



**ACME TOWNSHIP REGULAR BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, July 8, 2008 7:00 P.M.**

**MEETING CALLED TO ORDER WITH PLEDGE OF ALLEGIANCE AT 7:00 P.M.**

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

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

**APPROVAL OF AGENDA: Motion by Takayama, support by Zarafonitis to approve the agenda as amended to remove presentation of certificate of appreciation to Pat Collins, proposed lease agreement with Metro Fire, and request from Sweetwater Evening Garden Club for planter, and to add consideration of a resolution regarding utilities cost sharing for the township hall/Station 8 effective January 1, 2009. Motion carried unanimously.**

**A. CONSENT CALENDAR:**

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

**RECEIVE AND FILE:**

1. **Treasurer's Report** as of 05/31/08
2. **Clerk's Report** as of 07/03/08
3. Draft Unapproved Meeting Minutes:
  - a. **Planning Commission:**
    1. **06/23/08**
    2. **06/30/08**
  - b. **Shoreline Preservation Advisory 06/11/08**
  - c. **Heritage Advisory:**
    1. **06/20/08**
  - d. **Parks & Recreation Advisory 06/26/08**
  - e. **GT County DPW Sewer & Water Committee Draft Meeting Minutes 05/09/08**
  - f. **Metro Fire:**
    1. **Board Meeting Minutes 05/27/08**
    2. **April Newsletter**
  - g. **Road Commission Meeting Minutes 05/21/08**
  - h. **Copies of 2% Grant Applications** to Grand Traverse Band dated 06/30/08

**ACTION – Consider approval:**

4. **Township Board meeting minutes:**
  - a. **06/03/08**
  - b. **06/19/08**
5. **Accounts Payable** of \$105,438.52 through 7/1/08 (recommend approval: Dunville)

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

**B. LIMITED PUBLIC COMMENT:**

Jim Edwardson, 7138 Deepwater Point Road, expressed concern about a house at the corner of Bates

and M-72 that is in very bad condition. It appears to be at the point of falling down, and is near the TART trailhead where it will attract children. The Beach Club Motel, which has been vacant for a while, causes him similar concerns. He is also concerned about what appears to be a long-term “flea market” at the Amon house on US 31.

Jay Zollinger, 4232 Williamston Court, expressed appreciation to the township for its support of the Garden Club. The club has contributed to the beautification of the township in partnership with the township and some private landowners. Just as important as beautification is maintenance of our parks and public lands. He is particularly concerned with a proliferation of weeds in Bayside Park, which is heavily used in the summer. There are many along the US 31 roadside and throughout the park. The township should maintain the parks it has and recognize that one person alone can't do the job. He feels Bayside Park has yet to be put in proper condition for the summer.

**C. SPECIAL PRESENTATIONS: None**

**D. REPORTS:**

1. **Sheriff's Deputy** – **Mike Matteucci**: received and filed.
2. **County Commissioner's Reports** – **Larry Inman**: will be present later in the evening.
3. **Parks and Maintenance** – **Tom Henkel**: received and filed.
4. **Quarterly Farmland Preservation Program Update** – **Brian Bourdages**: Letters to Proceed have been signed by all of the landowners who have applied to the PDR program to date and by the township. The documents indicate a good-faith agreement to continue moving forwards towards acquiring development rights on as many of the over 800 acres as possible. Additional unsolicited letters of interest representing 310 acres have been received. The Conservancy may be contracting with Pat O'Connell from Princeton, NJ, who is an expert in municipal financing with a particular interest in PDR programs. He has been working on a sort of pension program tied to PDR for the state of Maryland. The 2008 federal farm bill has moved forward, which will help to remove barriers to employing federal funding here in the “fruit belt.” The federal tax incentives for bargain sales to PDR programs were also extended for two years for farmers and ranchers; there is hope they will someday be permanent. Bourdages and attorney Scott Howard have been drafting the model conservation easement document language, which has been reviewed by Bob Cooney from the County Prosecutor's office as well. The Farmland Preservation Advisory will meet soon to review the document and make a recommendation about to the Board.

