



ACME TOWNSHIP REGULAR BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
6:30 p.m., November 1, 2005

Meeting called to Order with the Pledge of Allegiance at 6:41 p.m.

**Members present:** B. Boltres, D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis  
**Members excused:** None  
**Staff present:** S. Corpe, Township Manager/Recording Secretary  
T. Henkel, Parks & Maintenance Supervisor  
J. Hull, Zoning Administrator  
C. Bzdok, Legal Counsel

**INQUIRY AS TO CONFLICTS OF INTEREST:** None noted

Motion by Kladder, support by Scott to enter closed session to discuss pending litigation against the township which, if discussed in open session could have a detrimental impact on the township's financial interest. Motion and second rescinded.

Motion by Kladder, support by Scott to enter closed session to discuss pending litigation in CCAT v. Acme Township v. the Village at Grand Traverse and Meijer, Inc. against the township which, if discussed in open session could have a detrimental impact on the township's financial interest. Motion carried by unanimous roll call vote.

Open meeting recessed at 6:48 p.m.

Motion by Kladder, support by Takayama to reconvene the open meeting at 7:20 p.m. Motion carried by unanimous roll call vote.

Motion by Kladder, support by Takayama to authorize continuing facilitated mediation under such modified terms as the parties representatives determine are appropriate. Motion carried by a vote of 6 in favor (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Boltres.)

**A. CONSENT CALENDAR:**

Motion by Kladder, support by Zarafonitis to approve the consent calendar as presented, including:

**RECEIVE AND FILE:**

1. Treasurer's Report through 9/30/05
2. Clerk's Report through 10/28/05
3. Draft unapproved minutes 10/24/05 Planning Commission meeting

**ACTION:**

4. Approval of Board meeting minutes from 10/04/05 meeting and 10/13/05 meeting
5. Accounts Payable in the amount of \$348,580.68 through 10/28/05

Motion carried by unanimous roll call vote.

**B. LIMITED PUBLIC COMMENT:**

Rachelle Babcock, 4261 Bartlett Road has heard that the visioning session scheduled for tomorrow evening has been postponed. She is aware that there are a number of older citizens that would like to attend the meeting, and possibly other township meetings who would need assistance to attend. Is there a possibility that the township can help arrange transportation, particularly for individuals with special needs?

Lewis Griffith, 5181 Lautner Road, stated a belief that most of the people to whom Ms. Babcock referred are at Hope Village Assisted Living. Such facilities generally have a van or other transportation available to assist their residents at no charge as part of their rent. Kladder stated that Hope Village only offers this service before 5:00 p.m.

Margy Goss, 4105 Bay Valley Drive expressed a concern about the dwindling attendance at each session of the future land use map visioning session. How can the wider public be made aware of how important their input and participation in the process of figuring out how the community should evolve? It seems to her that \$17,000 has been an excessive expenditure for the service received to date.

**C. CORRESPONDENCE:** None

**D. NEW BUSINESS:**

**1. Discuss authorizing use of budgeted planning funds to assist Planning Commission to evaluate potential zoning ordinance amendments supporting Master Plan goals:** Corpe referenced the resolution the Board adopted at the last meeting that provided direction to the New Urbanism Advisory and asked the Planning Commission to consider ordinance amendments that would help better align the zoning ordinance and Master Plan while public visioning regarding future land use patterns is taking place. She and Bzdok have discussed how best to support the Planning Commission in this project and believe that it would be a good idea to involve John Iacoangeli of Beckett & Raeder, who is currently consulting with the township relative to the Village at Grand Traverse and Meijer projects. Because previous Board action only approved Mr. Iacoangeli to work with these issues, before proceeding she and Bzdok felt it would be best to seek explicit Board approval.

Kladder asked which line item the requested funds would be drawn against, and was told it would come from 101-410-803.001 in the General Fund, Planning & Zoning cost center, Planning Consultant line item. He asked what this line item, budgeted at \$35,000, was earmarked for; Corpe replied it was for any and all planning projects that might occur during the fiscal year for which consultant assistance was advisable. The budget was planned with the idea in mind that revisions to the Master Plan and Zoning Ordinance of this nature would likely be taking place this year.

