



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, March 1, 2011 6:30 P.M.

STUDY SESSION CALLED TO ORDER AT 6:30 P.M.

- A. STUDY SESSION - Solid Waste – Potential Single Hauler Contract/Ordinance Discussion:** The City and several townships hired a consulting firm, GBB to study how best municipalities in the region could handle solid waste service. The study concluded that the most cost-efficient model would be for governments to go to single-hauler waste collection contracts with governmental billing. Such an initiative did not proceed on a county-wide level, but the City and several townships have continued to study whether single-hauler service would be beneficial to their citizens. The City, Peninsula and East Bay Townships have made the decision to adopt single-hauler ordinances and have all of their residential customers use one waste hauling service. This is pursuant to a bidding process run by the city that was joined by those township and Acme. Several of the ordinances in neighboring townships are due to go into effect on April 1. Acme's process was slowed down for a variety of reasons over the past few months. The Board is entering the phase of seeking public input and deliberating as to whether to enact a single-hauler ordinance. A committee created by the Board has already reviewed the hauler bids and made a recommendation as to which one should be selected if the township moves forward with this initiative. If so, the Board would consider adoption of a single-hauler ordinance. If adopted, it would probably take effect on a billing quarter start date, probably July 1.

Notice that this evening there would be a presentation regarding this topic and an initial opportunity for public input was given in the township's e-newsletter and by other methods.

The informational packets prepared for this meeting, accessible through the hyperlink above, includes a series of questions and answers which Kladder recounted for the audience. He opened the floor to public comment at 6:41 p.m.

Howard Yamaguchi asked about condominium associations that already have a contract with a hauler – would they be subject to the single hauler ordinance? Kladder asked the GT Resort how condominium associations associated with the Resort might be handled, but Resort management didn't know. The ordinance would apply to single family dwellings, duplexes and multiple family housing up to 4 units per site. Yamaguchi's neighborhood, Cottage Glens, is currently under contract with American Waste, the township committee's preferred provider. Mark Bevelhymer from American Waste said he would research the questions.

Wikle asked how the Traverse Bay RV Park would be handled. Mr. Bevelhymer stated that they are served by central Dumpsters.

Rick Cooper was a member of the ad hoc solid waste committee along with several other citizens. He participated in meetings with representatives from other townships considering single-hauler service as well as interviews with the haulers who submitted bids. His opinion based on the bids and interviews was that American Waste provided the most flexibility for citizens in terms of selection of budget bags or curbside totes, curbside recycling or continuing to use centralized drop-off bin sites, and generally experience a fairly neutral to positive impact on costs. Having the hauler perform billing instead of the township adds a small amount to the end-user costs but seems worthwhile as opposed to having the township wrestle with this task.

Public comment was closed at 6:47 p.m. and Kelly Ignace from American Waste provided a PowerPoint presentation about her company. They are locally owned with local offices available to

serve customers. Their proposal to Acme Township provides weekly trash service with a 96 gallon tote, curbside recycling, and one monthly bulky item curbside pickup. There is a budget bag alternative to the 96 gallon tote, an expanded list of recyclable materials, service options for seasonal residents and continued availability of centralized drop-off locations. Pricing for the option package with 96 gallon tote is \$12/month, pricing for the budget bag service package is \$6/month plus \$2/bag, pricing for budget bag service only (no curbside recycling or bulky-item pickup) is \$2/month, and not taking service if not needed is also an option.

Recyclables do not have to be sorted by homeowners. All plastics #1-7 are acceptable, and all materials are processed at a local plant. Aseptic packaging (such as non-refrigerated juice boxes) can also now be accepted. A new local processing plant will create new local jobs. American Waste also plans to sort through materials placed in the trash by consumers to recover recycleables, and the plant will be able to process construction waste as well. The national average for recycling recovery from the waste stream is 32%. American Waste expects to recover 50% of the remaining 68% of waste not separated for recycling. The new facility should begin processing in June 2011.

Kladder noted that originally all of the centralized recycling bins were due to be removed except for one or two. If the township selects American Waste, they have committed to leave the Acme bin in place at no additional cost.