Bourdages is moving forward with all four landowner applicants rather than selecting one at a time to avoid using up all of the millage money that will be available over the 10-year period on one project. The applicants are generally agreeable to the idea of entering into option agreements for completion of their development rights purchases over time. The Conservancy has attracted some funding for this project in the form of a \$50,000 grant from the Americana Fund. He stated that Acme Township's PDR program is very important to the Grand Traverse Regional Land Conservancy (GTRLC) both for its own sake and as being representative of the good things that can happen in the region.

Bourdages is seeking to determine whether there will be a state PDR grant funding program application round this year. The Federal program is collecting data right now regarding demand for dollars, and Bourdages plans to work with Vreeland to pull the appropriate information together. There is likely to be a federal grant application cycle in the spring, depending on the state of the 2009 federal appropriations. Federal rules allow grant making to “any eligible entity,” which can be an entity of any size. Bourdages currently believes the federal allocations will be made to the state for further distribution. \$97 million will be available initially, with over \$200 million available by the fifth year. Barriers to program use

such as the inability to use grant funding on properties where mineral rights were sold or where impervious surface maximums were not met have been reduced or removed.

Red Tart Cherries are considered a specialty crop because they require a specific microclimate for successful production. Some people are considering growing hops locally; this might be considered a specialty crop as well.

Option terms could be something like a 3-year term with periodic payments applicable towards the ultimate purchase price but also non-refundable if a sale falls through. The Conservancy could acquire the options initially and transfer them to the township later.

Kladder thanked Bourdages for working closely with the Farmland Preservation Advisory, which is chaired by Bob Garvey.

5. **County DPW – Hoch Road Treatment Plant Study** – DPW Director Chris Buday: The existing master sewer agreement for the current wastewater treatment plan requires that a process begin to consider acquiring a new treatment plant when the municipalities using it reach overall capacity usage of 90%. Some individual townships have reached this level, but the group as a whole has not yet done so. When the land on Hoch Road was originally acquired it was anticipated that a second plant could be needed in 6-8 years, and that time period is rapidly elapsing. The proposed document submitted for the Board's consideration does not commit the township to any expenditures, but seeks to lay out an agreement about a fair process for creating a new wastewater treatment plant. If a plant were to be operational by 2012, it would take about 2 years from the time construction bids go out to completion and fully-operational status is achieved. The sooner the process begins, the more opportunity there is for an open, well-paced and deliberate process. Three townships not currently part of the DPW have expressed interest in participation including Whitewater, Long Lake and Green Lake. Were they to join the DPW the process might be similar to when Blair Township joined, whereby Blair Township paid cash to the existing members to purchase a share of the assets.

Part of the process includes a sewer needs and capacity study. Each township determines its sewer service districts independently, and through this process in the past some townships have increased their district sizes and some have decreased them.

Acme Township is currently using approximately 80% of its share of the current plant capacity. Capacity measurements involve testing waste strength, and the DPW is refining their testing methods to ensure appropriate and accurate results. There has been a county-wide downturn in growth, but the last downturn lasted only a year so things could pick up again soon.

The Hoch Road property sits in a valley, and Hardin asked if there could be odor control problems due to topography and air drainage patterns. Mr. Buday said that if one stands right where the sign is on the site, the area is naturally bermed and contained. The processes the treatment plants use can be chosen and refined to minimize offensive odors. Any eventual facility will likely be fully enclosed with air filtration in place.

The process used to create the septage plant process was less detailed than that proposed for a new treatment plant. There could be significant consulting costs early on in the process, but a budget will be prepared before phase 1 begins. Which townships will participate and how costs will be divided may be different than in prior processes. Takayama expressed concern about finding the funding to study a new treatment plant when it can be difficult to find funding to meet bond payments for existing facilities. He would prefer to try to resolve any existing issues with the septage treatment plant first. It was noted that the treatment plan would be for users of the regional sanitary sewer system, while the septage treatment plan serves people with individual septic systems. In 2002 it was projected that Acme Township's

share of new treatment plant study costs could be around \$20,000. The township has also budgeted for some investigative work by the new Township Engineer, and it has yet to be determined how study work will be divided between the DPW and individual municipalities. The cash flow projections for the township sewer fund, which were updated in May, included a projected \$20,000 distribution for this project during the current month.

