



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
6:00 p.m. May 1, 2007**

Meeting called to Order with the Pledge of Allegiance at 6:09 p.m.

Members present: B. Boltres, D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis
Members excused: None
Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
C. Bzdok, Legal Counsel

Motion by Kladder, support by Zarafonitis to enter closed session to discuss pending litigation in CCAT v. Acme Township v. The Village at Grand Traverse LLC and Meijer Inc. and Meijer Inc. v. Acme Township because discussion in open session could have a detrimental impact on the financial interests of the township. Motion carried by unanimous roll call vote.

Public meeting recessed at 6:10 p.m.

Motion by Kladder, support by Scott to resume public session at 7:09 p.m. Motion carried by unanimous roll call vote.

The purpose of the closed session was an update regarding litigation status, no action will be taken at this time.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Dunville, support by Zarafonitis to approve the agenda as presented. Motion carried unanimously.

A. CONSENT CALENDAR:

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

RECEIVE AND FILE:

1. **Treasurer's Report** as of 03/31/07
2. **Clerk's Report** as of 04/27/07
3. Draft Unapproved Minutes of
 - a. **04/16/07 Farmland Preservation** Advisory meeting
 - b. **04/25/07 Shoreline Preservation** Advisory meeting
 - c. **04/23/07 Planning Commission** meeting
4. Information regarding **closeout of North American Wetlands Conservation Act Grant** towards Maple Bay Farms Purchase

ACTION:

5. Consider approval: **04/10/07 regular** Township Board meeting minutes
6. Consider approval: **Accounts Payable** of \$400,211.24 through 04/25/07

Motion carried unanimously.

B. LIMITED PUBLIC COMMENT: None

C. CORRESPONDENCE: None

D. SPECIAL PRESENTATIONS:

1. Present **Certificates of Appreciation** to Andy Terhune and the other Boy Scouts who assisted him with his Eagle project, Yuba Creek stream restoration: Kurtz introduced Dan Morrison, Chairman of the YCNA Steering Committee, who presented certificates of appreciation to Andy Terhune and the scouts who worked with him on his Eagle Scout project. They placed bundles of brush in the stream and planted trees to narrow, speed and cool the stream to make it more inviting to the trout population. The project is a success; silt is moving from the creek bottom into the brush bundles and hosting new vegetation. Kurtz read the certificate to Andy Terhune.

Kurtz additionally presented a certificate of appreciation on behalf of the township and the YCNA Steering Committee to Dan Morrison for his leadership regarding the Yuba Creek Natural area and the assistance also provided by his family.

E. PUBLIC HEARINGS:

1. Consider adoption of proposed **Acme Twp. Stormwater Control Ordinance #2007-1** (presented by Kevin Mc Elyea, GT County Drain Commissioner): Several months ago Mr. McElyea made an initial presentation about the ordinance. Since then consensus has been reached on a final and uniform draft by 15 townships in the county. Changes since the last presentation include creation of five sections to the ordinance clarifying when earth change permits are and are not required. Standards allow a deduction from required detention basin sizes for infiltration of water in basins and lawn areas. There are references to specific soil types and topography to distinguish between situational needs. The township may act as enforcement agent for the ordinance if it wishes. Waivers can be granted by our ordinance enforcement officer as well as by the County Drain Commissioner's office if the overall goals of the ordinance can still be achieved. Appeals will be heard by the County Construction Code Board of Appeals.

There is a March 12 memo distributed by developer Bill Clous, rebutted in a March 26 memo from Mr. McElyea. In rebuttal to several of Mr. Clous' key points, Mr. McElyea stated that the goal of the ordinance is to prevent flooding, and it will generate no additional costs over and above those existing today. The ordinance does not over-regulate and is not redundant with existing soil erosion laws at the state level. The requirements come in the form of right-of-way easements and not loss of land and do not create a takings. There will be no increased cost or liability to the township, and the County has never lost a challenge to the County ordinance it replaces. In fact, losses to the township as a whole in the form of a need for taxes to deal with damage caused by flooding can be minimized.

Public Hearing opened and closed at 7:24 p.m., there being no public comment.

Kurtz observed that the ordinance is the result of many months of work and collaboration between the County and attorneys for many municipalities.

