



**ACME TOWNSHIP REGULAR BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, November 18, 2008 6:00 P.M.**

**MEETING CALLED TO ORDER WITH PLEDGE OF ALLEGIANCE AT 6:00 P.M.**

**Members present:** D. Boltres, D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama  
**Members excused:** F. Zarafonitis  
**Staff present:** S. Vreeland, Township Manager/Recording Secretary  
C. Bzdok, Legal Counsel

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

**APPROVAL OF AGENDA: Motion by Takayama, support by Scott to approve the agenda as amended to remove items A3 and E2 (referring it to the Parks & Recreation Advisory), to move C1 to the time at which Mr. Buday arrives, and move the discussion about options for township office and meeting hall facilities to item D1. Motion carried by unanimous roll call vote.**

**A. CONSENT CALENDAR:**

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

**RECEIVE AND FILE:**

1. **Ruling from state Manufactured Housing Commission regarding proposed mobile home park zoning ordinance provision revisions**

**ACTION – Consider approval:**

2. **Changing the date for the next Board meeting to December 9 from December 2**
3. ~~**Consider acceptance of bid from Township Engineers Fleis & Vandenbrink to scan township sewer system records**~~
4. **Consider adoption of Resolution #R-2008-34 establishing project designations for portions of the unrestricted General Fund balance**

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

**B. LIMITED PUBLIC COMMENT:**

Julie Harrison, on behalf of Immanuel LLC, presented a **letter dated 11/18/08** to the Board. Her client is asking that the proposed new zoning ordinance not be adopted this evening because incorrect versions of the existing ordinance were available to the public during the discussion process. The proposed adoption resolution also proposes some changes to the languages relating to the B-3 district which is the zoning designation for a project under SUP consideration for her client. She asserts that some of the proposed changes to the ordinance could have a substantive impact on her client rather than being content-neutral to them. Kladder indicated that additional public comment would be entertained regarding the proposed new ordinance when the matter comes up on the agenda.

**C. SPECIAL PRESENTATIONS:**

1. **Grand Traverse County 2009 DPW Budget – Chris Buday:** Mr. Buday sent ahead some spreadsheets related to proposed DPW budgeting for next year. One of the biggest areas of projected expenditure increase next year is for wastewater treatment plant operation. Expenses are partially based on flows and partially BOD. The township Board had examined budget scenarios based on a 5% reduction from the initial DPW budget projections for the township, and he is comfortable with this as long as people understand that many of their

expenses are contractual, and therefore those particular line items are non-negotiable. Personnel expenses are set by the County. The DPW has a contract with the City for wastewater treatment. The 5% reduction was based on recent past history in terms of actual expenditures vs. original budget. They could consider some layoffs, but the existing staff is quite busy with operation and maintenance of existing systems, as opposed to better economic times when they are often focused on new construction projects. There is a field position currently left unfilled, and there will be a vacancy in the office staff due to retirement this winter. There is increased workload because two townships bill for system usage monthly instead of quarterly, but there has been no increase in staff. They encourage people to combine trips and tasks, and are moving where possible to remote meter reading. One person can accomplish in one day what used to require six people. New software implementation is projected to cost \$120,000 but will increase office efficiency, possibly to the point where there should be a one FTE reduction in staff. Mr. Buday is constantly looking for ways to save the member townships money. Budgeting for each new year is based on comparing budgeted vs. actual expenditures for the outgoing year.

Two townships have passed the new budget. Garfield will defer until their new board is in place. East Bay Township has increased their water and sewer rates for much the same reason as Acme just raised its sewer rates: improvements were constructed through bonding but new development has dried up throughout the region so the anticipated new user benefit sales to repay the bonds have not materialized. Elmwood also just raised their rates. Peninsula Township is not predicting new growth so they already emphasize user fees. Perhaps in the future when there is sufficient growth and sewer fund balances have stabilized the various townships will be able to consider reductions in user fees. He commended the township on its sewer fund cash flow model and may use it himself.

Dunville asked if the township is still planning to call two bonds this winter; Vreeland stated that she just has to send the letter to Bill Rokos at the County to accomplish this in February and March 2009. The DPW Board recently discussed possible calls of other bonds payable by multiple townships, but there was a general lack of interest from the other townships.

Kladder asked who negotiates the County overhead costs allocated to each County department. An outside firm called Maximus was used the last time to review the situation and make a recommendation. The overhead includes office space, utilities, human resources department, IT department and other central services from the County. These remain fairly constant from year to year.