When the new facility was first proposed, it was recognized that not all flows will be redirected from the existing facility. Total system use will be coordinated. Operational costs are not likely to be significantly lower at a new plant as compared to the existing plant. It may be a good time to bid out the plant operation contract, although managing a plant that functions through careful biological balancing is not easy to do and not many firms would be well-qualified. Having the future plant operator involved in the design process is viewed as critical to future success. Engineers may design for lowest construction cost, but having perspective on long-term operational costs is as important or more so.

**Motion by Dunville, support by Scott to adopt Resolution #R-2008-17 Approving Process to Acquire New Sewage Treatment Capacity as presented. Motion carried unanimously.**

Kladder stated that the process calls for hiring an engineer to oversee the entire process, but that firm will not be permitted to bid on the construction contract. They will be representing only the DPW's interests.

Mr. Buday reported that septage gallons arriving at the plant have increased significantly, generating an additional \$12,000 in revenue per month. Restaurant grease trap waste has also increased, and haulers are receiving additional calls for service. A brochure encouraging people to pump their tanks before they bubble over and cause an environmental contamination issue has been prepared and was distributed this evening.

**E. CORRESPONDENCE:**

- 1. 06/04/08 Letter from County Road Commission regarding Road Classification Review:** Holiday Road and Bunker Hill Road are two roads in the township in need of significant repair. The County Road Commission maintains and repair "county primary" roads. They maintain "county local" roads but major repairs must be largely funded through other sources. The Road Commission has invited local townships to suggest roads to be reviewed for reclassification, and Vreeland will be working on a plea to reclassify these roads, which serve over 60% of the township's population.

**F. PUBLIC HEARINGS:**

- 1. Public Hearing to consider approval and submission of a REVISED AND EXPANDED Michigan Natural Resources Trust Fund grant application for shoreline property acquisition:** Members of the DNR Trust Fund board have encouraged the township to expand the application request. An increase in oil and gas prices is one factor increasing the amount of funding available this year. Also, starting in 2002 when an approved project was never completed the money that would have been distributed was set aside in a "rainy day" fund which has grown to over \$30 million. When property values begin rising again the purchasing power of those funds will decrease, so they may decide to spend those funds in this application cycle. This is also a year when a low number of applications were received. This application is not necessarily high-scoring in their process, but if it can be approved this year as a multi-year project it will receive automatic funding in the following years. Matt McDonough from the GTRLC, who is assisting with this project, has updated the project map to indicate the properties in a two-phased project. A bullet-pointed application narrative was also provided, which would add 7 phase 2 properties to the existing 3 for a total of 10. McDonough has spoken to all but one of the parcel owners. One, who owns a private residence, has decided that her property is not currently for sale after all. This would change

the project from a \$4 million to \$12 million project, asking for \$9 million instead of \$3 million and needing to raise local matching funds of \$3 million rather than \$1 million. If the application is approved by the DNR the township would need to come up with the \$1 million match for phase 1 by December 1. It is better to ask for more and have the project scaled back than to not ask for enough. 3 of the 5 Trust Fund Board members have indicated enthusiasm for the project and McDonough is feeling confident that it will be approved.

Kladder observed that when the application was submitted earlier this year it was easy to obtain about 50 letters of support from a broad base of interests to accompany it. Many people who come into the township hall see the maps on the wall and express interest and support for the project. Shoreline Preservation Advisory Co-Chairs Paul Brink and Pat Salathiel have been working hard to find sources of matching funding. Brink noted that when the project started two years ago the goal was to create a win-win whereby interested landowners could receive fair market value for their properties and the public could acquire useful and valuable shoreline parkland. Various grant and private donation funding sources are being pursued to make up the required 25% match.

Brink noted that the enhanced application would include potentially acquiring a controlling interest in East Bay Marina. He feels this is beyond the scope of his advisory and recommends that the township form a new one dedicated exclusively to examining marina acquisition and management issues. Salathiel is extremely encouraged that the project could be successful. She is confident that the matching funds can be developed. Kladder is working on finding individuals who would be willing to serve on a new marina advisory, but it's particularly hard to find people willing to make time commitments in mid-summer.

Hardin noted that bullet point 3 in the application narrative should indicate that the marina is to the west of Mountain Jacks rather than to the east.

