



**ACME TOWNSHIP REGULAR BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
6:30 p.m. July 3, 2007**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 6:30 p.m.**

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

**Motion by Takayama, support by Dunville 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 6:32 p.m.**

**Motion by Takayama, support by Dunville to resume public session at 7:11 p.m. Motion carried by unanimous roll call vote.**

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

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

**A. CONSENT CALENDAR:**

**Motion by Dunville, support Zarafonitis by to approve the Consent Calendar as amended to remove approval of the 06/26/07 special Board meeting minutes for further discussion, including:**

**RECEIVE AND FILE:**

1. **Treasurer's Report** as of 05/31/07
2. **Clerk's Report** as of 06/29/07
3. Draft Unapproved Minutes of
  - a. **06/25/07 Planning Commission**

**ACTION:**

4. ~~Consider approval: **06/26/07 special** Township Board meeting minutes~~
5. Consider approval: **Accounts Payable** of \$ 50,556.08 through 06/29/07
6. Consider **Resolution #R-2007-11 supporting County Equalization/GIS Rotary Charities** grant application
7. Approve **formal notification of withdrawal letter to Cherry Capital Cable Council**

**Motion carried by vote of 5 in favor (Dunville, Kurtz, Scott, Takayama, Zarafonitis) and 1 opposed (Boltres).**

**B. LIMITED PUBLIC COMMENT:**

Andy Andres Sr. stated that with a court hearing going on, how can zoning ordinance amendments be considered? Bzdok stated that the township is creating zoning amendments to fix problems with the business district ordinances and to provide three new options for residential development. None of the amendments are directly tied to anything going on in the court cases. If the court cases are decided in the township's favor nothing different than today will occur. If the court cases are decided against the

township the court will dictate what will happen next.

Debbie Oliver, Springbrook West, is present to thank the Board for considering a resolution in support of keeping Bertha Vos open. While the parents generally haven't been very vocal they all support keeping the school open and worry about the effect of a closing on local property tax values. She asked when would be an appropriate time to pose questions about the proposed resolution. The resolution seems to counter the points the School Board is considering to decide on school closings. She believes the costs per square foot for renovations may be at low end rather than the high end as stated according to the school's charts. As to walkability, she agrees with the statement but suggested that an additional point be made that many modern parents choose to drive their children to school even if they can walk or ride the bus for the sake of safety and parent involvement. As to the availability of surrounding land for potential school expansion she agrees with the statement that expansion would likely occur within the existing school grounds, but perhaps we could amplify to indicate that there is more than enough room to do so. In proximity to non-TCAPS schools we state that it's likely children would go to Mill Creek before Courtade or Cherry Knoll; she believes we should add mention of Traverse Heights, the farthest school to which their children might be bussed. She asked what parents can do to help support the Board's efforts; Dunville asked that people show up for the June 9 school board meeting at the Boardman Avenue administration building at 6:30 p.m. prepared to be respectful and to speak in support of the school. Takayama suggested also writing as many letters as possible as soon as possible.

**C. CORRESPONDENCE:**

1. **Document from Andy Andres Jr dated 06/25/07 entitled "Is There One Acme for All of Us...your invitation to a conversation."** Received and filed.

**D. SPECIAL PRESENTATIONS:** None

**E. PUBLIC HEARINGS:**

1. **Proposed Zoning Ordinance Amendment #138, PUD and Development Options :** Hull reported that the proposed ordinance amendment would create three land development options attempting to somewhat modernize the ordinance, conserve land and provide developers with additional flexibility. The Cluster Housing option speaks to a requirement in the state enabling legislation that requires we provide a way for landowners to cluster their housing on 50% of their land and leave 50% in conserved open space. One application would be on properties where steep slopes, wetlands or other important natural features could be set aside as permanent open space. Conservation Subdivisions are similar to traditional subdivisions but allow for preservation of significant open area. Planned Unit Developments will allow for a wide range of options, replacing the current Open Space Development (OSD) and Mixed Use Development (MUD) options. It would allow for a mixture of land uses on a wider range of properties than currently permitted.

