



ACME TOWNSHIP PLANNING COMMISSION MEETING  
Acme Township Hall  
6042 Acme Road, Williamsburg, Michigan  
7:00 p.m. Monday, September 27, 2010

Meeting called to Order with the Pledge of Allegiance at 7:02 p.m.

Members present: J. Zollinger (Chair), B. Carstens (Vice Chair), C. David, S. Feringa, R. Hardin, D. Krause, V. Tegel, D. White, P. Yamaguchi  
Members excused: None  
Staff Present: S. Vreeland, Township Manager/Recording Secretary  
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

APPROVAL OF AGENDA: Motion by David, support by Carstens to approve the agenda as amended change the order of the first two New Business items. Motion carried unanimously.

1. Continuing Education

- a) Planner's Moments: Farmland Protection  
[Link to Video](#) – REQUIRES INSTALLATION OF [REAL PLAYER](#) ON COMPUTER  
[Link to Handouts](#)
- b) Report on Workshop – “Environmental Protection Options for Local Officials” presented by APA, MI Chapter (Carstens/Tegel/Zollinger): Carstens, Tegel and Zollinger served as an audience for a video recording of a current planning workshop that was offered in Delta Township a few weeks ago. The township is planning to purchase a copy of the recording and accompanying handout. Carstens reported that one key point of the presentation is that townships have the ability to go beyond the basic DNRE regulations to protect wetlands, waterways and sensitive landscapes. Natural features inventories in master plans can be translated into zoning ordinances. Tegel found that the session validated the decision making process and that the materials provide links to excellent resources for additional information. She suggested that perhaps this material can be linked to the township website in some way for the general public's benefit. Zollinger observed that this information will tie in to upcoming master plan updates.

2. Consent Calendar: Motion by Carstens, support by David to approve the Consent Calendar as amended to remove for discussion the draft YCNA Steering Committee minutes and the proposed Dangerous Buildings Ordinance, and to remove for approval the 08/30/10 Planning Commission minutes:

Receive and File:

- a) Draft Unapproved Minutes of:
  - 1. [09/07/10](#) Board
  - 2. [09/15/10](#) Shoreline Advisory Notes
  - 3. [09/20/10](#) YCNA Steering Committee
- b) Boston Globe article: [“How to Shrink a City”](#) (courtesy Ron Hardin)
- c) [Proposed Dangerous Buildings Ordinance](#)

Action:

- d) ~~Approve [08/30/10](#) Planning Commission meeting minutes~~

Motion carried unanimously.

3. **Correspondence and Reports:**

- a) **Status Update – VGT-Phase I SUP Application #2009-01P:** Feringa noted that he feels the Planning Commission should receive the application materials farther in advance than the two weeks suggested in the timeline, and noted that the potential schedule does not include time for preparation and submission of potential application revisions pursuant to discussions at Planning Commission meetings. Feringa wondered if it would be possible for the entire Commission to be able to review the application along with the staff. Carstens expressed some agreement.

Vreeland reminded the Commission that the entire application is available both on-line and in hardcopy at the township office. She could ask the applicant to prepare copies of the preliminary materials for the entire Commission and Board of Trustees if desired. The applicant had requested the ability to submit a limited number of copies initially as revisions were expected early in the review process and it would be much more costly to prepare the full 25 required copies of the 700-page application plus revisions to each. It was agreed that five copies could be submitted during the staff review phase of the process to help manage costs. The Commission indicated that at this time it was sufficient to have access to the office hardcopy, and that they would definitely want more than two weeks to review the application and staff recommendations prior to the first public meeting at which the application is on the agenda.

- b) **Status Update – Staff Planner/Zoning Administrator Hiring Process:** received and filed.

4. **Limited Public Comment:**

Gordie LaPointe, 6375 Plum Drive, read the article provided by Hardin regarding shrinking cities. He found it interesting, but wondered about the motivation for providing it. Hardin felt that in looking at how large cities that are failing are reinventing and consolidating themselves and their services to manageable levels, perhaps the township can learn how to avoid causing the need to reinvent itself after a collapse as well.