Vreeland has updated a 2006 spreadsheet that displays the ownership, valuation and tax revenue derived from all of the properties within the shoreline project area, with subtotals for phase 1, phase 2 and both phases. It would be difficult to predict overall property value increases in the surrounding area from providing the amenity, but McDonough reports that many studies have been done indicating that the community-wide value increases tend to far outweigh any losses when land leaves the tax rolls. Bourdages noted that Peninsula Township was the only one that had an increase in building permit values in 2007 – about 25%. Everywhere else in the county had a 5% decrease. Peninsula Township has the most preserved land, so this seems a good indication of the impact of land preservation on property values.

#### **Public Hearing opened at 8:28 p.m.**

Andy Andres, Jr, Traverse City, asked if there is something the public can do to provide input to support the addition of phase 2 to the application. McDonough noted that the minutes of this meeting must be sent to the DNR with the amended applications, so anyone with strong feelings for or against should speak up. Mr. Andres spoke in favor of opening up the bayfront, speaking as a member of a centennial family in the township.

Jim Edwardson feels the beauty of the community is fantastic and appreciates the work being done and the way it's being handed through a public process. It may be expensive but it is worthwhile.

Linda Wikle, Deepwater Point Road, sees this project as a major positive step for the community. She believes the people can enjoy doing it together. She grew up near the bay and enjoying the water. She is extremely excited about the project.

Pat Salathiel, 4555 Five Mile Road believes that protecting the natural environment and the waterfront will provide an economic and tourism boost to the area. Her children and grandchildren moved back to Acme Township because they love its character.

Paul Brink, 9617 Winter Road said that one thing that has driven him to support the project is that he has the luxury of having a waterfront home and would like all members of the community to have the same type of ability to access the water that he has. He believes this park will create that opportunity.

**Public Hearing closed at 8:34 p.m.**

Zarafonitis strongly support the project and the sense of place it will create. It will bring friends and family together both within the township and from elsewhere. Takayama fully supports the project. While the loss to the tax base is worth considering, he has lived in cities with long stretches of parks. The development that occurs near those parks is high quality, including corporate headquarters and high-tech companies. The quality of life they provide attracts the new economy workforce and future gains in tax revenue will outweigh initial losses. Scott supports the project, noting that his family enjoys using the bay and would appreciate enhanced opportunity. Hardin gets to drive past the water every day during his commute and wants to enhance everyone's opportunity to do so. Boltres believe the project will benefit the entire region, and Dunville has always hoped to see such a project come to fruition. Kladder swims in the bay nearly every day and would like everyone to have the opportunity to share in that joy. His vision for the township includes open space opportunities for the community, and this opportunity needs to be taken.

Zarafonitis read the proposed resolution aloud.

**Motion by Takayama, support by Zarafonitis to adopt Resolution #R-2008-18 Amending the Recreational Grant Application #08-095 to the Michigan Natural Resources Trust Fund for the Acme Shoreline Preservation Initiative. Motion carried by unanimous roll call vote.**

2. **Public Hearing to consider adoption of Grand Traverse Metro Fire Authority Articles of Incorporation:** The proposed reorganization of Metro Fire has been in progress for approximately 3 years. Kladder had hoped a final version of the Articles of Incorporation would be available for this evening, but there some outstanding issues to be resolved. Assistant Chief Terry Flynn noted that this will amend the name of the organization to the Metro Emergency Services Authority and will enlarge the Board to include 2 representatives from each township rather than 1. While the state enabling act would permit such an authority to have independent taxing authority, the articles would specifically remove this ability from the new authority. Reorganization is necessary because the existing organizational articles, created pursuant to different state enabling acts, are out of date. Day-to-day function of the department will be generally the same as it is today, although the department is trying to modernize and better serve the community. This involves close examination of budgets and funding sources and how to pay for needed upgrades to facilities. For instance, Acme Station 8 doesn't have the capacity to be staffed around the clock at this time, but this is seen as important to fire protection. Right now 2 overnight on-call firefighters sleep at home rather than at the station, which costs precious time to reach equipment to respond to a call. There is currently someone staffing the station during business hours every day, and the goal for 2009 is to have it staffed until 10:00 p.m. daily. Metro has also entered into a mutual aid agreement with the City of Traverse City so they respond to each others' calls for service, and all Metro stations support one another.

