



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, August 11, 2009 6:30 p.m.**

MEETING CALLED TO ORDER AT 6:30 P.M.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wikle, F. Zarafonitis
Members excused: None
Staff present: S. Vreeland, Township Manager/Recording Secretary
J. Jocks, Legal Counsel

CLOSED SESSION – Discuss potential option agreement for Mountain Jack’s property:

Motion by Hardin, support by Zarafonitis to enter closed session to discuss a potential purchase option agreement for the Mountain Jack’s property because discussion in open session could have a detrimental impact on the Township’s financial interest, under MCL 15.268(d) of the Open Meetings Act. Motion carried by unanimous roll call vote.

Open session recessed at 6:32 p.m.

Motion by Hardin, support by Zarafonitis to reconvene open session at 7:17 p.m. Motion carried by unanimous roll call vote.

Motion by Hardin, support by Dunville to direct township counsel to indicate to the Conservancy that the township is willing to accept the option agreement with qualified indemnity language from Doug Bishop’s proposal of January 2009 and language drafted by township counsel that indicates the option holder will not release any environmental claims. Motion carried by unanimous roll call vote.

- A. STUDY SESSION:** None
- B. LIMITED PUBLIC COMMENT:** Kladder indicated that public comment will be accepted at the beginning and end of the meeting, and during the portion of the agenda relating to placing a road repair millage on an upcoming ballot.

James Orr, Hawley Road notices no proposed boat launches on the concept plan for a marina as part of the shoreline waterfront park project. He has a problem going to Elk Rapids, which seems to cater to slip renters but not local residents who want to simply launch a boat. You can’t park your trailer there; you have to park over a mile away at the school.

- C. APPROVAL OF AGENDA:** Motion by Wikle, support by Takayama to approve the agenda as presented. Motion carried unanimously.
- D. INQUIRY AS TO CONFLICTS OF INTEREST:** None noted.
- E. CONSENT CALENDAR:**

Motion by Takayama, support by Zarafonitis to approve the Consent Calendar as amended to remove the legal opinion regarding zoning jurisdiction over deep injection wells to Old Business, including:

RECEIVE AND FILE:

- 1. Treasurer’s Report as of 7/28/09**

2. Clerk's Report as of 7/31/09
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission 07-27-09
 - b. GT County Road Commission 06-03-09 and 06-24-09
 - c. Metro Emergency Services 06-02-09
 - d. Metro Emergency Services Newsletter July 15, 2009
 - e. 07-24-09 Heritage Advisory
 - f. 08-06-09 Public Safety Advisory
4. ~~Legal opinion – potential township zoning authority as regards deep injection waste disposal wells~~
5. Bates Road/M-72 Intersection potential realignment update

ACTION – Consider approval:

6. Township Board meeting minutes of 07-07-09
7. Accounts Payable of \$222,239.85 through 07/27/09
8. Letter of support for new Metro Emergency Services Fire Station
9. Resolution #R-2009-19 changing name of Oil & Gas Lease Fund to Parks & Recreation Fund

Motion carried by unanimous roll call vote.

F. SPECIAL PRESENTATIONS:

G. REPORTS:

1. Sheriff's Deputy – Mike Matteucci: received and filed. Deputy Matteucci reported 243 total calls for service during July. Kladder asked if there were any major traffic difficulties related to the horse sports events; this seems to have gone more smoothly traffic-wise.
2. **County Commissioner's Reports 07-07-09 and 08-03-09** – **Larry Inman**: received and filed.
3. Parks and Maintenance – **Tom Henkel**: received and filed.

H. CORRESPONDENCE:

1. Report from the Acme Business Association: received and filed.

I. PUBLIC HEARINGS:

1. **Proposed Consumers Energy Company Electric Franchise Ordinance #2009-2**: Bob Gluszewski was present on behalf of Consumers Energy to renew their franchise agreement with the township. This is a revocable, non-exclusive franchise agreement that indemnifies the township for problems caused by their system. The ordinance was reviewed and modified slightly at township counsel's request.

Zarafonitis noted that the township earns a franchise fee from Charter Communications. Their situation is governed under a different public act than the utility franchises. Hardin asked if there are plans to place new lines underground rather than above-ground in the future. Mr. Gluszewski stated that unless required, in most cases they would chose to locate lines above ground. Installation is less expensive, which is important as they are mandated to keep costs low. It is also easier to find breaks in above-ground service, whereas specialized equipment is needed to locate buried service breaks and outages can be longer due to the need to dig. Hardin noted that on the other hand trees falling on above-ground lines cause many outages. Consumers will try to work with the township on the possibility of burying lines along the shoreline preservation area.

Public Hearing opened at 7:34 p.m.

