



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
6:00 p.m. January 9, 2007**

Meeting called to Order with the Pledge of Allegiance at 6:03 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
C. Bzdok, Legal Counsel

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 LLC and Meijer Inc. and Meijer Inc. v. Acme Township because discussion in open session could have a detrimental impact on the financial interests of the township. Motion carried by unanimous roll call vote.

Public meeting recessed at 6:06 p.m.

Motion by Kladder, support by Scott to resume public session at 7:00 p.m. Motion carried by unanimous roll call vote.

Kurtz mentioned that when necessary, closed session meetings are held at the beginning of the meeting to permit the public to be aware of any subsequent action. No actions will be taken at this time.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Kladder, support by Scott to approve the agenda as amended to change the order of new business items 1 and 2. Motion carried unanimously.

A. CONSENT CALENDAR:

Motion by Kladder, support by Zarafonitis to approve the Consent Calendar as submitted, including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 11/30/06
2. **Clerk's Report** through 01/04/07
3. Draft Unapproved Minutes of
 - a. **12/19/06 Farmland Preservation** Advisory Meeting
 - b. **12/11/06 Planning Commission** FLUM study session
 - c. **12/18/06 Planning Commission** regular meeting

ACTION:

4. Consider approval: **12/05/06 regular** and **12/13/06 special** Township Board meeting minutes
5. Consider approval: **Accounts Payable** of \$78,595.74 through 12/29/06

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT: None.

C. CORRESPONDENCE:

1. **12/21/06 Letter from John and MaryAnn Kennedy** regarding cell tower in Acme Village: Corpe summarized the Kennedys' concerns regarding a detrimental impact on their property caused by the erection of a cell tower in Acme Village. She understands the Johnson Family Limited Partnership is suing the cell tower company and JPMS, the company that operates the Holiday Inn Express, alleging that the institution of the land use without the partnership's consent violates the terms of the hotel's purchase agreement. She is informed that the matter is currently in the discovery phase and is due for trial in March. The Johnson Family Limited Partnership offered the tower company a different parcel of land within Acme Village that would be less visually intrusive, but they declined.

Bzdok reported that after careful consideration of the zoning ordinance and federal and state law, the township approved a Special Use Permit for the tower based in part on advice from his office that this was the only reasonable course of action for the township to take. He suggested that the matter of impact on the value of the property may, at this point, be between the cell tower company and impacted landowners. Kurtz noted that during the hearing process the township worked to see if a more suitable site on the Grand Traverse Resort property could be utilized, but this did not work out. Bzdok observed that federal legislation places a clear emphasis on cell phone service coverage above all other concerns, including local zoning or environmental or aesthetic considerations.

D. SPECIAL PRESENTATIONS: None

E. PUBLIC HEARINGS: None

F. NEW BUSINESS:

1. **Consider adoption of Urban Cooperation Act Agreement Resolution and Interlocal Agreement Establishing Management Protocol for Grand Traverse County and Acme Township Farmland Preservation Program Implementation:** Brian Bourdages, Farmland Protection Specialist reported that the township and county farmland preservation ordinances provide for interrelated responsibilities. The proposed agreement spells out in detail the roles each entity will play in administration of the programs. It also serves to meet state requirements that local municipalities have such an agreement with their counties when both have programs. Both county and township counsel have reviewed and impacted the proposed draft. The county adopted an earlier version, which was subsequently amended by the County Farmland Board. The revised copy is expected to be discussed at the next County Commission meeting. The division of labor outlined in the agreement is consistent with the way the township prepared its 2006-07 Farmland Fund budget.

Kladder, who also serves on the County Farmland Preservation Board concurred with Mr. Bourdages' comments. Mr. Bourdages noted that Bzdok specifically asked for a clause to be inserted stating that nothing in the agreement would prevent the township from performing activities independently of the county to further its program. Bzdok stated that the township ordinance is set up to have the county perform most of our local program administration such as accepting and ranking applications. The township could amend our ordinance to pursue projects alone without violating the agreement. It also gives us the ability to discontinue pursuit of any particular easement deal if warranted.

Mr. Bourdages reported that a productive Farmland Preservation Advisory meeting was held in December. The advisory has also asked that the process of selecting an

appraiser to evaluate various land preservation applications begin.

Zarafonitis asked if all of the items listed under IIB would be performed by Acme Township; Bzdok said this would be the case. Takayama asked for clarification of the term "easement." In this case it would be a form of limited conservation easement rather than a physical easement for access or utility lines.

Motion by Kladder, support by Takayama to adopt the Urban Cooperation Act Agreement Resolution #R-2007-01. Motion carried by unanimous roll call vote.

