



TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, January 3, 2012, 7:00 p.m.

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
J. Jocks, Township Counsel

- A. STUDY SESSION:** None
- B. APPROVAL OF AGENDA: Motion by Dunville, support by Scott to approve the agenda as presented. Motion carried unanimously.**
- C. LIMITED PUBLIC COMMENT:** None
- D. INQUIRY AS TO CONFLICTS OF INTEREST:** None
- E. CONSENT CALENDAR: Motion by Zarafonitis, support by Hardin to approve the Consent Calendar as amended to remove the Treasurer's Report for discussion including:**

RECEIVE AND FILE:

1. [Treasurer's Report](#) as of November 2011
2. [Clerk's Report](#) as of 12/22/11
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission [12/19/11](#)
 - b. Metro Emergency Services [11/22/11](#)
4. [Parks and Maintenance Report](#) – Tom Henkel:
5. "The Metro Insider" [Newsletter](#) December 2011

ACTION – Consider approval:

7. Township Board meeting minutes of [12/06/11](#)
8. [Accounts Payable](#) of \$66,128.88 through 12/21/11 (recommend approval: Dunville)

Motion carried by unanimous roll call vote.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. [Treasurer's Report](#) as of November 2011: Wikle had a typographical error in the report, understating the balance in the Shoreline Preservation Fund by \$100,000.

Motion by Dunville, support by Zarafonitis to approve the Treasurer's Report as corrected. Motion carried unanimously.

G. REPORTS:

1. [Sheriff's Report](#) – **Mike Matteucci:** In December there were 35 traffic accidents, one of which resulted in a fatality. The victim was not wearing a seatbelt. There were 241 total calls for service.
2. **County Commissioner's Report – Larry Inman:** County Administrator Dennis Aloia has accepted a similar position at a county in Oregon. His starting salary will be \$150,000 and he

will have a 5-year contract and a larger retirement benefit package than Grand Traverse County can offer. Inman appreciates the 10 years of service he has given to the county, which is considered to be well-managed. He has given 45-days notice. The Commission is holding a special meeting tomorrow to discuss the situation. Inman and Commissioner Fleis will recommend accepting his notice as of January 2. Inman has met with former County Administrator K. Ross Childs who is willing to become the Interim County Administrator during a search process for a permanent replacement at a rate of \$65/hour for actual time worked and no benefits. Inman expects the hiring process to take 6-9 months and wants to keep the county moving forward during that time. Finance Director Dean Bott will serve as Interim Administrator while Aloia takes some scheduled vacation time as well. Ten years ago a professional search firm was hired to help fill the job at a cost of \$21,000. The current Human Resources Director has experience with national-level recruiting, so Inman and Fleis will recommend that the Commission consider a recommendation from her to perform the recruiting in-house without using a search firm, which would save both time and money. The process includes updating the job description and ensuring that the pay range offered is comparable to similarly sized communities elsewhere in Michigan.

Within the past few days the newspaper printed a story regarding Inman potentially running for Congress despite his request that they not do so. Inman is working with a few people to gauge how area residents feel about Representative Benishek currently, but his current inclination is towards seeking one more term on the County Commission. When State Representative Wayne Schmidt's term of office is up he might then seek that seat. Inman wanted to make clear that any negative comments about the current Congressman were not Inman's but comments that others made to Inman.

Kladder asked if appointments were made to the Board of Public Works by the County Commission. Inman will verify, but he believes that the recommendation to expand that body from 9-11 and the people to fill the spots was approved on the last Wednesday of December.

H. SPECIAL PRESENTATIONS/DISCUSSIONS: None

I. CORRESPONDENCE: None

J. PUBLIC HEARINGS: None

K. OLD BUSINESS:

1. **Proposed [Acme Township Fire Prevention Ordinance 2012-01](#):** MESA Chief Pat Parker and Fire Marshall/Assistant Chief Brian Belcher were present to discuss the proposed ordinance. This ordinance was discussed at last month's meeting and has not substantially changed since that time. One of the main things it does is to adopt the 2009 International Fire Code by reference. Another major change from the existing ordinance are new provisions that would ban the open burning of yard waste such as leaves. People can still have campfires on their property, but under certain conditions they might need to obtain a permit from MESA. This would largely consist of simply informing MESA of where and when the burning would occur so they are aware, and a fee is unlikely to be charged. MESA would follow DNR guidelines for days when atmospheric conditions are appropriate for outdoor burning. This restriction is already in place in East Bay and Garfield Townships due to their population sizes. MESA currently receives a lot of phone calls, particularly in the Holiday Hills area, regarding open burning complaints.