Mr. Orr noted the statement about needing special equipment for underground service, and observed that the utility must already have purchased some. They have, but because it is expensive there are few units that are scattered throughout the state.

Public Hearing closed at 7:35 p.m.

Motion by Takayama, support by Zarafonitis to adopt Consumers Energy Company Electric Franchise Ordinance #2009-2. Motion carried unanimously.

J. OLD BUSINESS:

1. Receive final report and recommendation from Marina Advisory – Jean Aukerman, Chair: Kladder observed that several years ago the township formed a Shoreline Preservation Advisory to work on acquisition of shoreline properties from the US 31/M-72 intersection south to the MDOT Roadside Park. We expected this to be a 40-year project, but it is moving much more quickly than anticipated. We expect to close on the first properties in 2010. East Bay Harbor is a marina in the midst of the project area, and a sub-committee of the Shoreline Advisory was formed to specifically study its potential acquisition.

Aukerman listed the 6 committee members (also listed in the submitted memo). Beginning in September 2008 they met nearly monthly, culminating in recommendations for the Board in June 2009. Information-gathering was their primary thrust. They interviewed current slip owners in the harbor as well as harbormasters from municipal marinas throughout the state. Aukerman had extensive discussions with two key individuals with DNR-Waterways.

The Marina Advisory recommends that the township should not attempt to acquire only a partial interest in the marina, primarily because the grant programs we would call upon for the purpose would not fund a public/private marina hybrid. It would be difficult at best to effectively run a marina in this fashion, and only one example of such an operating hybrid was found in the world (Dubai.) They have found through the harbormaster interviews performed that municipal marinas can be financially self-sustaining and profitable. The township can partner with the DNR to acquire and improve a municipal marina to work with the latest technology but primarily on our terms. Their recommendations include addition of boat launches and adequate parking, and the DNR has been clearly enthusiastic about a vision of an improved marina, new launches and improved fishing access. The advisory believes that a state-of-the art marina with a combination of long-term leased and transient slips will promote the local economy as boaters come by water to local businesses.

The advisory does not know if the current marina location is the best possible location for a state-of-the art marina or not. The township is seeking to acquire a full mile or so of shoreline, so we have an opportunity to examine whether there is another spot along the shoreline where a new marina should be constructed or if it would be better to update the existing location. Professional firms she has spoken with have indicated this is a very appropriate component of a feasibility study. The DNR helped fund a similar study in the UP, and the outcome was that the existing marina site was deemed the best. The DNR did not feel this was a waste of funding; rather they felt it was extremely valuable.

The advisory feels strongly that an extremely experienced and qualified firm in marina feasibility studies should be retained by the township to conduct such a study for us. The results of this study would include an analysis of when a marina could be self-sustaining. Local harbors are all self-sustaining, and a new one opening in Leland shortly expects to be self-sustaining immediately upon opening. If the Board agrees that a feasibility study would be best, an appropriate next step would be to prepare an RFP/Q and to prepare an application for DNR grant funding for the April 1, 2010 application deadline. Aukerman's discussion with them indicates that the township could receive anywhere from 50% to 95% funding for such a study, and that working closely with DNR officials with whom she has already built a relationship would be key.

Aukerman reviewed three potential outcomes of the feasibility study as presented in the packet materials. She also provided some statistics from the Leland marina remodeling

project. Leland's project cost \$4 million to move from adjustable to floating docks for 86 slips. They are designated as a Harbor of Refuge. Problems they resolved included how to unload fuel efficiently with limited room to maneuver large fuel trucks and how to manage traffic flow efficiently in small spaces. The DNR contributed 75% of the cost and Leland bonded for the remaining 25%. Overall the project has required 6 years to accomplish. It was originally planned in two phases, but the DNR wanted it to be done in 1 phase which caused some delays. Their message to Acme is that if things are planned well, the project can begin at the end of one boating season and be completed in time to open for the new season.

The advisory is requesting a motion to move forward with a feasibility study to provide information for a final "go/no go decision." The estimated cost of a study is \$40,000; actual bids could come out higher or lower. The township would seek grants to support the study cost. The township transferred \$25,000 from the General Fund to the Shoreline Fund for use towards grant matching funds for a feasibility study.

