



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, February 7, 2012, 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/Recording Secretary
P. Kilkenny, Planner & Zoning Administrator
J. Jocks, Township Counsel

A. STUDY SESSION: None

B. APPROVAL OF AGENDA: Motion by Dunville, support by Zarafonitis to approve the agenda amended to postpone presentation of the resolution of appreciation to Mr. Collins to the March meeting, to remove consideration of the liquor license transfer from the Consent Calendar and to add four items of correspondence. Motion carried unanimously.

C. LIMITED PUBLIC COMMENT:

Robert Evina owns Woodland Creek Furniture and other businesses in Acme Township. He recalled accepting an invitation three years ago to the formative meeting of a business association to become active in the community. He accepted, and many members of the association are in the audience this evening. The Acme Business Association feels that they need the proposed Meijer store in order to help lift the business community. They have spoken to experts regarding what they might expect from the entry of the new development and have been told to expect property value increases between 20-40%. Mr. Evina stated that many local business owners are very nervous and very close to the edge of having to close up shop. The ABA asked him to read into the record an [undated letter](#) provided this evening, which he proceeded to do. The letter notes that review of the development application at the Planning Commission has been lengthy and detailed, and asks that on this basis the Board proceed to vote on the application.

Charlene Abernethy, 4312 Westridge Drive, hopes that the proposed Meijer project is not granted approval until all required documents are received, reviewed and found appropriate. She has particular concern about ensuring that native species are used for landscaping and that bike lanes and non-motorized pathways are provided for safe non-motorized access to the site.

Cheryl Follette is a Garfield Township resident running for County Clerk. She is running for an open seat, as Linda Coburn is retiring. She has served for many years as an NMC Trustee and her family has lived in the area for four generations.

Rachelle Babcock, Bartlett Road, stated that according to the local media the Village at Grand Traverse is getting its anchor store and it's a dream come true. To minimum wage earners, it does not represent security, and to her as a resident it represents increased traffic. She is concerned, after attending all of the meetings on this issue, that there are still outstanding items to be resolved. Key items she did not feel received enough attention include: provisions for pedestrian and bicycler safety on public roads surrounding the development; the impact of increased heavy truck traffic on secondary roads such as Bunker Hill and whether the community as a whole will be asked to fund a millage to repair them; and why the Planning Commission is recommending that the Meijer store be allowed to have signage well in excess of what is normally permitted. She also feels that the architecture of the building as proposed is too industrial in nature. [A copy of the comments she read from is available here.](#)

Dave Hoxsie, 6259 M-72 has lived on his property since 1979. He is speaking on behalf of his family

regarding the Hoxsie House. They feel it is an historical treasure for the township and they are working with a local entity to raise funds for its preservation. Several members of his family are volunteering their time and money, and they believe that retaining the house can provide a great focal point for the community.

D. INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

E. CONSENT CALENDAR: Motion by Dunville, support by Takayama to approve the Consent Calendar as amended to remove the resolution establishing the Board of Review starting date and the proposed liquor license transfer for discussion including:

RECEIVE AND FILE:

1. [Treasurer's Report](#) as of December 2011
2. [Clerk's Report](#) as of 01/31/12
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission [01/12/12](#) and [01/30/12](#)
 - b. Metro Emergency Services [12/22/11](#)
 - c. Farmland Advisory [01-18-12](#)
 - d. Shoreline Advisory [01-18-12](#)
 - e. Parks & Rec Advisory [01-19-12](#)
4. [Parks and Maintenance Report](#) – T. Henkel
5. [Administrative & Planning Report](#) – S. Vreeland & P. Kilkenny
6. [Fiscal YTD Budget Update](#)
7. "The Metro Insider" [Newsletter](#) January 2012

ACTION – Consider approval:

8. Township Board meeting minutes of [01/03/12](#)
9. [Accounts Payable](#) of \$1,556,035.23 through 01/30/12 (recommend approval: Dunville)
10. [Resolution R-2012-02](#) Establishing March Board of Review start date
11. ~~[Class C. Liquor License Transfer Resolution R-2012-03 – DJK Restaurants](#)~~

Motion carried by unanimous roll call vote.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. [Resolution R-2012-02](#) Establishing March Board of Review start date:

Motion by Wikle, support by Zarafonitis to adopt Resolution R-2012-02 as amended to correct a typographical error in the year from 2011 to 2012. Motion carried unanimously.

2. [Class C. Liquor License Transfer Resolution R-2012-03 – DJK Restaurants](#): This item was removed from the consent calendar because a revision to the license transfer request was received from the local liquor control agent. The revision removes the ability to sell alcohol before noon on Sundays.