Kladder asked how people will know that they have to call MESA for burning permits and where they will be able to find the phone number. MESA is in the phone book, and they would likely add an option for a button to press when people call in and access their automated system. On weekends calls would be forwarded to a department personnel phone.

This ordinance also provides that the Fire Chief and the two Assistant Chiefs only have the

ability to enforce its terms through the township's existing Municipal Civil Infractions bureau. They would write a ticket. Their goal is not to write many tickets; if one or two are written a year if needed this will likely send a clear message to others.

Scott asked whether people will still be able to burn trash in an approved container; they will be along with being able to have campfires.

Along with the proposed ordinance, a proposed fee schedule has been provided to be adopted by separate motion. Jocks has reviewed the ordinance and cross-referenced it to the 2009 International Fire Code and has no objections.

Motion by Takayama, support by Dunville to adopt Ordinance 2012-01. Motion carried by unanimous roll call vote.

The MESA Board asked staff to propose a fee schedule that will cover actual costs. MESA is performing plan reviews for all units of government in the county and is reimbursed for doing so. The MESA Board asked that the fee schedule provide a 25% discount to landowners in Acme, East Bay and Garfield Township who support the department with tax dollars. This puts the revenues for in-MESA work at a break-even level. All of the figures are backed up by actual processing costs, and are higher than the earlier fee schedule figures which were not developed scientifically. Belcher's analysis was that based on actual hours expended per project, under the old fee schedule they were making money on MESA projects and losing money on non-MESA projects. The plan is to review and adjust the fee schedule on an annual basis, which is why it is being adopted separately from the ordinance.

Motion by Dunville, support by Scott to adopt the proposed MESA 2012 Fee Schedule as presented. Motion carried by unanimous roll call vote.

Chief Parker reported that MESA had 3,987 total calls for service in 2011, which is up 10% for the year. They are working on either remodeling the existing Station 8 or building a new station in Acme. They have also located a snowmobile in Acme to help with rescues on the VASA trail or other DNR/State land.

2. [East Bay Water System Franchise Agreement/Ordinance 2012-02](#): Vreeland summarized the ordinance. It would replace an earlier franchise agreement with East Bay Township, with the only notable change being that the existing franchise area would be expanded to include all of the properties on the east side of US 31 North between the Holiday Road and File Mile Road intersections. The township would have no other involvement with any potential East Bay water service expansion to the franchise area properties; the landowners would deal directly with East Bay Township.

Motion by Zarafonitis, support by Scott to adopt Ordinance 2012-02 as presented.

Kladder asked if any new water mains constructed pursuant to the franchise would have fire hydrants and who would be responsible for them. Fire Marshall Belcher stated that he would expect that hydrants be installed at required spacings. Vreeland recalled that East Bay Township may have some sort of water charge for hydrants and wondered who would be responsible for paying it. Belcher stated that if a building served by East Bay's water system has sprinklers, East Bay Township charges a "stand by" fee for that water line. This fee is applicable to the MESA headquarters building at the intersection of Three Mile and Parsons Roads, and is \$200/quarter. Belcher stated that MESA fully supports having the water service provided to the Gold Coast Inn property as seems likely in the near future.

Motion carried by unanimous roll call vote.

3. [Approval of GT County DPW Third Amended Restated Operating Agreement](#): Jocks

has reviewed the document, the intent of which is to recognize that Blair Township is choosing to withdraw from participation in the DPW except as to the Hoch Road parcel, to clarify financing options for the Septage Treatment Plant, to eliminate the Sewer & Water Committee and to generally update the document to existing conditions (most notably that the Septage Treatment Plant has been constructed.) He has found the document suitable.