Takayama feels that a municipal marina could be beneficial to the community, although he has some concerns about whether some of the marinas/communities we have studied are truly comparable to Acme's situation. Being right along US 31, he worries that the community might end up subsidizing and enduring any negative side effects from users that are more regional than directly Acme-related. Hardin believes that a municipal marina is somewhat self-regulating because if launch ramps are busy or parking is full, people will go elsewhere. Users would pay a fee, so it would generate its own operating revenue for the township. There is an existing marina, and either the township will own it, someone else will, or it would go away and perhaps become public shoreline. No matter who is running it, the same types of potential community impacts can occur, and to Hardin a feasibility study is worthwhile. Wickle finds that the township is financially positioned to conduct the study, and she would rather have the township receive operating revenues than a third party. Dunville noted that marina users will patronize our local businesses. Zarafonitis feels that if we can obtain substantial grant money towards the study he would like to move ahead with it, but he echoed some of Takayama's concerns. How much parking will we need to provide, and how much of the public shoreline/scenic views might this require? He also noted that we have designed a new boat launch for Saylor Park. Kladder stated that Senator Jason Allen and Representative Wayne Schmidt have this issue high on their priority list and would be very supportive. He is also concerned about adequate parking and feels the feasibility study should have this as a focal point. "Quiet" sports are on the rise and should be accommodated. We are trying to do things to build a great community in Acme through farmland preservation, public shoreline acquisition and the enhancement of non-motorized trails. Creating a great place appeals to the workers of the new economy, who tend to choose a place to live and locate their jobs there.

Motion by Dunville, support by Scott that the township prepare and distribute an RFP/Q soliciting bids from qualified firms to perform a feasibility study as to the best location for a marina in Acme Township, the optimal design/construction for the preferred location and whether a township-operated municipal marina would be financially profitable and beneficial to the community. Motion carried by unanimous roll call vote.

A five minute recess was declared at 8:19 p.m.

- 2. Consider request from Fix Our Roads Citizen Committee to place the question of a road repair millage on the November 2009 ballot:** Kladder noted that citizens constantly approach the township and ask when we will do something to fix our roads. The roads belong to the County Road Commission, and not to the township. Many counties and townships in the state have road repair millages to help with these costs. For many years the township has been waiting for citizens to come together and ask the township's help in solving road

condition issues, and several months ago this finally came to pass. The township has done its best to provide information and assistance to them as they formulated their request.

Kladder stated that the discussion would begin with a presentation by Vreeland about road funding and how it works. Following, the Fix our Roads citizen group will present their request. Public comment will then be entertained, strictly following the public comment guidelines printed on the agenda. Finally, the Board will ask questions and deliberate.

Vreeland provided a basic Powerpoint presentation about how road repair funding and options in Michigan currently work.

Rachel Roe, 4219 Paper Birch Lane is an Acme resident on the Fix our Road Committee. She thanked the township for its assistance to date, and stated that the citizen group has explored all of the funding options discussed in the presentation and then some. Their conclusion was that a township millage would be the best option, and are asking the township to submit the question of a millage to the entire township electorate. They feel there is a community-wide benefit to improving public roads, and that a township millage would provide the most immediate possible impact with the greatest level of local control. They are proposing a 1 mill levy for 5 years, or \$100/year per \$100,000 of taxable value. Their group has developed information from the National Association of Homebuilders that bad roads decrease real estate values by up to 6%. People on bad roads are estimated to spend nearly \$400/year on car repairs directly related to poor road conditions.

Ms. Roe spoke appreciatively about the township's recently-prepared road repair ranking list, seeing that the roads at the top of the list are key roads scattered throughout the township. Her citizen group did some polling at local businesses one recent weekend, and 75% of township residents responding favored a millage, with 21% opposing and 4% undecided. When this process began, Ms. Roe did not support a millage. However, after extensive research and discussion with Senator Allen, Representative Schmidt and Larry Merrill from the Michigan Townships Association (MTA), her first preferred solution (amending the SAD laws) does not seem to be viable. Too many communities have had legal difficulties related to attempts to construct road special assessment districts based on area. A county-wide millage would cause the same amount of tax money to be levied in the township, but not all of the money would be applied to roads within the township. Therefore, she has come to believe that a township millage is the best way to go. Ms. Roe also stressed that a vote in favor of placing a millage on the ballot should not be construed as favoring the millage itself – any member of the public or Board could vote “no” in the voting booth. The citizen group is just asking that all members of the community get a chance to vote.

Rachelle Babcock, 4261 Bartlett Road, thanked the Fix our Roads Committee for their work. She asked what would happen if both township and county millages were approved. Would both be levied, or only one? She also asked if roads beyond primary roads would be repaired with a township millage, or would subdivision roads be repaired?

Bridget Thuente, 4517 Ground Pine Trail, represents the Northpointe Property Owners on Audubon and Ground Pine Trail – about 50 homeowners. She thanked everyone for their efforts toward improving community roads. Many neighbors have told her how disgusted they are with the condition of Holiday and Greenwood Roads, both of which are required to reach their homes, and many have incurred road repairs, had near-accidents with people dodging potholes and have had difficulty selling their homes specifically because of the road conditions. Roads throughout the community need repair and are becoming unsafe, and all township residents should be able to take pride in the community. Her neighbors believe public groups have planned poorly to allow the roads to reach this state, but that at this point a township millage is the best way to go. They ask that a millage be placed on the ballot for public consideration.

