



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Tuesday, March 2, 2004

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: R. Agruda, D. Amon, D. Hoxsie, N. Knopf, C. Walter
Members excused: None

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

A. CONSENT CALENDAR

Motion by Knopf, support by Hoxsie to approve the Consent Calendar as amended to remove Accounts Payable for further discussion, including:

RECEIVE AND FILE:

1. Treasurer's Report through January 31, 2004
2. Clerk's Report for February 2004
3. Draft unapproved minutes from February 23, 2004 Planning Commission meeting

ACTION:

4. Approval of Minutes from the February 3, 2004 regular Board meeting
5. ~~Approval of Accounts Payable~~

Motion carried unanimously.

B. ASSESSOR'S REPORT – Dawn Plude: Board of Review will meet on March 10 and 11. A few months ago she spoke to the Board about a grant the County received from the Army Corps of Engineers to create a GIS framework. Matching funds are required in order to take advantage of the opportunity. The Tribe gave the County a grant to cover the matching funds for at least some townships, including ours. Starting with 2005 the county should be able to create our tax maps for us rather than us sending them to a firm in Florida to do the work.

C. LIMITED PUBLIC COMMENT: None

D. CORRESPONDENCE: None

E. SUPERVISOR'S REPORT – David Amon: Amon asked how many members of the public have access to the Internet, and encouraged all who do to access the township's website. He feels it does a good job of conveying general information, recognizing achievements by local individuals and companies and listing upcoming meetings. He credited Corpe for maintaining the website, and thanked her and our receptionist, Nancy Edwardson, for coordinating efforts to respond to documentation needs related to the current lawsuits. Nancy in particular handles many general inquiries as well throughout the day. Amon also gave appreciation for Tom Henkel's ongoing remodeling project to turn our kitchen into a new kitchen/conference room/workroom facility. He noted that there has been discussion over the past month about a potential boat launch facility and Downtown Development Authority. Regarding a DDA, he would like the Board to authorize Chuck Walter to investigate the possible hiring of a consultant on this issue. He also expressed concern about a statement in a recent *Record Eagle* article saying that it appeared township residents are funding the current Board's reelection bid. He noted that this year's budget includes \$7,200 for publications. The letter that was mailed recently to all township residents and property owners is the first publication distributed in this fiscal year. Approximately 3,100 pieces were mailed, costing approximately \$1,900. \$515 of this total went to bulk pre-sort postage, the balance being printing costs. He

thanked Knopf and Corpe for taking time to draft and edit the letter, which he feels accurately portrays the Board's position and addressed the need to communicate this to the township's residents. Walter commented about the upcoming election, saying that anyone who intends to run for office should know that "this is not a part-time township anymore." The treasurer and his deputy work at least full-time, and the Clerk and Supervisor put in substantial amounts of time. Knopf reported that those interested in seeking office must file petitions by May 11 at 4:00 p.m. Amon stated that the Board will be increasing from 5 to 7 members, adding two new Trustees. All 7 positions are up for election. Mr. Lewis Griffith said he understood the deadline for independents to register as candidates to be July 1. The May 11 deadline is for those running under a party affiliation.

F. COUNTY COMMISSIONER'S REPORT – Larry Inman: In Washington DC this evening, and will be unable to attend next month but will provide a written report.

F. TOWNSHIP COUNSEL'S REPORT – Jim Christopherson: There are two lawsuits pending. The first was filed by CCAT opposing the Town Center project. Yesterday Judge Power allowed them to amend their suit to add the issue of whether or not the Open Meetings Act (OMA) was violated. On March 22 at 3:00 there will be a hearing on the appeal of the Board's decision to grant the Conditional Special Use Permit. This point is not the whole of the lawsuit but is a large part, so he would encourage the entire Board to attend if possible. There may or may not be a decision issued that day.

The Johnson Family Limited Partnership filed a second suit regarding the recent amendment to the Acme Village Mixed Use Development Plan. There was a hearing regarding this case yesterday as well. Briefs will be filed by each side soon, and a hearing can be anticipated in early May. A trial date has been set for late August and a settlement conference has been scheduled for July.

Other ongoing items include litigation with K-Mart over unpaid taxes. A final settlement offer has been received that is within the range the Board authorized Christopherson to accept. Last month the Board discussed the Griffith zoning violation situation. Hull has provided him with documents that he is reviewing, and the three of them will sit down together soon to discuss the situation and try to resolve it short of litigation.