At the June 25 Planning Commission meeting, one commissioner noted that automatic housing density bonuses currently in place for using our existing OSD ordinance are not part of the proposed new ordinances. As constructed, these provisions could add 20% to 50% to the total current potential township buildout. The new ordinances provide potential that does not currently exist in the ordinance for landowners to transfer development rights from properties in certain areas of the township to more central areas of the township, something currently allowed by state law only within the context of a PUD. The question raised on June 25 came up suddenly, and the Commissioners did not have available to them the history of their thought process on the matter. Hull stated that a sort of "panic" occurred leading to a recommendation that density bonuses be reestablished in the proposed new ordinance.

Planning Commission Chairman Vermetten did not concur that there was a panic, but that having a commissioner bring up the issue without the documentation of the process at hand for their review they were unprepared. Rather than providing a "knee-jerk" conclusion to the

Board, they would like to take a more reasoned approach. Vermetten has reviewed minutes and memoranda from staff and legal counsel from June 2006 forward and has established an understanding of the thought process involved in crafting the ordinance as presented. Now that the Commissioners have had time to more fully evaluate the issue they should be prepared to discuss it further at their July meeting. Vermetten is asking the board to table the ordinance adoption until the Commission has time to perform their additional review and clarify their recommendation to the Board for action.

**Motion by Scott, support by Dunville to table Zoning Ordinance Amendment #138 pending further input from the Planning Commission.**

Takayama, as a Planning Commissioner who studied this matter, feels that some sort of density bonus would inspire developers to make use of the ordinance. It could also create a patchwork pattern of development. He would prefer to see bonuses based on the creation of continuous open spaces rather than fragmented ones.

**Motion carried unanimously.**

2. **Proposed Zoning Ordinance Amendment #139, Business District Regulation amendments:** Hull reported that currently almost every land use in a business district requires a Special Use Permit, and a lengthy hearing process with associated expenses. Proposed Ordinance Amendment #139 reorganizes districts, leaving all uses in each district in-tact without addition or subtraction while enhancing readability. It also reclassifies some uses that currently require an SUP and makes them uses by right, whereby the Planning Commission can review a site plan to ensure that standards are met and take action in an expedited process.

On the meeting tables this evening is a marked-up version of the ordinance prepared by Hull to clarify sentence structure. He also asked if the Board desires to take time to discuss the variety of uses and whether they feel they have been appropriately re-classified as use by right or SUP.

**Public Hearing opened at 7:43 p.m.**

Margy Goss, 4105 Bay Valley Drive thanked Hull for his description of the ordinance amendments. As she reads the proposed amendment she sees the use by right designation being granted to certain sorts of businesses on a repetitive basis, but that some of the uses most desired in the township would still require an SUP and more expensive and time-consuming process. She is not sure that Acme should fill up with businesses that are easy to open rather than truly essential businesses. Mrs. Goss suggested that the Board should discuss the classification of land uses and then open up the matter to public hearing.

**Public Hearing closed at 7:45 p.m.**

Zarafonitis asked about restaurants as a use by right in the B-3 district, but not fast-food restaurants, and asked why the distinction. Fast food facilities generate a different level and pattern of traffic that may warrant more detailed review. In the B-4 district, he asked why production and processing would not be a use by right. Hull did not have an opinion, stating that consultant John Iacoangeli suggested this classification but was unavailable to attend this evening. He speculated that production could have issues not associated with warehousing such as traffic (delivery of raw goods and transport of finished goods) or environmental concerns (smoke, noise, chemicals in production materials and processes. Bzdok stated that this is correct and a fairly typical division for a zoning ordinance.

Hull stated that one hand he would like to see the Board adopt the ordinance this evening, but

it would be well for the Board to consider these choices carefully so a motion to continue until next month could be in order as well. The matter has been reviewed extensively by the Planning Commission, township counsel and the County Planning Commission. Zarafontis generally supports the proposed changes and asked for Vermetten's comments. Vermetten stated that the ordinance has been reviewed extensively and cooperatively between staff, commissions, consultants and counsel. Scott stated that he would be concerned that there be some oversight still exercised over uses by right by the Planning Commission, and Hull and Vermetten confirmed that this will be the case. It will not be a solely staff-level approval such as is given for construction of a house in a residential district.