Kurtz felt that this might be an appropriate time to discuss New Business item #4, the request from the New Urbanism Advisory. Dr. Marc Krakow, one of the co-chairs of the committee reported that there are some expenses related to purchasing a membership in the Congress for New Urbanism (\$500 that has been taken from the Planning & Zoning Dues & Subscriptions line item) and perhaps some travel expenses for the committee to view projects already designed and built by candidates. They also feel that while the committee will expect applicants to travel here to interviews at their own expense, it may be necessary for the township to cover some applicant travel expenses. Originally the proposed budget was put at approximately \$9,700, but with further review they are proposing a not-to-exceed \$5,000 budget.

**Motion by Kladder, support by Scott to authorize expenditure of up to \$6,000 by the New Urbanism Committee so that they may complete their work expeditiously.**

Zarafonitis and Dunville feel that the authorization should be held to \$5,000 as proposed. Boltres felt that the advisory should be required to submit requests for approval on a case-by-case basis for Board approval, but Kladder and Zarafonitis felt that since the Board only meets once per month this would inadvisably slow the potential progress of this important project. Kurtz concurred.

**Kladder called the question; vote to do so carried by a vote of 6 in favor (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Boltres.)**

**Motion failed by a vote of 3 in favor (Kladder, Scott, Zarafonitis) and 4 opposed (Boltres, Dunville, Kurtz, Takayama).**

**Motion by Takayama, support by Zarafonitis to authorize expenditure of up to \$5,000 by the New Urbanism Committee. Motion carried by a vote of 6 in favor (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Boltres.)**

Returning to the original question, Takayama and Zarafonitis feel that the Board should allocate funds for consulting assistance in support of their October 13 resolution. Kurtz felt that since Iacoangeli has been working closely with the township regarding the Meijer and Village at Grand Traverse issues, working with him on proposed ordinance amendments would be advisable.

**Motion by Zarafonitis, support by Dunville to permit \$5,000 to be expended with John Iacoangeli for ordinance amendments. Motion carried by unanimous roll call vote.**

**E. PUBLIC HEARINGS:**

- 1. Approve amount of annual fire protection levy to be assessed on the Winter 2005 tax bills pursuant to Acme Township's Fire Special Assessment District:** Earlier this year the Public Safety Advisory discovered that the township has had a PA 33 Fire Special Assessment District in place that had been constituted somewhat incorrectly in that it attempted to limit the maximum millage to be imposed annually. Also, required annual assessment meetings have not been held. The former township-wide special assessment was discontinued and new one appropriately adopted several months ago. The Metro Fire Board has approved an annual budget for their agency; now the township must approve a special assessment levy to cover the township's share. Metro Fire's proposed 2006 budget has been held to a level that will enable the township to keep the assessment rate level at last year's rate at this time.

A proposed resolution has been prepared for adoption that would formally set the assessment rate. At roughly this time every year, after Metro Fire adopts its budget, the Public Safety Advisory and the township will follow this process to set the new annual levy amount.

Takayama asked why there have been large line item increases in parts of the Metro budget for things like utilities and maintenance. Deputy Chief Pat Parker reported that a fourth fire station has recently been purchased to add to the system. Zarafonitis asked about discussions he has heard about trying to recapture some service costs from insurance companies. Kurtz believes that in future years some additional advanced planning for the fire service will be done, including a search for funding sources that would shift some of the burden from the taxpayers.

Scott read the proposed levy resolution into the record.

**Public Hearing opened at 8:03 p.m.**

Mrs. Goss stated that she has been speaking to Andy Andres Sr., a member of the Public Safety Advisory and they are upset because they understand that there is only \$5,000 available for fire protection for the next six months. Kurtz stated that from June through October for the past several years the township has funded a duty crew member to be at the fire station during the day to provide more rapid response to emergency calls. Originally Metro Fire had proposed \$15,000 for the year to expand the program. Jim Maitland, another committee member stated that keeping next year's budget for this item at the same level as the past two years was important to maintaining the annual assessment at the same level as last year for this first year of the new Special Assessment district.