Motion by Zarafonitis, support by Hardin to adopt Resolution R-2012-03 as presented. Motion carried unanimously.

G. REPORTS:

1. [Sheriff's Report](#) – Mike Matteucci: received and filed.
2. **County Commissioner's Report – Larry Inman:** Inman announced that he is officially running for another two year term of office on the County Commission and thanked those willing to sign his nominating petition. He has been an Acme resident for 28 years and is proud to represent the township. He rarely misses a township Board meeting and makes himself available to all citizens as requested. The biggest county project right now is

replacing County Administrator Dennis Aloia after 10 years in the position. The county Human Resources Department is handling the search process internally and has posted the opening on the local, state and national level. There are 30 applicants so far and up to 100 applications are ultimately expected. The experience criteria developed by the County Commission will be used by staff to narrow the field to approximately 15 for detailed Commissioner review. Between 5 and 10 candidates will be interviewed by the Commission, and key County staff and the members of the public will also have an opportunity to directly meet and ask questions of the candidates in a completely open public process. The goal is to make a decision by the end of May and have the new administrator begin work during the summer. On February 10 at 9:00 a.m. on the Second Floor of the Administration Building, State Representative Schmidt and State Senator Howard Walker will be available to the public to meet, greet, and discuss the latest in state legislative action. This fall the County Commission will be reduced by two members from 9 to 7. Inman may be running against Commissioner Jason Gillman under the revised districting plan. The County Commission awarded a commemorative plaque to the Fife Lake Library for 25 years of service in January. The library was started with a small County grant. Meetings are ongoing regarding financial options for the Septage treatment plant. One of the largest bonds for the project is callable in October 2012, with a payment due in November 2012, so there will be discussion over whether it would make sense to refinance the bonds for a new 20-year term at a reduced interest rate to reduce the annual payment amounts. It is also possible that the County might purchase the bonds in the interim.

Bob Tremp, Arrowhead Court, asked if the townships could be relieved of pledging their full faith and credit for the Septage treatment plan bonds if they are refinanced. Inman replied that it could be considered if the County determines that the negative cash flow situation can be satisfactorily resolved.

H. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. [Shoreline Project Phase II:](#)

a. Purchase of Sarris Property, 5655 US 31 North: Matt McDonough from the GT Regional Land Conservancy noted that the township closed on the purchase of the Mt. Jack's property on December 30, 2011. He also noted that pursuant to a suggestion by Hardin, the township has been offered an easement across property owned by the marina along US 31 North for purposes of creating a pedestrian trail linking public shoreline properties. The township would need to vote to execute the easement.

McDonough also reported that the Michigan Natural Resources Trust Fund has approved purchase of the Sarris property north of the marina at a fair market value of \$310,000. Zarafonitis asked how this purchase price could be easily approved for this fairly small property but the Trust Fund is concerned with the appraised value for the Sun n'Sand Motel. McDonough is still working with the Trust Fund on this issue.

A closing on the purchase of the Sarris property has been set for Friday, February 10 pending township approval of the purchase this evening.

b. Phase II deconstruction: The Conservancy now owns the Sun n' Sand Motel, and has obtained bids for deconstruction of the former motel. They are offering to proceed with managing the demolition of the structure on the township's behalf if desired. The Conservancy would like to sell the property to the township prior to the March 31 expiration of the Trust Fund Phase II grant

Motion by Takayama, support by Scott to have the GT Regional Land Conservancy manage the deconstruction and research all viable funding sources for same on the Sun n' Sand property on behalf of Acme Township.

Kladder contacted Jean Derenzy at the County Brownfield Authority to see if grant funding for the Phase II deconstruction might be available. A meeting between the Conservancy, township and county has been scheduled for February 21. This might delay deconstruction on one or more Phase II parcels pending grant applications. It might be advantageous to wait to deconstruct on all properties at the same time.

Takayama recalls that handling the Phase I deconstruction was a heavy task for township administration, and he welcomes assistance from an experienced agency.

If deconstruction occurs in part or in whole after the township takes ownership of the property

Motion amended by Scott, support by Dunville to authorize the township to negotiate an indemnification agreement with the Conservancy in the event that deconstruction on the Sun n' Sand property occurs in part or whole after the township acquires the property. Motion carried unanimously.

First Motion carried unanimously.

Motion by Wikle, support by Takayama to purchase the Sarris property at a price of \$310,000.