Takayama finds it difficult to approve the budget when he has no real understanding of the underlying costs. All townships are paying high interest rates on the larger longer-term bonds. Why hasn't the county looked at refinancing them while interest rates are low? Mr. Buday replied that County Administrator Dennis Aloia performs a quarterly review of all outstanding County bonds along with Treasurer Bill Rokos. When an opportunity presents to refinance sensibly, they present it to the appropriate body. The whole picture includes not only comparative interest rates but also transaction costs. There have been times in the past when they have suggested to the DPW that a refinancing or call be made. Kladder stated that while stock markets are falling, bond markets often move in opposition and they are not falling. He has a tickler set up to raise the question quarterly himself.

Hardin asked about the Hoch Road study, and why not think about combining a new sewage treatment plant on the same site as the existing septage plant. Perhaps combining things could provide economies rather than spreading them out. Mr. Buday stated that when the Hoch Road property was purchased it was intended to be both the septage and sewage facilities. Nearby residents expressed concern over potential truck traffic, so the septage plan was relocated. It is true that combined location would be more efficient and reduce treatment costs for both. The budgets are separated because the septage facility is supposed to be financially

self-sufficient. The Hoch Road side is not being participated in by all of the DPW members, so it is treated separately from the existing wastewater facility which is owned by the City with capacity leased to the townships in the DPW. There may be additional unused capacity that the City might be willing to lease to the townships depending on their projected future growth patterns, which would defer the need to construct a new wastewater facility. Some townships not currently participating in the DPW such as Whitewater or Green Lake may be interested in joining. All of this creates a variable situation that needs constant re-evaluation. It is also important for all townships to remain engaged in the process, and for township planning officials to realize that their plans for growth and for growth patterns have a huge impact. Mr. Buday wants to help run an efficient system, not to expand senselessly. It doesn't make sense to have sewers everywhere, which is why the septage facility is important.

**Motion by Dunville, support by Scott to approve the Acme Township portion of the DPW budget as presented. Motion carried by unanimous roll call vote.**

**D. OLD BUSINESS:**

- 1. Discuss information regarding options for township hall from Facilities Advisory:** Advisory Chairman Bill Boltres provided an oral report to accompany the summary memo provided to the Board. The advisory has inventoried the existing township buildings, which are generally used and suitable for storage and workshop space only. The main focus has been the existing township hall/Metro Emergency Services Station 8 building. Metro has indicated some interest in at least temporarily occupying the entire building, which would require the township offices and meeting space to relocate. Looking at various options including potential new construction either on the existing township office property or adjacent property owned by the Masonic Lodge, and reviewing various commercial buildings currently available within the township, and in accordance with the list of options and associated benefits and challenges, it appears obvious that although the group as a whole has not made a formal recommendation, the most suitable option seems to be to consider purchase of the current Real Estate One building. Boltres observed that both Lanny Johnson and Steve Smith have generously offered properties in their proposed town center development areas, and the offer is appreciated, the advisory is concerned about real or perceived conflict of interest arising if one of the offers were accepted and the landowner subsequently needed additional reviews or entitlements from the township.

As an individual and not as a representation of the advisory point of view, Boltres observed that the economy is poor at present. There are perennial discussions about potential reductions in state revenue sharing, which is a major component of the annual township operating budget. He believes that with dropping property values there will be pressure to reduce taxation rates as well. Perhaps this is not the right economic time for a major purchase. Instead perhaps the township meeting room could be converted into several offices, and/or the township hall could expand into the existing fire station conference room. With elections and meetings relocated to another place such as Bertha Vos Elementary. He believes the school board is open to options for leasing that currently vacant facility. Perhaps some of the records in the township hall and in the Saylor Park storage building could be relocated to the school as well. Or the township could rent a storage unit in a local facility. He personally does not believe that the township should in any way jeopardize its currently very healthy financial position by purchasing or building at this time.

Kladder asked what Boltres would recommend for next steps if the township were to proceed to investigate purchase of the Real Estate One building. Boltres stated that the condition of the roof would need to be addressed, as would the load-bearing ability of the floor in the area that could potentially serve as a new public meeting room. It may also be necessary to install additional fire suppression (sprinkler) systems and a water source to meet fire and construction safety codes. A leak in one of the basement walls is largely related to the roof design, which could be remediated when the roof is replaced. An architect and

engineer/building inspector should perform a thorough inspection of and report on the building. The current asking price on the building is \$895,000 and is likely negotiable, particularly in light of the needed repairs. Overall the cost seems very reasonable, but he is concerned with the risk of lost tax revenues.

