



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m., January 10, 2006**

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 p.m.

Members present: B. Boltres, D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis

Members excused: None

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

A. CONSENT CALENDAR:

Motion by Zarafonitis, support by Takayama to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. **Treasurer's Report** dated November 30, 2005
2. **Clerk's Report** dated December 30, 2005
3. Draft unapproved minutes **12/19/05 Planning Commission meeting**
4. Draft unapproved minutes **New Urbanism Advisory Committee 11/18/05, 11/28/05, 12/05/05, 12/09/05, 12/16/05, 12/23/05**
5. 2004 Annual Report of the Thirteenth Judicial Circuit Court

ACTION:

6. Approval of Board meeting minutes from **12/06/05 meeting**
7. **Accounts Payable** in the amount of \$ 68,389.68 through 12/30/05

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT:

Lewis Griffith, 5181 Lautner Road, stated that the proposed future land use map has part of his airport property divided up into several different designations: town center and part as rustic reserve. The definition provided for rustic reserve includes streams, steep slopes and woods. His property does not tend to contain any of these characteristics. He questioned how the township's consultant could therefore place this designation which implies one housing unit per 10 acres on his property, particularly as it is in close proximity to what is proposed to be the most densely developed area of the township. He stated that Kurtz should know better because he has lived in this area, and that Takayama who also has property on Lautner Road he would like to divide should be concerned as well. He feels this indicates a problem with the process used to create the map.

Chuck Walter, 6584 Bates Road, stated that in reading about the proposed defeasement of the bonds he was unable to ascertain the costs for the process. He also stated that he was unable to pull up the minutes of the New Urbanism Advisory and asked if they were blocked from the public intentionally. Corpe stated that the minutes were available and that she had someone test the links, expressed regret for any difficulty he may have had and offered to supply paper copies.

Dan Rosa, 4707 Hampshire Drive, referenced the proposed future land use map, commenting that there is a general trend it portrays of concern to him. There is too much rural/agricultural property shown, and he believes that some areas that are

already zoned and/or used for higher impact uses are shown for low impact uses. Does this imply a future downzoning? Is the township willing to reimburse landowners for reduced land value?

C. CORRESPONDENCE:

1. **Chain of e-mail correspondence between Noelle Knopf, 5795 US 31 North, and Sharon Corpe**

D. SPECIAL PRESENTATION:

1. **Discussion of Proposed Future Land Use Map**: Nick Lomako, Wade Trim was the township's consultant for this project. He began by thanking the steering committee for their hard work. He noted that the goal expressed at the outset was to create a plan that, while it might not please everyone in every detail, was clearly felt to have been derived fairly through a fair process. His charge was to facilitate the process of engaging the steering committee members and the community at large in discussion that would identify community goals.

Mr. Lomako recounted the goals of the various exercises in which the steering committee, which including reaching an understanding that diversity of opinion exists and is a potentially beneficial thing, teambuilding, data gathering, conflict resolution and options for decision-making. The first public forum focused primarily on finding areas of common ground between people and identifying common themes in terms of vision for the future community;. At the second forum groups were asked to draw their ideal future land use map. These maps were evaluated by the consulting team and consolidated down into three theme-based maps: resource-based, legacy-based and development-based. These three maps were evaluated by the steering committee in terms of 10 criteria, with one map then being chosen as the basis for further decision-making. That map was further refined and changed by the steering committee members working in four groups. Those four maps were melded into the map presented this evening by the consultant team.

Since the proposed map has been provided to the public, Mr. Lomako has received feedback directly from various members of the community relative to particular pieces of land. It is also important to remember that the map is subject to a further review process through the Planning Commission.

Kladder stated a sense at some of the meetings that there wasn't enough time to fully understand the materials handed out for immediate use and what he was doing. He asked if this is a typical feeling among participants and if it truly allows for an appropriate outcome. Mr. Lomako stated that in part this was by design, characterizing the situation as an "adaptive challenge." In such situations it is often productive to force people's attention to that about which they are most passionate by placing them under pressure. He also understands time to be precious commodity, and that the Planning Commission must further engage the community to refine the plan under a less-pressured environment.