Mr. Griffith asked if this is a millage extension or a new millage, and how it could have happened without a public vote. Corpe explained that in 1975 a Fire Protection Special Assessment District (SAD) pursuant to PA 33 was formed pursuant to a public vote. However, the ballot language was worded to limit the maximum annual levy to 1 mill in a way not consistent with the language of PA 33 which allows townships to levy between 1 and 10 mills for a public safety SAD. Over the years the township has also not followed the requirement to hold annual public hearings to approve the fire protection budget and establish a changing levy amount based on budget needs. To correct these problems, earlier this year the Board adopted a resolution dissolving the old PA 33 township-wide SAD and establishing a new one. Establishing such a SAD can be done either by Board action or by public vote. If done by Board action it is subject to the right of petition and could have been sent to referendum if the owners of 10% of the land area in the township had so requested, but this did not occur.

Corpe further explained that 6 years ago it became evident that there was a budgetary problem because we contribute to Metro Fire based on our total SEV but collect the levy based on generally lower taxable values. To provide a short-term source of funding, then-Supervisor Mark Ritter proposed an additional 0.5 mill levy for 6 years which was approved by voters. This additional millage has been reduced by Headlee rollbacks to the current 0.4522 mills, and will be collected for the final time with the December 2005 tax bills. This year's discussions leading to abandonment of the improperly constructed public safety SAD and adoption of a new and properly constructed one grew out of the need to find a more lasting solution to the ongoing funding gap.

In December 2004 a total of 1.4522 mills were collected on real property for fire protection (1 mill from the old PA 33 SAD and 0.4522 mills from the additional 6-year millage. If the Board adopts tonight's resolution as proposed, in December 2005 a total of 1.4522 mills will be collected (1 mill from the new PA 33 SAD and 0.4522 mills from the additional 6-year millage). At this time next year and every following year a public hearing will be held to approve the annual fire protection budget and set the annual levy rate based on recommendations from the Public Safety Advisory.

**Public Hearing closed at 8:10 p.m.**

**Motion by Scott, support by Takayama to adopt Resolution #R-2005-21 approving the annual fire protection budget and establishing the 2005 PA 33 SAD levy at 1 mill. Motion carried by unanimous roll call vote.**

2. **Consider adoption of proposed Ordinance #2005-03, Acme Township Fire Protection Ordinance:**

**Public Hearing opened at 8:11 p.m.**

Kurtz asked Deputy Metro Chief Parker to discuss the proposed ordinance. He stated that County Ordinance 24 has been the County's adoption and method for enforcement of the 2000 edition of the International Fire Code (IFC). As with the noise and junk ordinances earlier this year, the new County Prosecutor has determined that the county does not have the ability to maintain and enforce this ordinance and has recommended that each township adopt it. Chief Parker stated that for several years Metro Fire has been attempting to have the county adopt the 2003 version of the IFC, and now a 2006 version will be coming out. Both East Bay and Garfield Townships, Acme's partners in Metro Fire, have already adopted the ordinance, and he feels it's important to help prevent fires from starting in the first place. The proposed ordinance would also automatically keep the township using the newest versions of the IFC as adopted, and Chief Parker recommended adoption. Kurtz noted that currently Metro collects fees for new project reviews but not for annual inspections.

**Public Hearing closed at 8:16 p.m.**

Kladder asked about the paragraph of the proposed document stating that a fire officer cannot be removed from their position without due process. Chief Parker replied that this ensures that a fire chief cannot be removed from his post without a hearing by the body which appoints him or her, and not by the public because they are unhappy with requirements being enforced.

Kladder also asked about the reference prohibiting open burning. Chief Parker stated that in townships with populations over 7,500 by state law no open burning is permitted. This does not currently apply in Acme Township. This would prevent the burning of leaves and garbage, but does not prevent recreational fires in appropriate fire pits. Farmers can receive agriculturally related permits to burn in most areas.

Kladder asked about the prohibition against above ground gasoline storage tanks and if it would apply to farmers. This section also refers to coordination with local zoning ordinances. Chief Parker was unable to respond. Battalion 8 Chief Tom Henkel stated that inspections are not made in residential structures or at agricultural operations. Jim Maitland noted that the state Right to Farm Act establishes special rules and regulations for agricultural operations that render the concern moot.