**Motion by Scott, support by Takayama to adopt Zoning Ordinance Amendment #139 as presented.**

Bzdok observed that any mention of cell towers has been removed from the business district ordinances. The Personal Wireless Services Ordinance governs them and needs to be revised. As part of this process a survey should be done to establish where in the township towers are needed to provide service coverage. This would have to be addressed promptly, as temporarily they are not provided for in any district.

**Motion carried by unanimous roll call vote.**

**F. NEW BUSINESS:**

1. **Consider appointments to fill Planning Commission terms of office expiring 07/15/07:** The three terms up for appointment this year are currently held by Matthew Vermetten, Erick Takayama and John Pulcipher. Vermetten is seeking reappointment, but Takayama and Pulcipher are not. Kurtz thanked both retiring gentlemen for their service. Kurtz is reappointing Vermetten. Takayama is the current Board representative to the Commission and must be replaced with another Board member; Kurtz is appointing Kladder who is willing to serve although absent this evening. To replace Pulcipher, Kurtz is appointing third-generation fruit farmer Doug White to provide agricultural perspective to the Commission.

**Motion by Dunville, support by Scott to appoint Matthew Vermetten, Wayne Kladder and Doug White to three-year Planning Commission terms of office. Motion carried by unanimous roll call vote.**

2. **Consider appointment to fill ZBA term of office expiring 07/15/07:** Kurtz is reappointing LouAnn Brohl to a full three-year ZBA term.

**Motion by Dunville, support by Scott to appoint LouAnn Brohl to a three-year ZBA term of office. Motion carried by unanimous roll call vote.**

3. **Consider Resolution #R-2007-12 establishing annual Farmland Preservation funding availability:** As part of the budgeting process a Farmland Preservation Fund budget was established. According to the PDR ordinance an annual resolution establishing funding must be made. The proposed amount in the resolution matches the amount approved in the budget last week at \$500,000. This is approximately half of what will have been collected from the millage including on the December 2007 tax bills. The Farmland Preservation Advisory has recommended this approach to ensure that there is always money in the bank for opportunities that may arise.

**Motion by Zarafontis, support by Takayama to adopt Resolution #R-2007-12. Motion carried by unanimous roll call vote.**

4. **Consider Resolution #R-2007-13 amending existing Fire Protection Special Assessment**

**District to become a comprehensive Emergency Services Special Assessment District:**

The Public Safety Advisory has recommended adding police protection to the existing fire protection special assessment district, creating a unified emergency services district. Under PA 33 of 1951 the district could not fund ambulance service, but Metro Fire is looking at reorganizing under PA 57 which would provide for ambulance service in the future. Metro Chief Parker stated an understanding that our Public Safety Advisory has advocated this move for about two years.

Takayama asked if he correctly understands that the proposed resolution sets the budget for the coming year. The budget and assessment rate will be set by separate resolution in the fall once the annual Metro Fire Budget amount is known.

**Motion by Zarafonitis, support by Dunville to adopt Resolution #R-2007-13. Motion carried by unanimous roll call vote.**

5. Consider **Resolution #R-2007-14 urging TCAPS to keep Bertha Vos Elementary School open:** Kurtz observed that the Board asked for a resolution supporting the school to be prepared for review at the June 5 meeting. A proposed draft has been presented for consideration. The Board concurred with the changes suggested by Ms. Oliver earlier in the meeting.

**Motion by Takayama, support by Scott to adopt Resolution #R-2007-14 with changes as discussed. Motion carried by unanimous roll call vote.**

6. Consider approval of the **06/26/07 special Township Board meeting minutes:** Mrs. Goss stated that Steve Smith is unable to attend this evening. At the last meeting he read a letter into the record. Last Friday afternoon he faxed a letter to the township (which is accessible through the hyperlink at the beginning of this paragraph along with the minutes and is available at the township hall) objecting to the characterization of his comments in the draft minutes and asking that only text of the letter he read be included in the minutes. The fax was addressed to Dorothy Dunville but arrived at the township after she left the hall for the day. Mrs. Goss stated that this is the third item the VGT has presented to recent meetings that has not been listed as correspondence. She believes that it is important for the people of Acme Township to understand why RTKL has resigned from participation in the Acme Township planning process. She asserted that these reasons were spelled out in an RTKL letter attached to Mr. Smith's letter. Mrs. Goss stated that unless a person researches diligently they cannot find the information and township citizens will remain ignorant of what has occurred regarding this matter. She stated that Mr. Smith has asked to not have his statements interpreted by the Recording Secretary, but to have the text of his letter included in the minutes.