Kladder directed Mr. Lomako to Mr. Griffith's earlier questions. He asked how the current zoning of Mr. Griffith's property would be affected by the future land use map. Mr. Lomako stated that the Master Plan and the future land use map are a representation of how the community would like to distribute future land uses. This is in contrast to the zoning map which describes the

situation as it exists today. The future land use map is intended to describe how the community wants to mature, and does become one factor in future land use decisions. Some sort of site-specific analysis of properties may be warranted, as the exercises engaged in to date were on a broad-brush level rather than a parcel-by-parcel level.

Kladder asked how he would be able to know if this map is what the Planning Commission wants or needs? Is it similar to what exists in other communities and what does a Planning Commission typically do with a map like this when it is turned over to them? Mr. Lomako noted that a number of Planning Commissioners were involved in this process. Other communities have embraced similar situations, learning what is of value to a variety of members of the community and further refining it. Kladder asked again what the Planning Commission will do with this map. Mr. Lomako stated that the Planning Commission will use this map as a starting point to refine the map and the supporting wording. By law, then the map is distributed to neighboring communities and to the county for their feedback, and ultimately it is adopted as part of the Master Plan.

Zarafonitis asked if it would be expected that significant changes would occur to this map. Mr. Lomako believes that changes would be relatively small. It is possible that new categories could be created and inserted, but it is more likely that boundaries will be moved slightly this way or that.

Kurtz observed that 80-90 people at a time were present at the meetings through the process, and that it has been interesting to observe. Creation of a future land use map is a difficult task that earlier boards and commissions have shied from. He expressed appreciation for the work that has been done by the community to bring the project to this point.

Kladder asked if a member of the Planning Commission present tonight would be willing to speak to the question of whether they believe this is material that can be moved forward. Will there be more public input opportunity? Owen Sherberneau, Planning Commission Chairman, stated that he believes this is a great start and that Wade Trim has done a good job managing the process. He is anxious to continue with the process. He asked Corpe to provide a description of how the hearing process would proceed. She described the process prescribed by state law for master plan amendments, which includes submission of the documents to surrounding counties and townships for comment for a period of 75 days prior to holding a local public hearing and eventual adoption.

Zarafonitis asked what would happen if this map is not forwarded to the Planning Commission for further work. Mr. Lomako replied that then a new initiative would have to be undertaken from scratch. He hopes this will not be the case, and that the Board will give the Planning Commission the scope to continue with the work. The township already has sizeable text in its Master Plan, and the addition of the future land use map is important.

Motion by Zarafonitis, support by Takayama to move the draft future land use map to the Planning Commission. Motion carried by unanimous roll call vote.

E. NEW BUSINESS:

1. Consider approval of **Application #2005-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for SUP Approval for Lautner Commons, a shopping center development containing approximately 332,400 sq. ft. of commercial space, and Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store and 2,400 sq. ft. convenience store with 10 gas pumps on property located at 5896 Lautner Road (the southeast corner of M-72 East and Lautner Road) and currently zoned B-3, Planned Shopping Center:** Kurtz observed that the Planning Commission recommended approval of the application, but later felt that it would be desirable to create a finding of fact document regarding the matter. They also subsequently held discussion about whether or not regional sanitary sewer service would be extended to the proposed development. Mr. Tim Stoecker, an attorney representing Meijer Inc. has been in extensive contact with the township at this time. The township has advised him that there are a number of outstanding issues regarding the application, and that perhaps it would be better for all parties if Board consideration were deferred. Mr. Stoecker has held firm in his insistence that the matter be discussed this evening.