Steve Vandever, 6374 Plum Drive, lives on a private road where they pay annual dues for its upkeep. He sees no reason to change the way repairs to primarily residential roads are funded. After the first several roads on the road repair ranking list, most of the roads are subdivision roads. Why should private road landowners pay a substantial amount of the millage for roads they don't use, when no money will flow to help repair his road.

Mr. Dar Fenner, 5255 Arrowhead Circle, also lives on a private road where the residents pay to repair and maintain their own road. Close to 90% of his neighbors are of retirement age, and many are still working because they must. A millage would not benefit them directly. If there were a millage, it should only be levied on public road residents.

Vince Nelson, 4624 Paper Birch Lane, supports placing a millage question on a ballot. He lives on a public road, but they have traffic from private road dwellers using their road to access other public roads. The public as a whole has access to public roads at any time they wish, unlike a private road, so as a whole society we should take care of our public areas including roads as well as our parks.

Doug Dunnigan, 4456 Ground Pine Trail, lives in a private development with association dues to keep their roads in very good conditions. He believes a majority of his neighbors would favor a millage to repair the public roads they must use to reach their private road. The intersection of Holiday and Greenwood is dangerous, and people weave on the road to avoid potholes. It has been patched over and over and can't reasonably be patched any more. These are tough economic times, but if the township ignores its roads, why should we be looking at marinas. If the roads are not repaired they will have to be ground up, and he would not care to drive on gravel roads.

Debbie Luhrs, 3935 Altaire Drive, stated that she lives in East Bay Township but owns three lots on Plum Drive. She believes both townships need better roads, but she does not agree that a millage question should be on the November ballot. She is very politically active, and does not believe that the public can be adequately informed or that turnout will be great enough to ensure that an appropriate sample of the people to be subjected to the millage would be achieved. She believes the question should be placed on a ballot for a gubernatorial or presidential election when turnout will be high. She does pay her own assessment for paving the private roads on which she has properties. She did not ask public road users to fund her road and does not believe she should have to fund their roads. Many of her neighbors are unemployed, and they are highly educated and skilled people, and taxing them would be a hardship. Everyone's property values have dropped, and people are more concerned about meeting basic family health needs.

Kathy Mills, 6154 Plum Drive, asked whether people understood when they purchased their properties what their responsibility would be for road repairs. People who purchase property on private roads clearly understood and accepted this obligation when they made a buying decision. Did the people who purchased property on public roads understand their obligation? If they did, is it proper for them to now ask for others to bear the burden they knew was their responsibility? If the County is considering a millage, why would the township try to move forward sooner? Why wouldn't the township wait to see what will happen on the County level? If both millages were adopted, private road owners might end up paying 2 mills rather than 1 for no direct benefit.

Rick Cooper, 4635 Paper Birch Lane, supports a township road millage. He has been involved in the Fix our Roads Committee. This is the second time he has lived in Acme; he moved back here because he feels it is a great place to live with much opportunity. He recalls a road repair millage being proposed on the County level about 5 years ago but being unsuccessful. He believes that if the County proposes a millage it would not occur until next year, which is one more year delay before the deteriorating roads are addressed. If it would be possible to make it such that if a County millage is adopted the township millage would be

reduced by that amount so that the total between the two is no more than 1 mill that would be positive.

Gordie LaPointe, 6375 Plum Drive, read from a prepared document. He generally opposes taxes, but it seems to him that a gas tax for road repairs makes more sense than property taxes for road repairs – it's more along the lines of a use tax. He is also confused because things seem to have changed throughout the process. He has seen discussion of an option of 1 mill for 10 years, but the currently proposed ballot language seems to be for 1 mill for 5 years. Originally the discussion was about how to fund repairs to Holiday Road, but it has seemingly expanded to a township-wide question. He has done some math about how much money could be generated by 1 mill for 10 years – about \$3.2 million dollars. He stated that about a third of the proceed would come from property owners on private roads receiving no direct benefit, about 9% from LochenHeath which is also composed of private roads, and a substantial additional amount from business and industry which he does not believe would directly benefit them either. If there were to be a millage, he feels the language should be very precise about limiting it to certain “primary” or “collector” roads. Preferrably, he would have the specific roads to be repaired listed in the ballot language to extinguish any interpretation, debate, or endless waiting by people at the bottom of the list. He believes it should be limited to 1 mill for no more than 4 years. He believes that once a millage is imposed, the community would never return to special assessment districts (SADs) again. He also spoke to comments made by Hardin at an earlier meeting – all private road residents need to use some public roads, but there are some neighborhood roads they will likely never use. This should be scaled back.