5. **Public Hearings:** None

6. **Old Business:**

- a) **Action List Update:** At the last meeting Zollinger asked all Commissioners to review the information on the list and suggest any changes that may be appropriate. Hardin noted that there are two items noted as “stalled,” those being the Bates area sub-plan and affordable housing. He wondered why they are stalled and if they should be moved back up the priority list. Carstens believes that the affordable housing issue was more urgent in the spring when it appeared there might be an opportunity for tax foreclosures on a significant number of properties that might generate revenue to create affordable housing opportunities, and that since the Bates Crossings project has stalled there is less of a sense of urgency relative to the sub-area plan. David felt that the results of our survey were that Bates area landowners did not see urgency in the issue. Hardin noted that the Master Plan calls for the Bates area plan to be performed. The landowners were asked how they would like to see it develop but not if it should be developed. He believes we should either move forward with the initiative or remove the call for it from the Master Plan. Krause believes that we should be investigating zoning ordinance provisions that will make it more likely that affordable housing will be developed. Hardin agrees, noting that useful tools could include density levels and regulatory process changes for targeted areas that make such a project potentially economically viable for a developer.

Zollinger asked Jocks to provide a memo regarding Section 9.1.4, SUP amendments, stating his reasons why he believes that the ordinances as currently on the books are appropriate.

Yamaguchi suggested adding the question of whether or not having defined scenic viewsheds for protection in the Master Plan is desirable or not. She and Tegel have been researching the history of these provisions and are preparing to report to the Commission.

- b) **Potential Zoning Ordinance Amendment - residential neighborhood signs:** David asked why the township would approve lighting of only those subdivision signs on major trunklines rather than in any setting. Tegel observed that there are a significant number of signs that could therefore become lit which cannot be lit now, and the Commission also recognized that sign lighting would be permitted but not required. Hardin recalled that genesis of discussion was that his subdivision is on a high-speed road with less time to adjust to turning movements safely. Consensus was reached to draft the amendment to permit all residential neighborhood signs to be lit.

Mr. LaPointe commented that the original reason for dividing between trunklines and other roads was that it might make the request more palatable. He asked about the proposed regulation for the number of foot candles at the sign face, and why it would not be phrased in a more commonly-used lighting measurement such as watts? Vreeland indicated she would research the matter, but believes that foot candles represent an amount of light present at a certain place, while watts may be a measurement of energy used to generate the light. Feringa stated that most design guidelines are based on foot candles.

Mr. LaPointe stated that his neighborhood has been assuming that it would place a solar light on the sign. He is having difficulty locating a source of a solar light that works well for downlighting. Vreeland provided a few examples of solar lights that claim they will work for downlighting, although they are very small. Zollinger noted that many solar lights don't have timers as generally required by our ordinance; Mr. LaPointe has found a few. Yamaguchi asked why the downlighting should be so important. Zollinger noted that aiming light fixtures to truly contain all the light on a sign face can be difficult. David noted that light aimed up will bounce off the sign into the sky creating glow, whereas light aimed down will bounce off the sign down to the ground. Hardin stated that the sky glow over Acme makes it difficult to use a telescope, and there are notable halos around the Resort, Turtle Creek, and Acme's main business district. The township's exterior lighting requirements are intended to be "dark sky" in nature, seeking to minimize sky glow.

There was consensus to pursue the version of the proposed regulations that does not permit subdivision signs to be internally lit, and to keep the maximum height of such signs at 6' rather than raising it to 8'. For the proposed final section of the revised ordinance language, there was consensus that there should be a maximum height for potential entrance feature structures holding signs such as walls.

Staff will prepare a revised draft for review at the next Commission meeting.

7. **New Business:**  
a) **Potential Zoning Ordinance Amendment – Financial Responsibility:** David feels this ordinance would be difficult to defend because it would be unfair. If the state allows taxes to be several years past due before foreclosure action takes place, it

would seem problematic for the township to suspend the right to obtain a permit if taxes are one day past due. He is suggesting that the applicant should only be required to demonstrate that taxes or other items are not so far past due that legal action will be initiated.

Jocks believes the proposed ordinance is defensible if legally challenged. The township has only a set and limited ability to compel taxes to be paid. If everyone decided not to pay their taxes until they received something they wanted from the township, the government might cease to function. It is within the township's rights to deny permits if money is owed to them.

Zollinger asked if there is precedent for such an ordinance. It is in place in several local townships and Jocks believes it is also in place elsewhere in the state. He is unaware of any pending or settled legal challenges. Whether or not it is a desirable course of action is a policy decision.