The Trust Fund grant will cover 75% of the purchase price and eligible closing costs. The 25% the township is responsible for will be covered by fundraising performed by the Conservancy on the township's behalf.

Motion carried by unanimous roll call vote.

Jocks has reviewed the trail easement document across the marina property. The precise alignment has not been determined yet but would be close but not right up against the road travel lanes.

Motion by Dunville, support by Scott to accept the Trail Easement granted by East Bay Harbor Company as presented. Motion carried unanimously.

~~2. Resolution of Gratitude for Service – Pat Collins:~~

3. [TC-TALUS](#) – **Matt Skeels:** Skeels was present to inform the Board and public regarding the mission and activities of his organization. The acronym stands for Traverse City Transportation and Land Use Study, and the organization has existed for about 20 years. It was established to become a metropolitan planning organization (MPO), an official entity under the state and the federal highway administration that funnels dollars to local road projects. This area has met the standard for it to become an MPO in terms of population, but not yet in terms of population density. TC-TALUS has a Board of Directors which makes policies and is primarily comprised of elected officials. The Technical Committee is composed of municipal planners and engineers who develop plans and programs for approval by the Board.

As with other agencies with funding concerns in the recent down economy, TC-TALUS devised a plan to reorganize. It has been a stand-alone organization in the past, but is now an official program of the NW MI Council of Governments (COG). The change is largely administrative in nature and will not create significant changes in day-to-day function other than who does billing. This will provide increased efficiencies.

TC-TALUS is working on a long-range transportation plan based on the principles of The Grand Vision. The plan will set forth the transportation details for accomplishing The Grand

Vision. For or related to Acme Township, TC-TALUS hosts the M-72 East Corridor Committee, a group that was formed in response to an M-72 East Corridor Study performed in 2000 – 2001 for all municipalities along M-72 East between Acme and Grayling. It also actively worked with Acme Township, local landholders, MDOT, the Road Commission and the Tribe to plan a potential future realignment of the Bates Road and M-72 East intersection. Their traffic model is used in conjunction with MDOT to input the number of households and jobs and land use patterns and predict the impact on traffic flows. The model can also simulate the impact of public transit options on traffic flows. The township can ask TC-TALUS to perform custom modeling, which can be particularly useful in the master planning process. If a township is thinking of changing its land use pattern, the effects on traffic can be projected.

In the past, Acme's annual dues were \$869. An interim amount for this transitional year will be somewhat over \$600, and in future years the annual dues level is projected to drop to about \$500.

Takayama asked if Skeels works with Tom Menzel at BATA to work out new bus routes and schedules. Skeels says that Mr. Menzel provided some data from his routing but TC-TALUS didn't perform that actual work. Mr. Menzel is on the TC-TALUS board. Kladder asked who would model the effects of a bus transfer station in Acme Township. Skeels replied that if BATA could provide ridership estimates he could model the effect on traffic, but the model cannot predict the level of ridership that would be achieved. Skeels also said that the traffic study performed by the developer to predict the impact of new development is of a higher caliber than the model he uses.

Kladder asked what would happen if TC-TALUS were to disappear and who would pick up its work? Skeels replied that road master planning would likely be split between MDOT and the Road Commission, with the City handling its own work. TC-TALUS helps municipalities plan and determine how they can most effectively spend its dollars. Kladder asked how Kalkaska handles transportation planning, and the reply was that it is handled by MDOT and the Road Commission.

4. **Hoxsie House:**

- [Information from Acme Heritage Society](#)
- [Information from Michigan Natural Resources Trust Fund](#)

Sally Frye, President of the Acme Heritage Society (AHS) and resident of Wild Juniper Dr. gave a PowerPoint presentation regarding their efforts for more than a year to evaluate the Hoxsie House, which was built in 1875. She reminded everyone that the costs to be covered by the AHS to date to "mothball" the house pending a decision total \$2,258.39. All but \$642.15 has been paid by the AHS to date. Her presentation contained photos of the property from as early as 1930.

The AHS is interested in leasing the house from the township. Five contractors have been brought in to evaluate the general condition of the house as well as the electrical system, roof and masonry. Their findings include:

- Stone foundation and chimneys: deemed good overall; southeast chimney needs to be tuckpointed and grouted and cap relaid, and south end of the foundation needs to be repointed. Total costs would be from \$2,150 to about \$2,400.
- Exterior walls and trim: deemed solid overall with minor surface rot in isolated areas. Immediate concerns include some bay window sills and porch soffits, and exterior painting is suggested. Estimated Cost \$15,000 - \$20,000.
- Mrs. Frye pointed out the additions to the structure. On the back there used to be a two-story porch which was removed when a kitchen was added, possibly in the 1970's. On the north side of the building there used to be a porch; the pillar foundations are still present.