John Holtz, 6030 Plum Drive, stated that he currently pays about 36 mills in taxes and that this is a terrible climate in which to ask for a tax increase. Once a line item has been added to a tax bill it is difficult to remove it again. Perhaps the millage might become longer than the initial 5 years. He opposes the proposal.

Joan Cooper, 4635 Paper Birch Lane, has lived in her current home for 5 years. All she has heard about during that time is the declining road conditions. She supports at least putting the proposal on a ballot to let the people speak. Many people have raised pros and cons tonight; the only fair way to decide is a vote.

Dick Teubert, 4586 Paper Birch Lane, feels the question this evening is not whether we want a millage, but whether we want a millage on the ballot. He feels it should be on a ballot in November. The costs of waiting are increased road repair costs, additional car repairs costs, and potential additional injuries. Human nature is that action occurs when a need is perceived. Delaying to get more information out is not necessary if there is a great enough need.

Jennifer Gorman, 4565 Ground Pine Trail, lives on a private road but supports putting the millage on a ballot. Along with all the other points raised this evening, there is the matter of community pride. Her summer property tax bill went down this year along with her property value, so to her an additional mill will not be much different that what she is already used to.

Mr. Fenner stated that the Board has a difficult job, and the issue really needs to be decided tonight. He feels that if the issue makes it onto a ballot it will be approved because most of the township's population lives in Holiday Hills. So, he feels that the Board's decision tonight will actually decide whether the millage lives or dies.

Beth Friend is an East Bay resident who owns Acme property, so she would pay the millage without having the opportunity to vote for it. She attended two informational meetings but is not on the citizen committee. She has watched them widen their focus from just their neighborhoods to the full community. She supports placing the issue on the ballot.

Mr. Orr has lived in Acme Township for over 30 years, and doesn't even know where some of the roads tonight's speakers live on are. He has traveled Holiday Road perhaps 4 times since he has lived here. He can't even get gravel laid down on Hawley Road where he lives. Recent repairs to Elk Lake Road seem to be of poor quality and deteriorating already, so if funds are raised for road repairs whoever performed that work should not be hired.

Kladder read from a list of notes regarding phone calls he received earlier today on this matter:

- Will McCord, 4672 Paper Birch Lane, felt that the issue should be placed on a ballot rather than being ended before the public has a chance to vote on it.
- Jill Mumford, 4446 Paper Birch Lane, said that she would like to see the issue on the ballot at the earliest possible election.
- Sandra Redding, 4569 Paper Birch Lane, heard about the outcome of the East Bay Township Board meeting on a road repair millage vote in their township and expressed concerns that she might not have her desired opportunity to vote on it in Acme Township.
- Mary Ann Teubert, 4586 Paper Birch Lane said she was "for roads."

He also noted the letters and e-mails included in the meeting packets:

- E-mail from Mr. LaPointe suggested seeking 1 mill for 4 years to be used only for collector roads within the township, possibly specifying specific roads, and potentially waiting until the outcome of a possible County road repair millage vote in August 2010 is known and how much of that funding might be directed to Acme collector roads prior to proceeding.
- E-mail from Jerry & Julie Valade, 10195 Kay Ray Road, oppose a township-wide tax for select neighborhood road improvements as being unfair.
- E-mail from Tom Diliberti, 6279 Plum Drive, is a private road resident who objects to "paying for road work outside of the current rules."
- E-mail from Charlie & Megan Schmidt 4323 Baywood Drive, support a road repair millage.
- Fred & Denny Rohn, 9267 Shaw Road, felt that if a township millage is enacted it should be fairly modest and used for collector roads only, and in combination with the formation of Special Assessment Districts.
- E-mail from Bob and Kathy Garvey, 6377 Deepwater Point Road, stated support for a millage for Holiday and Bunker Hill Roads.
- Paul and Amanda Brink, 9617 Winter Road, live on a private road and said they would likely vote in favor of a tax increase to repair primary collector roads in the township such as Holiday and Bunker Hill Roads as long as it did not duplicate a County millage. They were more cautious about funding other roads by millage rather than by special assessment district.
- County Commissioners Beth Friend, Larry Inman and Bruce Hooper (as individuals and not on behalf of the County Commission) wrote to both Acme and East Bay Townships in support of allowing township voters to decide whether or not to support a road repair millage, and noting that the citizen group promoting the vote has recommended that the townships not levy millages in years that the County levies one.

Kladder turned to the questions raised by the public during comment:

- Can township citizens petition to put a millage on the ballot rather than pursuing it through Board action? Jocks reported that this opportunity does not exist.
- Could there be a Township wide special assessment (SAD)? Could there be a SAD including only all township properties with frontage on County local roads? Yes. However; there is some debate as to how the precise amount to levy against each property would be most appropriately and legally calculated.