Dunville feels that a single-hauler system is a good idea. Scott was originally concerned about potentially forcing all citizens into a single service option, but he is very comfortable with the range of options that would be offered. Zarafonitis is also very impressed and feels it would be a favorable program. Kladder noted that the township received several e-mailed messages of support for single-hauler service, many from “snowbirds,” very shortly after the last e-newsletter with the announcement of tonight’s meeting was sent out.

Motion by Scott, support by Dunville to direct legal counsel to proceed with drafting a single-hauler solid waste ordinance for Board consideration.

Zarafonitis noted that Waste Management, a competing bidder, complained about the City selection process that resulted in selection of American Waste. They felt some unfair practices were used. The status of that complaint is unknown.

Mr. Bevelhymer clarified that a July 1 start date to coincide with billing quarters would be likely.

Motion carried unanimously.

Ed Ascione reported that shoreline phase I deconstruction is proceeding well, and buildings are noticeably leaving the site. Materials not otherwise being recycled are being taken to a processing plant in Kalkaska and will be approximately 80% recovered and reused. No problems with meeting an April 15 completion deadline are anticipated, save that moving of two complete structures will have to wait until frost law restrictions on county roads are lifted. Various items have been removed for re-use by a variety of sources, and Metro Emergency Services has been able to use some of the structures for training.

REMAINDER OF MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:10 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, Township Counsel

B. LIMITED PUBLIC COMMENT:

Kladder read aloud the published rules for public comment.

Gordie LaPointe, 6375 Plum Drive sent a letter to the Board which is included under correspondence. He stated agreement with today's *Record Eagle* article about the marina feasibility study. He supports the shoreline preservation project. He is concerned about the current status of several processes, including potential acquisition of the Mountain Jack's property as part of Phase II of the shoreline preservation project. That property has certain easements in existence that might make purchasing the property and removing the existing building, as he believes the community expects and desires to occur, difficult or inadvisable. Due to current conditions, it might make acquiring the marina a foregone obligation. Buying the marina is really just buying shoreline. The marina infrastructure is 30 years old and seems to need replacing. What if funding sought to rebuild the marina is not obtained? The township could be "stuck with a white elephant." All of this is potentially tied to a larger project including potential relocation of a section of US 31. These are four separate events, but we need to understand clearly what could happen to the township if all four events do not occur in a smooth fashion. Mr. LaPointe compared the marina feasibility study in some ways to the septage treatment plant issue. The plant was approved by the predecessors of current officials based on what now seems to be a flawed business model that was too rosy. Before the township potentially has a building that can't be torn down or a marina that can't be repaired, there should be an understanding of the potential worst-case consequences. Mr. LaPointe has heard that there is some state-level discussion about redirecting some of the funds the township would want to apply for through the Trust Fund in the future to public highway or other infrastructure, and this should be considered as well.

Eric VanDusen, Traverse City stated that he works for Jesse Williams, an attorney representing Collective Inc. which operates a business in Traverse City and has just opened a business in Acme Township. He asked who in the township is responsible for determining that compensation for medical marihuana is not an allowable operation in Acme Township as a retail operation. Mr. VanDusen referenced letters written to three actual or potential medical marihuana businesses interested in doing business in the township. What was the opinion based on? Was it the Township Manager's opinion alone? Was the letter written on advice of township counsel? The state Medical Marihuana Act does not define "compensation." Mr. Van Dusen stated that his impression of conversations with some of the letter recipients are that they were "practically invited" into the township. He read from comments made by Vreeland according to the December 7, 2011 board meeting minutes regarding inquiries about location of medical marihuana-related businesses in the township. What has changed since the comments as mentioned in the December 7 minutes and the February 21 letters?

Richard Bruening owns the Stained Glass Cabinet Company at 4160 M-72 East and is a neighbor to Great Lakes Helping Hands. The new business has been there a month, and he has already seen an increase in visitors to his store. As Mr. Bruening talks to them, he finds that many are first time visitors to his shop who are coming to Acme for the first time just because of Great Lakes Helping Hands. Mr. Bruening then refers them to having lunch at TraVino or to other Acme businesses they may have never noticed or patronized before. He encouraged the Board to think about the current lack of businesses in Acme and how to encourage a stronger business community in Acme.

