



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
November 13, 2007 6:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 6:03 p.m.

Members present: B. Boltres, D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, F. Zarafonitis
Members excused: None
Staff present: S. Vreeland, Township Manager/Recording Secretary
C. Bzdok, Legal Counsel

Motion by Takayama, 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 in 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.

Regular meeting recessed at 6:06 p.m.

Motion by Takayama, support by Zarafonitis to reconvene the public meeting at 7:03 p.m. Motion carried unanimously.

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 Dunville, support by Scott to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 09/30/07
2. **Clerk's Report** as of 11/07/07
3. Draft Unapproved Minutes:
 - a. **10/16/07 Special Planning Commission** meeting
 - b. **10/29/07 Planning Commission** meeting
 - c. **10/24/07 Shoreline Advisory** meeting minutes
4. Refund from GT County Road Commission: (annual bringin came in under estimates/prepayment)

ACTION:

5. Consider approval:
 - a. **10/02/07** Township Board meeting minutes
 - b. **10/23/07** Special Board meeting minutes
6. Consider approval: **Accounts Payable** of \$352,022.91 through 11/07/07

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT: None

C. CORRESPONDENCE:

1. **10/31/07 letter from County Treasurer Bill Rokos** regarding short term advance to meet septage treatment plant bond payment due 11/01/2007: received and filed
2. **10/30/07 Michigan Agricultural Fund qualification letter** from Richard Harlow, State of

Michigan Farmland & Open Space Preservation Program Manager: Kladder commented that it has been three years since the township voters approved a millage for farmland development rights purchases. Since that time we have been working on becoming qualified for grant funding. State funds are scarce, but the new federal bill will provide funding for Michigan and this was a crucial step in being eligible. Because we also have matching funds available from the millage our chances of success are enhanced.

3. **Letter dated 10/13/07 from Clare David, Planning Commissioner:** received and filed.

D. SPECIAL PRESENTATIONS:

1. **Grand Vision Regional Planning project update – Matt Skeels, TC-TALUS:** About 500 people attended a session on October 17 at the Park Place Hotel. Mr. Skeels is encouraging all the citizens of the township to become involved in the process. Various state legislators helped the region redirect over \$3 million dollars originally earmarked to study the Hammond-Hartman bypass to a regional transportation and land use study. It took over a year to prepare an agenda for the project, with inclusion of a variety of local agencies. Acme Township has contributed their assessed share of the project costs towards a required local 20% match. Visit www.thegrandvision.org for additional information. The Board and Planning Commission are invited to a meeting with the project consultants on December 6 from 8:00 – 9:30 a.m., probably at the Traverse Area District Library on Woodmere Avenue. This is an opportunity to ask questions of the nationally-recognized consultants.

Kladder attended the October 17 meeting. He was amazed at the number of people in general, and noted over 20 people from Acme alone. He hopes that at future meetings there will be more room for people to move around. Mr. Skeels said the next three sessions will be geared towards smaller geographic areas. The meetings are open to everyone but the hope is that a more manageable size crowd will come. They also were told that the meeting space would hold about 500 people when in reality about 300 would have been idea. Staying involved and vocal is critical to creation of the plan, and there is funding available for implementing the plan rather than just creating a study to put on the shelf. The contract for the study is for just over \$1 million of the \$3 million available, leaving \$2 million to kick off the implementation phase.

E. PUBLIC HEARINGS:None

F. NEW BUSINESS:

1. **Consider approval of SUP/Site Plan Application #2007-01P, Bart Nielsen/Cherryland Dairy for construction of a cheese factory/retail store at 9018 US 31 North:** Mr. Nielsen and Dave Rowe from Inland Seas Engineering presented the application. Mr. Nielsen is a second-generation Wisconsin cheesemaker who also attended the NMC Maritime Academy and became enchanted by the Grand Traverse Region. He described his fondness for the area and his project, which has been a goal he has worked towards for seven years.

Mr. Rowe displayed the site plan for the proposed project. There are two existing houses on the property, one of which would be demolished along with an old garage to make way for a new-construction cheese factory. The Nielsen family would occupy the remaining, northern historic farmhouse. A northbound deceleration lane would be provided on US 31, leading to a paved parking area. Mr. Nielsen displayed and explained the floor plan. Cheese production would occur 4 days per week. An outbuilding will house a high-pressure steam boiler and an electrical room, with storage. There will be about 10 permanent parking spaces.