Wikle noted that this will create an adjustment to the percentage of DPW asset ownership each DPW member township has back to pre-Blair entry levels. This will affect the amount of future bond payments.

Scott asked if Blair Township will be removed from liability for the Septage Treatment Plant; Kladder stated that they never had any liability for that asset.

Wikle asked what would happen if some townships adopt the new operating agreement but others don't. Jocks stated that the motion to adopt can be conditioned on all municipalities adopting the document, but if any municipality fails to adopt the agreement it will not take effect.

Motion by Wikle, support by Zarafonitis to adopt the Third Amended Restated Operating Agreement (2011) regarding the DPW. Motion carried unanimously.

4. **Final 2010-11 Audit Report**: The final document has been presented. There have been no changes to the figures since they were presented last month.

Motion by Scott, support by Takayama to accept the 2010-11 Fiscal Year Audit Report as presented. Motion carried unanimously.

L. NEW BUSINESS:

1. **Resolution to Adopt Amendment 2011-2 to the Grand Traverse County Solid Waste Plan**: Bob Osterhout from County Resource Recovery was present to discuss the resolution. The County Board of Commissioners adopted the amendment to the County Solid Waste Plan last week. A group has been meeting for the past year and previously adopted an amendment allowing a new American Waste transfer station to be sited as desired. The Solid Waste Plan had not been otherwise updated since 1999. Goals included simplification and enhanced readability.

The currently plan assumes a County-controlled system where the County owns or controls recycling and would have the ability to bid out all solid waste processing services for the entire county. The County would also have controlled pricing. The plan contains provisions to site a landfill in Whitewater Township, and the Solid Waste/Resource Recovery staff reported to the Board of Public Works. Under the new plan there would not be a new landfill or garbage incinerator in the county and other services can be privatized or decentralized. There is a goal of 50% recycling by 2017; currently we are at about 36.5%. Resource Recovery/Solid Waste staff will now report directly to the County Commission. The County would not pay for or manage centralized recycling drop-off stations, but municipalities or private interests could pay for and site them. Acme currently has a recycling drop-off site at the Holiday Shopper at the corner of US 31 and Bunker Hill Road provided free of charge by American Waste, the township's solid waste contractor. Local units of government can bid out services independently within their borders.

Takayama asked if wet cardboard and paper can be accepted for recycling; the reply was that it can be. Takayama also asked about hauler licensing fees, as he is one of the companies that pays the fee every year. It seems to currently be a voluntary fee, and he wonders when it will become mandatory. Mr. Osterhout replied that it is already mandatory but enforcement is not currently strict. He has licensed 10 additional haulers over the past 2 years, and he tries to identify others that should be licensed. He feels a process to better identify haulers and obtain

compliance is advisable.

Kladder asked what the County will do with the land it owns in Whitewater Township that was set aside for a landfill; Mr. Osterhout doesn't know. Kladder asked for clarification about the availability of up to 13 sites for recycling/disposal facilities. Page 12 of the proposed amendment lists all current disposal locations. Kladder asked if the ability for new or specialized facilities to locate in the County is limited; it is not. A new facility still needs to go through the County siting process. Kladder asked what would happen if the County ran out of capacity at nearby landfills, which is not projected to occur for between 60-100 years. Mr. Osterhout replied that the County would have to develop new capacity for local waste, and would likely have to amend the ordinance again to allow this to move forward. Solid Waste haulers decide where to take their waste, whether it is to a landfill they own or to a landfill owned by a different entity. Kladder asked if the township should ensure in its own Solid Waste Ordinance that its single hauler has guaranteed capacity at a landfill, but Mr. Osterhout did not feel this was necessary because haulers need to ensure they have a place to take their waste to stay in business.

Motion by Dunville, support by Scott to adopt Resolution R-2012-01 adopting Amendment 2011-2 to the Grand Traverse County Solid Waste Plan. Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Scott, Wikle, Zarafonitis), 0 opposed and 1 abstaining (Takayama – conflict of interest).

2. **Minor amendment to SUP 2004-11P, VGT Mixed Use Development:** Vreeland summarized the contents of the staff memo. Zarafonitis asked if the court order would pose a problem with amending the SUP; Jocks replied that it would not. He also noted that the addition of the sidewalks on the north and east sides of the main interior roads was a voluntary action that came after the Planning Commission made its recommendation.