Kladder noted that the agreement has a clause requiring that costs for services such as plan reviews or commercial site inspections must be covered in full by fees. There has been



discussion about how to treat new personnel that might join Metro if other fire departments merge with ours in the future. Will people enter the organization at the same rank they held in the old organization? In some cases this might not be possible, particularly if their training or skills don't meet requirements, so an interpretation of this state legal requirement was sought. Bzdok has a recommendation regarding a proposed clause saying that the Metro Board will suggest a budget, and if a member township does not approve it, it constitutes first notice that we intend to leave the authority. If a township fails to approve a proposed budget for a second time, they will automatically leave the authority after a certain period of time elapses. There will be an operating budget for each current year, and a capital budget that could include long-term debt. At times it has been suggested that to approve a budget at the Metro level at least one representative of each township must vote in favor, but currently the agreement says that if no representative of a township votes in favor the budget can be approved anyway through a simple majority. This is not a huge issue as to the operating budget which will be smaller and when the cost to each property owner across the system will be equal. The problem arises because if a member township leaves Metro it must take with it a share of any long-term debt incurred, and it could therefore be required to take away debt it didn't approve of in the first place. Bzdok believes this can ultimately be solved amicably.

Because the document was not ready the public hearing cannot be held tonight as scheduled, but Kladder is committed to bringing it forward soon.

Hardin asked if the Metro fiscal year will still be offset from the township's fiscal year as it is currently; it will. Vreeland noted that because the state dictates the fiscal years for townships, and the requirements are different for general law and charter townships, and because Acme is a general law township currently while East Bay and Garfield are charter townships, it is currently impossible to synchronize the fiscal years. Hardin also asked about a provision that Metro Board members can waive formal notice of a special meeting either before or after a meeting. In Article XIV there is a provision that Metro could contract for emergency services, even including police protection. The townships could stop individually contracting for community police protection with the County Sheriff and have Metro do it centrally for everyone, but this is not required. They could also take over operation of the East Bay ambulance service and solve existing staffing problems. Acme and Garfield use Northflight. Article XIX deals with dissolution; Hardin asked if a potential decision by a township Board to withdraw from Metro Fire could be challenged by referendum. Formation of an authority can be challenged by referendum, but Bzdok does not think exiting or dissolving one can be; he will check and respond.

**G. NEW BUSINESS:**

1. **Discuss Personal Protection Equipment Grant:** Chief Flynn would like to apply for a DNR grant only available to small communities with a population of 10,000 or less. A department that serves such governments can forward an application. The grant requires a 50% match, and would provide fire-resistant jumpsuits for fighting wildfires. Metro would provide any required matching funds so it would not cost Acme Township anything.

**Motion by Zarafonitis, support by Scott to authorize the Personal Protection Equipment Grant. Motion carried by unanimous roll call vote.**

2. **Consider proposed resolution regarding cost sharing of utilities for township hall/Station 8 in 2009:** A resolution establishing cost sharing for the shared township hall/Station 8 facilities for utilities was adopted in February. The 2009 Metro budget is currently under consideration, so now is a good time to discuss possible adjustments based on new information and experience to date. The building now uses 2 sewer benefits instead of one, so the new proposal would have each entity paying for 1 full benefit. Electricity and natural gas costs would be shared equally, as would snow plowing costs. The full cost of an

on-site smoke/heat/cold alarm would be fully covered by Metro Fire and 33% of the garbage service. Chief Flynn sees no potential difficulty with the proposal.

**Motion by Takayama, support by Scott to adopt Resolution #R-2008-19 establishing cost sharing for the township hall/station 8 for 2009. Motion carried by unanimous roll call vote.**

**3. Consider Supervisor's appointments:**

- a. **fill three expiring terms on the Planning Commission:** Kladder will bring forth two of the three appointments at the next meeting, as he has not yet been able to set interviews with all of the applicants. He noted that next month there will also be discussion about the need to establish a specific interest that is part of the community for each Commission seat to represent. The one appointment Kladder is prepared to make this evening is the Board representative to the Commission. Kladder would like to reappoint Hardin.

**Motion by Zarafonitis, support by Scott to reappoint Ron Hardin as the Board representative to the Planning Commission for a term to expire 07/15/2011. Motion carried unanimously.**

- b. **fill one expired term on the Zoning Board of Appeals:** There is one remaining vacant regular spot on the Zoning Board of Appeals. Kladder would like to reappoint Dick Smith, who is a seasoned veteran, to the position. He plans to appoint an alternate to the ZBA at a later date.

