



ACME TOWNSHIP REGULAR BOARD MEETING
MT. JACKS/EAST BAY HARBOR MARINA
5555 US 31 N, WILLIAMSBURG MI 49690
AND

ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, November 1, 2011 6:00 p.m.

THIS MEETING WILL INITIALLY BE CONVENED AT THE MT. JACKS/EAST BAY HARBOR PROPERTY FOR THE STUDY SESSION, AND WILL THEN BE RECESSED AND MOVED BACK TO THE TOWNSHIP HALL FOR THE REMAINDER OF THE AGENDA.

MEETING CALLED TO ORDER AT 6:00

Members present: D. Dunville, R. Hardin, W. Kladder, L. Wikle, E. Takayama, F. Zarafonitis
Members excused: P. Scott
Staff present: S. Vreeland, Township Manager/Recording Secretary
Patrick Kilkenny, Deputy Zoning Administrator
J. Jocks, Township Counsel

A. STUDY SESSION:

- 1. Visit to East Bay Harbor Marina to view “E Dock” and shared driveway and discuss options relative to separation of Marina and Mt. Jack’s property:**

MEETING RECONVENED WITH PLEDGE OF ALLEGIANCE AT 7:00 p.m.

B. LIMITED PUBLIC COMMENT: None

C. APPROVAL OF AGENDA: Motion by Zarafonitis, support by Takayama to approve the agenda as amended, to add discussion of the issues studied at the marina earlier in the evening as item F1 and discussion of our upcoming bond issue as item F2. Motion carried unanimously.

D. INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

E. CONSENT CALENDAR: Motion by Takayama, support by Hardin to approve the Consent Calendar as amended to remove approval of the 10/04/11 board meeting minutes for further discussion, including:

RECEIVE AND FILE:

- 1. [Treasurer’s Report](#) as of 09/2011**
- 2. [Clerk’s Report](#) as of 10/26/11**
- 3. Draft Unapproved Meeting Minutes:**
 - a. Planning Commission [10/24/11](#)**
 - b. Metro Emergency Services [09/27/11](#)**
 - c. Zoning Board of Appeals [10/13/11](#)**
 - d. Parks & Recreation Advisory [10/20/11](#)**
- 4. [Parks and Maintenance Report](#) – Tom Henkel:**
- 5. [Planning, Zoning & Administrative Update](#) – S. Vreeland**
- 6. “The Metro Insider” [Newsletter](#) October 2011**
- 7. [Fiscal YTD Budget Update](#)**

ACTION – Consider approval:

- 8. ~~Township Board meeting minutes of [10/04/11](#)~~**
- 9. [Accounts Payable](#) of \$ 424,056.90 through 10/26/11 (recommend approval: Dunville)**
- 10. [02/19/12 Winter Wowfest Fireworks Display Permit](#)**

11. [MTA Request CE Rate Case – MPSC Case U-16794](#) participation
12. [Resolution](#) recommending approval of transfer of LochenHeath Class C Liquor License from MK Club LLC to LochenVest LLC

Motion carried by unanimous roll call vote.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. **Mountain Jacks/Marina issue discussion:** Matt McDonough from the GT Regional Land Conservancy summarized the earlier discussion about some cross-easements that burden the Mt. Jack's property and benefit the marina property. The area known as "E dock" (shown as parcel "a" on [recent surveys](#)) which extends all the way to the seawall has been determined by survey to belong to the Mt. Jack's property. Approximately 8' of this area is used as one of the docks for the marina, which is separate. The Natural Resources Trust Fund grant will not pay for the purchase of properties burdened by private easements or rights. The recommendation from McDonough and Jocks is that the Mt. Jacks owner transfer this area to the marina prior to the township purchasing the property, but that the marina grant a public use easement over this area back to the township. Similarly, the northern driveway serving both properties is bisected by the mutual property line. McDonough and Jocks are recommending that the Mt. Jacks property owner transfer to the marina a triangular shaped piece of land (shown as parcel "c" on the surveys) such that they would fully own the northern driveway but again the Mt. Jacks' property would receive an easement to use that area plus a little more.

Motion by Dunville, support by Wikle that the board direct the Conservancy to move forward with all property owners and the Trust Fund to negotiate reconfiguration of the Mt. Jack's parcel to remove any easements that burden the parcel and negotiate any easements over areas from which such easements are removed that may be beneficial to the township.

Takayama suggested that the negotiations include consideration for an easement along US 31 across the marina property for a trail connection.

Motion carried unanimously.