- How would the public be adequately informed about a road millage ballot initiative? The township will do its part to inform people of facts about the proposal. The township may not legally spend public funds to advocate for or against the ballot initiative, so any advocacy one way or the other must be done by private citizens.
- How would the decision of which roads to repair be made? Vreeland has prepared, and the Board has adopted, a road repair ranking list. The roads at the top of the list are those of a “collector” nature and a 1 mill levy for 5 years could cover repairs to them. While we have estimated road repair costs, actual road repair needs could vary. Kladder would be personally committed to levying no more than necessary to meet road repair costs. If a millage is levied by both the County and township he would support reducing the township millage accordingly.
- Could millage proceeds be used for private road repairs? No, PA 51 of 1951 only applies to county public roads.
- What about state trunklines? MDOT is responsible for the repair and maintenance of those and are not planned to be included.
- Did all public road fronting property purchasers understand how repairs to their road are funded? Based on the questions and input we receive at the township on a regular basis, probably not.

The Board then had an opportunity to voice their thoughts and questions, with Kladder allowing some additional input from the public.

Mr. LaPointe asked if asking for a road repair millage would be fair to non-resident property owners who by law cannot cast a vote on this issue.

Takayama noted that he has seen various figures over the past few months for the amount of money needed to repair Holiday Road that range from \$1 million to about \$300,000 and he asked why. Vreeland stated that depending on whether or not the drainage and ditching along Holiday Road is repaired as part of the project (if it is, it would extend the life of the road) the cost to repair the entire portion from the intersection of Five Mile up to the end is either \$1 million or \$1.5 million. The portion of the road in Acme Township extends from the Five Mile intersection to the extreme south end of the Mt. Holiday parking lot, and the cost to repair only this section (Acme’s “share”) is around \$300,000. Takayama supports some sort of tax to repair designated collector roads in serious need of repair to protect public health and safety. He applauded the Fix our Roads group for their stamina and initiative, noting that it all started due to the condition of Holiday Road. He feels a long-term view is required. If 1 mill is levied for 5 years and we can repair a handful of roads, and then a renewal millage is proposed and defeated, how will the people who paid for the first millage but whose roads were not repaired feel? A proposed election in November seems too soon for people to become fully educated and like there might not be a big enough voter turnout. Many of the roads near the top of the priority list are in Holiday Hills, as those roads are old enough to be in poor condition. He feels that for the most part the responsibility for fixing the neighborhood roads should be borne by the people who live on those roads.

Hardin noted that the citizen effort began with a group looking at Holiday Road. As they studied and learned of all the ways that it could not be funded, and as they came to the conclusion that they needed the help of the whole community, they also knew that they would in turn have to support the rest of the community. Now as the discussion progresses, focus appears to be narrowing back down to one or two roads again. The road repair ranking list is a planning tool to decide the best order to fix roads when and as money is available, no matter where the money comes from, and to help obtain money from a variety of sources. Holiday Road is in bad condition and he would support a millage to fix it even though he rarely uses it. A millage would benefit the entire community and spread the burden. We tend to have a habit of waiting to raise money until things are in desperate condition. The question this evening is not whether Board members support a millage, but whether or not to put the question on a ballot.

Wikle agrees that roads throughout the state need to be repaired. For her the question is not whether the millage is appropriate, but whether the entire community should have the opportunity to vote on a millage. She supports this rather than her deciding for everyone, and for everyone to act as a community for the best of the community.

Dunville supports placing the question on the ballot for the good of the entire community, and would vote in favor of the millage.

Zarafonitis supported the community approach while also appreciating the variety of opinions and concerns expressed this evening and how hard it can be for landowners to come up with additional tax dollars.

Scott asked what East Bay Township did on this issue; last night their board voted 5-2 not to place a road millage on a ballot. He wondered if Acme would still proceed to repair a portion of Holiday Road if the voters adopt a millage, or would it reallocate money to other roads first? Scott asked County Commissioner Inman how close the County is to potentially asking for a millage. Inman noted that a little over a year ago the County and Road Commission jointly bonded for \$4 million which was primarily used to repair primary roads. A state task force report has gone to the state legislature but has received no action yet. The Road Commission is expected to ask the County to seek 1 mill on the August 2010 ballot. He does not know how they might allocate any funds received, but speculates that they might either repair the worst condition roads first or might allocate some or all of the money raised from each township specifically to each township. County Commissioner Friend added that the Road Commission can only fund a maximum of 50% towards local road improvements, has a current policy of trying to fund 25%, and has removed funding entirely from their current budget. A county millage may be a solution, but she does not know whether the funding inadequacy would truly be solved? Would the Road Commission be able to use the money beyond 50% of the road repair costs? Mr. LaPointe has attended some of the County meetings, and their current position is that 75% of millage money would go to local roads and 25% would go to primary roads. Vreeland asked Gillis and was told that unlike the money that the Road Commission receives from the Michigan Transportation Fund which can only be used to match up to 50% of a local road project that funding such a project up to 100% would be possible with millage funds. Vreeland noted in her presentation that the Road Commission itself has no taxing authority, so a County level millage would be a County millage and not a County Road Commission millage. As such it would seem that the County would be able to decide how to allocate the funds without a percentage limitation, just as Acme Township would be able to decide how to allocate the funds if a local road repair millage is adopted.