- Roof: currently shingled, formerly cedar shakes. Condition good, approximately 10-15 years old. No immediate concerns; contractors believe it will last another 10-15 years.
- Windows and Doors: some original single-pane windows with storms and some original doors. Minor cracks and sash issues might cost \$250-750 to address.
- Porches and Port Cochere: good condition overall with some soffits in need of repair and paint. One set of posts are damaged at their bases. Immediate repair costs estimated at \$675. Some contractors recommend restoring the full original porch someday.
- Interior: older core of house has lath and plaster walls and ceilings. Newer areas are drywalled with replica wood trim. Minor plaster cracking has occurred. Costs to repair, remove living room carpet and repaint entire interior estimated between \$3,200 to 9,500 (high end would include refinishing original wood floor in living room.)
- Basement: water is standing in low areas. Immediate concerns include need for larger sump pump housing area for proper drainage at an estimated cost of \$2,000.
- Electrical: current 150 amp modern grounded service, with some late 1970's cable and some older ungrounded cable. Limited presence of knob and tube. Immediate recommendations include removing knob and tube, installing new junction boxes, upgrade basement fixtures and wiring at a cost of about \$3,000.
- Plumbing was not fully evaluated because water is currently turned off to the property, but piping appears up to date.
- Furnace: working well but dates to the late 1960's or early 1970's and is probably only 55% - 60% efficient. Cleaning ducts and tuning up would cost \$1,500 - \$1,800, and a new furnace for greater efficiency might be desirable in the future.

Cost of immediate suggested improvements would be between \$15,000 - \$20,000 including exterior painting.

Mrs. Frye was able to communicate directly with the DNR Trust Fund, the major grant source for the property acquisition, in early January thanks to assistance from the township. She submitted a proposal on January 13, 2012 for their consideration that included use as a park welcome center, shoreline educational workshops and displays and the installation of period furniture. In the proposal she stressed the historic character of the building. The response from the DNR was that the initial proposal was too historical in nature and that the proposed uses had to directly support public outdoor recreation. She submitted an updated proposal on January 20 that focused on partnership with local environmental agencies to create environmental displays and serve as a starting point for shoreline nature hikes or outdoor trail use and other events. To date she has not received a response to the second proposal.

Mrs. Frye asked the Board to continue discussions with the AHS, with the AHS's goal being to lease the building from the township. She is in the process of working with her historic preservation professor to seek listing of the house on the national historic registry. She thanked a variety of people and agencies for their assistance to date. She stated that she has collected letters of support and that the AHS is collecting petitions supporting preservation of the house. They believe it would be an asset to placemaking in the township shoreline district.

Kladder asked where Mrs. Frye envisions parking for users of the building. She stated that they have not yet considered this question, and it would have to be worked out as part of the overall park plan. She noted that parking is already somewhat limited for all park users. This is one question to be addressed in the upcoming placemaking initiative.

Takayama asked Mrs. Frye to return to the topic of uses the Trust Fund would support for the building. He feels that "outdoor public recreation" is a broad enough category that the township could get creative to determine an acceptable use.

Wikle asked about the practical implications of having a building listed on the national historic registry. Mrs. Frye stated that the township would not be prevented from removing the building or altering it in any way it chose, unless it became part of an historic district. Vreeland commented that Temple Beth El in Traverse City is a registered historic building, and they are currently working on an expansion plan. They had to submit their plan to the historic preservation office at the state level, and were told they must revise their plans so that the addition would not look too similar to the historic portion of the structure so they could be easily differentiated. Wikle's concerns involve questions of both renovation or removal.

Takayama asked if any grant funding has been sought for the Yuba Schoolhouse. The schoolhouse is not on the national historic register. He also asked if the township has the ability to lease a public property to a private entity. Jocks has not researched this extensively, but he and McDonough do not believe that the Trust Fund would permit this. The language of the grant agreements state that a lease or otherwise conversion to private use, even through a lease, is subject to what McDonough classified as a "long and arduous" process to seek approval. The proposed use might not be close enough to the original use specified in the grant agreement to be permitted. Detailed questions along this line should be asked of the Trust Fund. Mrs. Frye expressed frustration because older responses to similar questions provided to them by Trust Fund staffers who are no longer there are different than those being received today.