2. **Discussion of \$1.3 million 2011 bond issue:** Wikle noted that a few months ago the Board approved issuance of a \$1.3 million bond to help with upcoming farmland development rights and shoreline property purchases. Because the bond rating was over \$1 million, our bond counsel informed us that we needed to obtain a bond rating. [Moody's has rated the bond issue](#) itself at A1 and the township as an issuer at Aa3. Their report recognizes that the township has been very prudent with budgeting and expenditures. The commitment to maintaining at least 6 months of general operating expenses in reserves has paid off. The biggest challenge the township faces are decreases in taxable value.
3. **Township Board meeting minutes of [10/04/11](#):** Takayama noted that the draft minutes indicate that all members of the Board present at the October 4 meeting voted unanimously to deny Zoning Ordinance Amendment 014, a requested rezoning of property on US 31 North. Takayama stated that earlier in that meeting he indicated he was recusing himself due to a conflict of interest, that he abstained from the vote, and that the minutes should be amended accordingly.

Motion by Zarafonitis, support by Hardin to approve the 10/04/11 Board meeting minutes as amended to indicate that Takayama abstained from the vote on the rezoning request. Motion carried unanimously.

G. REPORTS:

1. **Sheriff's Report – Mike Matteucci:** Since it is only the first of the month, last month's statistics aren't ready yet. A new fraud scheme has been taking place, and two people in Acme Township have been affected. It is an identity theft scheme. People who apply for loans on-line are having their information hacked. They receive call from people who say they are detectives and if the people don't repay their loans immediately there will be severe consequences. The perpetrators actually leave callback numbers. Deputy Matteucci has called the numbers and received an answer from a person with a foreign accent. He is giving the information to the FBI for further investigation, and encourages everyone to be very careful. Wikle reported that some local young people are having paintball wars while they are driving.

2. **MESA Report – Chief Pat Parker:** Station 8 answered 38 calls for service last month and has made over 400 for the year. They assisted with the restaurant fire in Elk Rapids last week. 10 firefighters are in firefighting school with 3 more taking EMT training. The Iceman Cometh bike race is this weekend and should produce activity in Acme Township. Fire Prevention Week was held in October and the department reached over 2,000 people through open houses and activities. Chief Parker stated that former Supervisor Kurtz and current Supervisor Kladder have indicated strong interested in having a full-time ambulance in the township. Currently first responders from the fire station respond to calls while a Northflight ambulance comes from Hastings Street. The first responders can do nearly everything that the ambulance staff can do except transport patients. Northflight is occasionally so busy that all of their ambulances are out on calls – about 12 times per week. Their manager approached Chief Parker recently and suggested that if MESA could provide a driver, they could possibly station an ambulance in Acme. They are proposing that a paramedic and advanced life support ambulance would be housed at Acme. There would be 3 8-hour shifts staffed by firefighters per day, and each shift costs \$40,000/year. If Acme could provide funding for 1/3 of the costs at \$40,000, with MESA and Northflight each picking up the other shares, this could become a reality. There is discussion about placing a trailer with living quarters behind the township hall/fire station, as currently the night duty person has only a recliner to rest in. The trailer could house the firefighter and the paramedic overnight, and room could be found in the garages for the ambulance. They anticipate the ambulance making an average of 5 runs a day, and the extra staffing would be beneficial in case of a fire as well. The goal would be to implement the program no later than June 1, 2012.

Kladder shared the information about this proposal with Mr. Kurtz over lunch recently, and Mr. Kurtz was pleased to hear of the progress. He also indicated that this was also one of former Supervisor Jim Maitland's goals prior to 1992. Kladder observed that the emergency services special assessment levied this year by Acme is 0.2 mills greater than what is needed for our annual contribution to MESA operations. It might be possible to use some of these funds towards ambulance service, or at least for the firefighter driver for the service. This is something that should be part of considerations for the 2012 special assessment levy as well. Reports are that high-level decision-makers at Munson are supportive of the concept. Kilkenny reported that the placement of the trailer should be possible in respect to standard zoning requirements.

[2011 Station 8 Northflight analysis-1](#)

3. **Farmland Preservation Report – Brian Bourdages:** Bourdages provided a written report and updated land preservation map for the township. He continues to work towards closing on three more conservation easements on Engle, Send and Cherry Country Cove lands by the end of the year. Tasks include updating appraisals as required by the FRPP grant program providing just over \$600,000 of funding, coordinating updated land surveys, and resolving issues related to existing mineral leases and federal grant requirements. Photos need to be taken as part of preparing the conservation easement baseline conditions reports.