Zarafonitis asked about the concerns raise that Acme residents might end up paying 2 mills for road repairs instead of one if both township and County road repair millages were adopted. Vreeland stated that the law and the suggested ballot language would allow the township to levy up to 1 mill per year for road repairs. In any of the specified years of the millage, the township could levy a full mill (less any mandated Headlee rollbacks), a portion of 1 mill or nothing at all. We can adjust based on what the County does if we wish.

Renee Kaufman, 3452 Autumn Leaf Drive, is an East Bay resident part of the Fix our Roads Campaign. They have learned that ballot language can't rescind a township millage if a County millage is voted, but their proposed language is that the township would have the discretion to reduce their millage to the extent of any County millage levied and keep the actual amount levied to a maximum of 1 mill total.

Mr. Vandever asked where Holiday Road falls on the County road repair priority list. There isn't an official one, but in conversations Vreeland has always received the strong impression that it's fairly high on their theoretical list.

Scott asked if there are any other issues on the November 2009 ballot; there is a school board election.

Kladder lives on Deerwood Drive, which is falling apart. He has spoken to his neighbors about a potential SAD in the past. He is a strong believer in democracy, and to him it's about letting the people have a choice. He heard similar debate about whether or not to put the farmland preservation millage question on the ballot, but they ultimately voted in favor of it.

The resolution proposed by the citizen group was displayed and read aloud to the public. Takayama believes the proposed ballot language is misleading because it says it is for "road maintenance and improvements." How could anyone not want better roads, no matter how hard it would be for them to pay for them? He would support more precise language about what would be funded by the money – a more clear definition of using the money on specific roads used by many people and naming those roads. To him the language is too broad and would enable subdivision roads to be included. Mr. Vandevener agreed, and that the millage should be limited to the feeder roads. Mr. LaPointe stated that the County formed an advisory body representative of a broad swath of the community, and he is part of it as a private road dweller. This proposal seems to come only from one narrow special interest group, and perhaps it would be better to take a step back and form a group representing a broader range of citizen interests. Another female member of the audience is not sure the proposed ballot language is clear that if the township and county both levied a millage, to what extent the township might reduce its millage. Ms. Babcock appreciated Takayama's suggestion about naming specific roads in the ballot language that could be repaired.

Ms. Kaufman stated that the citizen group's research indicates that there are growing liability issues for townships in constructing SADs for neighborhood roads as well as for collector roads. With collector roads there has always been scope for debate about which citizens directly benefit from road repairs and should be assessed. As land use planning has placed increased emphasis on creating more interconnectivity between developments on all types of roads, now even neighborhood roads can experience significant levels of through traffic associated with other developments. For instance, people go up Paper Birch and Wild Juniper to use a small easement to get to Five Mile Road fairly regularly, rather than simply using Holiday Road. Many more cars are traveling on neighborhood roads than used to, which creates more risk for townships in setting up SADs even in those neighborhoods where people can try to prove that not only the frontage owners use or even primarily use the road. Her group would like to see the word "maintenance" removed from the proposed ballot language, as this is the responsibility of the Road Commission. The Board would decide how much of a millage to levy in any individual year.

Ms. Luhrs objected to the proposed language because she did not feel that it clearly expresses the concept that this is a proposed additional tax and not a redirection of existing tax levies. east bay many lots: does not think this clearly states is a new levy on property owners as opposed to a redirection of existing levies. Vreeland pointed out that the word "increase" is part of the proposed ballot language; however Ms. Luhrs remained of the opinion that it does not clearly reflect that it is a new first time road repair tax proposal.

Takayama again supported extreme precision in terms of naming specific roads to be repaired with the millage. Vreeland & Jocks observed that this could be beneficial in terms of public understanding of the proposal; and it would also completely limit the township to use of the millage funds for any other road. If by some chance the township had surplus of collected funds over the amount needed to repair the specifically named roads, we would be unable to do anything other than save the surplus funds until future repairs were needed to those specific roads. This was expressed as being neither positive or negative; but simply to ensure that the Board would be fully aware of the impact of the precise language ultimately chosen for the ballot language.

Motion by Wikle, support by Takayama to call the question. Motion carried by unanimous roll call vote.