Kladder noted that sometimes the Trust Fund board members visit sites they have funded around the state, and perhaps it might be beneficial to invite them to tour the property. McDonough reported that the Trust Fund bi-monthly meeting schedule is already set for 2012 and does not include a Traverse City meeting this year. He recommended that the AHS travel to Lansing to meet with Trust Fund staff. He also mentioned that DNR Director Rodney Stokes has been given a tour of this site by Megan Olds and himself.

Motion by Scott, support by Takayama to have the township and the AHS work together to obtain more clearly defined answers to what the Trust Fund will and will not permit to occur on the property and whether or not a lease to the AHS would be permitted, prior to further Board discussion.

Takayama suggested that the AHS approach the question by saying that instead of the township building a new building to support outdoor recreation, we have a building of historical significance that could be repurposed at less cost. He suggested simplifying the question down significantly.

Motion carried unanimously.

The Chair declared a brief recess from 8:55 p.m. – 9:05 p.m.

I. CORRESPONDENCE:

1. [01-03-12 Letter of Resignation, Pat Collins, Board of Review](#): received and filed. The designated alternate will serve in his stead during Board of Review in March, and the township will seek a new alternate in the near future.
2. [Investment Environment Information from JP Morgan](#): received and filed. Wikle attended an economic conference call and provided the associated material for general information.
3. [Letter of Resignation, Bob Garvey – Shoreline Preservation Advisory](#): received and filed.
4. [Letter of Resignation, Clare David – Planning Commission](#): received and filed. Kladder has received the suggestion from several individuals that the township consider reducing the size of the Planning Commission, which he feels the Board should discuss at a future meeting. He will soon be advertising for candidates for the annual vacancies.
5. [Letters to and from state Department of Treasury regarding FY 10-11 Audit](#): received and filed. Wikle reported that the auditors had alerted us that we would receive a contact from the

state about some of the non-material concerns noted in our audit. One of the exception items was a side effect to the good deed of updating our capital asset depreciations schedule.

6. [Letter from MDEQ regarding LochenHeath Water system](#): received and filed. Vreeland will work to organize another meeting between the township, LochenHeath and the MDEQ in the near future.
7. [02/06-12 e-mail from Larry Quimby re VGT Phase I SUP Proposal](#): received and filed.
8. [02/03/12 letter from CCAT re VGT Phase I SUP Proposal](#): received, read into the record and filed.
9. [Historic Structures Article](#): received and filed.
10. [2% Grants Awarded by the Grand Traverse Band of Ottawa & Chippewa Indians](#): the township was awarded funds towards two of the three grant proposals it submitted in December, 2011. One is for general township operations and one is for E.Coli testing at the swimming beach in Bayside Park this summer and for identifying locations where storm drains outlet directly to the bay in the Shoreline District. The township is grateful to the Tribe for the grants.

J. **PUBLIC HEARINGS:** None

K. **OLD BUSINESS:**

1. [Orchard Shores Sanitary System](#): Wikle summarized the information in the packet. A meeting has been arranged for next week to continue working on this project. She believes that preparing all the necessary paperwork and evidence of state approvals will require up to another two months. If the township agrees to return the sanitary system to the neighborhood, the neighborhood will need township approval for a related amendment to its master deed and covenants that would then have to be voted by the members of the neighborhood association.

Motion by Scott, support by Dunville to provide another two months for this issue to be brought back to the Board for a decision. Motion carried unanimously.

2. [Water & Sewer Authority Update](#): Kladder has provided information regarding money spent to date on this issue. The township has been billed for approximately \$200 more in legal services than the Board previously authorized. Kladder has reviewed the charges and believes they are generally reasonable minus an amount billed by Wade Trim that has been deemed unnecessary. He asked for a motion approving the additional expenditures.

Motion by Dunville, support by to authorize payment of \$236.36 for expenditures related to the water and sewer authority investigation. Motion carried by unanimous roll call vote.

Also provided was a bid from Plante Moran for performing a business case analysis and implementation plan for a water and sewer authority. The bid just for the study exceeds what City Manager Ben Bifoss thought would be the cost of the entire authority creation process, without including implementation or drawing up any of the associated legal documents. East Bay Supervisor Glen Lile worked to identify firms with experience in this regard and obtain bids, and this was the only firm he identified. He conducted the entire process on the phone. A hearing on this matter is scheduled in the near future, and Kladder needs the Board's direction on whether or not the proposal should be accepted and if the township is willing to cover one fifth of the cost.