Kurtz stated that the information packets for this evening include feedback from Mary Lajko at the Grand Traverse County Road Commission, Brian Belcher from Metro Fire and John Iacoangeli, the township's consultant stating that there are outstanding issues to be resolved. A revised site plan, landscaping plan and apparently revised traffic study were hand-delivered on behalf of Meijer to the township at 4:20 p.m. today. The packet also includes a proposed resolution prepared by Jim Christopherson, which Kurtz asked him to explain.

Christopherson stated that at the end of November there was a vote of the Planning Commission to recommend approval of the application based on discussions held throughout 2005 as demonstrated by meeting minutes. The application has been discussed at nearly every Planning Commission meeting since April 2005; Christopherson and Iacoangeli felt that it would be in everybody's best interest if a finding of fact document was prepared to codify a significant body of discussion. Mr. Stoecker concurred, and all parties agreed to defer having the Board review the application in December 2005 as might otherwise be customary.

There were two Planning Commission meetings in December. At the one held December 12 there was discussion about proposed amendments to the township's sewer ordinance. Included was discussion about whether the district as it currently exists should be expanded or not, and the Commission indicated a desire not to expand the district. The Meijer property currently sits outside of the district.

At the Commission meeting held December 19, there was specific discussion about whether or not it would be recommended that Meijer be allowed to connect to the regional sanitary sewer system. This issue had been discussed in July, with the township's planning and environmental consultants recommending that if development occurs on the site sanitary service should be extended to it. However, no formal finding or motion to this effect was ever made and the issue had been neglected since that time. The Commission voted to defer the question of whether or not the connection should be allowed; as far as Christopherson understands this issue remains

unresolved at this time.

Christopherson had prepared a proposed finding of fact resolution for consideration at the December 19 Commission meeting. Mr. Stoecker had little time in which to review it, and provided some comments and suggestions very shortly before the meeting. Because the Commission had not had time to evaluate his feedback, this matter remains uncompleted as well.

As far as the township understands, there are outstanding issues with MDOT as to how M-72 widening would be accomplished, and with the Road Commission as to how many curb cuts would be permitted on Lautner Road, where they would be and how they would function. There is also a question of possibly reducing the speed limit on Lautner Road from 55 mph to 35 mph. The fire inspector has indicated that their review of the project is stale, and new materials were submitted by the applicant this evening that nobody has had time to evaluate. For all of these reasons, Christopherson recommends that the application not be reviewed by the Board at this time.

Kurtz asked how long it might take to resolve outstanding issues as enumerated so that the Board could enter into its deliberations. Christopherson stated that some of the issues are likely to be resolved fairly quickly, although he is uncertain how long the discussion about sewer service might take. Discussions about the road improvements and access points are largely out of the township's hands and dependent on how the applicant and the road agencies interface. He wishes he could say it might be only 30 days before the matter could be taken up by the Board again, but he feels it likely that it could be 60 days.

Zarafonitis asked what is involved in the question of how sanitary waste will be handled. Christopherson stated that this is partly dependent on the course of discussions about sewer district ordinance amendments and whether the shape of the current district changes or not. If the Meijer property is not recommended for inclusion in the sewer district at this time by the Commission, and if the Board were to accept that recommendation, Meijer would need to submit plans for on-site wastewater treatment for review. Zarafonitis asked how a decision to include the Meijer property in the sewer district would impact consideration of similar requests from neighboring properties. Christopherson stated that this seems to be one of the concerns the Commission has with including Meijer in the district. He stated that zoning involved the drawing of boundaries between properties and ongoing decision-making about whether or not those boundaries should be moved or changed over time.

Kladder asked Christopherson why Meijer felt compelled to be on tonight's agenda. Christopherson has not gained an understanding of this through his discussions with Mr. Stoecker and suggested that Mr. Nowakowski might be able to respond.

Kurtz asked about the final landscape and site plans presented this evening and whether the Planning Commission has seen them yet. Also, if the traffic study is an new version, the Planning Commission and road agencies would need to review them. Christopherson stated that those entities would not have seen these materials yet and should review them. Kurtz asked Hull for

his opinion about how long resolution of outstanding issues would take; Hull did not feel he could provide a meaningful answer.

