



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, January 5, 2010 at 7:00 P.M.**

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 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 and Recording Secretary
J. Jocks, Legal Counsel

A. STUDY SESSION: None

B. LIMITED PUBLIC COMMENT: None

C. APPROVAL OF AGENDA: Vreeland asked that the agenda be amended to add consideration of a DPW Orchard Shores DPW budget amendment to New Business.

Motion by Wikle, support by Dunville to approve the agenda as amended. Motion carried unanimously.

D. INQUIRY AS TO CONFLICTS OF INTEREST: Takayama stated a conflict of interest with approval of the auditing contract due to the fact that he performs work for one of their partners. For this reason this item was removed from the Consent Calendar so that it could be voted on separately from the rest of the Consent Calendar.

E. CONSENT CALENDAR:

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

RECEIVE AND FILE:

1. **Treasurer's Report** as of 11-10-09
2. **Clerk's Report** as of 12-29-09
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission **12-21-09**
 - b. GT County Road Commission **11/12/09**, **11/18/09**, and **12/02/09**
 - c. Shoreline Advisory **12-09-09**
 - d. Parks & Recreation Advisory **12-17-09**
4. **Metro Emergency Services Newsletter 12-15-09**

ACTION – Consider approval:

5. **Township Board meeting minutes of 12-01-09**
6. **Accounts Payable** of \$415,309.49 through 12-29-09, including \$157,390 to Metro Emergency Services for the 4th quarter of 2009 and \$185,185 to Northern Title Agency for the Cherry Country Cove PDR closing
7. Hiring Rachel Roe to **update Employee Handbook**
8. Approval of **Contract with Dennis Gartland & Niergarth** for 09-10 and 10-11 Fiscal Year audits
9. **Amendment of Personnel Policy – specified standard workweek**

Motion carried by unanimous roll call vote.

F. **SPECIAL PRESENTATIONS:** None

G. **REPORTS:**

1. **Sheriff's Deputy – Mike Matteucci:** 34 citations, 3 personal injury accidents, 23 property damage accidents and DUI arrests were included in the calls for service during December 2009. Wind and ice have played a factor in a higher than usual number of traffic accidents, particularly on M-72.

2. **County Commissioner's Report – Larry Inman:** The County holds an organizational meeting early in the year, and they may change away from their current committee operational structure. Committees of four Commissioners would make recommendations to the full Commission's consent calendar. During the past year nearly all issues placed on the consent calendar of the agenda were removed for further discussion and meeting lengths doubled. Beginning in February they will try meeting as committees of the whole on the first three Wednesdays of each month at 7:30 a.m., with the five existing committees combined down to a remaining three committees of the whole. Public Safety and Human Resources would be combined, as would Legislative & Administration and Physical Resources. Ways and Means would remain on its own to discuss financial matters. It is hoped that the major discussions will occur at these sessions so that items can be approved on the consent calendar at the regular Commission meeting on the last Wednesday of the month. Ross Childs attended meetings of every township in the County to discuss options for funding the septage treatment plant and his report to the Board of Public Works and the County Commission is expected by February. It will also be available to townships as desired. There are usually two meetings a year that the County schedules for a joint meeting with township, village and city governmental representatives. It was originally scheduled for January 20 but is being moved so that County bond counsel John Axe can attend for a discussion about ways the DPW can be restructured and how to handle solid waste issues. H1N1 vaccine is available to the general public now through the County Health Department by appointment and at various pharmacies as well. Inman anticipates that 2010 will be a challenging year for everyone due to budget issues, reduced grant funding availability and the need to come to some conclusions about the septage treatment plant. Funding road repairs and maintenance remains a challenge for the Road Commission.

Hardin asked if all committee meetings are open to the public with minutes available; they are. He is curious about what might happen if Commissioners change their minds between a discussion at a committee meeting and the final decision at the regular Commission meeting, and if public comment at the regular meetings can still have an impact. Inman stated that one benefit to discussion earlier in the month is that Commissioners do have time to ponder their positions and the input of their fellows. The public still has input at the regular meeting, and all meetings will still be televised. Sometimes new information will also become available during the month.

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

4. **Zoning Administrator's Report – John Hull:** received and filed. Kladder observed problems mentioned in the report with South Bates Road being torn up due to work related to the installation of new power poles for the high power line to be connected to the new Consumers Energy substation. The poles will be installed within the next several months.