Wikle feels that the marina feasibility study commissioned by the township cost only \$36,000 and generated a significantly higher level of work output than this much higher cost proposal would generate.

Takayama asked what a water and sewer authority would replace and how doing so would benefit taxpayers. Kladder replied that currently each township is responsible for its own

water and sewer infrastructure. We contract with the DPW to operate and maintain the system for us. A water and sewer authority would assume ownership of all the infrastructure assets from the townships, and operate and maintain them. Some people believe that a township-constructed authority could operate these systems at less expense than currently incurred by contracting through the DPW. One impetus for the investigations is that until recently, many of the townships contracting with the DPW were not represented on its Board and had no say over how the funds we paid were spent. Takayama is concerned about expending so much money to see if an authority is a good idea, and if we proceeded could the authority become larger and more costly than the arrangement it replaces? What if it creates a new taxpayer burden that is unnecessary? Kladder noted that a new authority would need an executive to replace the work of the DPW director, and it would need billing and maintenance staff to replace those of the DPW. It would need an engineer. By owning the water and sewer assets, the authority would remove the townships from the direct responsibility for the systems.

Kladder's impression of the bids was that they include some duplicative items and that they could be streamlined down to a more reasonable scope of work and cost. Perhaps, as Wikle suggested, it would be smart to initiate more wide ranging bid process.

Takayama feels that the townships have already made some headway with the current DPW structure by obtaining seats on the board and working with staff. He is not currently convinced that this type of expenditure is warranted. Zarafonitis noted that when the emergency services authority was formed in 2008 it was a reworking of a system that already existed. Kladder stated that the leaders of some of the other townships investigating the authority have indicated that if Acme doesn't want to proceed they may move ahead on their own and our township would have the choice to contract with them or not.

Wikle expressed that Kladder is the member of the board most familiar with water and sewer issues, and that we all know that there are better ways to conduct a bid process. Kladder was directed to encourage the townships considering this matter to pursue a more formal bid process. Kladder asked where in particular the board felt the proposal could be streamlined, or if it had a "not to exceed" amount in mind. Wikle believes that discussions with member townships for background information should require no more than 36 hours total.

L. NEW BUSINESS:

1. [Shoreline District Placemaking and Park Planning RFP/Q](#): Kilkenny has prepared the draft RFP/Q which has been reviewed by the Manager and Supervisor. He has also asked for input from a variety of local leaders and planners who have performed similar projects and/or who are our partners in the shoreline district creation and planning process. The Planning Commission has reviewed the document as well. He summarized key points of the document. A consultant selection committee/project steering committee will also be needed, and he is proposing that it consist of 8 members including representatives from the Planning Commission, Shoreline Advisory, Parks & Recreation Advisory, Watershed Center, the Board and the Planning staff. The RFP/Q would be distributed immediately with responses due by March 1, interviews conducted in March and the Board selecting a consultant at its April meeting.

The Shoreline Advisory adopted a motion at its last meeting requesting a joint meeting with the Planning Commission and Parks & Recreation Advisory to discuss this project further. Planning Commission Chair Zollinger has no problem with this idea, perhaps by including the discussion as an agenda item at an upcoming meeting.

Takayama volunteered to serve on the selection committee. He expressed some concerns regarding the potential caliber of respondents for the scope of work provided in light of the budget provided. He asked if we could provide some additional money from the funds set aside for New Urbanism. \$25,000 of this money plus some interest was dedicated to a planning project on different properties in the township and was provided by a Tribal 2%

grant. Vreeland indicated it would be wise to ask the Tribal Council if we could repurpose the funds before doing so. Takayama would be interested in doing this. Kilkenny also reported that the planners he consulted felt that the scope of service requested and the funds allocated are consistent with one another.

Takayama also noted that one condition of the COG grant that would fund this project in part is that they be included in our process. Kilkenny stated that they absolutely will be included as a stakeholder.

Motion by Dunville, support by Scott to authorize distribution of the RFP/Q as presented, appoint a selection and steering committee consisting of 8 members, with Takayama being the Board representative, and that the Planning Commission be encouraged to hold a joint discussion with the Shoreline and Parks & Recreation Advisories about the project. Motion carried unanimously.

2. **East Bay Harbor Proposal for Payment under License to use Mt. Jacks Building:** Vreeland summarize the contents of the letter from East Bay Harbor and her recent conversations with their representatives. She noted that the license calls for a payment of \$4,000 to the township to cover utility costs and the lost opportunity to deconstruct the building earlier than the end of the license period. The thinking was that about \$2,000 - \$2,500 would be the actual cost of the utilities, but we just received an initial electric bill for December 30 – January 16 in the amount of \$181. This indicates that the utility bills could be much higher than initially represented.