**Motion by Takayama, support by Dunville to reappoint Dick Smith to a 3 year term on the Zoning Board of Appeals expiring 07/15/2011. Motion carried unanimously.**

4. **Consider proposed adoption of Zoning Ordinance Amendment #141, changes to list of allowable land uses in the R-1MH Mobile Home Residential District:** Rob Larrea from Mansfield & Associates presented on behalf of Immanuel LLC which requested the ordinance amendment. The amendment would allow residential land uses other than mobile home parks in the R-1MH district. Immanuel originally requested rezoning of property they own near Bates Road from R-1MH to R-3, Urban Residential, but later modified their request as a response to concerns expressed by the township. Allowable uses would include single-family detached, duplex and multiple family. Mixed Use Developments, which are allowed in the R-3 district, would not be permitted in the R-1MH district. Mr. Larrea displayed a map of the Immanuel site color coded to represent the topography. Blue areas have moderate slopes, but green, yellow and red areas are steeper and may not be well-suited for traditional mobile home park development. Nearby properties are zoned A-1, Agricultural, B-3 Planned Shopping Center, and B-4, Material Processing and Warehousing. There is a need for affordable housing near the commercial land use areas that is not met in the A-1 district where minimum lot sizes are 5 acres and the ability to create multi-story housing could reduce the amount of impervious surface used and permit creativity in designing the land use to fit the environment. The goal would be to integrate mobile housing with the other housing types rather than segregating them within the site. Julie Harrison, attorney for Immanuel LLC noted that mobile home park developments are highly regulated by the state, and the ordinance amendment was drafted to require that an area that would permit mobile home park development (as distinct from placing a single mobile home on according to state requirements must be maintained on R-1MH parcels developed in different ways. Hardin confirmed the statements made by the applicant.

Bzdok stated that the ordinance amendment is contrary to his firm's recommendation. They feel a safer solution for the township would be to divide the property and rezone part of it to R-3 and retain a suitable portion as R-1MH to protect the township from an exclusionary



zoning claim. He respects the efforts Ms. Harrison made to address these concerns in their proposed zoning ordinance amendment, but they have not been fully addressed. Under the proposed model he believes that a portion of the site reserved for a mobile home park may or may not truly be available or accessible and if someone sued to allow a mobile home park elsewhere in the township there could be a risk. This assessment is based on case law from a township where the only parcel zoned for mobile home park use belonged to the township supervisor, and everyone knew he wouldn't permit that use on the property so they put the zoning for the use they didn't want there. The township lost when sued over exclusionary zoning. Mr. Larrea stated that they would prefer not to split the zoning because they believe they can create a better overall development working with the land if it remains one parcel where uses are allowed to mix than they can if a line is drawn through it with land uses segregated on either side.

Special Uses possible as the ordinance amendment is drafted would include private recreational facilities, institutions such as churches or schools, sewage treatment facilities and group/elderly housing. All of these special uses are currently allowed in the R-1 and R-3 districts.

Bzdok is concerned about how the township would determine the amount of land to be set aside to be "sufficient" to meet demand under the proposed scenario. Kladder expressed concern that an individual owner of the parcel could do the same thing the township supervisor in Bzdok's earlier example did, and prevent actual development of the area set aside for a mobile home park if the land remains in one parcel, and someone could raise a legal challenge against the township for not making property truly available. This is an untested scenario.

Kladder asked if the Commission is currently considering other properties for rezoning to R-1MH; they are not. Mr. Larrea said that in the earlier case the supervisor specifically stated he did not want a mobile home park; in this case the applicant is proposing language that enables one. A fear has been raised that if expensive homes are developed on the site they will prevent mobile home park development, but the applicant is specifically seeking to create "affordable" housing for the workforce. Kladder asked how this would be defined; Vreeland noted that the commonly-accepted definition is a certain percentage of the median household wage in a geographic area. What is "affordable" housing in Acme Township could be vastly different than what is "affordable" housing in Orange County, CA. Hull also noted that rezoning should not be considered in light of a proposed plan for a specific property, but in light of whether the zoning is appropriate for the community and in light of the master plan.