G. SHERIFF'S REPRESENTATIVE REPORT – Deputy Brian Bedora: February and March are generally "slow" months. There were 81 complaints generated in Acme Township in February. There were 22 accidents, 18 arrests including several DUIs. There was a fire on Emily Lane, an assault, a larceny, a credit card fraud, an embezzlement, some property damage, a liquor law violation, some disorderly conduct and traffic misdemeanors, and a trespassing case. There were 6 false alarms. Walter asked that a schedule for the traffic radar sign can be set up in during the coming month. Deputy Bedora reported that he was recently certified to use a new piece of laser radar equipment that more accurately picks out a specific car in traffic that is speeding. Amon asked where most of the accidents occur, and if they are at the US 31/M-72 intersection. Many do occur at the intersection, but there are also quite a few on US 31 in front of Amon Orchards and along the bay near Five Mile Road where it's very windy. Amon explained that the township was able to acquire a radar speed monitor trailer through a grant from participating in the "Click it or Ticket" seatbelt enforcement program. He is told that the trailers usually aren't taken out of storage until April or May when spring storms seem to be dying down.

Deputy Bedora's 2-year commitment as our CPO is coming to an end on May 9. At this time he will return to general road patrol, and a new officer will be chosen for us. He will also soon be leaving for a 2-week crime scene processing class. Amon will be meeting with the Sheriff's Department to ensure that a smooth transition to our new officer is made.

A member of the public asked if the Sheriff's Department can perform some enhanced enforcement activity at the light at Bunker Hill and US 31. Many people, including semis, run the light. Deputy Bedora will try to get together a 3-car traffic team to run some enforcement

activities. Herb Smith reported that he discussed adding a time delay between the red and green signals with Rise Rash from the local MDOT service center, and she said she'd look into it.

- H. METRO FIRE REPORT – Randy Agruda:** Amon congratulated Agruda on being appointed to the State Fire Commission and asked him to explain the group. Agruda thanked everyone for the congratulatory messages he has received. He is representing the Michigan Townships Association (MTA) and Michigan Municipal League (MML) on the Commission, which sets the standards for firefighter training and education. This function has been moved from the State Police to the Department of Labor, which Agruda views as a good move. Firefighters have to understand the buildings they are working in, and the Department of Labor deals with construction codes, so this seems like a good match. There are 6 members on the council including fire chiefs and union representatives. One concern he has is that fire departments are losing volunteer personnel at an alarming rate, and will be making a presentation on this issue next month. He is honored to serve the state in this capacity.

Turning to our local Metro Fire, the headquarters have been expanded as inspection, administration and public education staff has increased. The expansion has been a great improvement and has facilitated workflow. They have hired Pat Parker as their Operations Chief, working with each Battalion Chief, budgets, and each Township Board. Wayne Hanna is still on the job as well. There are a large number of inspections and re-inspections coming up. No staff will be added at this time, however, because budgets are tight. It may not be too long before a new inspector is added, as the Board feels that preventive inspections have contributed significantly to a reduction in commercial structure fires.

- I. ENGINEER'S REPORT – Jim Minster, Gourdie Fraser Associates:** Enhancements to the sewer pump stations are ongoing. The pumps are in transit and the new operating board is being tested. The gravity lines between M-72 and Bunker Hill Road are being evaluated for potential alternative routes. The DEQ has looked at the preliminary report from the boat launch facility and provided some comments.
- J. ROAD COMMISSION REPORT – Chuck Walter:** The Hammond-Hartman Bridge project is on hold. The Road Commission will be meeting with the DEQ in Lansing tomorrow to learn more about their recommendations for and concerns about the project. Improvements to Three Mile Road will proceed when issues with a bridge over Mitchell Creek and right-of-way acquisition are resolved. They will begin repaving US 31 in Acme Township within a few months.
- K. BUILDINGS AND GROUNDS REPORT – Tom Henkel:** The kitchen/conference room is coming along ahead of schedule and under budget. He presented a proposed identification sign design for the Yuba Creek Natural Area to be placed at three key access locations. Each sign would cost about \$312 plus posts. The Board generally liked the proposed design.
- L. OFFICE & PLANNING COORDINATOR'S REPORT – Sharon Corpe:** Amon asked Corpe to briefly cover the portion of her written report dealing with purchase and/or transfer of development rights. She stated that the County Planning Commission is studying adoption of a PDR ordinance, which has already been adopted by Antrim County. The bi-county initiative grew out of a study group in which Sherrin Hood participated along with representatives from Whitewater, Torch Lake, Milton and Elk Rapids Townships. Acme has not been involved since Hood left, and was apparently accidentally taken off the group's call/mailling list. Lon Bary has contacted us to help us get re-involved. The group may seek a second Rotary Charities Grant for ongoing public education, and each member township may seek a farmland preservation millage similar to that in place in Peninsula Township as early as this November.
- 1. Consider Minor Change to SUP #98-1P Tom's Supermarket to allow seasonal enclosure and use of an outdoor garden sales area:** Corpe introduced Jeff Cairns, Store Director and summarized her staff report about a requested Minor

Change to an existing Special Use Permit (SUP). In the past, Tom's has been cited for violating the Zoning Ordinance and their SUP by selling plants outdoors on their front sidewalk area, and they are seeking a way to allow them to sell plants and garden materials during a limited time each spring.