The harbor's request has two essential components: 1) a request that they not have to pay any of the license fee until at least late summer when they have received a semi-annual payment for expenses from the slip lease holders and 2) a request that we pro-rate the \$4,000 to a daily rate from December 30 to October 31 and that they only would have to pay for the number of days they actually occupy the property. They might be ready to move into their new building by the end of August, and this would provide them an incentive to move as soon as possible to reduce their license costs.

Jocks noted that this license agreement was negotiated in late December when all parties were rushing to complete negotiations to allow the township purchase to be completed in 2011. The harbor was simultaneously negotiating with the Mountain Jacks owners for a monetary payment towards construction of their new harbor house in exchange for extinguishing its easement rights to occupy a portion of the Mt. Jacks building in perpetuity. The Mt. Jacks/harbor negotiation was concluded after the township/harbor license agreement negotiation was concluded, and the harbor received less money than they had originally negotiated for. At that time they approached Jocks about a potential reduction in the amount of the license fee, which they had hoped to have more fully covered by the Mt. Jacks payment. Jocks held firm on the township's behalf at the \$4,000 figure.

Motion by Scott, support by Zarafonitis to inform East Bay Harbor that they must reimburse the township monthly for actual utility bills received, with the remainder of the difference between the \$4,000 license fee and the utility payments made throughout 2012 to be paid by August 31, 2012 when the harbor corporation receives its semi-annual leaseholder revenues. Motion carried by unanimous roll call vote.

3. **Parks & Recreation Advisory Proposed 2012 Work Plan:** The proposed work plan crafted by Parks & Recreation Advisory Chair Howard Yamaguchi was recommended to the board at the last advisory meeting.

Motion by Scott, support by Dunville to authorize the Parks & Recreation Advisory to implement its 2012 work plan as proposed. Motion carried unanimously.

4. **SUP 2009-01P, Village at Grand Traverse Phase I**

- [Updated Application Materials](#)
- [Supervisor's Board Review Process Proposal](#)
- [List of Planning Commission Motions regarding the application](#)
- [Minutes of VGT-related Planning Commission Discussions 08/2011 – 01/2012](#)
- [VGT Response Letter Easements and Declaration](#)

Kladder expressed thanks to the Planning Commission for all of their hard work. He noted that after the January 30 Planning Commission meeting a number of additional documents were to be provided by the applicant and asked if they have all been received. Vreeland, Kilkenny and consultant John Iacoangeli indicated that most of the materials or action items in a list of 21 have been provided and are currently under staff and/or consultant review, but a few, such as an updated photometric plan, are still outstanding.

Kladder has provided a memo suggesting that the Board may need additional time to review the materials provided to them and ask questions. He has suggested that the Board hold a special meeting next week to be dedicated to this purpose, and proposed either Monday, February 13 or Tuesday, February 14. The applicants indicated that Monday, February 13 would work well for them. Kladder suggested that the meeting start at 6:00 p.m. Scott encouraged all required materials to be submitted as requested as soon as possible. He also noted that the Planning Commission has held numerous meetings on this application and studied it in great detail. They are the planning experts for the community more than he. Unless there are glaring questions or concerns, he is uncertain why the Board would need to perform its own detailed review. Kladder has been reviewing the materials in detail and has noticed some details that don't agree between documents and has questions about others. He spent over an hour with the staff discussing some of his questions today. Scott expressed that if Kladder is interested in that level of detailed review, perhaps he should be serving on the Planning Commission where that level of detail work is performed.

Hardin stated that the Planning Commission brought to the Board a unanimous recommendation regarding a medical marijuana land uses ordinance, and the Board deviated from that recommendation substantially. If there are Board members that need to have some questions answered, we should allow time for that to occur.

Terry Boyd of Gourdie Fraser, consultant to the applicant, and Steve Schooler of Anderson Real Estate indicated that three key items are outstanding: the request for a second minor amendment to the SUP 2004-11P Conceptual Plan, the photometric plan, and the TART easement. Mr. Boyd has been told that he will have the photometric plan in hand from a sub-consultant by 5:00 p.m. on Thursday. Kilkenny listed a few details that were neglected on the revised materials provided since January 30.