Boltres reported that the advisory has done some investigation as to financing methods for a new facility. A capital improvements bond would be one possibility as investigated through John Axe, the County's bond council. Several of the local banks would be able to offer financing similar to a mortgage as well. Debt payments would be affordable in general, but he is uncertain about the advisability in this specific economic environment. He asked the Board to direct the advisory as to what, if anything, they should do next.

While agreeing with many of Boltres' comments, Vreeland is uncertain that any expansion of the township offices into the fire station area is feasible. We need more storage space on site rather than less, as evidenced in part by the condition of her cubicle and Hull's office. And, she is aware that Metro is very interested in adding a dormitory to the fire station so that overnight on-call staff can be on-site and able to respond more quickly to emergencies.

Scott asked about the potential to expand on-site or nearby. The current structure sits on the southern lot line and occupies most of the lot as is. In the 1990's the concept of adding a second story was discussed and discarded due to a \$1 million + price tag. It may be possible to negotiate purchase of some adjacent land from the Masonic Lodge. Hardin asked about the likely impact of the economy on property values and tax revenue in 2009. Vreeland responded that while SEV is likely to drop somewhat

Scott believes that it would be better to investigate modifications to the existing building rather than consider leasing the entire building to Metro for \$1 and paying \$900,000 for an additional township building, even though he understands the need and supports them. Takayama is completely opposed to purchasing a new building in the current economic environment, feeling that it would be insensitive to struggling taxpayers. He also observed that the new computer equipment allows for some of the staff to work off-site. Boltres concurred that she would prefer to maintain the General Fund balance rather than purchasing a new facility, particularly if the township could rent some storage/meeting/election space from the school system. She knows how difficult it is to work in the current environment. Dunville regrets that the building can't be purchased at this time, as it might be a long time before prices are as favorable again. Takayama believes that there is always empty meeting space available in many places in the township that could be utilized. Hardin would like to maintain the fund balance, but he can't think of any time within the past four years when there would have been an ideal time. There will never be an ideal time. The township is fiscally responsible, and he would support further investigation into the Real Estate One building. This is no longer a small township; it does a lot of business and can no longer do it effectively from a small group of cubicles. Perhaps one reason we haven't made more progress in general is that we are trying to do too much with too little while accumulating a large amount of cash with no obvious plan for why. Perhaps while times are tough is the time to consider a change, rather than when times are good and prices have gone up and the township may be no better positioned to act. Kladder is also nervous about the financial situation. One option would be for the advisory to find out how much it would cost to have the appropriate inspections of the REO building performed, and to also investigate further into financing options to support further decision-making. Boltres and Dunville also suggested simultaneously investigating the cost of modifications on-site. Hardin stated that he also feels it's important for the Treasurer's office to be on-site to serve the public, and for there to be walls and doors to facilitate work and meetings. He also noted that prior to 1992 everyone worked from their home.

Kladder summarized that the advisory is requested by the Board to investigate the cost of

appropriate inspections for the REO building, costs to modify the existing building and rent space in Bertha Vos, thoughts on the needs for Station 8 and financing.

2. **Discuss proposed revised design for Sayler Park boat launch (parking/turning area concept):** Normally each launch lane would be required to have 25 parking spaces. Based on conversations with our DNR grant contact we believe we might be permitted to provide a total of 25 spaces for 2 launch lanes. The proposed parking design would require clearing of approximately 1 acre of land. Vreeland believes that we are very close to meeting the preliminary design requirements to close out our existing grant. The inside turning radius of curved areas is about 25', the outside radius about 45'. Hardin observed that sometimes trailers have trouble maneuvering curves. This is just a preliminary design/feasibility study; final design would be required to complete the details. The proposed surface is gravel. The parking spaces could be unmarked or concrete stop-bars would indicate the desired parking pattern. The area to be cleared would be left as vegetated as possible, but is also a somewhat cleared area already for existing overhead power lines. When final design is done there could be some planning to maintain clumps of trees in islands or larger trees.

