



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
6:00 p.m. Thursday, May 19, 2005**

Meeting called to Order at 6:00 p.m.

Members present: D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama,
F. Zarafonitis

Members excused: B. Boltres

APPROVAL OF AGENDA:

**Motion by Takayama, support by Kladder to approve the agenda as presented.
Motion carried unanimously.**

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

Motion by Kladder, support by Zarafonitis to enter closed session to discuss litigation in CCAT v. Acme Township vs. The Village at Grand Traverse, LLC. and Meijer, Inc. because discussions in open session could have a detrimental impact on the township's financial interest.

Scott asked if Kladder is aware of new developments regarding the lawsuit. Kladder stated that he is moving to enter closed session on the advice of township counsel.

Motion carried by unanimous roll call vote.

Public meeting recessed at 6:04 p.m.

**Motion by Kladder, support by Zarafonitis to re-enter open session at 6:15 p.m.
Motion carried by unanimous roll call vote.**

Kurtz explained that when necessary the Board enters closed session at the beginning of public meetings so that if action is taken in open session as a result there are more people present to be informed. Former administrations had entered closed session at the end of meetings when few people were still present to know what resulted.

Motion by Kladder, support by Takayama to adopt Resolution #R-2005-06 regarding litigation in the matter of CCAT v. Acme Township v. The Village at Grand Traverse, LLC. and Meijer, Inc. and an alleged violation of the Open Meetings Act on March 1, 2005. Motion carried by unanimous roll call vote.

A. LIMITED PUBLIC COMMENT

Ken Petterson, attorney for Meijer, Inc. expressed curiosity as to why a closed session was needed to discuss the ongoing litigation described above when this matter does not appear to be otherwise on the agenda. He asked if any of the discussion in closed session involved the proposed ballot language or if any memorandum was prepared relative to the closed session meeting. Mr. Petterson also stated that he is unaware if disclosure has been made of the number of signatures received and certified on petitions and expressed a

hope that the precise number of signatures certified will be discussed. He understands that at least double the number of signatures required were presented. He also cited Michigan statute regarding creation of ballot language. Dunville stated that only 297 signatures were required and once she had certified that number she ceased the certification process. She believes between 400-600 total signatures were received.

Dan Rosa, 4707 Hampshire Drive, asked for a plain English explanation of the resolution just adopted. Bzdok stated that no questions will be answered regarding the closed session meeting. The Resolution is now a public document and may be read by everyone.

Noelle Knopf, 5795 US 31 North, asked why Bzdok feels that there should not be an explanation of the resolution, characterizing it as a secret. Bzdok disagreed with the characterization of the document as secretive.

B. NEW BUSINESS:

- 1. Set election date for referendum regarding proposed Zoning Ordinance Amendment #131 (large retail development moratorium) and approve ballot language:** Kurtz asked if the appropriate number of signatures were received to hold a referendum; Dunville stated that the 297 required number had been exceeded and that approximately 600 total signatures were received.

Motion by Kladder, support by Takayama to approve the following ballot language “Shall Acme Township Zoning Ordinance Amendment #131, the 9-month Moratorium on Big Box Superstores, be approved?” and to hold the election on Tuesday, August 2, 2005.

Motion by Scott, support by Zarafonitis to amend the motion to change the wording of the ballot language to read as follows: “Shall Acme Township Zoning Ordinance Amendment #131, a 9-month Moratorium on Big Box Superstores, be approved?”
Motion to amend the first motion carried by unanimous roll call vote.

Amended motion carried by unanimous roll call vote.

C. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

Ms. Knopf asked for clarification on how the two motions regarding the referendum language operated. Corpe explained that ballot language and a voting date were proposed; a second motion was made to slightly modify the ballot language, the second motion amending the first motion was approved, and the amended first motion was approved.

Meeting adjourned at 6:35 p.m.