Kurtz stated that he is aware of no occasion when the text of a letter has been included in the minutes of a meeting. He believes that Corpe does a good job of taking minutes and that Mr. Smith was not quoted incorrectly. Bzdok stated that Mr. Smith's letter is "very inaccurate" but Mr. Smith sent it in and asked that it be incorporated. Bzdok noted that the letter is readily available through a hyperlink in the meeting minutes on the township website. He agreed that the full text of letters is not included in minutes. If a change is made at all, which is not necessary, it be to state only that the letter was read with the letter available through the hyperlink. The Board generally favored this latter approach.

Mrs. Goss believes the township should actively inform the township of RTKL's resignation from the facilitation of a town center planning project. She stated that VGT "held everything up" in an attempt to seek a resolution. Bzdok stated that RTKL did not resign from the township's employ, but from employment by VGT and Meijer. Any confidentiality agreements to which she may have referred were insisted upon by lawyers for VGT and

Meijer and over the objections of the township Board. He encouraged the Board to agree to them to move the process forward despite their reluctance because otherwise there never would have been any discussions. He characterized the statements regarding the confidentiality agreements as “hypocritical.”

Mrs. Goss expressed concern that the minutes might only be available on the website for a very limited amount of time. Corpe replied that several years’ worth of minutes are currently available on the website, and the only time older ones have been removed has been due to lack of space. The past 2-3 years worth of minutes contain hyperlinks to packet materials. Board minutes can be found by going to the Board of Trustees page on the website and clicking on a “minutes” button. This takes one to a minutes page with a clickable list of meeting dates. People can also always obtain paper copies through the Clerk’s office.

**Motion by Boltres, support by Takayama to approve the minutes of the 06/26/07 special Board meeting as originally drafted. Motion carried by unanimous roll call vote.**

**G. OLD BUSINESS:**

- 1. Continued discussion regarding monthly sewer usage charges:** At the June 5 meeting, discussion about a proposed monthly sewer usage charge increase centered on moving from \$19/month to \$28/month. However, a motion on a resolution to enact the \$28/month rate on June 26 failed for lack of support. Additional discussion is necessary. DPW Director Chris Buday is present this evening. Kurtz feels that \$28/month is the minimum necessary monthly charge to meet our bond and operational obligations.

Zarafonitis continues to feel that \$28/month is not as difficult for a residence using one benefit as for a business which uses multiple benefits and pays multiples of the proposed increase per month. Kurtz is concerned that even with that level of fee increase there will be an insufficient cushion in the sewer fund to meet an unforeseen emergency.

Mr. Buday stated that the issue at hand predates the current township administration; he spoke to past administrations about the need and feels it should have been done long ago. He realizes it is a difficult step, but the situation won’t improve with time. When the DPW system was created in the 1970s it was created with two components: the benefit sales fee and the monthly user fee. Other local townships have increased user fees or are currently evaluating user fee increases as benefit sales are flat across the region. Zarafonitis also observed that as users are added to the system operational expenses rise as well. As of yesterday the standards for the treatment plant were made stricter by the state because it cleans the water so well – where we used to exceed the standard now we will be meeting it. We use a three-level treatment process that sets the standard for other communities.

Takayama originally supported an increase to \$28/month. He asked if people are generating higher volumes of wastewater than they used to; Mr. Buday stated that the volume of wastewater hasn’t increased significantly but the strength of the waste has. To some extent the strength of the waste has been constant but was never measured as carefully before as it is now. Anything that is not a clear liquid adds to waste strength. Low-volume flush toilets surround solid wastes with less water. Takayama asked about the effect of cleaning chemicals on the waste stream and Mr. Buday confirmed that they do have an impact.