C. APPROVAL OF AGENDA:

Motion by Wikle, support by Zarafonitis to approve the agenda as amended to move the proposed agreement with Elk Rapids Schools from Correspondence to New Business item 5, and to add to New Business as item 6 a discussion of a proposed payment from township General Funds for shoreline bond repayment. Motion carried unanimously.

D. INQUIRY AS TO CONFLICTS OF INTEREST: Takayama expressed a conflict of interest regarding a proposed appointment to the Zoning Board of Appeals.

E. CONSENT CALENDAR:

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

RECEIVE AND FILE:

1. [Treasurer's Report](#) as of 01/31/11
2. [Clerk's Report](#) as of 02/28/11
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission [02/21/11](#)
4. [Parks and Maintenance Report](#) – Tom Henkel:
5. [Planning, Zoning & Administrative Update](#) – S. Vreeland
6. “The Metro Insider” [Newsletter](#) February 2011
7. [Status Update – VGT-Phase I SUP Application #2009-01P](#)
8. [Metro Emergency Services Authority 2010 Annual Report](#)

ACTION – Consider approval:

9. Township Board meeting minutes of [02/01/11](#) and [02/08/11](#)
10. [Accounts Payable](#) of \$181,731.91 through 02/23/11 (recommend approval: Dunville)
11. [Contract with Yuba Historical Society](#) for use of Tribal 2% Grant for Yuba Schoolhouse renovations
12. [Contract with TC Convention & Visitors Bureau](#) for use of Tribal 2% Grant for Tourism Promotion

Motion carried by unanimous roll call vote.

F. REPORTS:

1. **Sheriff's Report – Mike Matteucci:** Statistics for January and February were just released but are still incomplete. A new computer report system will have some nice enhancements that will ease required paperwork through the ability to swipe drivers' licenses in cars and print tickets and other documents, but there are some initial bugs to be worked out. In January there were four crash-related injuries and 206 total calls for service. In February there was one crash-related injury and 194 total calls for service. These are some of the slower months of the year. He heard about Board concerns about traffic crash fatalities on M-72 East. Crash data with many details are available at www.Michigantrafficroashfacts.org. Up to 2009, for a 10-year period total crashes and fatal crashes have dropped considerably statewide. Drunk driving has dropped noticeably as well, and overall older drivers appear to be safer. Most fatal crashes (63.4%) take place on dry roads as opposed to icy roads, and most take place during the day. Most fatal crashes in Michigan (21.8%) are due to driving too fast across all age groups. Male drivers seem to be more likely to get in accidents. Deputy Matteucci says it is still unknown why the driver killed in an accident on M-72 East last week crossed the center line. He personally knows that many people are working longer hours or multiple jobs to get by, or otherwise have very busy schedules, and they can often be tired or distracted. These conditions can be crash factors. There is a spike in crashes when weather changes seasonally, and some people give too much credit to having cars with 4-wheel drive. This helps you get started up better in slippery conditions, but it doesn't help you stop.
2. **County Commissioner's Report – Larry Inman:** The Board of Public Works, in a joint meeting with the G5 and Sewer & Water Committee, voted to commence litigation with Gourdie Fraser, Christman and Michael Houlihan. A septage rate increase was not approved at this time. DPW staff is attempting to implement other aspects of the septage treatment plant business plan. This includes attempting to attract additional special waste flows through an incentive system. They are actively marketing the plant rather than waiting for waste to come. The County voted 5-4 in February to change their regular meeting times to 7:00 p.m.

on Wednesday evenings starting April 1. The City Planning Commission kindly agreed to move their meetings from that timeslot so that the chambers can continue to be used so the meetings can be televised. The County is working on a contract with the American Legion for use of the ball fields at the Civic Center for youth baseball programs. A follow up meeting to the 2011 work plan will be held. There was a joint City-County meeting recently regarding the Next Michigan Development Corporation, a new state initiative to promote regional economic development. Up to five regions will be picked in the state, and some are pressing to have one of the regions centered in Traverse City. Various nearby government entities are being invited to join. The City and County have until March 31 to sign a letter of intent indicating interest in the program. After that point they would engage the other local units of government more formally as to whether they would like to join the region. The ability to establish renaissance zones, use abatements and TIFs and access the Michigan Strategic Fund would be gained through participation. If Acme Township is interested in participating it should contact County Planning Director John Sych or Tino Breithaupt at the Traverse Bay Economic Development Corporation for more information.