5. **Farmland Preservation Program Update – Brian Bourdages:** Bourdages reported significant progress, as the township has completed purchase of three conservation easements as approved by the Board. Total expenditures so far are \$1,070,928, and landowner donations in the form of bargain sales total nearly \$357,000. About 392 acres of farmland entered into program round 1 remain to be placed under easement. A significant portion of the key farmland along the Bates Road corridor is now protected. Bourdages provided a report on his

activities for the past six months, which include a grant application to the Federal Ranch and Farmland Protection Program last fall. We were unsuccessful in that application round but will reapply this spring and he feels we have a better chance of success because more land has been allocated to Michigan than before and additional funding may come from a Great Lakes Restoration Initiative. He also had the opportunity to participate in a meeting in Lansing about problematic biases in the scoring system for the applications and many of the problems have been addressed. Bourdages has also been discussing our program in an outreach to other potential funding sources and a consortium of other land trust organizations. He was a presenter at the fall Michigan Association of Planners Conference as well. Along with working on the new FRPP grant application we will be entering into option agreements on the remaining program round one properties.

Kladder asked if it would be more beneficial to enter into the option agreements now or to wait, particularly in terms of obtaining additional funding. Bourdages stated that the thinking to date has been that we should place the properties under option as soon as possible, making sure that money is going into the farmers' hands and that our opportunities are preserved. If we wait a little bit there is a possibility that additional funding will be obtained to help with the payments. The Conservancy did give the township a grant award from the Americana Foundation to create a revolving option money fund that will be replenished when option properties are placed under easement, freeing the money to obtain additional options on more farmland development rights. The options are being structured to last for 3 years, until the currently voted millage expires. Bourdages perceives growing enthusiasm in the farming community for the program.

Kladder asked if any potential extension of the existing millage would have to be voted on before the expiration of the millage, and if otherwise it would have to be treated as an entirely new millage request. We need to do some procedural double-checking, and to continue to work on our funding strategies overall.

Hardin asked about the types of biases in the grant scoring system. Rather than being biased towards production of certain crops, they tended to be biases that directed funds towards more densely populated areas of the state. On the national level there are biases based on rate of population growth and the use of actual farmland loss as an indicator of future farmland loss threat levels, whereas it may make better land use planning sense to preserve farmland in areas where it is not already being lost at a rapid rate. One problem with federal-level programs is the attempt to standardize them nation-wide when there is so much situational and crop diversity.

Hardin observed that the shoreline preservation advocates may also wish to ask for a millage, and asked if there could potentially be detrimental competition between the two initiatives. Bourdages noted that most of the grant programs are targeted towards one or the other and that our two programs would not be likely to be competing on that level.

6. **Acme Township Cemeteries** – Sharma Zollinger, Deputy Clerk: Zollinger informed the Board that the Yuba Cemetery inventory is complete and the records updated in our centralized cemetery software. She is still inventorying the Acme Cemetery, which will include an on-site survey of headstones this summer. Acme Cemetery only has 21 more gravesites available for purchase, and there are no more complete lots available. There are a few places where two adjacent grave sites are available. She is asking whether the township plans to seek additional land for more cemetery space once Acme Cemetery is sold out. Her experience is that many people who live in the southern portion of the township do not wish to consider sites in Yuba Cemetery, feeling that it is not truly "in" Acme. Likewise, many people from the northern portion of the township only wish to consider purchasing in Yuba. Winkle observed that based on sales patterns for the past few years it seems as though the remaining 21 plots could last 3-5 years. Kladder stated that cemeteries are very expensive to maintain and there are many private cemeteries, and asked Zollinger if she has observed that

there are any new municipal cemeteries being developed; she has not. She has not heard of any public cemeteries being turned over to private operators either. Kladder was recently told by Barbara Morrison Kopkau that her family took care of Yuba Cemetery until a point in time when they were told that the state mandated that the township assume ownership and operation, but we have no further information about this. Kladder has heard something about the use of rural lands as a place to deposit ashes, and Bourdages commented that the “green burial” movement is big right now. This movement tends to look for land that can be preserved and used for scattering ashes. Elk Rapids News writer Samantha Tengelitsch stated that an historic cemetery out on Old Mission Peninsula has been acquired for conversion to a “green cemetery.” The Board expressed appreciation for Zollinger’s hard work with our cemeteries.