Hardin believes it would be indefensible to the public if the township allows a landowner to obtain permit after permit while other monies are still owed to the township.

Zollinger suggested that someone other than the Treasurer should be involved in the certification process so that there is a checks-and-balances process similar to the requirement that all checks drawn on township accounts be subject to dual signature.

White asked what would happen if the person coming in to apply for a permit is a contractor. The landowner for whom they are working is current on payments, but perhaps the contractor is not. Would that have an impact? The landowner is always the applicant; they may authorize a contractor to come and obtain a permit in their name but it is not the contractor's finances that have to be certified. White believes that if a landowner has up to three full years to make tax payment – with interest and penalties – prior to tax foreclosure, that the township should not prohibit permits during that time period.

Jocks suggested a modification to the potential procedure whereby the applicant would not have to approach the Treasurer to get the certification of good standing, instead the department issuing the permit would internally have to perform the due diligence.

Tegel asked how many applications per year there might be. It depends on the year, but it could be as few as 20 and as many as over 100. She read the findings section of the proposed stand-alone financial responsibility ordinance, which cites a state law authorizing townships to regulate permits and licenses in the interest of public health, safety and welfare. This indicates to her that a financial responsibility ordinance is a positive thing.

**Motion by Carstens, support by Yamaguchi to set a public hearing for the October 25 meeting on the proposed financial responsibility section addition to the zoning ordinance. Motion carried unanimously.**

- b) **Approve 08/30/10 Planning Commission meeting minutes:** Yamaguchi observed that the word "it" should be added as the third word in the third sentence of the second paragraph of agenda item 7a. She also noted that the wording of the motion to recommend approval of Amendment 009 regarding fences on page 3 should be amended to specify maximum fence heights of 4' in a front yard and 7' inside or rear

yards (the original wording had the dimensions reversed.)

**Motion by David, support by Yamaguchi to approve the minutes of the 08/30/10 Planning Commission meeting as amended. Motion carried unanimously.**

- c) **Proposed Dangerous Buildings Ordinance:** David observed that in Section VII Paragraph D there is a discussion about single family dwellings and duplexes, and wondered why we can only place liens on those two types of structures for addressing dangerous situations. Jocks reported that this is what the state law states. A lien can't be placed on other types of structures, but a court judgment to compel payment can be obtained.

Section IIA1 defines dangerous buildings and discusses situations where some passageway or exit does not meet the township's fire code requirements. He asked whether the township would aggressively go looking into the interiors of buildings. Vreeland and Jocks responded that dangerous buildings situations will largely be initially suspected and followed up on based on the external appearance of a structure. There could be times when a tenant might make a complaint against a landlord or something similar that will have to be treated with caution.

White observed that 20 years ago, the house now known as the Country Hermitage would have been on our dangerous buildings list. The prior property owner would never have fixed it up. Overall he feels this is a good ordinance, but he also wants to make sure that the automatic answer to a problem is not to quickly require a demolition. If the township will consider allowing at least minor repairs instead of always requiring demolition that would be desirable. Many old houses are eventually successfully rehabilitated.

- d) **09/20/10 YCNA Steering Committee Draft Unapproved Minutes:** Years ago before the YCNA became public land he used to walk the land frequently. At that time there was a beaver dam, and a resultant duck pond and a variety of associated life. Then the dam was removed. In many places beaver dams are highly regarded as natural features and the subject of tours. He wonders why the township's natural land management involves the removal of the beavers and their dams. Carstens appreciated the comment, stating that many varieties of birds that used to live there left when the dam was removed, decreasing the biodiversity. Carstens asked why we are working hard to maintain a fast running trout stream rather than allowing the valley to naturally evolve and become what it will become. White reported that the Shaw family used to drive their tractors through the swamp before the beavers built their dam to move between the sections of their farm that were on the east and west sides of US 31 North.

8. **Public Comment/ Any other Business that may come before the Commission:**  
David asked what is happening with the former Sandtrap building near TraVino. Mr. Sedgewick was going to develop a home, home office, coffee shop and beauty salon, but the property is now up for sale and it appears that all work on the building has ceased.

**Meeting adjourned at 9:18 p.m.**