Kladder asked about Section 8 which rescinds prior ordinances. Chief Parker replied that this references the fact that the county-level ordinance will be discontinued, but any actions already moving forward under that ordinance will continue.

Kurtz is concerned about the applicability of the IFC to rural areas where water infrastructure is not readily available. Meeting the requirements of the code in outlying areas can cause commercial construction costs for fire suppression to escalate rapidly. He feels that the township should provide advice to applicants that they should talk to Metro Fire early on in their planning so that they can evaluate costs and make appropriate business decisions.

**Motion by Kladder, support by Zarafonitis to adopt Ordinance 2005-3. Motion carried by unanimous roll call vote.**

**F. NEW BUSINESS (continued):**

2. Consider approval of **Application #2005-10P by Stone World, LLC / Ed Tobey, 2773 Harris Road, Kalkaska for SUP/Site Plan Approval to construct a natural stone masonry warehouse and wholesale building with limited retail sales on vacant property located in the Bates area approximately 500' east of the M-72, C&O Railway intersection and current zoned B-4, Material Processing and Warehousing:** The Planning Commission held the public hearing regarding this matter this evening. It was originally supposed to be held on October 24 but a legal publication error caused it to be rescheduled to this evening. By doing so the township was able to remedy it's error without additional delay or expense to the applicant. Scott Jozwiak from Elmers presented the application and briefly reviewed the site plan for the Board and public.

Kladder asked Hull if all outstanding matters listed in his staff report had been addressed before the public hearing. Hull replied that most of them had to do with required approval letters from local permitting agencies, all of which have been received but one. Hull was uncertain as to whether additional loading spaces were required by the ordinance if the outdoor storage area were figured into the calculations, but the Planning Commission approved the plan as presented.

Kladder asked if there is to be any retail activity at the proposed site. Hull replied that the zoning ordinance allows for "limited retail sales" in the B-4 district. He believes that the applicant may intend some such sales of a limited nature. Kladder asked what the standard of

measure for “limited” is; the ordinance is silent on this point and further definition would be a matter for the ZBA.

Hull reported that the Planning Commission expressed some concern over whether lighting for the freestanding sign would be lit and have a negative impact on the adjacent residential use; this is unresolved. A sign application must be presented to Hull separately. The Commission also urged consideration of a shared driveway if the adjacent and currently residentially-used property is commercial developed. Working towards this goal was a condition of the recommended approval of the application, but Hull does not believe the township ordinance currently allows the township to compel this to occur.

Takayama noted comments by Jim Cork, the adjacent resident, about general traffic safety conditions on this stretch of M-72, much of which was new information to him. Mr. Cork was particularly concerned that much of the traffic to this site will be large trucks hauling heavy loads that must maneuver in fast traffic that in the process of merging from 2 lanes to 1.

Kladder finds it unfortunate that the Board has so little time to review these cases when packets are received only days before the meeting date.

**Motion by Takayama, support by Zarafonitis to approve Application #2005-10P with the conditions at that such time as the Cork property becomes commercially developed that the property owners will be encouraged to develop a shared driveway access to M-72, that all agency approval letters be received and pending resolution of whether the freestanding sign will be lit or not. Motion carried by unanimous roll call vote.**

3. **Consider approval of [Application #2005-12P](#), Minor Change to Special Use Permit for proposed change in use for the property located at 3997 M-72 E. and currently zoned B-2, General Business, from the current Cranberry Christmas retail store to a combination salon and day spa/gunsmithing shop:** Hull reported that David and Dawnette Wessell wish to purchase the Cranberry Christmas site for use as a new outlet for Epiphany Salon plus a gunsmithing shop. After consideration, Hull believes that the proposed change in use will constitute no change in building footprint, although an existing graveled area may be paved and the siding may be changed. If the use were changing from one retail outlet to another no action would be needed, but the nature of the use is changing. Legal counsel and Hull believe that a minor change to the existing SUP is adequate for the situation. If the Board disagrees they may send the matter to the ZBA for a review of Hull’s interpretation and table the request in the meantime.