Bzdok stated that he has reviewed the proposed ordinance and is comfortable with all provisions save one. He does not believe the township should be a supplemental enforcement agent or have the ability to grant a waiver. These provisions were retained due to a strong preference for the option by Green Lake and Mayfield Townships. He asked Mr. McElyea if there would be a problem with having the township strike those provisions. Mr. McElyea replied that the ordinance can differ in each township, but each differing ordinance requires separate legal notice publication at a cost of at least \$700.00. For the ones that are uniform, the County is willing to cover the cost of one joint publication. Bzdok stated that the matter is not critical, but his preference would be to strike those particular provisions. Kladder asked if the ordinance could be passed as presented and the township could adopt his recommendation as an amendment in a month or so. The amount of space required to republish would be

minimal and would reduce the publication cost significantly. Mr. McElyea pointed out that the ordinance as written does not compel the township to accept supplemental enforcement or waiver responsibility; it simply keeps the option open. Bzdok is concerned because where there is a right to ask for a waiver, a request must be considered. If a request to consider is denied, an appeal must be considered. He reiterated his suggestion to accept the ordinance as written now and amend it in the near future.

Kladder asked why the other communities wanted to retain the local enforcement and waiver option. Mr. McElyea didn't express an opinion as to the specific reasons for each township, but noted that in this matter the County seeks to serve and respect individual township wishes. He personally tends to agree with Bzdok's point of view. Kladder stated that he has been very impressed with the process Mr. McElyea has undertaken to bring this ordinance to fruition. It reminds him of the efforts by his predecessor, Maureen Kennedy Templeton, to pass the original County ordinance this one would supercede.

Zarafonitis asked about the function of flooding easements, which are easements across properties adjacent to subject properties required for the flow of water from an origination point to an endpoint. He also asked about a provision that all reviews will be performed by the County within 10 days of submission, and asked what would happen if the timeframe was not met. Mr.

Motion by Kladder, support by Zarafonitis to adopt Acme Township Stormwater Control Ordinance #2007-01. Motion carried by unanimous roll call vote.

F. NEW BUSINESS:

1. **Establish amount of required bond posted for eventual demolition of cell tower recently constructed in Acme Village per Personal Wireless Services Ordinance Section 7:** Hull reported that part of the process of issuing an SUP for a cell tower such as the one approved recently in Acme Village, we are supposed to receive a bond to cover future demolition costs. This step was inadvertently neglected when the paperwork was being processed. The Personal Wireless Services Ordinance states that the Board of Trustees will set the bond amount. It can be adjusted occasionally for rising costs; he and Bzdok expect to receive a bond with an automatic indexing component to keep up with inflation. The cell tower company has presented a bid for demolition for consideration. Kladder would like to have approval of the bid amount specifically reference an automatic cost index and ensure there is some trigger for periodic review to ensure that the bond size grows sufficiently. Hull suggested that the increase index be tied specifically to telecommunications industry inflation rates. Bzdok is uncomfortable with the ordinance language that provides for later adjustments to the principal amount of the bond; he suggests an original amount be adopted with a specified inflation rate to a certain future point in time. The purpose of the bond is to ensure obsolete equipment is removed if and when necessary in case the tower owner does not perform. If the bond amount is insufficient at that time, and if the cell tower owner is still in business, the township could pursue them further. Hull suggests using the Producer Price Index (PPI) for telecommunications as the benchmark, to be more industry-specific than CPI.

Motion by Kladder, support by Takayama to approve the bond amount as recommended by Cellere \$23,275, ensuring that the bond purchased has a feature adjusting it according to the Producer Price Index for telecommunications. Motion carried by unanimous roll call vote.

2. **Budgetary Considerations**
 - a. **2006-07 YTD Review:** A narrative memo accompanies a spreadsheet with a column indicating budget status through April 19. No cost centers are overdrawn at this time so no budget amendments are needed at this time. We anticipate the need for further

amendments to the current year budget over the next several months and into July as accrued activity occurs.

Kladder noted that in the Planning & Zoning budget there were plans for this year to purchase three versions of updated GIS software, but the memo indicates a willingness to forgo the purchase this year and only purchase one copy next year. He asked why we wouldn't proceed with the expenditure if we are currently projecting a \$35,000 surplus for the current fiscal year, and why we would be cutting down to one copy. Corpe and Kurtz were taking a conservative approach to the remainder of the fiscal year; in particular Corpe was demonstrating a willingness to economize while still obtaining access to a needed software upgrade – a compromise and continuing cautious approach to protect against ending up in a deficit position.

- b. **Preliminary discussion regarding 2007-08:** A detailed narrative accompanies the first draft of a proposed General Fund budget for the coming fiscal year, beginning July 1. The figures represent all allocations requested by all department heads without any attempted reductions. At present the projection would be for a \$44,000 deficit, and discussion is welcomed.