Kladder reported that the township's portion of the septage treatment plant bond payment will be slightly over \$13,000. He has requested that a loan agreement be drawn up that can be used between each of the five participating townships and the DPW. A local septage hauler has sued East Bay Township, asserting that county and township ordinances requiring septage generated in county governmental units be hauled to the county's septage treatment plant are illegal. The genesis of the lawsuit is that the hauler was fined because he charged the son of a local township official the \$0.12/gallon to haul to the county plant but it cannot be demonstrated that he actually hauled the waste there. This hauler's records have been seized by the Sheriff's Department, and preliminary review indicates that the firm may be concentrating its business activities in Acme, East Bay and Whitewater Townships.

G. SPECIAL PRESENTATIONS/DISCUSSIONS: None

H. CORRESPONDENCE:

1. [02/21/11 CCAT Letter](#) supporting Shoreline Fruit APRZ: Received and filed
2. [Tribal 2% Grant Award](#) for Shoreline Deconstruction & General Community Services: Received and filed
3. Correspondence between Acting Zoning Administrator and [Michael Hedden/Great Lakes Helping Hands](#): Received and filed
4. Correspondence between Acting Zoning Administrator and [Steven Ezell/Collective Inc.](#): Received and filed
5. Correspondence between Acting Zoning Administrator and [Chong Leng Ku/Kudos Dispensary](#): Received and filed
6. 02/23/11 e-mail from Gordie LaPointe – [Shoreline Project/Marina Feasibility Study](#): Received and filed
7. ~~[02/11/11 Elk Rapids Schools 2011 Summer Tax Collection Agreement](#)~~

I. PUBLIC HEARINGS:

1. [MDNRTF Shoreline Phase III application](#): Vreeland summarized the staff memo and application materials. In 2008 the township applied to the Michigan Natural Resources Trust Fund (MNRTF) for a multi-phase (up to 3 phases) grant for shoreline property acquisition.

The request was granted, and phase 1 was approved in 2008. Application for phase 2 was approved in 2009. The township took a year off from applying in 2010. In the meantime, representatives from the Trust Fund expressed some concern about the lack of a phase 3 application last year. Also, their policies have changed and they will no longer be approving multi-year phased applications. To avoid risk of losing our ability to apply for a third phase, it would be prudent to apply this year.

There is only one application submission date each year on April 1, with decisions being made the first week of December. If we are going to apply this year we need to do so immediately. The proposed application is for acquisition of East Bay Harbor Marina and the former Beach Club Motel. The Conservancy has been talking to both landowners about potential appraisal and purchase options, but acquisition of neither is certain at this point. Likewise, by submitting the application now the township is not trying to render the ongoing marina feasibility study and public input moot. If the township finds it undesirable or unfeasible to acquire the marina property and/or to operate it as a marina in the future, the grant application would be amended or withdrawn accordingly. The same is true of the Beach Club motel. The main intent is to meet the application deadline while we continue to work through the summer and fall on other aspects of the process.

Public Hearing opened at 8:01 p.m.

Mr. LaPointe stated that if a grant application can be filed that could be cancelled or amended later, there could be a benefit. It may or may not be a concern about government operating in such a fashion. He is still concerned about Phase II acquisition of the Mountain Jack's property unless all of the potential known concerns have been clarified as he mentioned in his letter and during public comment previously. The current Board may be long gone, but when the bill comes due the taxpayers will still be on the hook. The entire scenario must be thought through on a worst-case scenario basis. Kladder appreciated the comments and stated that he, personally has had sleepless nights over these particular issues.