Zarafonitis asked Mr. Nowakowski, Meijer Inc., if they are close to closer on road issues. Mr. Nowakowski stated that he feels they are, and that revised materials have been submitted to the County Road Commission.

Kurtz expressed hopes that the matter will be fully ready for Board consideration within the next 30-60 days. Zarafonitis stated that Christopherson has enumerated many issues that need to be addressed and that he does not see how the Board can make meaningful consideration at this time.

Kladder asked if Christopherson would recommend any changes to his proposed resolution. Christopherson replied that he would recommend adding the need for Metro Fire review and approval to the list of items that need to be addressed by the Planning Commission before it returns to them. He would insert this requirement as a new item 3.

Kurtz asked how the pending ZBA hearing regarding a requested signage variance plays into the situation. Christopherson stated that Meijer has requested a variance from standard sign requirements that will be heard on Thursday, January 12.

Scott asked if the only key issue that the Planning Commission has to decide is the sewer issue, and if the other issues are basically in process through other agencies. Christopherson replied that the Commission needs to make a recommendation on the sewer situation, and should adopt a finding of fact. They also need to evaluate the recommendations that will ultimately be made by MDOT and the Road Commission and draw conclusions about them as well. Typically Metro Fire approval of the site plan is needed before the Board can take final action on an application, although it might not be critical if this issue is resolved after the Planning Commission passes the application back to the Board but before the Board takes final action.

Zarafonitis asked Takayama, as the Board member appointed to the Planning Commission, for his thoughts. Takayama was surprised to see the matter on the Board agenda, being cognizant that there are a number of outstanding issues. As a Commissioner he would like to join with the other Commissioners in coming to final conclusions about some major outstanding issues such as traffic and sewer. Kurtz asked if he felt these issues could be resolved within 30 days; Takayama felt he couldn't make a prediction. He noted that the original submission did display a potential on-site waste treatment system, so options seem to exist.

Motion by Kladder, support by Zarafonitis to adopt Resolution #R-2006-01.

Kladder read the proposed Resolution for the public's benefit. The need for Metro Fire review and approval was added as item D at the end of the document. Kladder stated that he hopes the work will be completed and application returned to the Board ready for consideration quickly. Kurtz stated that he believes that no pressure has been placed by any Board member on any Planning Commissioner regarding the process to date and he likewise

hopes the matter will be resolved quickly.

Motion carried unanimously.

Kladder noted that the materials for the Board's review will likely be sizeable, and he hopes they will be forwarded as soon as they become available.

2. **Revision of Hourly Rate Agreement with Dingeman, Dancer & Christopherson, legal counsel to the township:** Kurtz stated that Christopherson is asking for an increase from \$125/hr. to \$135/hr. Scott asked if the agreement can be terminated at any time by either party; Christopherson replied that it can.

Motion by Scott, support by Takayama to approve the rate increase as requested.

Kladder asked if it would be possible to send letters to all of our service providers asking if they can let us know at budgeting time if they plan to ask for a rate increase so that budget amendments don't become necessary later.

Motion carried by unanimous roll call vote.

3. **Consider adoption of Resolution #R-2006-02 Initiating Action to Defeasement Part of the Outstanding Grand Traverse County Series 2003 Sewer and Water Bond:** Kurtz stated that the Infrastructure Advisory recommended defeasement of the Bonds to the Board. The Board adopted their recommendation, which has resulted in the resolution prepared by County Bond Counsel John Axe. Corpe noted that the resolution provided indicates that along with somewhat over \$1 million of bond principal, over \$1.8 million in bond interest will be saved over the lifetime of the bond by the township. To answer Mr. Walter's earlier question, in early 2005 the township received correspondence from Dennis Aloia, County Administrator, which had Mr. Axe's input and indicated that bond defeasement costs would be approximately \$15,000. It is her understanding that these costs will not be paid out-of-pocket by either the township or the County, but will be the last thing paid from the bond proceeds prior to defeasement.