Zarafonitis asked about cost projections for repairs and maintenance from Henkel. Corpe reported that some items were in the current year budget at the same amounts. Some of his estimates are based on past experience, and some may be on the high side but she feels that a conservative approach is preferable to an under-prediction.

There was general concern about the proposed cost of the annual audit provided this week from Plante & Moran. Already two bids have been received without solicitation. The Board would like to bid this out this year.

Kladder is concerned with the projections for state revenue sharing given gloomy projections from Lansing about the state budget, possibilities that funding to townships will be under attack to help balance that budget, and reduced consumer spending. This fiscal year we expect to finally receive about \$10,000 less than projected at the beginning of the year. The projections are obtained from data on the State website that is continually updated and is a scientific approach to the calculation, but it doesn't reflect anticipated political impacts.

Kladder realizes that the clean-up day is a very popular service, but he is concerned about keeping the costs under control. The township helps to manage the cost by allowing one free load per household, with extra loads paid for by the user and extra fees for tires and batteries. The cost and amount of trash being taken in have been relatively consistent year to year. Takayama feels that it may be a costly program but it prevents environmental degradation. We also need a better county-wide solution to the trash issue and obtaining better service for a lower cost. Perhaps it's time to resurrect discussions regarding a township-wide and/or multiple township trash service contract.

Kladder is concerned with the level of spending to maintain our cemeteries versus the cash flow. The projected budget is over \$4,000, but our lots currently only cost \$100 each. We should look at ways to manage cemeteries better and in a more economically viable. Perhaps there should be place for cremains in a mass monument. Corpe observed that most of the costs are related to a multi-year project to fence in Acme Cemetery to keep golfers out. Kladder would like to have the township explore creation of a permanent endowment fund for cemetery maintenance and improvement.

Zarafonitis asked why both the “Planner Services” and “Planning Consultant” have budgets proposed when one was empty before. Corpe responded that over the years we occasionally accidentally create duplicate/surplus line items. Since we had one in this case, the proposal is to segregate proposed general planning consulting expenses from the amount the Board allocated towards working with RTKL on a town center master plan/design to track each separately. Boltres observed that the township has received \$25,000 from the Tribe as a grant towards the project, and we should plan to spend half of the \$50,000 allocated towards RTKL from the segregated grant fund. The line item in the General Fund for RTKL was cut in half to \$25,000.

Corpe noted that this year there was somewhat over \$16,000 in a “Reimbursements” line item under revenues. Most of this came from payments from the school districts for collecting their taxes. We have projected that approximately \$13,000 will come from this source again in the coming fiscal year, which was added to the revenue projection budget.

Corpe also noted that under Other Expenses comes the line item for TCTV2 funding. At the current time no contribution has been projected. During the past few years the township has contributed 30% of cable franchise receipts. In recent months there has been debate about whether or not to continue funding. The decision was made to finish out the commitment for the current fiscal year, but to suspend contributions until marked improvement in TCTV2 operational efficiency was demonstrated. To date this has not occurred. If the township does not contribute, its citizens cannot produce programming on the channel. There is no minimal contribution or sliding scale that provides a partial response. Bill Vockel is a Long Lake Township resident. Long Lake just opted out of contributions, so he can no longer be a program producer on the station. A few months ago we received a list of registered users from the township, but no way to know how active each is. If we stop contributing they would also stop filming and airing our meetings. Richard Lewis, City Manager, is trying to set up a new governmental channel but it hasn’t been finalized yet. The City needs to decide how to allocate programming funding as a preliminary step. The County has indicated it might like to participate with a governmental channel. Inman stated that Charter Communications said they would have a grant to wire the Commission chambers to record meetings but do date this has not occurred. The County Commission is waiting to see how the townships and City handle their franchise fees and programming funding going forward, and will then decide whether to continue to fund TCTV2 or contribute towards a new governmental channel. County Administrator Dennis Aloia has met with Richard Lewis several times to discuss the matter. Scott wondered who originally proposed that everyone contribute 30% of their revenues. Mr. Vockel stated that the original contract was created about two years ago. At that time the newspaper indicated this amount was up from 20% formerly when the 2005 contract was negotiated. \$0.30/month is collected by Charter per subscriber and turned over to CCCC to be used only for capital expenditures – purchase and installation of equipment. CCCC recently retroactively approved installation of some equipment in the local schools. Capital equipment purchased for a government channel could come out of that pocket of money, which Mr. Vockel estimates at about \$100,000 totally separate from the operating fund. Garfield Township just had equipment installed before the CCCC approved it. The Board confirmed their intent to opt out at this time.