H. CORRESPONDENCE:

1. **12/04/09 Charter Communications Letter** – **Completion of Chapter 11 Restructuring:** received and filed.
2. **12/18/09 TBA ISD letter** **requesting summer tax collection and specifying authorized negotiator:** received and filed.

I. PUBLIC HEARINGS: None

J. OLD BUSINESS:

1. **Update on Regional Solid Waste Study:** Kladder prepared a PowerPoint presentation that summarized the materials provided from the GBB solid waste management study. There is an ad hoc City committee in which all interested governments were invited to participate to study our current handling of solid waste (garbage, yard waste, recyclables) and whether there are solutions that are more efficient, less costly and/or could provide broader services. The current contract between the DPW and the member governments will expire at the end of 2010. The consultants have provided advice about the things to consider and the best ways to go about it if the township would like to collectively negotiate waste hauling services for its property owners.

Zarafonitis wondered if there are enough companies sizeable enough to compete for the business. Kladder stated that it would likely be the case that several companies would be awarded business for different districts.

Planning Commissioner Jay Zollinger, in the audience, noted that some people have tiered service so they can pay less if they are a small family or are seniors, and asked if this could be maintained under an authority model. Kladder replied that there would be one identical rate for every household.

K. NEW BUSINESS:

1. **Consider adoption of Amendment 004 to the Acme Township Zoning Ordinance: Accessory Structures:** Vreeland and Hardin summarized the proposed amendment for the Board. With the proposed amendment, accessory structures could be placed on the road side of houses on waterfront properties with only administrative approval if they meet all dimensional requirements. Currently, because the ordinance defines “front” as the portion of a property between the road or easement from which access is gained and the nearest portion of the primary building, waterfront properties wishing to locate accessory structures in this area of their lots must seek a variance from the Zoning Board of Appeals (ZBA). The ordinance also somewhat modifies the township’s definitions regarding front of lot.

Takayama expressed concern because under the current ordinance at least the ZBA has the opportunity to serve as a design and location review committee to ensure that an eyesore is not created for other property owners and new structures do not inappropriately impact another property owner’s scenic view. Vreeland explained that the township ordinance

requires that if a situation is very common a rule be written for it rather than having continually come to the ZBA for variances. She estimates that 75-90% of all variance requests deal with this issue, and that 100% of such requests during the past 13 years have been granted, although sometimes the ZBA has required slight modifications to an applicant's site plan pursuant to the public hearing process. The minimum fee for a hearing process is \$400, and average actual costs have been running at about \$500 per application.

Motion by Scott, support by Dunville to adopt Amendment 004 as presented.

Scott feels that if the bulk of variance requests relate to this issue, and if the variance is universally granted, the burdens of the public hearing process should not be placed on the public. Zarafonitis tends to agree with Takayama that there needs to be some greater oversight on the part of the township in terms of placement of such structures to preserve the property rights of nearby landowners. Hardin noted again that the ordinance would have some practical application to downtown areas with alleyways.

Motion carried by a vote of 5 in favor (Dunville, Hardin, Kladder, Scott, Zarafonitis) and 2 opposed (Takayama, Wikle).

2. **Consider amendment to DPW Budget for Orchard Shores:** After 20 years of service in the Orchard Shores common on-site sanitary system one of the pumps needs overhauling. Covering the cost requires an amendment to the township's DPW budget for Orchard Shores for 2010. The cost will be covered from the sewer fund. Kladder and Vreeland will be meeting with Orchard Shores homeowners' association president Gordie LaPointe soon to discuss the financial status of the system and a possible rate increase.

Motion by Zarafonitis, support by Takayama to approve the DPW Orchard Shores budget amendment as presented. Motion carried by unanimous roll call vote.

3. **Approval of Contract with Dennis Gartland & Niergarth for 09-10 and 10-11 Fiscal Year audits:**

Motion by Wikle, support by Zarafonitis to approve contract with Dennis, Gartland & Niergarth for 09-10 and 10-11 fiscal year audits. Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Scott, Wikle, Zarafonitis) 0 opposed and 1 abstaining (Takayama).

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

Kladder noted that two Central High School Civics students were attending this evening's meeting as a class assignment. They appreciated that Kladder spent some time with them before the meeting explaining what would be on the agenda.

Meeting adjourned at 8:41 p.m.