Kladder noted that they expect anywhere from 20-240 cars/day depending on season to visit the site, and that this is a broad range. Mr. Nielsen expects January-March to be the lightest months and the mid-summer to fall the heaviest. There would be three total employees. Mr. Nielsen stated that a grassy area inside the turnaround could be used for overflow parking if needed. Hardin stated that the Planning Commission has agreed in the past to grassy overflow

parking areas. Kladder expressed some concern that the overflow would be needed – three months or more – is great. Mr. Nielsen stated that most visitors will not linger for very long periods of time at the store; those who know what they want and where to find it will be in and out under 6 minutes based on his and his wife’s experience running an Amish cheese store before. At most he’d estimate 15 minute visits. Kladder asked if there might be tour busses and where they would park; Mr. Nielsen hopes there will be and is comfortable that they will find a place to maneuver and park on the site. There is a blacktopped area near the house to which busses or campers could be directed.

Kladder asked for some discussion about the east half of the property. The entire property is surrounded by the Yuba Creek Natural Area, and he is aware that there was potential discussion in the past about potential acquisition of the east half of the property by the township to add to the YCNA. It was Mr. Nielsen’s intention originally to have the township assume ownership of the east half of the property, which slopes down into the natural area. He and Matt McDonough from the GT Regional Land Conservancy (GTRLC) walked the property and decided that the best option would be for a no-build easement be placed on the easterly 2.5 acres of the westerly half of the property. The project would use an on-site wastewater treatment system, the design for which has received DEQ approval. The DEQ placed a limit on the amount of water discharge based on land area, and the requirements applied to the original plan would have allowed only 12 days of cheesemaking per month – too few for his needs - whereas providing a larger land area for water dispersion will allow for 22 days of cheesemaking which is slightly over what Mr. Nielsen is proposing. He needs more land area to accomplish this, and Bzdok did not feel the township should take an easement on land used for a wastewater drainage system. Mr. Nielsen is proposing currently that the Conservancy acquire a 10-year option on the eastern portion of the property and that he reserve a certain number of pennies per pound on cheese produced so that over time the easement can be purchased. The Conservancy is willing to pay \$50,000 for an easement over 7 of the 11 acres.

Takayama asked if ice cream counters are common at cheese factories; Mr. Nielsen says it is. Contrary to the statement in Hull’s report to the Board, he has mentioned incidental ice cream sales in his business plan to the township from inception in January. He cited Jilbert’s Dairy in Rudyard as having ice cream, as well as several other dairies in Marquette and Kewenaw. It’s not a huge money-maker, but he feels it is expected by dairy patrons. Zarafonitis noted that this may lengthen the average customer visit.

Takayama compared the project in his mind to the Amon Farm Market; Nels Veliquette stated that the customer service area at Amon’s is about 900 sq. ft. indoors. The proposed cheese market would be 270 sq. ft. or slightly larger due to a redesign required by the Health Department for separation of the retail and production areas. The Amish store he managed had a retail area just over 100 sq. ft. and found it an efficient way to move more product per square foot. He feels that larger stores have wasted space and lose focus by adding too many miscellaneous items that detract from the cheese.

Motion by Boltres, support by Scott to approve Special Use Permit/Site Plan #2007-01P. Motion carried unanimously.

Boltres asked what this would do to the residential development approved for this property; the cheese factory would completely replace it.

2. **Certify ballot language for referendum on proposed Zoning Ordinance Amendment #138:** We should find out tomorrow if there will still be a primary election on January 15 or if the election date would move to February 2008.

Motion by Zarafonitis, support by Boltres to adopt Resolution #R-2007-20 setting the Zoning Ordinance #138 referendum ballot language as presented. Motion carried

unanimously.

3. Consider **contract with Cedar Consulting** to amend Farmland Preservation Program appraisals: Vreeland summarized her memo. Tim Johnson of Cedar Consulting was present to answer any questions. Kladder asked what the timeframe for completing the additional work would be; Mr. Johnson asked what would be needed. Kladder is sensitive to grant application deadlines.

Motion by Takayama, support by Scott that a contract with Cedar Consulting in the amount of \$3,200 for revision of the after-conservation easement appraisal of the values of the four properties that have applied to the township PDR program be approved Motion carried by unanimous roll call vote.