Scott asked if there will be firing of ammunition on-site; Mr. and Mrs. Wessell replied there would not. Zarafonitis asked if the area to be paved is new lot coverage or existing; Hull believes it to be existing. Mr. Wessell stated that the area would be an overflow/employee parking area. Takayama asked if both uses would be in the same building; they will be and be separated by an interior wall. The existing residence will continue to be used as a rental home. Kladder asked if a retention basin has been provided for the rear parking lot; Mr. Wessell replied that the existing retention facilities would be used. Mr. Jozwiak also noted that no proposed grade changes will occur to the site. Kladder asked if the proposal meets County Drain Commission requirements; Mr. Jozwiak stated that no additional surface would be created or grade changes made. If there are additional soil erosion/runoff controls needed in relation to any repaving, they would be addressed through dry wells to County standards.

Kladder asked what regulations a gunsmith must follow, particularly close to a residential neighborhood. Mr. Wessell replied that the Federal Bureau of Alcohol, Tobacco and Firearms have the only requirements and he has applied for a permit and will comply with all requirements. The thrust of this part of the business will be repair and recondition of firearms. His permit would permit him to conduct retail sales but this is not his key goal at the time.

Kurtz asked how repaired items would be tested; Mr. Wessell stated he would go to a firing range.

**Motion by Boltres, support by Zarafonitis approve Application #2005-12P for Minor Change. Motion carried by unanimous roll call vote.**

4. **Consider New Urbanist Advisory request for funds for advisory research and education:** discussed earlier in the agenda.
5. **Consider options for township general liability insurance coverage:** Corpe summarized her memo (included and incorporated by reference) relating to the township's past liability insurance coverage and options for the coming year. It appears that due to recent litigation activity and the development pressures on the township that the township will be uninsurable for zoning decision liability risk for a period of approximately two years. If things go more smoothly in the near future then we should be able to obtain this coverage again. In the meantime, Corpe has suggested that the township "self-insure" for this risk by setting aside \$100,000 from the General Fund in a segregated fund for this purpose.

The Michigan Participating Plan informed the township of its decision nearly two weeks after the automatic annual policy renewal date of July 1. Both the action and the inappropriate nature of the timing caused the township to seek bids from other providers of municipal insurance, of which there are few. The Michigan Municipal League has provided a bid for coverage, again minus the zoning decision liability, that is comprehensive and at a lower premium than the Par Plan coverage. Connie Monson is the local representative based out of Interlochen, whereas our current Par Plan representative is based out of Kalamazoo.

**Motion by Boltres, support by Dunville to accept insurance coverage from the Michigan Municipal League as quoted and to set up a self-insurance fund in the amount of \$50,000 from the General Fund. Motion carried by unanimous roll call vote.**

6. Consider appointment of a **Recording Secretary Alternate**: As outlined in the memo included and incorporated by reference, Corpe has been the township's Recording Secretary for 9 years. Doing this job on a part-time basis enabled her to become familiar with the workings and issues of the township to an extent that enabled her to segue to full-time work with the community. She expressed gratitude for the general approval with which the minutes have been met, and feels that to provide continuity for the community in case of need it would be a good idea for her to train someone additional to do the job. While no two people will ever do it exactly the same, she can provide a sense of how she approaches the task. Corpe has suggested giving Nancy Edwardson, the Office Assistant, a try at it in the hopes that her experiences in both roles will enhance her understanding and abilities in each the same way it helped her learn. After informal discussion with several people, she is also amending her request that the position be paid the full \$100/meeting per diem to ask that during the training period the alternate receive \$50/meeting for preparing the minutes and that Corpe receive \$50/meeting for training supervision. She also reminded the public that by law minutes must be available within 8 days after a meeting. Recently they have been generally available immediately following a meeting, but with a new individual in training it may take longer and patience will be appreciated.

**Motion by Boltres to appoint Nancy Edwardson as Alternate Recording Secretary at a per diem rate of \$100/meeting. Motion failed for lack of support.**

Kladder asked how long this arrangement would be in place. Zarafonitis felt that it should be left to Corpe's discretion/supervision and further recommendation to the Board.