Motion by Scott to change levy period in proposed ballot language from 5 years to 2 years. Motion failed for lack of support.

Motion by Kladder, support by Dunville to modify the proposed millage language to indicate that the millage proceeds would be dedicated to the roads classified by the township on the Acme Township Road Repair Priority Ranking adopted 07-07-09 as amended in each successive year as being “urban collectors”, “rural major collectors” or “urban sub-collectors.” Motion carried by a vote of 5 in favor (Dunville Hardin, Kladder, Wikle, Zarafonitis) and 2 opposed (Scott, Takayama).

Motion by Hardin, support by Dunville to adopt Resolution #R-2009-18 with the amended ballot language from the foregoing motion. Motion carried by a vote of 5 in favor (Dunville Hardin, Kladder, Wikle, Zarafonitis) and 2 opposed (Scott, Takayama).

3. **Consider selection of township auditor:** Wikle summarized the audit services bid process. Approximately 10 bids were received, and 4 firms were invited to interview. Wikle and Dunville are recommending the selection of Dennis, Gartland & Niergarth as the township’s auditors. Wikle introduced Mary Krantz from the firm, who indicated that the fee for a 1-year contract is higher than it would be for a multiple-year contract, but if the contract is extended into subsequent years a \$1,200 savings will be given. The proposed contract amount for this year is substantially lower than the \$25,000 paid last year. It was noted that there would be an additional charge if a special audit component is required if the township received more than a certain level of federal grant funds.

Motion by Wikle, support by Zarafontis to hire Dennis, Gartland & Niergarth to conduct the 2008-09 fiscal year audit. Motion carried by unanimous roll call vote.

4. **Update regarding contribution to Kalkaska Septage Treatment Plant Study:** Kladder reports that East Bay Township did not choose to contribute to the study. This will be one topic of discussion at a series of DPW meetings on Thursday, August 13.
5. **Ratify corrected Resolution #R-2009-16 supporting MDNR Trust Fund Phase II application adopted 07/07/09:**

Motion by Takayama, support by Hardin to ratify Resolution #R-2009-16 as corrected. Motion carried unanimously.

K. NEW BUSINESS:

1. **Adopt Resolution Accepting MDNR Trust Fund Grant Agreement for Shoreline Preservation Project Phase I:** By adopting the provided resolution, the Board will be formally accepting the grant awarded by the DNR Trust Fund in December 2008 as ratified by the state legislature, and is committing to producing the needed matching funds and performing all required steps in the grant execution and land acquisition process.

Motion by Takayama, support by Hardin to adopt Resolution #R-2009-20. Motion carried unanimously.

2. **Metro Emergency Services Strategic Planning Process/Budget:** The proposed Metro budget for the 2010 calendar year shows potential deficit spending over anticipated revenues of approximately \$127,500. It has already been trimmed; much of the overage is related to creation and staffing of a new fire station for the Metro system. One option for dealing with the shortfall would be to pay for it from existing fund balances; another option would be to

raise the portion of the annual emergency services special assessment levy for fire protection from 2 mills to anywhere from 2.1 to 2.3 mills. Another idea raised would be for the townships to use a portion of any fund balance forward in their township's Fire Fund to pay a pro-rata share of the overage.

Motion by Zarafonitis, support by Scott to recommend that Acme Township keep the fire protection portion of its emergency services annual special assessment at keeping fire portion at 2 mills for 2009. Motion carried unanimously.

Kladder also provided information about Metro's strategic planning process and timeline.

4. **Discuss enforcement of Fire Prevention Ordinance #2005-03 as amended:** Metro Emergency Services is named in the township's fire prevention ordinance as our enforcement agent. There have not been any significant violation enforcement activities to date; however Metro Chief Parker has seen an increase in violations and believes that some sincere but not overbearing enforcement (ticketing) would generally encourage improved compliance. Since it is our ordinance, he needs to know if we wish this enforcement activity to occur. If the Board agrees this is the case, and because a civil infractions ordinance was adopted subsequent to the fire prevention ordinance, some relatively minor updating of one or both ordinances is required to ensure that Fire Prevention Bureau staff can appropriately write the tickets on our behalf. Any fines payable for tickets issued would be payable to Acme Township at our violations bureau (currently our Clerk's office) and would be township funds as opposed to Metro funds.

Motion by Zarafonitis, support by Scott to have Metro Emergency Services perform reasonable Fire Prevention Ordinance activities and for staff to prepare the needed ordinance amendments for Board adoption. Motion carried unanimously.

5. **Discuss legal opinion – potential township zoning authority as regards deep injection waste disposal wells:**

Motion by Takayama, support by Hardin to continue discussion of township zoning authority over deep injection wells to the next Board meeting. Motion carried unanimously.

- L. **PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**
None

Meeting adjourned at 11:14 p.m.