4. **Appoint one Board Member to serve as a Planning Commissioner:** Kladder was the representative until he became Supervisor. Hardin is already a Planning Commissioner, so Kladder would like to appoint him to fill the mandatory dual Board/Commission role.

Motion by Zarafonitis, support by Takayama to appoint Hardin as Board representative to the Planning Commission Motion carried unanimously.

5. Consider proposed **Memorandum of Understanding with GT Regional Land Conservancy** for assistance with Shoreline Preservation project: A revised copy of the proposed MOU was provided on the tables, amending numbered paragraph 3 to remove any reference to “polling data” which the township will not collect.

Motion by Takayama, support by Zarafonitis to approve the Memorandum of Understanding. Motion carried unanimously.

6. Consider **asking East Bay Township to allow Acme landowner access to East Bay Compactor Station and/or holding shared annual clean-up day:** Vreeland summarized her memo. If desired, Acme can ask East Bay to consider discussions regarding Acme landowner access to the East Bay trash compactor station, and perhaps also a shared annual clean-up day.

Motion by Zarafonitis, support by Dunville to request Acme access to the East Bay Township compactor station and annual clean-up day. Motion carried unanimously.

7. Consider **formation of a Personnel Committee:** Kladder is proposing a committee, similar to those enacted by former Supervisor Bill Kurtz to examine various township issues. As proposed a Personnel Committee would be made up of Board members, and would continue the work started by Dunville to develop and periodically review personnel policies. The committee would also examine the staffing structure, wages and benefits and would administer staff performance reviews.

Zarafonitis asked how the draft personnel policy is coming along; one of the first tasks of the committee would be to complete a review and revision of the draft. Another issue will be examining Tom Henkel’s job responsibilities, as he will be replaced as the station Captain (by his choice) early next year and will not be devoting as much of his time to fire station operation and maintenance. Zarafonitis asked about possible inclusion of a member-at-large from the public. That person might have some more distance than Board members and be more comfortable raising concerns and issues. Kladder asked Bzdok if this would be possible; it might or might not be, but he compared the idea to someone working at Ace Hardware and has two bosses employed by the company plus review by a person from the neighborhood. The committee as proposed would hear grievances and will essentially function as a “boss.”

Scott asked why Vreeland might not be a member of the committee. Vreeland noted that she is the direct supervisor for the staff on a daily basis, but a committee would oversee her more closely. Also, due to the nature of the office she works very closely with the staff, and it can be hard sometimes in the situation to have the distance needed to be able to administer discipline. One reason Kladder proposed the idea was to give her more support in this regard.

Motion by Boltres, support by Takayama to approve formation of the Personnel Committee. Motion carried unanimously.

8. **Approve sewer user fee increase reminder letter for mailing:** A proposed letter has been drafted to remind people about the sewer user fee increase that has taken effect. One question is whether to send it as a letter or as a postcard, and the main factors in the decision would be cost (letter and envelope stock would likely be more expensive than postcard stock; postage will likely be similar for either option), and which format is most likely to be noticed in a stack of household mail.

Motion by Zarafonitis, support by Dunville to send the reminder text as presented in letter format.

The Board wondered what the cost differential between letter and postcard formats would be; Vreeland has not researched it yet.

Motion withdrawn by Zarafonitis and Dunville.

Motion by Scott, support by Boltres to send a sewer rate increase reminder as drafted. The format will be the least expensive if the cost differential is more than \$200; otherwise letter format is preferable. Motion carried by unanimous roll call vote.

9. **Consider resolution to temporarily transfer money from the General Fund to the Fire Fund for cash flow prior to annual special assessment receipts:** Over the past several years, to meet increasing fire protection costs and keep annual assessment rates constant, the township has spent down some of the Fire Fund balance forward. This year we discovered that the balance had been reduced enough that seasonal cash flow issues caused by the fact that we receive revenue only once a year in December but pay expenses constantly through the year will cause the fund balance to temporarily dip below zero this month. The fire fund budget adopted was legal because it projects a fund balance forward plus new revenues that exceeds anticipated total expenses; this is a temporary condition due to cash flows only. The proposed solution is to temporarily transfer funds from the General Fund to the Fire Fund, transferring the same amount of money back when assessment revenues are received in December.

Motion by Zarafonitis, support by Scott to adopt Resolution #R-2007-19, temporarily transferring funds from the General Fund to the Fire Fund, transferring them back later, and amending the General and Fire Fund budgets. Motion carried by unanimous roll call vote.