Mr. Larrea stated that the applicant has no specific development plan for the project. Kevin Vann from Immanuel LLC stated that they have owned the property since 1996 and have not been approached by a mobile home park developer. They are working with a potential developer for the site. Kladder noted that there have been instances in the past in the township where a property was rezoned in anticipation of development of a specific plan which did not ultimately occur. If any other properties are rezoned to R-1MH this text amendment would apply to them as well. Hardin stated that the Commission was seeking a way to enhance options. Ms. Harrison observed that most local townships allow mobile home parks in multiple residential zoning districts, and few have distinct mobile home park districts. She noted that for someone to bring an exclusionary zoning claim successfully, they have to prove an unmet need exists. There are 26 nearby mobile home parks in the local area. She also felt that the case law cited by Bzdok is not necessarily applicable because in that case the subject was a township supervisor, and the township has control over land use.

Hull stated that just because there is no certainty in a situation does not mean that there is nothing that is known. The applicant has stated at Commission meetings that there is a specific 15-acre site well-suited for a mobile home park development. So, why not segregate

this area into a separate parcel? One must also consider, when siting a mobile home park, where one will site the sanitation facilities. A prior individual who wanted to put a mobile home park in the township didn't want to look at this particular site due to topography, but she was interested in the property that is now the horse sports park. She lost interest when she realized it was unlikely that the township would permit extension of the sewer district to her property. There are probably a fairly limited number of properties in the township that have both suitable topography and access to the sewer system that are favorable for a mobile home park.

Mr. Larrea believes that an exclusionary zoning claim could not be brought forward as long as the 90-acre property zoned R-1MH is not fully built out, and that this will take a long time. Hull agreed that some of our older subdivisions still have unbuilt lots, and a condominium project approved for Acme Village was for sale before the approval was finalized and was never built. Kladder countered that zoning changing decisions have long-lasting implications. There is no guarantee that the developer won't set aside an unsuitable portion of the property for mobile home park development. Mr. Larrea countered that site plan review and the permitting process will address this concern. Hardin again drew attention to the distinction between a mobile home park with specific design characteristics and the fact that a mobile home can be placed on any regular lot. Kladder asked how a suitable park area would be maintained; Vreeland said that it would be up to the Planning Commission to review a development plan carefully with this in mind. Bzdok stated that there is nothing in the proposed ordinance language that requires the landowner to provide a built mobile home park; in fact, it says that space must be set aside that is suitable based on public need. The applicant implied earlier this evening that with 26 local mobile home parks perhaps there is no public need.

Takayama is a firm believer that one cannot "fall in love" with any particular developer or promised plan. Plans can change and developers or landowners come and go. He agrees with Kladder that on a 90-acre property it should not be that difficult to select a suitable area for specific rezoning, maintaining a separate parcel with separate zoning for the different use. Hardin and Hull noted that if the applicant requested rezoning of a portion of the parcel to R-3 it would be open to potential mixed use development, as this is an allowable special use on any R-3 zoned property. Scott asked if just the portions of the proposed text stating "based on public need" could be stricken to alleviate the concern over a debate about such need and require the applicant to set aside an area for mobile home park use; Bzdok did not recommend this as sufficient.

Mr. Larrea proposed a scenario where the developer proposed to level the site rather than maintaining the topography. He stated that over 700 mobile homes could be placed on this property under such circumstances in accordance with state law. By permitting the suggested ordinance amendment he suggested that the master plan dictates to work with the land rather than destroying it could be better protected. He feels exclusionary zoning is not a true issue at this point. Ms. Harrison distributed copies of the Blair and East Bay Township zoning ordinances to demonstrate that the type of language they are proposing is not unique; Zarafonitis noted that County Planning observed this as well. Ms. Harrison also stated that the township determines whether the standard of public need has been met or not through a finding of fact, and not the applicant.

Mr. Larrea suggested that the Board hold a voluntary public hearing to gather additional input. Dunville asked why the property can't just be divided into two parcels; Mr. Larrea noted that if a property were rezoned to R-3 a mixed use development application would be possible, and the site might have to be leveled. Zarafonitis observed that the site could be leveled regardless of the

Hull states that state regulation defines a minimum of 3 mobile homes as a mobile home park.