Regarding the Capital Improvements cost center, it was suggested to eliminate funding for an enhanced PA/recording system for meetings at the township hall. Also eliminated was funding for a new sonde for the water testing equipment. After discussion with Bob Carstens, who does the water testing, Kurtz and Corpe feel the need can be addressed by purchasing a \$300 new part during the current fiscal year as

a repair and maintenance expense. This line item was dropped from \$17,000 to \$5,000.

Boltres questioned the need for the proposed spending in YCNA. He does not believe there are many users. Corpe reported that total expenditures this year have been about \$400 for an annual purchase of seedlings from the Conservation District for reforestation. Next year they plan to plant more trees and replace broken down boundary fencing along Yuba Road. Boltres and Scott suggested funding these items from the new Parks & Recreation fund that will contain oil and gas revenues.

Takayama feels that the estimate for a rotary broom is excessive for an attachment – he has never paid that much. A used one could be researched. The Board also suggested that for the number of times per year it would be used, it would be much less expensive to rent a unit as needed. Boltres believes the entire Parks & Maintenance list of expenses should be scrutinized more closely with Henkel.

The Board felt it would like to have one additional discussion meeting prior to the public hearing. The date for the work session will be Tuesday, May 22 at 7:00 p.m. with a goal of holding the public hearing for budget adoption at the June 5 meeting.

After discussion this evening, an approximate \$5,000 budget surplus was projected.

3. **Consider approval of annual Contract for Services Agreement with Grand Traverse Regional Land Conservancy for Brian Bourdages, Farmland Preservation Specialist:** The proposed contract is identical in form and amount to the current fiscal year.

Motion by Zarafonitis, support by Dunville to approve contract as presented.

Kladder is on the township and County Farmland Preservation Boards. The Conservancy has been working closely with them, and is working particularly hard right now to attract matching funds for millage proceeds. He is very supportive of the contract.

Motion carried by unanimous roll call vote.

G. OLD BUSINESS: None

H. REPORTS:

1. **County Commissioner's Report – Larry Inman:** Kurtz recalled that at the last Board meeting we approved a letter to the Bureau of Indian Affairs regarding the tribal trust status application. He hopes the County, Whitewater and Acme Townships will work closely together on this matter, and asked if the County has any news. Inman reported that Tribal Chairman Bob Kewaygoshkum has arranged a meeting with Dennis Aloia next Tuesday to discuss some of the concerns raised in the three municipality letters and how to proceed to address them. Inman will be unable to attend, but he has expressed to Mr. Aloia a preference for all four governments to work together simultaneously rather than separately. Inman will report further upon his return. They have had no response from the BIA but are unsurprised, since the expected next step was for the BIA to forward the letters to the Tribe and for discussions on how to work together to move forward from there.
2. **Parks and Maintenance – Tom Henkel:** Received and filed.
3. **Sheriff's Deputy – Bob Sillers :** Received and filed.

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

Nels Veliquette addressed the budget items proposed by Henkel and discussions about them. He feels

strongly that if resources from an area are going to be developed or exploited, the returns on those resources should be reinvested into that area. It happened that the request for funding for YCNA expenses in the coming year were met with a suggestion to fund them from the YCNA oil & gas lease resources, but it seemed somewhat random. He hopes that a policy will be codified. A budget for YCNA could be developed and started with funding of the endowment that was originally promised but never received. The YCNA Steering Advisory could recommend how to administer the fund.

Kladder observed that at the last meeting there was discussion on what to do with the money, and wondered if the YCNA Steering Advisory could provide a recommendation. Dan Morrison, the Chairman, stated that consensus should not be reached. Thousands of trees have been planted already, and more should be planted. Some fields will need to be mown. The wire fence along Yuba Road is in disrepair and is not only an eyesore but dangerous. He took exception to Boltres' assertion that few people use the natural area. He said the YCNA does not need a lot of money year-to-year and will not going forward. He agrees with Mr. Veliquette personally that the money received plus any future funds will be dedicated towards the YCNA.

Kladder agreed that the township was promised an endowment fund for the YCNA, but when the time came there was not enough money. Takayama agrees that revenue generated by parks should be used for the parks, but he's uncertain it would be a good idea to restrict the money to one park that may not need it when it could be applied to good advantage elsewhere.

Hull disagreed with Mr. Veliquette. He feels the township needs to invest money where needs are most critical. For instance, in his opinion the Zoning Ordinance is in desperate need of wholesale revision. It is difficult to work with in his official capacity, and he hears in the community that it is a deterrent to people looking for places in which to invest. The work he proposed to budget this year is a very minimal step forward.

Meeting adjourned at 9:04 p.m.