss their Phase 2 development which is an addition of a joint use gym/auditorium and additional parking; he expects the plans will be submitted in the next couple of months. Masco came in with a parking

addition idea that will be filed with the Planning Commission shortly; by changing the island size they will be able to add 120 spaces with only a small amount of extra paving. Steve Robinson, previously with Silverman Development, has a new company Versa that has acquired the southern half of the Lake Village Property. The energy grant audit started today. We have also purchased the new server.

**F. Clerk's Report**

Basch reported she attended a renewable energy planning workshop, as did Lee Gorman. There is good information on outdoor wood-fired boilers in the handouts; for example, if allowed there should be a minimum stack height of 5 m to minimize the smoke nuisance to neighbors, etc.

**G. Treasurer's Report**

DiPietro submitted a written report to the Board.

**H. Planning Commission**

Allison reported on the Planning Commission meeting held on May 3, 2010. The minutes were included in the Board's packets. Allison said the PC continued to work on the woodlands ordinance and has started looking at lighting.

**I. Building Department**

Hamlin submitted a written activity report to the Board.

**J. Farmland Preservation Committee**

Minutes of the April 26, 2010 FOSPB were provided.

**K. Approval of Claims Listings**

**Allison moved approval of the claims listings for May 3, 2010 in the amount of \$367,953.25. Sedmak seconded the motion which was adopted unanimously.**

**Basch moved approval of the claims listing for May 10, 2010 in the amount of \$82,698.56.**

**DiPietro seconded the motion which was adopted unanimously.**

**VI. INFORMATION 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 8:59 p.m.**