



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, February 3, 2009
7:00 pm**

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:02 P.M.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wikle, F. Zarafonitis
Members excused: None
Staff present: S. Vreeland, Township Manager/Recording Secretary

INQUIRY AS TO CONFLICTS OF INTEREST: Takayama expressed a potential conflict of interest regarding the resolution to approve the resolutions regarding the agreements with Cherryland Electric, as his personal and business attorney is representing the case. Vreeland stated that the resolutions do not approve hiring of the firm; they already represent the township in the matter. The resolutions are a proposed agreement between the township and Cherryland Electric, and she does not believe a conflict exists.

APPROVAL OF AGENDA: Motion by Wikle, support by Zarafonitis to approve the agenda as amended to add an item C0, Introductions. Motion carried unanimously.

A. CONSENT CALENDAR:

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

RECEIVE AND FILE:

1. **Treasurer's Report as of 12/31/09**
2. **Clerk's Report as of 1/27/09**
3. Draft Unapproved Meeting Minutes:
 - a. **01-13-09 Farmland Advisory**
 - b. **12-09-08** and **01-13-09 Marina Advisory**
 - c. **1-14-09** Shoreline Advisory
 - d. **01-16-09 Heritage Advisory**
 - e. **01-12-09** and **01-26-09** Planning Commission
 - f. **12-17-08**, **1-7-09** and **1-14-09** Road Commission
 - g. **12-23-08** Metro Fire
 - h. **Metro fire newsletter, January 15, 2009**
4. *Record Eagle* article published 01/22/09: **"Committee: Sell Senior Center Property"**
5. County Drain Commissioner Kevin P. McElyea's **2008 Annual Report**

ACTION – Consider approval:

5. Township Board meeting minutes of **01/06/09**
6. **Accounts Payable** of \$184,028.58 through 01/27/09
7. **Resolution #2009-01** requesting Grand Traverse County to call GT County Sewage Disposal System #2 Bonds dated 06/01/92
8. **Resolution #2009-02** requesting Grand Traverse County to call GT County Sewage Disposal System #2 Bonds dated 08/01/93
9. **Resolution #2009-03** setting 2009 Board of Review Meeting Schedule
10. **Participation in County/City Solid Waste Review Process**
11. **Stipulated Motions for Entry of Consent Judgements** – Cherryland Electric Tax Tribunal cases re: 1999 Personal Property Taxes

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT:

Dunville mentioned that buttons granting admission to the Cherry Capital Winter Wonderfest are available for \$10 at the township hall, along with brochures describing the events. A portion of the proceeds is donated to Special Olympics.

C. SPECIAL PRESENTATIONS/ANNOUNCEMENTS:

0. Introductions: Wikle noted that current Deputy Treasurer Judy Oster is resigning effective March 14 her current Deputy Treasurer. She will be deeply missed, as she has done an excellent job, but is leaving so her husband can take advantage of a new job opportunity. Wikle introduced Karen Jennings, a 28-year resident of the township who lives on Woodland Trail, as her new Deputy Treasurer. Jennings comes to the township with extensive experience in accounts payable and receivable and as a small business owner.

Kladder introduced Dave Taylor, who became a County Road Commissioner effective January 1. He lives in Blair Township and has a background in road maintenance. His term of office is 6 years.

1. Cherry Capital Winter Wonderfest February 13 – 16: Kladder noted that a variety of downtown businesses, along with the Grand Traverse Resort and the Township, are sponsoring and/or promoting the festival. Event venues have been expanded from just the Grand Traverse Resort as in past years, to including downtown Traverse City and Mt. Holiday this year. He highly recommended the fireworks display over the snowy landscape and encouraged everyone to attend.

2. Assessment and Taxation Public Information Meeting: Thursday February 12, 7:00 p.m.: Vreeland stated that annual property assessment change notices are in the mail and should be received shortly, about a month earlier than usual. This year Assessor Dawn Plude is expecting a heavier-than-usual volume of questions and concerns, as for the first time many people may see their assessed values remain static or decrease while their taxable values increase. There may also be questions about assessed valuations locally in contrast to state and national trends. To help explain the effect of Proposal A and answer other questions, she will be hosting a public meeting a week from Thursday here at the township hall.