The County also opened another PDR application round last spring, and the County Farmland

Preservation Board will be meeting in the near future. County Planning is scoring and ranking the new applications for their review. Between lands already committed to preservation in round 1 and new properties applying to round 2 there is potential for significant working farmland preservation in Acme. Bourdages is also working on additional grant funding opportunities.

Bourdages will soon be talking to Rick Saylor, who was a round 1 applicant. The township has always desired to protect his farm, but had to wait for a federal lien to be released, due for October of this year. The release has been drawn up and once it is recorded we can move forward with development rights protection on Mr. Saylor's lands.

Bourdages thanked Wikle, Vreeland and everyone at the township for their work on the bond sale that will partially support the PDR program, and offered congratulations on the good bond and issuer ratings obtained.

4. **County Commissioner's Report – Larry Inman:** Last Wednesday the County Commission met to adopt the 2012 budget. It has dropped from \$38.6 to \$37.1 million, largely due to decreased taxable and assessed values in the County. Tough decisions about staff reductions are being made, including a decision to contract out for custodial services. This will be a reduction of 11 jobs and save an estimated \$500,000. There is concern about the potential for further decreases in revenues, particularly due to pending appeals at the Michigan Tax Tribunal. Inman has spoken with Chuck Korn and Doug Mansfield, who are having ongoing discussions about what would be acceptable to both guaranteeing and non-guaranteeing townships in regards to generating revenue to make Septage treatment bond plant payments. The County has been informed that it cannot make loans to the townships for these payments if there are operating deficits. The plant will not have an operating loss due to the receipt of the lawsuit settlement funds this year into the operating account, but it will have a cash deficit. Because of the way the finances fall it appears possible for the County to make a loan to the townships for the bond payments one more time. The County is also looking at possibilities for refinancing the bonds when and as possible. A meeting was held this morning regarding updating community policing contracts involving townships who pay for CPOs and the Sheriff and Undersheriff. Discussions are ongoing. The resolution that will expand the DPW board to 11 members effective January 1 has been adopted by the County Commission.

H. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. **Community Growth Grant Award – NW MI Council of Governments:** Matt McCauley from the NWMICOG and Phil Franzo, Director of Business Development from the Chamber of Commerce presented a check for the \$10,000 Community Growth Grant recently awarded to the township. This grant program is facilitated by the Kellogg Foundation and has the purpose of providing resources to local units of government that they feel represent their vision and which support Grand Vision principles and implementation. At least one unit of government in each of 6 Grand Vision counties (Antrim, Benzie, Grand Traverse, Kalkaska, Leelanau and Wexford) receives an award each year. This grant will be used to support placemaking in the shoreline district.
2. **Request for Decision regarding [M-72 Traffic Improvement Design](#) relative to SUP Application 2009-01P (VGT/Meijer):** Vreeland introduced the discussion as summarized in the memo in the meeting packet, and also introduced Stephen Dearing from OHM, the township's traffic sub-consultant. Mr. Dearing indicated that his full presentation about roundabouts with his talking points was provided for meeting packets, and he presented an abridged version this evening.

One key to successful roundabout use is a change in philosophy about who has the right of way. Instead of yielding to people on your right (as one does with traditional intersections) and having people in the roundabout yield to people entering, the people entering need to

yield to people within the circle. Moving pedestrian crossings away from the central intersection area helps drivers approaching the roundabout focus on one thing at a time. First they focus on whether or not there is a pedestrian and what to do, and after that they focus on entering the intersection. Splitter islands deflect traffic entering and leaving the intersection and slow it down, and they also provide safe havens halfway across the road for pedestrians. Roads entering the intersection don't have to be directly opposite one another; the whole configuration can be shifted to avoid features a community wants to protect. There are also far fewer "conflict points" in roundabouts than in traditional intersections, which are points where two cars can collide or cars can collide with pedestrians. Because cars aren't approaching each other head-on and crossing one another's paths, the severity of accidents is lower as well.

Mr. Dearing also discussed the findings of the traffic impact study specific to the VGT project. Two scenarios for road improvements were examined in detail: a boulevard on M-72 with "Michigan lefts", or roundabouts. Under the first scenario, some of the crossovers would have to be two lanes wide to handle anticipated traffic flow, and the center median would have to be extremely wide. US 31 would also have to be widened near the M-72 intersection to make it workable. Lautner Road would have to be widened to 3 lanes. The width of M-72 would have to approach 200'. The Bunker Hill and US 31 intersection would need two westbound left turn lanes. There would have to be 9 signalized intersections, because there would have to be signals at each crossover. Under the second scenario, a total of 4 future roundabouts would be proposed, with 3 on US 31 and 1 on Lautner Road. The projected levels of service with roundabouts are significantly higher than with signals. There can also be aesthetic benefits with less pavement and more of a local character that indicate to people who have been driving fast along M-72 E that they have arrived at a destination. One thing that would be challenging is eventually installing a roundabout at US 31 and M-72, which would undoubtedly require acquisition of additional right-of-way. A roundabout at M-72 and Lautner should fit within existing right-of way because there are clear sight corners there already.