**Motion by Dunville, support by Scott to approve sending the revised design to the DNR for completion of the grant project. Motion carried unanimously.**

**E. NEW BUSINESS:**

1. **Consider adoption of re-written Acme Township Zoning Ordinance to replace the Acme Township Zoning Ordinance adopted September 26, 1979 as amended:** Kladder read aloud the summary of comments on this matter made by Gene Veliquette, Elk Lake Road in Whitewater Township,, Elk Lake Road in Whitewater Township, at the November 11 meeting as recorded in the draft unapproved minutes. Hull reported that the current zoning ordinance needs to be brought into compliance with current state planning and zoning enabling legislation. Staff and legal counsel worked together to propose an updated ordinance that would address questions of clarity, legality and correction of accumulated errors from revisions, but would not change entitlements or procedures unless immediately required. All other questions of potential amendments that would be more substantive to rights were deferred for separate discussion and review. Hull cited several cases of things that were changed to comply with current law and several cases of things that have not because, while seen as problematic, they would be substantive to rights. One key substantive change made to conform with current law is the addition of the ability to cluster housing development by right, rather than only by special use permit.

Kladder asked about the status of wireless communications in the township. In the new ordinance draft it is not listed as an allowable use in any zoning district, which is due to be addressed very soon by the Planning Commission. It is of extreme interest in light of a recent ruling in the case regarding the newest cell tower in the township in Acme Village.

Kladder asked about Mr. Veliquette's comments regarding SUP requirements being unreasonably stringent. Hull believes that generally he disagrees with the township asking questions about such things as the amount of traffic to commercial sites. Hull observed that this is the sort of thing any business owner would investigate when planning a development in any event, so it shouldn't be onerous for them to share this information with the township as part of the decision making process. Vreeland believes that Mr. Veliquette does not like the long list of discretionary review points in the SUP process, but that it is important to note that the list he does not like for tomorrow is identical to the list in place today – it is unchanged. The Commission actually agrees that this section needs to be reviewed in greater detail, and it is relatively high on the review list. She also believes he is particularly concerned with the requirements for clustered housing developments where at least 50% of the land must be maintained in open space and there is a long list of natural features to be inventoried and evaluated. She believes he fears that the township will unreasonably try to require that all such features on a site be maintained unchanged when perhaps the township

needs to prioritize and establish which 3 of 5 should be protected.

Hull explained that when the township adopted amendments to the sections of the Zoning Ordinance regarding allowable uses in the business districts in 2007, the intent paragraphs about each zoning district were supposed to remain in place. However, due to a clerical error on his part they were omitted from the final text that was posted to the website. This is also true for the sentence in the intent paragraph of the B-3 district that seems to indicate a minimum size of 50,000 sq. ft. for a planned shopping center use.

Mr. Veliquette had entered the meeting. He feels his comments were fairly represented in the draft minutes and did not add anything further.

Kladder asked that a substantive ordinance revision project page be established on the website to make it easy for the public to follow along and participate. He asked Bzdok to comment on the letter presented by Ms. Harrison this evening. Bzdok observed that the ordinance has been amended 140 times since 1979, and has become a patchwork of mismatched parts with incorrect cross-references. His firm looked at four issues: meeting the current Zoning Enabling Act; catching up with constitutional and case law; eliminating duplications and multiple choice decisions in favor of “yes or no” options, and reorganizing in a more user-friendly fashion. In general, compliance with enabling acts and constitutional and case law will benefit landowners. For example, conflicts with the Right to Farm Act have been eliminated. Clustered housing is now a use by right and not just by special use permit, as are several other land uses. Manufactured homes on residential lots are a use by right. The business districts now have a list of uses by site plan review rather than all of the uses being by special use permit, which eliminates at least one month from the development process for many projects. The site plan review process as a stand-alone process was clarified and separated from the SUP process. He worked on the first draft, and subsequent changes have been made by the staff, Planning Commission and in concert with Mike Grant.

The issue about the 50,000 building size in the intent and purpose section of the B-3 zoning district regulations goes back to the business district amendments in 2007. His firm stated that reference to store sizes be removed because it could create false understandings about what would and would not be permitted. The suggestion was taken, but in one place removal of the size was accidentally omitted, the intent section of the B-3 district. The portions of the ordinance that discuss allowable uses does not reference size for anything. The proposed elimination of the 50,000 sq. ft. will not change entitlements or allowable land uses in the B-3 district, but will correct a clerical error made in 2007 in an intent statement.