Kladder encouraged people to look at the information from the marina feasibility study online and to participate in the remaining public input meeting, which will be scheduled in the near future.

Public Hearing closed at 8:05 p.m.

Zarafonitis agrees with much of what Mr. LaPointe has expressed. If the application can be modified or withdrawn later, he sees no harm in submitting it now.

Motion by Zarafonitis, support by Scott to adopt Resolution R-2011-05 approving application to the Michigan natural Resources Trust Fund for Phase II of the Acme Township Shoreline Preservation Project.

Hardin noted that the township is looking at many options: don't acquire the marina property, acquire the marina property and seek to operate a municipal marina, or acquire the marina property, demolish the existing marina but not build and operate a municipal marina. People are tending to focus only on the first two options when there are in fact at least three.

Zarafonitis read the proposed resolution into the record.

Motion carried by unanimous roll call vote.

J. NEW BUSINESS:

- 1. Adoption of [Zoning Ordinance Amendment 011](#) – Residential Sign Lighting:** Vreeland summarized the ordinance and Planning Commission level discussions. Information from all

previous relevant meetings was provided in the Board meeting packet. Up to this point the township has not permitted residential neighborhood identification signs to be lit in any way. The Planning Commission studied this regulation at the request of Mr. LaPointe as a representative of the Orchard Shores subdivision on US 31 North. The Commission is recommending that the township permit external illumination only of residential neighborhood identification signs. As with all other township signage the signs could be downlit only. The proposed ordinance language specifies a specific number of lighting fixtures permitted per lineal feet of sign area.

Kladder stated that he has considered this question quite a bit, and has driven around to review the subdivision signs as they exist in the township today. He wondered whether there had been a significant number of traffic crashes near Orchard Shores that necessitate their sign being lighted. He knows of few if any subdivisions that have clamored for lighted signs; some have their lettering painted in reflective letters. The Orchard Shores sign is parallel to the road and might be more visible without being lit if it were rotated to be perpendicular to the road. He is inclined to vote against the proposed ordinance amendment. Hardin noted that there was discussion about Plum Drive in particular, and that since the subdivision had been platted US 31 in that area had become wider and faster.

Takayama asked why an ordinance amendment for the whole township was proposed rather than having that particular subdivision apply for a variance to light their sign. Vreeland stated that their existing subdivision sign was granted a variance many years ago to allow it to be twice the normal maximum size to help with safe wayfinding along the highway, but was denied a variance request for lighting at that time. To successfully obtain a variance they would have to prove that there was a physical characteristic unique to their circumstance that would require a variance to preserve an existing property right. Since the situation is not uncommon and the right to light such a sign does not already exist, it appeared exceedingly unlikely that a variance could be granted.

Motion by Scott, support by Wikle to adopt Zoning Ordinance Amendment 011 as presented.

Takayama feels that Orchard Shores should have gone to the ZBA first, and that this is a proposed change to the township ordinance for one unique situation. The people who live in Orchard Shores chose to live in a rural and generally darker area and should recognize the effects. Mr. LaPointe stated that there are several subdivisions that have lit their signs in violation of the zoning ordinance already. He also stated that his research indicated that Acme is the only local township that currently prohibits the lighting of subdivision signs. Hardin stated that he finds bright security lights in neighboring yards to be more annoying than he believes lighting subdivision signs would be.

Motion carried by a vote of 6 in favor (Dunville, Hardin, Takayama, Scott, Wikle, Zarafonitis) and 1 opposed (Kladder).

2. **Adoption of [Zoning Ordinance Amendment 012](#) – Medical Marijuana Moratorium:** Jocks noted that approximately 3 months ago the Board was alerted to potential interest in the location of medical marijuana-related businesses in the township. The Board asked the PC to consider a temporary moratorium on permitting of medical marijuana-related businesses while the township considers if we should have particular regulations for them and, if so, what sort. The moratorium has been proposed as a temporary amendment to the Zoning Ordinance that would expire 6 months after adoption or upon adoption of medical marijuana-specific ordinances, whichever comes first. It is proposed as a moratorium on new activity that might otherwise be allowed under the ordinance. The proposed moratorium is not

intended to be about whether medical marijuana use is good or bad or about what the regulations regarding such use should be. It is exclusively about a temporary halt to permitting it until appropriate ordinances are drafted.