D. REPORTS:

1. Sheriff's Deputy – Mike Matteucci: received and filed. Deputy Matteucci recited the provided statistics report for December 2008. A total of 221 calls for service were processed. He reports that it has been a bad winter driving season crash-wise, and there is an increased level of retail fraud and larceny at local stores. The increase in problems in Acme is lower than that in other more developed areas of the County. He enjoys the ability to perform detailed work on cases in his role as the Community Policing Officer (CPO).

Vreeland asked if Deputy Matteucci would be able to keep an eye out for streetlights that are out and report them so we can have them serviced faster. Ken Engle, Sayler Road asked if he believes that the 2008-09 winter road maintenance policies have had an effect on the increase in crashes. Deputy Matteucci does not generally think so.

2. County Commissioner's Report: – Larry Inman: The City and County met regarding the Boardman Dams on January 20. No decisions have been reached yet, and further review of public input is pending. The County recently held two public strategic planning meetings to gather input on desired priorities. The two overall top items of concern were the fiscal health of the county and maintenance of the natural appeal of the area. Also desirable were working with the Road Commission to improve road conditions, public services – particularly for seniors, and waste management. A new Resource Recovery Manager has been hired, so Inman hopes progress will be made on the landfill surcharge issue. A committee has been

formed that meets Thursday for the first time to review the consultant reports regarding the septage treatment plan and try to decide the best approach moving forward. The Grand Vision open house for Grand Traverse County will be held from 3:00 – 7:30 p.m. at the Haggerty Center tomorrow, with presentations at 4:15, 5:15 and 6:15. The County and several townships have been approaching federal representatives and senators regarding economic stimulus projects, but Inman heard today that Senator Jason Allen’s office may not be promoting any road repair projects. The state has developed laws that will allow ORVs on county road shoulders subject to county and township permission. The County has the option of adopting an ordinance allowing ORV use on its roads and specifying up to a certain amount of roads where they are not permitted, and townships also have the ability to opt in or opt out. This will be discussed in the near future. At a joint county-townships meeting a new Long Lake Township ordinance requiring septic system inspections with results filed with the township prior to any property sale was discussed. There is some discussion as to whether other townships and/or the County may also choose to adopt ordinance. The Health Department has investigated ordinances from other Counties, some of which require inspection of both wells and septic systems.

3. Parks and Maintenance – Tom Henkel: received and filed

- E. CORRESPONDENCE:** None
- F. PUBLIC HEARINGS:** None
- G. OLD BUSINESS:** None
- H. NEW BUSINESS:**

1. Consider recommendations from Farmland and Open Space Preservation Advisory for negotiation with PDR Program Round 1 applicants: Farmland Preservation Specialist Brian Bourdages was present to discuss the proposed negotiations. The advisory met on January 13, following up on PDR concepts presented to the Board at their December meeting. The advisory discussed the information and recommends that the Board authorize Bourdages, Kladder and Vreeland to enter into negotiations with the program applicants.

The PDR program is set up in such a way that the township and County purchase of development rights programs are intertwined. Therefore, the proposed negotiating team would like to be able to work with the landowners and present the proposed options and purchase agreements to the County Farmland Board and County Board of Commissioners at meetings later in February. After approval as required at the County level, the negotiated agreements would be brought to back to the Township Board for approval at the March 3 meeting.

The County Board has to date been content to leave the details of program administration to the township’s discretion. The township has adopted the PDR millage, performed property appraisals and done all the other work necessary to the process; County approval is largely a formality. Kladder noted that the members of the County Farmland Board include himself, Realtor Cyn Flynn, and Chairman Lew Coulter.

Zarafonitis asked about the proposed 25% landowner “bargain sale” participation in the proposed offers. Bourdages explained that federal tax law allows a deduction to individuals who sell a conservation easement for less than full fair market value. Since 2006, and through 2009 unless further renewed, the incentives have been enhanced over the baseline amount for farmers. He does recognize that since farmers tend to be “land rich and cash poor” the suggested 25% bargain sale contribution is a substantial and notable gesture.

The township has always sought to obtain federal and state grant dollars to match local

millage dollars. Due to delays and reorganizations of state and federal programs those dollars have not been forthcoming to date. There has been new progress in Washington and we are increasingly hopeful that we will be able to attract grants to match taxpayer dollars soon.