**Motion by Zarafonitis, support by Takayama to appoint Nancy Edwardson as Alternate Recording Secretary at a per diem rate of \$50/meeting. Zarafonitis then restated the**

**motion to make the duration of this arrangement subject to Corpe's discretion, but Takamay withdrew his support.**

**Motion by Zarafonitis, support by Kladder to appoint Nancy Edwardson as Alternate Recording Secretary at a per diem rate of \$50/meeting, with \$50/meeting paid to Corpe for training, to be reviewed concurrently with the annual budget process. Motion carried by an unanimous roll call vote.**

7. Consider creation of a **Recreation Advisory Committee**: Corpe stated that last year a Waterfront Recreation Committee was formed by the former Board of Trustees for the purpose of evaluating potential ideas for an improved boat launch facility on East Bay within the township. A grant from the DNR was received that would provide a 50% match of total project costs of \$36,000. The committee worked with Gourdie Fraser to come up with six potential concept designs including a very large facility at the current MDOT roadside park is, a moderate facility in Bayside Park, and moderate improvements to road ends at Shores Beach Road, Dock Road or Yuba Park Road. These concepts were presented to the public at a meeting held about a year ago; Corpe's recollection is that the public consensus favored pursuing a design for very minimal functional improvements to an existing road-end ramp that would enhance continued use by local residents in smaller boats but would not attract attention from the wider public or enable significantly larger boats to launch.

Shortly after this meeting the current administration took office. In January 2005 the Board terminated all outstanding contracts with Gourdie Fraser except work on an M-72 Corridor Overlay District Ordinance. At this point the township had expended \$21,000 on the project and was going to apply for reimbursement of half, or \$10,500, from the grant funds. We learned that while reimbursement can be requested during a project, if the project was not carried through to completion (in our case, production of a concept design for an improved launch) we were not eligible to receive any reimbursement.

About 2 months ago, John Hagen at Gourdie Fraser approached the township to see about possibly resurrecting the project. Mr. Hagen is no longer with Gourdie Fraser, and discussions have continued with Lee Grant from Wade-Trim. Mr. Grant has provided a proposal for completion of the project at a cost of \$5,000, or 1/3 of the originally-estimated remaining project cost of \$15,000. He has provided a list of four steps that should be taken by the township to ensure that the suggested plan for project completion meets with DNR approval for reimbursement. If we proceed and expend the additional \$5,000, this would be combined with the \$21,000 previously spent for a total of \$26,000. We would apply for 50% reimbursement or \$13,000. The bottom line would be a concept design for an improved launch meeting the public's consensus desires and a net return of \$8,000 to the General Fund within this fiscal year rather than saying farewell to \$21,000 already spent with nothing to show for it.

Corpe asked the Board to form a new Recreation Advisory Committee that would begin by completing the boat launch project but would then turn its attention to broader township recreation issues as identified in the township's Recreation Plan. She had hoped that former Waterfront Recreation Committee Chair Ron Reinhold would agree to discuss the chairmanship of the new advisory with Supervisor Kurtz, but Mr. Reinhold declined the invitation so a chairman candidate would need to be identified. The first task of the advisory would be to follow the four steps suggested by Mr. Grant and if a favorable answer was received from the DNR then they would ask the Board to enter into the contract with Wade-Trim.

Boltres did not believe that the project should be continued, seeing it as an exercise in "throwing good money after bad" and adding to an already heavy workload. He advised "cutting the township's losses" by not pursuing the boat launch improvements further. He felt that the former committee had been trying to force a large launch facility on an unwilling



public. Corpe expressed the opinion that while certain former officials did favor such a facility, that the committee itself was unbiased and truly wanted to and would have followed the wishes expressed by the community at the public meeting.