Motion by Zarafonitis, support by Dunville to approve Resolution #R-2006-2.

Zarafonitis read the proposed resolution for the public's benefit.

Motion carried by unanimous roll call vote.

4. **Consider Appointment of Toni Morrison to Board of Review:** Kurtz is recommending that Toni Morrison be appointed to a vacancy on the Board of Review. She has been a township resident for 12 years and is a Realtor, which our Assessor feels will be a real benefit. The individual she would be replacing was also a Realtor.

Motion by Kladder, support by Zarafonitis to appoint Toni Morrison to the Board of Review. Motion carried by unanimous roll call vote.

5. **Consider reappointment of Joe Kuncaitis and Larry Belcher to the**

Zoning Board of Appeals: Kuncaitis has been on the ZBA since 1973 and Belcher since 1984. Their long tenure and knowledge of the community and its history is a real asset. Kurtz recommends their reappointment.

Motion by Zarafonitis, support by Takayama to reappoint Joe Kuncaitis and Larry Belcher to the ZBA.

Kladder has served on the ZBA with both gentlemen and found it a real pleasure and honor.

Motion carried by unanimous roll call vote.

6. Consider change from Semi-monthly to Bi-weekly payroll schedule:

Motion by Zarafonitis, support by Scott to move from a semi-monthly to bi-weekly payroll schedule. Motion carried by unanimous roll call vote.

7. Consider request from MDOT to submit an Advance Notice of Permitted Activity in the State Trunkline Right of Way: Corpe explained that MDOT offers the township the opportunity to obtain a blanket permit to do any needed work on township infrastructure within their right of way each calendar year at no charge. If a project comes up, the approval process to work in the right-of-way is expedited, with only a need to file specific project plans.

Motion by Zarafonitis, support by Takayama to adopt Resolution #R-2006-3. Motion carried by unanimous roll call vote.

F. OLD BUSINESS:

G. REPORTS:

1. County Commissioner's Report – Larry Inman: Kladder asked if there has been any reaction to the editorials about the septage treatment plant that have been in the *Record Eagle*. Kurtz and Inman are unaware of any. There is another Water and Sewer Committee meeting this coming Friday.

2. Maintenance & Grounds – Tom Henkel:

3. Sheriff's Report – Deputy Bob Sillers:

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

Gene Veliquette stated that the sewer issue has been prevalent in the township for years, and through three administrations that swung from anti-growth to pro-growth back to anti-growth. At one time there was a practical halt to building due to a sewer moratorium. There seems to be a feeling that we have sufficient sewer capacity at this time that we don't need to construct more for 20 years, but he fears that failing to construct additional capacity is just another excuse for this Board to try to prevent development of a Meijer. Turning to Meijer, he believes that the Board this evening has delayed the proper exercise of its fiduciary duty to approve a lawful land use application. This is preventing Meijer's vendors from doing business from them and local residents from accessing additional jobs and lower-cost products. He believes

the Board has been more effective than he ever could have imagined at trying to illegally block the Meijer store.

CLOSED SESSION – Discuss status of mediation in pending Village at Grand Traverse LLC & Meijer, Inc. vs. Acme Township vs. Concerned Citizens of Acme Township litigation. Kurtz stated that the Board will not be taking any action after the closed session.

Motion by Kladder, support by Dunville to enter closed session to discuss settlement strategy regarding litigation against the township (CCAT v. Acme Township v. The Village at Grand Traverse and Meijer, Inc.) which, if discussed in open session, would have a detrimental impact on the financial position of the township. Motion carried by unanimous roll call vote.

Open meeting recessed at 8:40 p.m.

Motion by Kladder, support by Takayama to reconvene the open meeting at 10:10 p.m. Motion carried by a vote of 6 in favor (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Boltres).

Meeting adjourned at 10:10 p.m.