Corpe reported that the board has budgeted \$10,000 in the Farmland Preservation Fund for obtaining appraisals on various parcels that have applied to the program. The advisory has asked the Board to authorize a committee including Kladder, Bourdages and Corpe to obtain proposals for the service. Kurtz asked if it is ever customary for the landowner to participate in the cost of the appraisal. Mr. Bourdages reported that it would be customary to work through the preliminary negotiations with a landowner, and have an appraiser evaluate the before and after conservation easement market value of the subject property as required by the IRS, with the cost borne by the township. Kurtz asked what happens if the landowners decides to exit negotiations; Bourdages observed that a landowner is unlikely to make a decision until the appraisal results are available, and this happens from time to time. He characterized it as a "cost of doing business," but said in his experience (including in Peninsula Township, which is completing its third application round) it doesn't happen all that frequently. He estimated that 25% of applicants end negotiations, but this is not always after or because of an appraisal.

Motion by Kladder, support by Scott to form a committee as recommended by the Farmland Preservation Advisory to look into hiring an appraiser, consisting of Kladder, Bourdages and Corpe. Motion carried unanimously.

2. **Consider proposed amendment to 2006-07 Fire Fund Budget and overnight on-call firefighter reimbursement:** Kurtz noted that Wayne Mervau, Chair of the Public Safety Advisory, is present to discuss and support this agenda item. Mervau reported that in September the advisory recommended approval of the Metro Fire budget and suggested an amendment to the township Fire Fund budget. For the past several years there have been two individuals on call every night for fire calls, fire alarms, and rescue calls. Everyone's pager goes off, but only the two individuals on call from 10 p.m. to 6 a.m. are required to respond. Kurtz stated awareness of the program and its benefits and a desire for Battalion 8 firefighters to be treated consistently with on-call staff from other stations.

Mervau reported that Garfield on-call workers are paid \$11/hour (\$77/night) and East Bay Township pays \$50/person/evening. He originally suggested \$50/person/evening for Acme but the rest of the advisory recommended the more modest \$25/person/evening request. Kurtz noted that there are ongoing discussions about reworking the Metro Fire Agreement subject to PA 57 and generally preparing this joint authority for effective future operations. The township advisory will have an opportunity to make new recommendations for the 2007-08 budget later this spring.

Motion by Zarafonitis, support by Dunville to adopt Resolution #R-2007-02 and to provide on-call firefighter pay for 2 personnel for Battalion 8 per night at \$25.00 each.

Scott was concerned that the Acme firefighters were still being given a lower pay rate

than those in Garfield and East Bay Townships. Kurtz expressed confidence that this would be considered again during the next budget cycle.

Motion carried by unanimous roll call vote.

3. **Select a color and pattern for stamped concrete sidewalks for US 31/M-72 Intersection Enhancement Project:** Kurtz believes this is the first opportunity the Board has had to directly impact township beautification. A grant has been awarded to enhance the US 31/M-72 intersection prior to the Annual Governor's Association Meeting at the Resort in July 2007 and in conjunction with the ongoing widening project. The township has been provided with preliminary plans to locate the sidewalks on the east side of US 31 and on both sides of M-72, along with a selection of concrete stamping patterns and some color palettes. The concrete will be colored throughout, as opposed to the older surface spray coloration that would chip easily. The stamp used in the project will be given to the township for future repairs or extensions. Businesses in the construction area have been contacted regarding an opportunity to obtain landscaping and are responding enthusiastically.

Motion by Zarafonitis, support by Dunville to select concrete pattern F (brick). Motion carried unanimously.

Turning to the question of color, Takayama stated that generally three colors are used: one for the concrete, and shading colors for areas that represent surface features. Scott favored either a brick red or a grey that could be easily matched in the future. Takayama felt the brick look would work well in the urbanized environment. He believes a brownish-red would lend an aged look. Kladder felt that perhaps it would work well for Takayama to help choose from among the three samples the contractor will bring at a future date.

Motion by Kladder, support by Zarafonitis that the concrete color be in the terracotta/brick/tile red range. Motion carried unanimously.

4. **Consider approval of MDOT Annual Application and Permit for Miscellaneous Operations within State Trunkline Right of Way – 2007 and Performance Resolution for Governmental Bodies:** Corpe summarized her staff memo.

Motion by Takayama, support by to submit the MDOT annual application and adopt Resolution #R-2007-03. Motion carried by unanimous roll call vote.

5. **Review participation in Cherry Capital Cable Council:** Kurtz indicated that that December 4Cs meeting, City Manager Richard Lewis asked all townships to indicate by February 21 whether they would continue supporting TCTV2 in the coming year. Several townships, such as Peninsula and East Bay Township have recently opted out of the group and the funding. This comes in an environment of increased competition between cable companies in Michigan and changing legislation regarding the ability for municipalities to enter into franchise agreements. There have also been questions about who the public access channel serves: if the audience is broader than the city residents and whether public money should be funding an avenue through which private political statements are expressed. There is discussion about encouraging more governments to broadcast their meetings. Inman stated that the City of Traverse City received a grant and would like to install recording equipment in the Commission chambers that would be less costly than what is in use today. There would still be personnel costs. The County Commissioners have no general objection to having their meetings televised, but funding has not been discussed to date.