Zarafonitis asked why the township would need to use Americana Fund dollars for option payments when we have over \$1 million in millage money in the bank. Bourdages stated that the Grand Traverse Regional Land Conservancy applied to the Americana Fund for the dollars specifically for use with the Acme PDR program. To some extent the option money is at risk, and using this source allows the township to not have to place taxpayer dollars at risk. The money will be recaptured at closing and placed back into a line item for future option payments.

Bourdages summarized the proposed general parameters in the staff memo for the PDR negotiations with landowners. The Board generally expressed pleasure that the program is on the brink to begin actually acquiring conservation easements, as we are half way through the 10-year millage lifespan. Hardin asked if there may be any likely opportunities to streamline the process, particularly the interaction between the township and County, that would make future acquisitions run more smoothly. Bourdages believes the interlocal agreement with the County and the PDR ordinances are the place where any such changes. The documents were set up under an initial expectation that Grand Traverse and Antrim Counties would be working together to purchase development rights, as well as five townships spread between them. To date only Acme residents have approved a millage. Kladder would not want to eliminate all the cooperative provisions, as he still hopes the other townships that originally asked for PDR millages will soon approve them.

Motion by Dunville, support by Zarafonitis to authorize Bourdages, Kladder and Vreeland to negotiate with the four Acme Township PDR program first round applicants and return to the Board at the March 3 meeting with option and purchase agreements that have been approved by the County Farmland Board and are ready for potential Board approval, subject to the following general parameters:

- 1. That agreements with all four first round applicants be pursued simultaneously;**
- 2. That all negotiations for immediate purchase be based on 75% of the appraised value of the development rights offered (25% tax-deductible bargain sale component contributed by landowners);**
- 3. That all option agreements for future purchases on remaining acreages of first round applicants be structured as follows:**
 - A. In the event that the township is able to secure 50% matching funds (from state, federal, or private sources, etc.) the township will contribute 50% of the funds needed and exercise the options in the order of score rank. (Note: this does not preclude all or a portion of the matching funds to come from a voluntary elective bargain sale from the landowner); or,**
 - B. In the event that the township is unable to secure 50% matching funds, then the township will convert the option to purchase agreements to offers to purchase that will not compel the landowners to sell their development rights, but rather offer the landowner the opportunity to sell their development rights based on the best price the township can offer at any time through 2014; and,**
- 4. That all option payments be at similar dollars per acre per year.**

Motion carried by unanimous roll call vote.

2. **Consider adoption of Memorandum of Understanding with GT Regional Land Conservancy regarding proceeds from Americana Foundation Grant for use as PDR Option payment funds:** Bourdages reviewed the provided Memorandum of Understanding (MOU), which is a formality recognizing the requirements attached to the Americana Foundation Grant. The terms were discussed with Americana's Director. The funds will be deposited to the "Grants" line item of the Farmland Preservation Fund, used at the township's discretion for option payments towards farmland PDR, and will be reimbursed to the PDR Grants line item when the township goes to closing on the conservation easements obtained. Zarafonitis asked if the \$25,000 subject to the agreement is a portion of the total grant funds; Bourdages stated that the full grant was about \$40,000. Funds expended to date have supported his salary in his capacity serving Acme and Peninsula Townships, and the Americana Fund has asked the Conservancy to complete expenditure of the funds rather than continuing to hold them. Zarafonitis asked how long the township will maintain a \$25,000 balance for option payments when the funds are replaced at closing.

Motion by Zarafonitis, support by Takayama to approve the Memorandum of Understanding as presented. Motion carried by unanimous roll call vote.

An Elk Rapids Conservancy/farmland preservation donor has volunteered to host a second tour of local farming operations, similar to one held during Fall 2008. The goal is to raise awareness in the non-farming community for the business concerns and practices of the agricultural community, and to highlight the ongoing need for farmland preservation. The tour is targeted for cherry blossom season and towards potential donors and existing grant funders such as the Americana Foundation.

The board expressed gratitude to the Conservancy and Bourdages for all of their assistance to and efforts on behalf of the township.