Andy Andres, Sr., 4946 E. M-72, owns the house at the southwest corner of M-72 and Lautner Road. He asked how he would enter and exit his property if a roundabout is placed there. Mr. Dearing responded that it should be possible for his driveway to remain as is and for him to make left turns in and out. If Lautner becomes a 3-lane road there would be a center left turn lane he would be able to utilize that is not there today.

It was discussed that these roundabouts are likely to be designed to handle speeds of about 25 miles per hour once you are in them. It was also mentioned that the traffic study was designed to address concerns related to peak summer traffic levels.

Kladder asked about the M-72/US 31 intersection. What if it is not improved for an extended period of time? Mr. Dearing stated that with just a Meijer store and no improvements at that intersection, the level of service is projected to change from the current B to a C. Additional development at the VGT would necessitate additional traffic studies and the results would be a factor in the deliberation on those future development phases. Mr. Dearing also finds the state pro-active in installing roundabouts on their road systems where warranted. He believes this might be one such location. Kladder also expressed concern about additional use of Bunker Hill Road related to this project, but this is a topic for another day.

Zarafonitis asked about the access points at which roundabouts and other improvements would occur early on. Mr. Dearing noted that the Road Commission is asking for improvement of Lautner Road along the entire VGT frontage early on, and they are supporting use of a roundabout at the new access point to VGT from Lautner. Jocks observed that tonight's discussion is about the concept of roundabouts and not about a specific determination of which roundabouts would be constructed when. Takayama observed that it

might be useful to the applicant to know the extent of the roundabouts the township wants to have placed immediately. Jocks responded that the applicant did not ask this specific question, and the Planning Commission did not make a recommendation about it.

Hardin asked how people traveling at high speed west on M-72 will be advised that they are approaching a feature that will cause them to slow down and possibly stop. He also observed that some may be traveling even slower than 25 mph through the roundabout because they may have to stop before entering, and eastbound traffic may not have sped up much between the US 31 intersection and the roundabout. Mr. Dearing stated that everything about the design will give clear signals to drivers that something is coming up. He is fairly confident that people won't approach the roundabout from a completely straight direction; that some curves will be introduced that will force drivers to begin dropping their speed so that they don't have to make a panic deceleration when they arrive at the intersection. Hardin thinks this is an important part of the conversation that many members of the public have been missing, that many people are picturing traffic in the roundabout(s) still traveling at 55 mph.

Motion by Wikle, support by Dunville that the roundabout design concept be the approved road design concept for the VGT project. This approval is not an approval of the VGT Phase I application and will not have any impact on the remaining issues for review or the final decision on the VGT Phase I application. Motion carried unanimously.

I. CORRESPONDENCE:

1. [County Resolution Restructuring the Board of Public Works \(no action\)](#): received and filed.
2. [Bayside Park Survey – Au Sable Institute of Environmental Studies](#): received and filed.
3. [Sally Frye Summary of Public Comments from Hoxsie Open House 10/16/11](#): received and filed.
4. [FEMA Hazard Mitigation Assistance Support Letter](#): received and filed.

J. PUBLIC HEARINGS: None

K. NEW BUSINESS:

1. [07-12-11 VGT Letter](#) **requesting reconsideration of sewer benefit purchase requirement:** Jocks summarized his memo to the Board regarding this issue. The DPW has determined that according to the township's sewer benefit purchase schedule the proposed Meijer store would need to purchase 123.90 benefits at a cost of over \$500,000 and monthly usage charges of over \$3,000. Meijer has countered by submitting data indicating that existing stores of comparable size have average daily water and sewage flows of about 6,000 gallons a day, which is well less than the number of gallons equivalent to 123.90 benefits. They provided billing information for these stores as well. Some stores pay less on a monthly basis than Meijer would here for the 6,000 gallons/day average flows, and some pay more on a monthly basis than they would here.

Jocks' opinion was that the township needs to decide whether or not it is willing to examine potential modifications to its existing residential equivalent benefit chart, or perhaps consider creating a new rate structure for entities with metered water use. Meijer is expected to have metered water service through the Tribe. One consideration is that the township establishes its service purchase and usage rates based on funds necessary to cover operating expenses and system debt payments. If the township modifies the benefit chart, and/or if it creates a new rate structure, this would almost certainly cause an examination and potential adjustment

to the current service fee rates. Setting new rates and adjusting existing ones would be a delicate matter, as under certain conditions it could cause a shift in the overall burden of meeting system costs and how it is carried by various users.