**Motion by Zarafonitis, support by Kurtz to form a Recreation Advisory Committee. Motion carried by a vote of 6 in favor (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Boltres.)**

- 8. Consider options for resolution of situation caused by encroachment into Sayler Park of the house owned by Richard and Karen Kane at 9851 Kay Ray Road:** Corpe reported that in 1999 Richard and Karen Kane were considering the purchase of what is now their home at 9851 Kay Ray Road, immediately north of Sayler Park. They had a survey performed and discovered that the home, which was built in 1954, encroached into the park itself by about 5'. The subdivision on Kay Ray Road is called the "Supervisor's Plat of Peninsula View." The "Supervisor's Plat" part indicates that there was an earlier plat of the area that was amended by a past township Supervisor due to some sort of error, but she has been unable to locate detailed history on this so far. Records and title searches in the file also suggest that two different land surveys placed the park boundary in two different locations approximately 18' apart, and it appears that the original placement of the home was based on the earlier survey no longer in use that had the park boundary farther to the south and would have placed the home about 13' from the lot line. The west portion of Sayler Park was donated to the township by Rick Sayler's great-great-great-great-grandfather; the eastern portion was donated by the Morrison family at a later date.

When the Kanes discovered the problem, they approached the township and worked with then-Supervisor Ritter and Planner Sherrin Hood, and ultimately with the Board. There was discussion about the Kanes possibly purchasing some land from the township park to correct the problem; however, at that time Supervisor Ritter suggested that any sale would be at standard water frontage prices, and the Board felt it would be inappropriate to sell public parkland to a private citizen. Ultimately, an agreement was inked between the Kanes and the township stating that the home could be used as-is by the Kanes during their ownership/lifetime, but that the agreement was not transferable to a purchaser of the property or the Kanes' heirs. In short, once the Kanes are gone the house would have to be moved or partially or completely demolished to remove it from the parkland. The inability to transfer it to their heirs has been an ongoing source of distress for the Kanes, and they have approached the township again to seek alternative options.

Corpe has been trying to brainstorm a way to provide relief to the Kanes without being unfair to the community or setting the unwanted precedent of selling or giving away public parkland. Her thought was that perhaps the property line between the park and the Kanes could be pivoted in a way that the Kanes would gain the needed land on the west end of the property and the park would gain land from the Kanes on the east end of the property, which was seen as a potentially viable alternative by several Board members. Kladder suggested instead a long-term lease agreement that would be transferable to heirs for a period such as 100 years requiring that at a certain point in time the building would be removed or demolished. The theory is that the structure has an ultimately limited lifespan and that the length of the transferable period would be such that the structure could be continued for its natural lifespan and relocated in a way conforming with lot ownership and ordinance requirements at a time favorable to the property owners. This alternative met with consensus; Corpe will follow up with legal counsel and with the Kanes and report back.

- 9. Consider approval of proposed new road names for use within LochenHeath:**

**Motion by Kladder, support by Takayama to approve the proposed new Road names for use within LochenHeath as requested. Motion carried unanimously.**

G. **OLD BUSINESS:** None

H. **REPORTS**

1. County Commissioner's Report – Larry Inman
2. Zoning – John Hull

I. **PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

Jim Maitland, who is a County Road Commissioner, reported that the Road Commission believes that one key cause of accidents on in the M-72 and Bates Road area is the railroad crossing, at which busses and certain kinds of trucks must pause. They are seeking the ability to make this an exempt crossing so they don't have to stop. Trains travel to Bates but have not crossed M-72 in years. The County Road Commission is also seeking to

Mrs. Goss referred to the township liability insurance situation and feels that credit for the problem should be given to the Concerned Citizens of Acme Township as being the root of the lawsuits. She does not believe that developers have been the root of the problem; CCAT has sued the Village at Grand Traverse twice at great expense to everyone rather than seeking to communicate and negotiate. She does not appreciate references to development pressures and slap suits.

Dan Rosa, 4707 Hampshire Drive, commented on the Recreation Advisory and felt that perhaps the Board is discounting the needs and desires of the boating community. He also suggested that the township investigate the possibility that the DNR might be willing to build an improved launch with no expense to the township.

Nels Veliquette asked if there is debate over where the northern boundary of Sayler Park lies. Corpe replied that she believes not, which was confirmed by Hull who has been working with County Equalization on a mapping improvement project. Corpe stated that there were two conflicting historical surveys, and that the house seemed to have been placed in relation to the older survey but the newer and current one places the lot line 18' further to the north.

**Meeting adjourned at 9:47 p.m.**