Township consultant John Iacoangeli stated that everyone has worked hard to pull data together. Towards the end of the process the township has been receiving documents from the applicant that he and the staff are still reviewing because they have come in so recently. The Planning Commission voted on January 30 to recommend approval of the application to the Board, and he could not attend the meeting due to illness. Had he been here, he would have pointed out to the Commission that they needed to provide their recommendation in the form of a detailed written finding of fact. Doing so considerably reduces the opportunities for varied interpretations of what was intended based on the minutes and other records. Some of the conditions involve the future submission of documents for review and approval by the township's team before final permits can be issued. Mr. Iacoangeli stressed the importance of having a final written record of precisely what all parties are committing and agreeing to.

Jocks indicated that when the Commission made its decision last week, he was recommending that they wait until the 21 conditions could be addressed and a finding of fact document prepared. There was a clear sense that the Commission felt that they did not want

to wait, and that these final acts were only housekeeping issues. Jocks disagreed, but this desire was not outside of the bounds of the law. We do not have a clear and complete findings of fact yet. The 2006 Meijer store approval contained a 13-page finding of fact. This project is different because it is more complex. This document is significant because it is what both parties will return to time and again to understand and implement what was approved. Jocks recommended that the board hold a meeting that is designated as a special meeting and not as a study session, because this would allow the township to potential make a decision motion at that meeting. It is important for the township to have a complete packet of material in place, including a notation as to what it does not contain and when those items must be provided.

Scott was concerned that the full applicant team is present this evening because they perceived that a decision could be made this evening. However, if there is a genuine need for appropriate documents before the decision is made, he respects this.

Ken Petterson, attorney for the applicant, stated that while they would like a vote of approval tonight they did not necessarily expect one. Their team came to provide an overview presentation this evening and will be fully prepared for a detailed and productive discussion on February 13 if a special meeting is set for that date. They recognize that everyone involved is busy and doing their best to turn information around as quickly as possible. Kladder asked if a finding of facts could be prepared at the February 13 meeting; Jocks stated his goal would be to have a draft ready for that meeting. At the meeting the findings could be modified as appropriate to reflect items that have been checked off the lists, items that are still needed, and appropriate conditions on the approval to deal with them. He would not expect a wholesale revision of his draft document unless he drafted it very poorly, and Mr. Petterson agreed. Iacoangeli agreed as well, but is feeling cautious about the short timeframe involved. Over the past few weeks the turnaround of information has been compressed into days, but the materials related to this project are extensive. The 2006 findings of fact required two weeks to be compiled.

Steve Smith, one of the principals of the Village at Grand Traverse LLC, stated that his team will be ready for a meeting next Monday. They had 21 things to submit by the close of business last Wednesday. They feel they have completed 18 of them. If something like the photometric plan cannot be completed before Monday, the applicant feels that a conditional approval for the application could be granted with one of the conditions being the provision of the plan and approval of it by the township. Mr. Smith thanked the township's team and his for accomplishing what has been done over the past week in a very short timeframe. He feels there has been a positive working relationship between both parties for the past several months and would like to have it continue. He introduced Jeff Anderson and JR Anderson from the applicant team. Jeff Anderson stated that they have maintained a positive relationship and character in all the communities in which they have created projects. They strive to create projects they are proud of and that the community can be proud of.

Mr. Boyd suggested that the applicant and township consultant teams coordinate regarding what details of the process each will present so that there isn't a duplication of efforts. There was additional discussion about whether everyone would have enough time to prepare the findings of fact and all other documents and to circulate them to everyone with sufficient time prior to the meeting so that everyone is well prepared for productive discussion. Several individuals were concerned about having sufficient time to prepare.

The special meeting was established for Wednesday, February 22 at 6:00 p.m. for the sole purpose of reviewing SUP Application 2009-01P and potentially discussing a second amendment to the Conceptual Development plan for SUP Application 2004-11P.

- M. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**
Kladder has a meeting on Thursday regarding the possibility of providing advanced life support ambulance service through Northflight in Acme Township. This Thursday evening there will be a

meeting at the township hall for individuals interested in the reopening of Bertha Vos Elementary.

Wikle noted that 2011 taxes are due by Tuesday, February 14. The assessor will be in the office on Monday that week instead of Wednesday. The Treasurer's office has moved to the township hall but has retained the same phone number.

Mr. Smith stated that the VGT has a letter on record that they are willing to donate land to the township and or Metro Emergency Services for a new township hall and/or fire station.

CCAT had asked that its letter under correspondence be read aloud in entirety, but this was accidentally skipped. Rachelle Babcock and Charlene Abernethy from their Board indicated that reading it at the beginning of the special meeting would be an acceptable substitute.

Meeting adjourned at 10:55 p.m.