To ensure that delays related to the proposed moratorium would be minimized, drafting has already begun along the lines of Traverse City's relatively permissive medical marijuana use ordinances. Their ordinance separates cultivation and dispensary facilities, discusses collectives in business districts, permits some limited home cultivation, requires a 1,000' separation for medical marijuana related land uses from churches and schools, and requires that all of the conditions of the state medical marijuana act be followed.

Dunville asked if the moratorium would affect medical marijuana-related businesses already operating in the township. Jocks reported that this is still being determined. If something is allowed in a district under an approved use, and then a moratorium is adopted and an ordinance is adopted that would modify the conditions under which the use is allowed, generally the pre-existing approved use would be permitted to continue under its old model as grandfathered non-conforming. To the extent that any are any such businesses currently operating in the township, the township does not know if they are currently allowable uses. Suppose a building holds a valid permit for retail use. A new retail use could go in and start operating. A use that is not retail, such as a doctor's office, or a specialized retail use that is listed separately in the zoning ordinance (perhaps a pet store) could not come in and start operating lawfully unless they first obtain an amendment to the site's existing SUP specifically permitting the desired use. If a site currently holds a retail use permit, and a medical marijuana-related business occupies the site, the question is whether the medical marijuana use is a retail use or not. If it is, then a medical marijuana use there would be grandfathered nonconforming. If it is not retail the use would not be grandfathered non-conforming. We don't yet know what those operations are. We have asked, and have received a limited response. Jocks has asked legal counsel for one operator to tell the township if their business is a retail business or not and has yet to receive a response. It might be grandfathered, or it might not at this point.

Hardin read the proposed moratorium ordinance amendment into the record.

Takayama asked if the moratorium would prevent a medical marijuana business from locating in a location where an existing permit is held for that type of land use. The proposed ordinance amendment says no new SUPs or other township approvals may be issued to medical marijuana-related during the moratorium period, but what if it requires no new approval to go in? Jocks stated that we are not yet certain what a medical marijuana land use is. He is given to understand that there is a problem with calling it retail. If this is true, then perhaps it could not be located somewhere that holds a current permit for retail use. It may be that the current operations should have obtained permits or approval prior to opening but have not, and this is the current debate. It has not been determined whether the ones open now have been opened legally or not. The answer to this question would determine whether they can continue to operate under the moratorium. If found to be legal they can, if found not to be legal they can't.

Mr. Van Dusen asked who would be responsible for making that determination.

The operators have been asked to explain what they are doing so that the township may complete its determination.

Motion by Takayama, support by Hardin to adopt Zoning Ordinance Amendment 12. Motion carried by a vote of 4 in favor (Hardin, Kladder, Takayama, Zarafonitis) and 3 opposed (Dunville, Scott, Wikle).

3. **Supervisor's [appointment](#) to fill unexpired Planning Commission term of office:** David Krause resigned from the Planning Commission last month. Kladder reviewed prior applicants and one new applicant and is recommend appointment of William White to complete Mr. Krause's unexpired term of office through July 15, 2011. He is a landscape architect with a particular interest in streetscapes and non-motorized pathways.

Motion by Dunville, support by Zarafonitis to appoint William White to David Krause's unexpired term of office on the Planning Commission. Motion carried unanimously.

4. **Supervisor's [appointment](#) of one Planning Commission member to fill unexpired term of office on Zoning Board of Appeals:** By statute one Planning Commissioner serves as an *ex officio* member of the Zoning Board of Appeals. Virginia Tegel has expressed interest in serving in this position and Kladder would like to appoint her.

Motion by Zarafonitis, support by Scott to appoint Planning Commission Virginia Tegel to an *ex officio* position on the Zoning Board of Appeals. Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Scott, Wikle, Zarafonitis) 0 opposed, and 1 abstaining (Takayama).