Motion by Dunville, support by Zarafonitis to approve a minor amendment to SUP 2004-11P as recommended by the Planning Commission at their November 28, 2011 meeting and including the conditions in their recommendation motion.

Takayama noted the first paragraph in the staff report under the section "analysis and commentary." It mentions that Phase I of the project includes landscaping along M-72 and the internal roadways. Terry Boyd from Gourdie Fraser confirmed that they plan to landscape in Phase I on both M-72 and on the internal roadways. Takayama questions why the applicant can put in the drainage facilities, sewer and water lines, and curb and gutter for the main roadways and the landscaping in Phase I but they can't add the on-street parking as well. His experience tells him that tearing out some of these features later to add on-street parking and curb cuts will be more costly than putting in the parking initially when the rest of the features are installed.

Takayama is also concerned with the Planning Commission's motion and the wording "shall be....addressed separately." He is concerned that a sharp lawyer could use this wording to allow the applicant a way out of providing the on-street parking at a later phase because it would be too costly to relocate previously-installed improvements. In general he is concerned that the township will never see on-street parking if this amendment is approved.

Mr. Boyd stated that curb and gutter would not be poured the full length of the internal roads at present, only being used near the Meijer store. The balance would have a rolled asphalt edge for now. He stated that the applicant was also asked to reduce the size of the Meijer parking lot, so it seems odd to build parking over 1,000 ft. from the store at the current time. The addition of bike lanes to the road widens the road by 10', which infringes on the sidewalk area as shown in the approved Conceptual Plan and there is concern about how future actual development as compared to the plan will be impacted. The applicant does feel it will be more costly to tear out full concrete curb and gutter installed now than rolled asphalt

edges. Takayama and Zarafonitis noted that the drawings provided indicate concrete curb and gutter the full length of the proposed roadway.

Kladder want to know when the remainder of the on-street parking and sidewalks would be constructed; Mr. Boyd stated it would be proposed to occur in the phase when adjacent buildings are proposed. Kladder is looking for a specific deadline for installation and something that will guarantee that sidewalks along the internal road corridor will be continuous. Mr. Boyd handed out an [updated drawing](#) created after Board packets were distributed that shows proposed easements for future sidewalks along M-72 and Lautner Roads, easements to adjacent properties, TART easements, and the proposed internal roadway construction.

Scott expressed appreciation for concerns about placing diagonal on-street parking when the final layout of adjacent buildings is not there for them to relate to. Takayama countered that the elements provided in Phase I set the tone for the entire development. If all that is present is an internal road that people might travel at any speed regardless of posted speed limits, it could end up like the Grand Traverse Crossings where there are only big-box stores. Creating the on-street parking and sidewalks would set the tone for smaller scale elements such as village stores and restaurants.

Jocks suggested that if there is concern about the Planning Commission motion, the motion made by Dunville could be modified to specify that the amendment would apply to Phase I only and that all originally-required road elements will be required in the next phase unless again temporarily excused by the Board.

Hardin was not at the Planning Commission where this issue was discussed, but in the minutes he noted discussion that to create the water detention basins where currently proposed in response to township consultant recommendations, the Conceptual Plan will need to be amended and some proposed land uses will be displaced. He also noted that the 2004 SUP limits the development to only one big box store. He can see that there has been an intent through the process to improve the proposed environmental protection features and provide for enhanced non-motorized access

Motion by Kladder, support by Zarafonitis to amend the motion to state that the amendment to SUP 2004-11P would be for Phase I only. All original road requirements shall be required in the next phase.

Jocks clarified for the record that tonight's SUP amendment only addresses roads and bike lanes and walking pathways, but does not include or address the proposed location of the water detention basins and associated displacement of some of the land uses as set forth on the approved Conceptual Plan. A proposed amendment to the 2004 SUP for this purpose is presumably forthcoming.

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

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

3. Consider [merit salary increase for Planner](#): Vreeland summarized the memo from the Personnel Committee. Kladder agreed that he has been productive from his first day, and finds his interpersonal skills and work to be excellent.