3. **Consider recommendations from Marina Advisory regarding potential acquisition of slips in East Bay Harbor:** Vreeland conveyed Marina Advisory Chair Jean Aukerman's regrets for being unable to attend this meeting due to the weather, and summarized the memo provided to the Board. The Advisory is working diligently towards a recommendation to the Board as to whether or not it makes sense to pursue acquisition of the marina as part of the township's overall Shoreline Preservation program. At this point they have two specific recommendations on which they are asking the Board to act:

The first is the concept that the township should only pursue marina acquisition if it can acquire 100% of the facility. After extensive conversations with the Michigan Natural Resources Trust Fund, from which most of the acquisition funding is expected to come, and with Bill Boik and Paul Petersen at the DNR Waterways Division, from which most of any funding for repairs and/or upgrades to the facility could come, it appears that 100% municipal ownership would be key to successful funding by either entity.

The second is that as a matter of general due diligence as well as at the specific recommendation of Messrs. Boik and Petersen at the DNR, prior to proceeding further with negotiations it would be prudent to conduct a structural assessment of the marina. The township would require the marina corporation's consent. This information is critical to determining whether the acquisition makes sense from a financial standpoint. The advisory is asking the Board's approval to prepare and distribute a Request for Proposals/Qualifications (RFP/Q) to solicit project proposals and cost bids from well-qualified engineering firms (those with specific marina design and/or construction experience.)

Questions raised by the Board included: whether the DNR would continue the bottomlands lease for the marina or possibly sell the bottomlands to the township, how the current ownership of the marina is structured, how full it generally is, whether it is and/or should be a designated Harbor of Refuge, becoming a designated Clean Marina, and whether or not commercial/charter fishermen would still be able to have long term leases in/operate from the marina if acquired. Scott stressed the desirability of adding a boat launch ramp, and the question of how a structural assessment will be funded was raised.

Motion by Wikle, support by Scott, that the township only pursue acquisition of the marina if 100% of the facility can be obtained, and to authorize preparation and distribution of an RFP/Q for an in-depth structural assessment of the marina. Motion carried by unanimous roll call vote.

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

Observing that there are many issues and initiatives in the township that require increasing amounts of attention and effort, Kladder proposed that the Board move up their meeting start time to 6:30 p.m., in large part to allow for the addition of study sessions at the beginning of each meeting. These would provide presentations by leaders and experts on issues facing the township or of general interest to planning for the general welfare and prosperity of the community. If this would not work, perhaps the Board would consider adding special meetings specifically for study/information sessions. Scott stated that he would prefer to have the start time moved ahead only if there is an issue to be studied. His work schedule may come into conflict with meetings running long, which is a larger concern for him. Kladder stated that if Scott can let him know a day in advance when there may be a conflict, he can reorganize the agenda to ensure that the most critical issues are presented earlier in the evening. Takayama suggested that the Board needs to use existing meeting time more efficiently by limiting the amount of time given to each presentation. Some run 45 minutes or longer when they could be equally effective at 15 minutes. This may also contribute to decreased public participation at meetings. Wikle likes the idea of study sessions and is flexible on the particular scheduling.

Kladder stated that tomorrow morning at 7:30 a.m. the fourth meeting of the Acme Business Association will be held. The meeting will be at the Bay View Inn, and the guest speaker is Tino Breithaupt from the Traverse Area Chamber of Commerce.

The first edition of the township's electronic newsletter was published approximately two weeks ago, with the second edition due out this Friday.

Kladder attended an agricultural conference in Grayling last weekend, attending sessions regarding community supported agriculture (CSA) farms where people purchase subscriptions to fresh fruits and vegetables, and to a session led by Don Coe from Blackstar Farms on successful agricultural/governmental relations.

Kladder and Vreeland accepted an invitation to meet with State Representative Kevin Elsenheimer last Friday. He is interested in running for the Senate and wanted to learn more about local issues and needs. Today Kladder attended a special meeting of the DPW Sewer & Water Committee concerning special wastes and how the County can attract more such wastes to the septage treatment plant for processing. Expert Dr. Nancy Love was the guest speaker. Kladder recently spoke to the Optimists Club, and on Thursday will be speaking to a local Kiwanis Club.

Hardin received an e-mail indicating that Governor Granholm may seek to end DEQ oversight and enforcement of wetland regulation, returning the function to the EPA and/or local units of government.

Wikle will be collecting taxes at the township hall on February 16 and 17.

Meeting adjourned at 8:32 p.m.