5. **[02/11/11 Elk Rapids Schools 2011 Summer Tax Collection Agreement:](#)** This is the standard annual summer school tax collection agreement. All proposed terms are identical to those from last year.

Motion by Takayama, support by Dunville to accept the Elk Rapids School District 2011 Summer Tax Collection Agreement. Motion carried unanimously.

6. **[Approve payment of a portion of shoreline bond repayment from General Fund:](#)** Although pre-approved, Wikle and Dunville wanted to be certain the Board was aware of what is going on. The Township has received just over \$1.6 million in reimbursement from the Trust Fund for the purchase of the Willow Beach and Knollwood properties. This represents 90% of the amount that will be reimbursed for purchasing these two properties. 10% of the costs for acquiring all three Phase I properties will be returned to the township after final audit of all required documentation is complete, which is expected to take a minimum of 90 days.

Motion by Dunville, support by Scott that the Board approve payment of \$391,402.50 from township general funds towards retirement of the shoreline project municipal bond, to be repaid by the final proceeds from the Michigan Natural Resources Trust Fund when available. The funds will be taken from the General Fund investment account at Northwestern Bank and paid via the General Fund sweep account at Chase Bank. Motion carried by unanimous roll call vote.

K. OLD BUSINESS: None

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

Jocks provided an update on the Northpointe Road lawsuit motion for summary disposition by defendant Robert Nalley. A hearing was held before Judge Powers. He ruled from the bench to deny the motion, so the case is moving forward. Judge Powers had many questions about the township minutes from 1979.

Wikle stated anyone who paid their taxes after February 14 and feels they may have been overcharged, there was a computer calculation problem discovered. The problem has been fixed and

about 15 people will receive modest refunds.

Vreeland will be on vacation the week of March 14, and Jocks will be on vacation the last week of the month.

Takayama stated that he mentioned several months ago the idea of putting Tribal 2% grant funds granted in 2006 to the township for a New Urbanist planning initiative to use. He stated that the matter had been referred to the Planning Commission, but discussion about it seems to have stalled at that level. He is discouraged by this, and is thinking that since the question involves spending money it is a matter for the Board to decide, and not the Planning Commission. He was very inspired by attending the placemaking conference today, and the keynote speaker talking about taking actions that are “faster, lighter and cheaper” to move the public placemaking process forward. Bringing this man to work with the township would probably cost less than the just under \$50,000 set aside and be very beneficial. Mr Kent spoke of the “millennial” generation (ages 25-35) and how to attract them. The concept was the “power of 10” – that a community needs 10 things to attract people to visit and stay. Takayama began thinking about what 10 things the township has that would be such assets. He began thinking about new amenities that could be added to the public park, or perhaps the Knollwood house if kept, and came up with more than 10 things in under 10 minutes. One way to facilitate getting around state regulation that might hold back positive initiatives that Mr. Kent uses is to permit things on a temporary basis for 30 days or less.

Now is the time to bring in some big thinkers to help us figure out how to tie in a variety of issues we are discussion and find out what we can do quickly, cheaply and effectively. He doesn't think we really know what we are doing in terms of planning and could use the help to organize the “mind-boggling” array of things.

A gentleman in the audience who did not identify himself stated that Mr. Van Dusen asked a question earlier that wasn't answered. Kladder stated that the question is recorded.

Mr. Van Dusen asked who is responsible for previously determining that mm uses are not allowable uses in the retail district. He quoted from one of the letters from the township previously referenced. Tonight the township attorney said that the township is “not sure” and “is exploring.” The letters made it seem like the determination was already made. He has reviewed minutes from the last few months and sees no public body having made a determination. It should be made soon so that people are not left “in limbo.”

Mr. Bruening estimates 18 vacant business locations in Acme. There are people who dream of opening businesses in Acme when others want to leave, and he is saddened that the township seems to want to stifle new businesses that want to locate here. Some people perceive that there is a higher level of crime associated with mm. His business is not related to mm but was broken into two years ago. Businesses of any kind can be broken into.

Meeting adjourned at 9:02 p.m.