Determining need could be established by the number of inquiries staff receives, existing price range of housing within the township, or by hiring a firm to perform a marketing study as examples. An application for a mobile home park or other development could come to this Board or to a different set of individuals working on behalf of the township. Vreeland reviewed the public comments made at the April Planning Commission meeting.

Zarafonitis, Takayama, Scott and Boltres were generally inclined to follow the advice of their legal counsel to deny the request. Hardin is inclined to stand behind the Planning Commission recommendation for approval. Dunville was open to the idea of a voluntary public hearing. Kladder appreciated the attempts by all parties to be creative but also agrees that township legal counsel should be heeded.

**Motion by Takayama, support by Scott to deny adoption of proposed Zoning Ordinance Amendment #141as presented, subject to formalizing the decision in a resolution summarizing proceedings to date on this matter at the August Board meeting. Motion carried by a vote of 5 in favor (Boltres, Kladder, Scott, Takayama, Zarafonitis) and 2 opposed (Dunville, Hardin).**

5. **Discuss disposition of old computer equipment:** Vreeland thanked the Board for authorizing the replacement of the township's computer equipment. The new equipment has been installed and is already making a welcome difference in productivity. The question of how to dispose of old equipment remains and should be dealt with carefully as some staff members have expressed interest in acquiring some of the equipment for personal use. In the past the township has advertised that it will accept sealed bids; it was decided this would be the procedure this time as well. There was also discussion about how to prepare the computers for sale and whether erasing the hard drives with government-level reformatting software would be sufficient or whether security concerns would remain. Consensus was reached that the hard drives will be removed and destroyed because they have very minimal value and it would occupy staff time to reformat them that would be more fruitfully allocated elsewhere. The computers will be sold without the hard drives in "as-is" condition and with the licensed operating system and Microsoft Office Suite diskettes and documentation.

#### **H. OLD BUSINESS:**

County Commissioner Larry Inman provided copies of the County's 2008-09 Strategic Plan, which is also available through the county website. A newsletter is available as well, on-line, at all townships and at the library. The County would like to finalize the discussions that had already started with the Tribe about payments to replace taxes on development on the lands newly entering trust status at Turtle Creek. Consultants have been hired to review septage treatment plan finances and create public education pieces. The projected end of year shortfall will be about \$200,000 as opposed to last year's \$450,000. The current loan from the county will be paid back. The Sewer and Water Committee recommended exploration of a possible windmill at the plant to offset energy costs. The recent joint county/township meeting was productive and focused mainly on road conditions and solid waste issues. It may be possible to resurface all primary county roads for the \$4 million the County is bonding for this year. A landfill surcharge paid by haulers is used by the County to pay for recycling bins around the county, hazardous waste recycling events and public education. There is much discussion on whether this is the most appropriate funding mechanism, whether there should be universal curbside recycling and whether the centralized recycling bins should be maintained or not. A decision must be made by the end of the year. There does not seem to be a large public outcry about the current model. Inman provided a report of the amount of tons dropped off at each recycling site for 2007. We can see how Acme compares to the other recycling sites.

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

Mr. Andres asked if funding for roads that don't need to be resurfaced could be redirected to perhaps some county local roads. Some county primary roads are in good condition. As to the idea of placing a windmill at the septage treatment plant, perhaps there's a way to tie windmills to making more

money available for roads.

Mr. Edwardson stated that there are currently many signs out in the township that don't meet the requirements of the sign ordinance, particularly real estate directional signs, that need to be removed. He asked if a new sign permit was required for the new AT&T sign; it was not because they only replaced the face on an existing sign. He feels the ordinance is definitely not being enforced. Mr. Kladder promised to give him a copy of the sign ordinance.

Kladder spent two days at the annual energy fair in Onekama. A new sewage treatment plant could use approximately \$300,000 of energy per year. New proposed state legislation would allow anyone to generate power on their property and sell it back to the grid, which would be very progressive for the nation. The Sewer and Water committee is moving towards conducting a wind study at the Hoch Road property to see if a windmill there could offset a significant portion of the annual plant energy needs and costs.

Hardin said his neighbors are wondering when a township newsletter will be sent out. Vreeland will be ready to send it to the printers as soon as she receives two more pictures and biographical information about new commission and board members. Kladder plans to develop a communications plan to include newsletter schedules and a plan for podcasting meeting recordings.

**Meeting adjourned at 10:57 p.m.**