A third option was presented to Jocks just before the meeting this evening. The DPW has a process by which an entity may appeal the determination made by DPW staff of the number of benefits they must purchase. It does not appear that this appeal process offers an opportunity to receive a variance from the calculation system in place. It appears only the Board can change the calculation system.

Finally, the township could decide not to make a change in its residential benefit equivalent chart or how it charges for service.

Terry Boyd, on behalf of the applicant, stated he thinks there is a misunderstanding of what the applicant is requesting. They have never questioned the monthly user fees, although these are based on the number of benefits to be purchased per the residential equivalency table. The applicant is specifically questioning the number of sewer benefits that need to be purchased. They say that they normally only have to pay about \$150,000 for connection fees, and have a hard time understanding the benefit equivalency tables on which initial purchases are based.

Kladder stated that the current benefits table was reviewed by Wade Trim during the past two years to see if it needed to be updated, and to see if the table could be standardized across all of the DPW sewered townships. Some of the recommendations were for modifications to the tables. The study involved businesses inside and outside the county. The table of equivalencies isn't based solely on flow; it is also based on the biological oxygen demand (BOD) for the common waste stream from each type of business. Vreeland asked whether the potential changes in the table would have affected the Meijer calculations when they were made, and was told that they would not have. Mr. Boyd stated that Wade Trim was also going to look at the possibility of metered service schedules with add-ons for high BOD levels related to testing at each site.

Hardin asked why there would be debate about the cost of connecting new development to the regional sewer system, when the cost of the physical connection is what it is. Discussion followed about the initial connection fees being charged to new system connections to offset the costs of capital improvements both past and future. For instance, the township has a considerable amount of bond debt it makes payments on for past upgrades to the regional treatment plant and to increase capacity in the sewer lines in the township to ensure that service capacity would be available to new development, particularly along the M-72 Corridor. The connection fee is intended to cover these costs plus allow the township to set funds aside for future system capital improvement needs. Because the township went ahead and built the infrastructure but new development has been slower than anticipated in coming, the township has had to raise both connection and monthly usage fees to ensure there is enough money for operating and maintenance expenses and reserves.

Takyama noted that the township laid out significant expense previously on infrastructure to ensure the township would be able to serve the VGT development in the future. Zarafonitis observed that all other businesses purchasing service in the township have had to purchase service at the same benefit equivalency table according to which Meijer is being asked to purchase. Mr. Boyd indicated that if the township is not motivated to consider a change, the applicant will pursue the appeal process through the DPW.

Jocks noted that the township did update its benefit equivalency table in 1999, so it doesn't date back to the 1970's. If the township wishes to do nothing, no motion is needed. If the township wishes to look at modifying benefit schedules, it can make a motion to do so.

2. Consider [Amending Acme Refuse Collection Ordinance 2011-01](#): Jocks has provided a proposed ordinance revision to the “single-hauler” ordinance. This was prepared because there are some subdivisions that have formed non-profit corporations for their neighborhood associations and are asserting that they should therefore be treated as businesses exempt from the requirement for all residences to use a single trash hauler. Jocks disagrees with this interpretation, but the proposed revision would remove any possible debate about the subject and clarify that the homes in the neighborhoods in question are subject to the ordinance. Kladder stated that the neighborhood in question contains 200 homes that have to date refused to comply with the ordinance.

Motion by Zarafonitis, support by Dunville to adopt Resolution R-2011-26 amending the Acme Refuse Collection Ordinance 2011-01. Motion carried by unanimous roll call vote.

L. OLD BUSINESS:

1. Discuss [factors for deciding the future of the Hoxsie House in Bayside Park](#): The staff would like to assist the Board in making the decision about the future of the Hoxsie House. However, they are uncertain what information the Board needs to help them perform this task. As a way of trying to understand the needs so that the staff can help provide useful information, they brainstormed a list of potential decision factors. The list contains room for Board members to add additional factors and to indicate on a scale of 0-5 how important each factor is to them. If each Board member completes a form, the staff can tabulate the results and direct the most effort to the highest-scoring items on the list. They hope to facilitate Board decision-making within the next three months or so. Kladder suggested that Board members return their sheets to the office by Friday, November 4 if possible. There was some discussion about how the uses that might be allowed by the Trust Fund as a primary funding source for the property acquisition will strongly impact the ultimate decision.

M. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:
None

MEETING ADJOURNED AT 10:00 P.M.