



**ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
5:30 p.m., October 13, 2005**

CALL TO ORDER 5:30 p.m.

PLEDGE OF ALLEGIANCE

Members present: B. Boltres, D. Dunville, B. Kurtz, E. Takayama, F. Zarafonitis
Members excused: W. Kladder, P. Scott
Staff present: S. Corpe, Recording Secretary/Township Manager
C. Bzdok, Legal Counsel

Motion by Boltres, support by Takayama to enter closed session to discuss litigation and settlement strategy in the Concerned Citizens Of Acme Township (CCAT), The Village At Grand Traverse, LLC and Meijer, Inc. case because discussion in open session could have a detrimental impact on the township's financial position.

Jim Goss, 4105 Bay Valley Drive, asked if Corpe would be attending the closed session, and if so whether it would be in the capacity of Recording Secretary or Township Manager. It was stated that she is attending as Recording Secretary

Motion carried by unanimous roll call vote

Public meeting recessed at 5:38 p.m.

Motion by Takayama, support by Dunville to resume open meeting at 6:17 p.m. Motion carried by unanimous roll call vote.

Bzdok summarized the closed session for the public by stating that: there was an update as to the status of the litigation; an update as to the appeal of Judge Rodgers' dismissal of the counter-claims and personal lawsuits filed by The Village and Meijer yesterday; and discussion of the proposal to use the New Urbanist Advisory Committee as a vehicle for resolution of the litigation, which has not received agreement from all parties to the litigation. However, the Board remains free to consider moving forward through the New Urbanist Advisory in the proposed fashion in a modified form.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

A. LIMITED PUBLIC COMMENT:

Mr. Goss asked if Corpe was in closed session as Recording Secretary or as the Township Manager. Bzdok stated that Corpe's only participation was to take the minutes of the closed session.

B. CORRESPONDENCE: None.

C. NEW BUSINESS:

- 1. Consider proposed resolution providing direction to the New Urbanism Advisory, and to the Planning Commission to consider ordinance amendments to uphold the intent of the Master Plan to concentrate development on the Meijer, Village at Grand Traverse and Acme Village properties while the future land use visioning process is completed:** Kurtz noted that a proposed resolution has been provided to the Board.

Motion by Takayama to approve Resolution #R-2005-20.

Bzdok summarized the resolution as arising out of discussion regarding formation of a New Urbanism advisory. It provides that group direction as to what they are to do, which is to look at the 3 properties identified in the Master Plan as an integrated downtown area. It was hoped to already have mutual agreement from the landowners to participate in the process; this has not been received yet but it is hoped it will be in the future. Regardless, the Board wants to move forward in the process. The resolution also asks the Planning Commission to consider ordinance amendments designed to maintain the status quo outside of the 3 property area while the future land use visioning process is completed and long-term planning based on the results can take place. The goal is to encourage concentration of large-scale development as called for by the master plan. Zarafonitis asked if this would function similarly to a moratorium. Bzdok replied that what precise actions should be taken will be discussed by the Planning Commission and their recommendations will be subject to Board approval.

Motion supported by Zarafonitis.

Bzdok stated that his recommendation regarding potential zoning ordinance amendments would be: that the intent to plan for Acme Village, the Village at Grand Traverse and Meijer properties as an integrated “downtown” area be clearly stated; that no changes to the zoning designation of the three integrated areas be made at this time; that no properties outside of the integrated areas be proposed for rezoning at this time; and that small modifications to the rules for the existing zoning classifications be made to enhance the chances for success in meeting the Master Plan goal of concentrating development within the three integrated areas be made.

Motion carried by unanimous roll call vote.

D. OLD BUSINESS:

- 1. Continued discussion regarding the role of Michael Houlihan as the DPW legal counsel regarding the septage treatment plant:** Boltres asked that this matter be placed on the agenda again, as he has learned more about the situation since the October 4 meeting at which the idea of asking DPW to find independent counsel was first proposed.

Motion by Boltres to support Kurtz in his request for independent counsel to investigate the circumstances of the septage treatment plant collapse.

Bzdok asked if a motion on this matter had been made at the last meeting; it was not, as Kurtz withdrew it from the table before it could be voted based on deliberation. Kurtz stated that he has received more calls with concerns or information about this issue than he has about any other since taking office, and that as the township’s representative to the DPW he would appreciate the support for his concerns as previously expressed. In particular he became concerned after Mr. Houlihan told the newspaper that he could deny access to documents from the forensic engineering review because he had contracted for the review personally rather than as an agent of the DPW. Public trust is a key issue in the situation.

Zarafonitis is concerned about what it might cost for independent legal counsel to be installed and brought up to speed about the situation. He also asked what might occur at the Sewer & Water Committee meeting on Tuesday. Kurtz expects a preliminary report from the forensic engineering firm and that the meeting will draw a larger-than-normal crowd. Boltres asked if it is customary for prior counsel to work with any new counsel to update them; Bzdok replied that it is. He also stated that does not consider himself a candidate for the work. Takayama asked if the agreement of all of the member townships would be necessary to accomplish the change. Kurtz observed that the DPW Board only includes one township representative, but in effect the member townships are the ones who foot the bill. He believes that if 3 of the five townships request Mr. Houlihan’s replacement that the request would carry weight, and that this level of support might be present.

Takayama reiterated his comments from the last meeting about the presence of an “old guard” that has traditionally guided Traverse City, and that it is particularly entrenched in the DPW. He believes that a look at the situation from “fresh eyes” would be beneficial. Boltres stated particular concern for the level of support shown for Mr. Houlihan by Messrs. Aloia and Childs at the October 4 meeting, feeling that it represented “cronyism.”

Motion supported by Takayama.

Bzdok asked if there is a reason not to use the previously proposed resolution. Kurtz felt that the motion would be sufficient as is.

Motion carried by unanimous roll call vote.

2. **Discuss bill received from the City of Traverse City for installation of sampling equipment at Acme Sewer Lift Station #1:** Kurtz observed that in the future, the allocation of sewage treatment costs may be based more on BOD than on flows. He is concerned because he feels that the township should have been consulted prior to any work being done, and that all bills from the City should be routed through the DPW first.

Motion by Boltres, support by Dunville to approve payment of City of Traverse City Invoice #71378 from the relief sewer bond proceeds prior to defeasement, contingent upon final approval by Supervisor Kurtz and Infrastructure Advisory Chair Mark Lewis. Motion carried by unanimous roll call vote.

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

Meeting adjourned at 6:43 p.m.