Scott understands that one point of the new ordinance is to consolidate all of the 140 changes to the ordinance in 1979. Bzdok clarified that that the numerous changes created internal conflicts in the document that needed resolution. They also complicated the organizational structure of the ordinance, making it difficult to use, and correcting this was another goal of the project. The substantive changes Bzdok is aware of all expand landowner rights rather than contracting them. This may not be the ordinance we would write from scratch, but it is up to date with current statutes, case law and constitutional considerations. All of the materials – even legal advice – have been made fully public. Hardin confirmed that the Commission was “hypersensitive” to the question of maintaining neutrality. If there was any doubt a provision was left in place and put on a list to come back to in amendments to the new ordinance. The Commission took the process very seriously. There were many things they wanted to change, but then someone would ask if it would be a content-neutral change and the question would focus people carefully. Each issue put on the list for future consideration will be discussed separately and carefully. Bzdok stated that he has been involved with governments from Northern Wisconsin to Portage. He has never been aware of a Commission that was so in charge of the process and so thorough and careful in their deliberations, and that made note of substantive items to revisit. It was unique in his

experience, and all the credit is due to the Commission.

Mr. Veliquette spoke to the three steps that a site plan review application must go through. He feels that the Zoning Administrator is given a lot of power, because before one's application can reach a Commission meeting the ZA has to certify that all of the requirements of the ordinance have been met. There are 14 additional items the Commission can require of an applicant. Then there are the standards for site plan review which he feels are new, items lettered a through s ALL of which must be met in order for approval to be achieved. The last seems too subjective to him: that the application must conform to the spirit and intent of the ordinance and the principles of sound planning. Plus the township can add conditions which he fears would be meant to satisfy 100% of the public. The difference between "may" and "shall" in an ordinance is an important one. He does not believe it is fair to require compliance with all of the items on a list that are somewhat ambiguous. Bzdok stated for the record that the standards for site plan review are word-for-word identical in the new ordinance to the existing ordinance. The only change is that they were relocated to a section of the ordinance separate from the special use permit requirements. The conditions for approval of an application are taken word for word from the state statutes, including the word "shall." Hardin commented on evening during a discussion about sentence structure that it is important to be careful even with changing a single word, which can change the whole meaning of a passage. He fears that his cautionary comment was misconstrued as a statement that this had occurred.

Linda Wikle believes that helping with the creation of the document was one of the most important things she did during her tenure as a Commissioner. "Content-neutrality" was a mantra. She and the Commission know it is a flawed document, and they have a list of items to fix that has been prioritized for action over the next year. No longer are there references to sections that don't exist anymore. This is a good foundation for creation of a more purposeful, understandable ordinance that can serve the whole community well. It also gives the staff a strong guideline.

Hull reminded the Board of the fate of the former Town Center section of the ordinance. Based on a ruling by Judge Power from 2003 or 2004, the entire section of the ordinance was stricken through but retained for informational purposes in the ordinance. Independent counsel Dick Figura retained to review the correct treatment of this section stated that this was an appropriate action, and that it was appropriate for the township to remove it from the new draft. Mr. Figura also observed in his findings that it would serve the township well to re-address an updated version of the town center section of the ordinance.

Dunville finds the new document more readable. Takayama and Kladder expressed appreciation for the effort and it serving as a basis for additional revision for the benefit of the community.

**Motion by Dunville, support by Takayama, to adopt Resolution #R-2008-35 adopting the new Zoning Ordinance as amended to update the date from November 11 to November 18.**

Kladder read the resolution for the public.

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

~~2. Consider whether fee structure for Saylor Park should be adjusted~~

4. Discuss potential change to regular monthly Board meeting day: There was general consensus to leave the schedule as is.

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

Jay Zollinger has not heard mention this evening about consideration of future township sanitary infrastructure needs, and this is crucial. He was pleased to see the new ordinance adopted this evening. It is important for the public to look at the old and new documents side by side to fully understand what did and didn't change, and to ask questions of staff and Commissioners to eliminate misunderstandings and confusions. Please encourage people to do this.

Nels Veliquette, 311 S. Maple Street in Traverse City, thanked the township for displaying the township farmland PDR eligibility map. He noted that Peninsula Township has opted out of the new sewage treatment plant and decreased the size of their sewer district. Through their PDR program they have reduced their potential buildout by about 500 housing units, enabling them not to participate in the cost of the new treatment plant. This is a way that Acme can manage their sewer needs too – through effective administration of the PDR program. For many years the township has subsidized operating and maintenance expenses with benefit sales, which should have been saved for future repair and system expansion, in an attempt to defer rate increases. The township has now moved to eliminate the subsidies for true service costs, which he sees as a positive thing.

**Meeting adjourned at 8:33 p.m.**