Scott asked about setting a tiered payment schedule with an initial new monthly rate and an additional increase pre-set for a specified future date. Looking at the cash flow projections it appears to him that a \$25/month rate could see us through December 2008, and an increase to \$30/month could be pre-set for January 2009. Dunville believes that the township should revisit this issue at least annually as recommended by the Michigan Townships Association. Kurtz believes that right now we need to be reviewing the rates every six months. Bzdok recommended against trying to establish future increases at this time.

Scott favored the minimum increase necessary to see us through 2008, which according to the cash flow projections would be \$25, and reviewing in a year or year and a half. Takayama favors six month reviews for the time being. Kurtz observed that in December the Board will be reviewing the proposed 2008 DPW budget and this may have an impact on thoughts about further increases.

**Motion by Scott, support by Zarafonitis to adopt Resolution #R-2007-15 setting sewer usage fees at \$25/month effective October 1, 2007. Motion carried by unanimous roll call vote.**

2. **Potential Resolution #R-2007-16 granting conceptual approval to lease portion of Keystone Road future sewage treatment plant site for recreational uses:** When discussed at the June 5 meeting, the Board asked Kurtz to gather more information. Kurtz understands the proposed resolution to only permit further negotiations regarding a recreational lease of the Hoch/Keystone Road property, and all townships would have to approve any eventual proposed lease agreement that might be developed. Takayama reiterated a concern that the township might bear the cost of creation and maintenance of any potential rugby fields. Mr. Buday stated that the details have yet to be negotiated. He believes the intent of the rugby club is that there be no cost to the DPW or member township, and that they would develop other community recreational opportunities such as a sledding hill as well. Boltres believes that any determination should be deferred until a firm proposal is on the table. Takayama is concerned about what might happen if this resolution is adopted but a subsequent plan is not acceptable to the township. Will they have believed that we had already given our assent? He would prefer not to adopt the proposed resolution unless and until township counsel has reviewed and amended the resolution if and as needed to ensure that there would be no cost to township citizens. Bzdok suggested a motion indicating a willingness to entertain a proposal for a rugby and recreational facility when and if presented. He believes that the requested resolution is overkill.

**Motion by Takayama, support by Boltres to communicate to the DPW that Acme Township is willing to consider a proposal for use of the 40-acre westerly portion of the Keystone/Hoch Road future sewage treatment plant for a rugby/recreational facility. Motion carried by unanimous roll call vote.**

## H. REPORTS

1. **County Commissioner's Report** – **Larry Inman:** received and filed
2. **Parks and Maintenance** – **Tom Henkel:** received and filed.
3. **Sheriff's Deputy** – **Bob Sillers :** received and filed. Deputy Sillers indicated that his two-year minimum commitment to the CPO post is up and he has elected to return to general road patrol. He has learned much in Acme and enjoyed his time here, but feels it is time to move on for his professional development. He introduced incoming CPO Deputy Mike Matteucci who will start work July 23 during the National Governors Association Conference. They will be scheduled to work one day together in the interests of a smooth hand-off. Deputy Matteucci is an Acme resident, which hasn't happened since Deputy Fewless served in the post 68 years ago. Kurtz and the whole Board thanked Deputy Sillers for his excellent service to the community.

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

Noelle Knopf, 5795 US 31 N returned to the matter of the June 26 minutes. As someone who used to create minutes she feels there is a fine line between paraphrase and interpretation. She felt that it would have been better to limit the comments in the minutes to stating that the letter had been presented rather than paraphrasing the comments offered.

Andy Andres, Sr. asked how many Board members have reviewed the presentation provided by his son. The presentation was made on Andy Jr's initiative and was sponsored by local businessmen. Mr. Andres feels that if the dispute with Meijer had been worked out by now there would be no problem with the sewer fund and perhaps a rate increase would not be needed. Perhaps there should be more discussion with many different landowners in the community about common issues. Years ago neighbors would work out disputes through discussion and negotiation. Mr. Andres provided an example of a dispute between his family and the Rolle rt family over a common boundary line. He feels that the Board no longer operates in this fashion, and that trying to get people of differing opinion to sit down and talk is the point of his son's efforts. To him this would be preferable than paying attorneys to engage in litigation. Perhaps this would also solve concerns about the school closing by bringing new people to support the school to the community. Unless there are cooperative discussions, things will continue to get worse.

**Meeting adjourned at 9:06 p.m.**