Scott's concern is that one individual is receiving a raise when other individuals have not received raises for as many as 7 or 8 years. He is concerned about paying new people more money when we are not giving raises to long-term employees. Vreeland noted that we

budgeted \$40,000 to bring a fully qualified planner in, and started Kilkenny at \$35,000/year. Our Office Assistant also received a merit increase this year, which begins to address some of the other positions that have gone without increases for a while. Takayama believes we should compensate a qualified, college-educated individual appropriately for their skills and to ensure that they will want to stay in the position. It is unfortunate that in these economic times raises have been infrequent, but the township has at least mostly held the line on wages.

Motion by Zarafonitis, support by Takayama to approve an increase in the pay rate for Planner Patrick Kilkenny from \$16.83/hour to \$18.27/hour effective January 1 and to appoint him as the Zoning Administrator. Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Takayama, Wikle, Zarafonitis) and 1 opposed (Scott).

4. **Update Mission Statements & Directives to Citizen Advisories:** Kladder indicated that the Board customarily reviews the Citizen Advisory Committees at this time of year. The Parks & Recreation Committee has a new Chair, Howard Yamaguchi. In the coming year one of their primary tasks should be the required 5-year update of the Parks & Recreation Plan. The Farmland Advisory is down to only two members because the township's farmers resigned over concern about potential conflict of interest as they applied to the PDR program. The former members of the Heritage Advisory have formed a non-profit entity separate from the township and may be performing some or all of the activities the township body would otherwise perform. The Shoreline Advisory continues to work with the Conservancy on completing the acquisition of shoreline properties for public parkland. The Yuba Creek Natural Area Steering Committee is a body required by the terms of the MDNR Trust Fund grant that largely funded the property purchase. Kladder also listed several advisories that were discontinued over the past few years because they met rarely or never and/or their tasks were completed.

The Infrastructure Advisory was originally formed to determine whether the second part of the proposed 2003 sewer improvements should be performed or not. They moved on to considering a private road ordinance, but this effort stalled when the chair took a new job out of town. Takayama feels that perhaps this advisory could work on how to approach needed road repairs, including perhaps legislative changes on the state level that would help with funding for needed projects such as Holiday Road. If someone with expertise and knowledge were to come along there might be cause to revitalize the committee. Wikle observed that infrastructure also includes water, sewer and other utilities, but administrators seem to be handling these issues well so far.

Motion by Takayama, support by Scott to discontinue the Infrastructure Advisory Committee. Motion carried unanimously.

Three people are interested in serving on the Marina Operations Advisory, but one is out of town until approximately May. Kladder feels it may not make sense to hold meetings until a quorum of at least 3 of 5 members are available.

Kladder stated that a few months ago the Board talked about potential ambulance service in Acme Township. Munson Healthcare is willing to talk about housing a Northflight ALS ambulance at Station 8 beginning around August. The unit would be used for local emergencies only and not for long-distance patient transport. Munson is willing to pick up half of the approximate cost. It was hoped that MESA would pick up the other half, but this now appears unlikely because the other two MESA townships have ambulance services funded by their taxpayers and are unwilling to assist Acme Township. Scott suggested that the township talk to the County Emergency Management Coordinator, Dan Scott, to see if there are any grant funds available for this purpose. Kladder has asked Jocks for a written opinion on whether the existing emergency services special assessment district can be used to fund ambulance service, as he feels that 0.2 mills added to that levy would be sufficient to fund the township's share of the cost. Kladder is thinking that we might need an advisory to

look further into this issue.

The Heritage Advisory's charge was to care for Bertha Vos School artifacts. A decision about this group can be deferred until we know more about the reopening of the school and what the school system wants to have happen with the artifacts.

The Shoreline Advisory may be nearing the end of their purpose, as we are nearing the likely short-term end of the land acquisition phase of the project. Takayama feels this group would be a great resource for assisting with the upcoming shoreline placemaking project.

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

Gail Trill, 7174 Deepwater Point Road suggested calling some of the advisories "task forces" to clarify that they may have a short-term task and then be done.

Meeting adjourned at 9:26 p.m.