Joan Julin, TCTV2 staff producer, and Barbara Berry and Randy Agruda, citizen producers were present in the audience. Kurtz realizes that Acme's formal budget discussions are several months away, but requested some general discussion about our intentions. He mentioned that he rarely watches the channel other than City Commission meetings. He also said that the channel has reduced the number of "bicycle" shows being used (shows created in other communities and sponsored by a local producer.)

Ms. Julin stated she was authorized by TCTV2 to offer to give cameras and a switcher for multiple cameras, as well as to train an individual to operate the equipment, to allow the township to record and broadcast its meetings. The township would have to pay for installation, which has been done in other local places by Ascom. If an operator is not available for a meeting, TCTV2 would pay to have someone come and operate the equipment.

Ms. Berry has used the equipment in question. Similar equipment can be seen at the District Library (TADL). Small cameras are wall- or ceiling-mounted. She produces programs for the League of Women Voters (LWV). During the last election cycle they filmed candidate forums in several municipalities, and the programs were well received. They have created information programming about local governments, about stresses on Lake Michigan, and new high school graduation requirements along with political candidate forums.

Ms. Julin spoke of "Sound Off," a series open to anyone who'd like to discuss any issue for 30 minutes. There are only 2 -time employees at the station. She understands the economy is challenging, but feels the station is viable, desired, needed and could be lost forever if support for it fails.

Kurtz suggested that if the station is serious about survival, it should start looking for underwriting opportunities. At the outset of the fiscal year the township budgeted nothing for cable revenues or expenditures. A recent amendment introduced both back into the budget when anticipated legislation moved more slowly than expected, but the legislation is now moving forward and the future is uncertain.

Kurtz provided information from the 4C December 2006 meeting packet; additional materials were provided later in addition by Bill Vockel. He suggested that the 4Cs doesn't need an answer until mid-February, so the Board can take some time to read and digest the materials before providing an answer.

Kladder asked if the township has considered televising meetings; Corpe had a preliminary discussion with Mike Kroes at TCTV2 over the summer. We expected a visit from a group that was going to assess setup needs at various locations in the township that didn't occur.

Boltres feels that the township already provides an opportunity to people to attend meetings, to obtain paper copies of minutes or to download them from the township website, or obtain audio recordings. He feels that this generous access and that televising meetings would duplicate other sources. When financial times are tight, a contribution of \$16,000/year to the station seems steep. Kladder felt that more and more varied access opportunities can only be positive. Zarafonitis tended more towards Boltres' point of view in light of the poor awareness and usership/viewership statistics provided.

Kurtz asked the Board to study the materials provided, requesting any others as needed, and prepare to provide a response to the 4Cs in February. Kladder feels we must be responsible first and foremost to our own budget and municipality, but that televising meetings should be considered. Takayama feels it is an important part of community awareness to provide information in as many forms as possible.

Zarafonitis asked about our outlook for continued cable franchise revenue. Corpe has been given the name of a Charter Communications governmental liason she can call; when TCTV2's Mike Kroes recently contacted him to help her obtain the answer to a citizen franchise fee question he asked what Charter thought the impact of the new state franchise fee legislation would be. The Charter representative believes that whether the franchises remain local or are reworked on a state level, the same revenue level will be collected and distributed to local municipalities. Corpe plans to gather further information for evaluation.

G. OLD BUSINESS: None

H. REPORTS

1. **County Commissioner's Report** – **Larry Inman:** received and filed.
2. **Parks and Maintenance** – **Tom Henkel:** received and filed.
3. **Sheriff's Deputy** – **Bob Sillers :** received and filed.

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

Randy Agruda thanked the Board for its action in support of its firefighters. When he joined the department there were 22 local members; now there are only 10. He appreciated comments about why the pay rate would not start more on par with the other townships, but agreed that there will be opportunities soon to revisit the issue. When the National Governors Association Meeting comes in July the department must staff a full crew around the clock for the duration, and that staff cannot be drawn off to other emergencies. Other area firefighters will have to help. A trailer will be brought to the hall for temporary housing/staging. Most of the costs will be picked up by the Homeland Security Agency.

Corpe displayed a copy of the Yuba Women's Club 2007 Cookbook. It contains recipes contributed by members as well as historical anecdotes and photographs. Cost is \$15/copy and annual updates will be available for purchase. Proceeds will be used to maintain the Yuba Schoolhouse with a goal of providing educational tours.

Meeting adjourned at 8:21 p.m.