10. **Consider request from LochenHeath for amendment to existing liquor permit:** Vreeland stated that the proposed liquor permit amendment would change the LochenHeath clubhouse's license from Class C (service to any member of the public) to Class G-1 (private club, members and guests only.) Guy Guarino, General Manager, stated that the change was suggested by local liquor control officer Jack Ogden to reflect the change in the clubhouse operation from public to members only. Otherwise the clubhouse would be required to continue serving all members of the public, which is specifically what they no longer wish to do.

Motion by Zarafonitis, support by Takayama to approve Resolution #R-2007-21

amending the LochenHeath liquor permit from Class C to Class G1 as presented. Motion carried unanimously.

11. **Discuss township hall ADA accessibility compliance question:** Bzdok reported that James Schmidt has sent several letters to the township containing requests. One was for an absentee ballot application printed in 20 point font because he states is legally blind; it was determined that the township provides other methods of assistance to visually impaired voters and that reprinting the application is not required. He has also demanded that a power-assisted door be installed at the township hall entranceway, as he uses a wheelchair. Michael Grant from Bzdok's office has researched federal ADA design requirements, and Vreeland asked Henkel to perform an ADA compliance audit of the building. All of this research indicates that the township hall is in compliance with ADA requirements for a building this age. Further, there appears to be no evidence of a federal requirement that a power-assisted door be installed in a building of any age and there are specific design standard requirement set forth for non-power-assisted doors that the township hall entry doors do meet.

Mr. Schmidt has a history of litigating issues such as these and has stated an intent to litigate this specific circumstance, so staff felt the full board should be informed. The Board expressed satisfaction that that ADA compliance requirements concerning the entry door have been met at this time as summarized in Grant's memo.

G. OLD BUSINESS:

1. **Accept Waterfront Recreation preliminary concept plan prepared by R. Clark Associates and allow use by Shoreline Preservation Advisory for fundraising purposes:**

Motion by Dunville, support by Scott to accept the Waterfront Recreation preliminary concept plan for fundraising use as presented. Motion carried unanimously.

H. REPORTS

1. **County Commissioner's Reports** – Larry Inman: Inman was present and summarized the written reports received from County Administrator Dennis Aloia's office. There will be a meeting November 20 at 4:00 between the Board and the Resource Recovery group to discuss their budget and general expectations for 2008. Resource Recovery Manager Kelly Ignace has resigned and a replacement is being sought. The county boardroom has been fully wired and equipped to broadcast public meetings. Traverse City just broadcast its first live meeting on new cable government channel 99, and the County hopes to provide recorded programming for the channel and for posting on their website for people who don't have cable television service. The broadcasts will be indexed so people can click on an agenda and skip right to the part of the discussion that interests them. There is continued discussion about the future makeup of the County Road Commission, with a consensus expected at their January meeting. Kladder thanked Inman for helping the septage treatment plant-involved townships in obtaining a loan from the County to make the November 1 bond payment.
2. **Parks and Maintenance** – Tom Henkel: received and filed.
3. **Sheriff's Deputy** – Matt Matteucci: received and filed. Deputy Matteucci said that there were 49 tickets issued in the township last month, no fatal accidents and one injury accident. There were four DUI arrests and 186 total calls for service including 31 criminal calls and 54 non-criminal calls. There were a total of 14 traffic crashes. Hardin asked if the radar trailer is stored for the year; it is. They were having trouble getting the battery to hold a charge. Hardin wouldn't mind having it placed at the new intersection of Country View and Bunker Hill (Springbrook West) to help people monitor their speed.

Takayama asked why Bartlett Road is a 55 mph road. Deputy Matteucci stated that it is a 35 mph road, but Takayama believes the signs are different.

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

Vreeland displayed new "File of Life" materials provided by the Fire Department and available at the township hall to interested residents. They consist of a red magnetized plastic folder and an emergency information card that can be filled out, folded and placed in the folder. The folder is then placed on one's refrigerator, and emergency services personnel are trained to look for one there when they respond to an emergency. The information may enable them to assist residents better. People can also place official hot pink-colored "do not resuscitate" orders from their doctors in the folders. They must be the official hot-pink doctor-provided forms; fire department personnel are not permitted to act on DNR statements that are hand written or in other formats.

Meeting adjourned at 8:52 p.m.