Corpe's report detailed her reasons for presenting the application as a minor change. The store would use temporary fencing running roughly east-west between the end of an existing chain link fence behind the garden center building to the wall of the store, creating a triangular enclosure for outdoor sales. The fencing would be white plastic that looks like traditional wooden 2-rail fence. The area to be enclosed is a portion of an area previously fenced and used for the same purpose. No additional impervious surface would be created, and sufficient parking as required by our Ordinance already exists on site to accommodate the additional retail square footage.

Hoxsie asked to be reminded about our outdoor sales policy and how the request compares to existing practices in the township, particularly at the neighboring K-Mart property. K-Mart has been cited and fined for violating outdoor sales prohibitions in the past. Corpe replied that K-Mart has an indoor/outdoor garden center area. The outdoor portion is surrounded by chain link fence and is open to the sky. They are permitted outdoor display and sale of items within the enclosure, but it is prohibited outside of the enclosure. She views the fencing, whether permanent as K-Marts or seasonal as Tom's as being a way to define and evaluate the space in which the use is allowed to occur, and not as being necessary for creating a visual screen or addition to the interior of a building. Hoxsie recalled that in the past Ace Hardware has also been cited for having plants and soils on their front porch and asked about the difference between this case and theirs. Corpe responded that the difference is that the porch may have a roof, but it is not enclosed on the sides. Also, Ace Hardware did not apply to have this space used as retail space, but she would certainly recommend entertaining an application by them for an amendment to their SUP if they desired to allow for some enclosed outdoor storage space.

Motion by Hoxsie, support by Knopf to approve Special Use Permit Minor Change Application #2004-2P amending SUP #98-1P as presented. Motion carried unanimously.

- 2. Discuss annual contribution to TC-TALUS in the amount of \$869.64.** All municipalities participating as part of TC-TALUS are asked for an annual contribution to that group's budget. The contribution is calculated based on the portion of the total population of all participating areas residing in each municipality. Corpe stated that she has spoken with Matt Skeels, TC-TALUS Director, who says that their fiscal year doesn't begin until October. He does not need to receive our contribution immediately as long as he receives it before the end of his fiscal year. While we budgeted \$1,000 for this item in the 2003-2004 budget, we have the opportunity to defer this expense to the 2004-2005 budget and pay in July, which might be beneficial given our increased legal expenses this year.

Motion by Walter, support by Hoxsie to pay the annual TC-TALUS contribution of \$869.64 from the 2004-2005 budget. Motion carried by unanimous roll call vote.

- 3. Discuss water monitor cost sharing with Whitewater Township:** Corpe mentioned the proposal the Board made regarding sharing the water quality monitor to Sandy Beckwith, Whitewater Township Supervisor, who agrees in principal. She is working with Noelle Knopf and/or Dave Basler to establish a depreciation schedule and will work with Jim Christopherson to get a letter of agreement in place.

M. ZONING ADMINISTRATOR'S REPORT – John Hull: Hull left the office due to illness. His written report was brief, stating that the only major concern at this time is the Griffith issue which is in process.

N. PUBLIC HEARINGS: None

O. NEW BUSINESS

- 1. Consider adoption of Resolution to Study Deregulation and Stabilizing Electric Rates (Jim Cooper – TC Light & Power):** Amon introduced Jim Cooper, TC Light & Power, who made a brief presentation. He has been meeting with the townships surrounding Traverse City to discuss deregulation and its implications. They are asking each Township to adopt a resolution supporting formation of a study group to study the topic and whether the formation of municipal electric service districts might be beneficial. The concept means that the township could potential form its own utility company and sell electric service. Acme will be the first township to consider the resolution. Amon stated that the new TCL&P director came from a locality in Texas where municipalities offered continuous low-cost power to their residents on an ongoing basis. They even owned some of the power lines. The idea is to examine whether or not by doing the same thing we can guarantee some lower rates for our residents for an extended period of time. Amon has been TCL&Ps local contact on this issue to date and will continue in this capacity. Amon read the proposed resolution for the public's benefit.

Motion by Hoxsie, support by Agruda to adopt Resolution #R-2004-04 regarding Deregulation and Stabilization of Electric Rates.

Lewis Griffith asked if TCL&P lines current run out here, which Mr. Cooper replied that they don't. Mr. Griffith asked why we would want to partner with them if their infrastructure isn't in our area, and if it is true that the power lines were nationalized. Mr. Cooper responded that they don't own the transmission lines, but the secondary lines leading to individual service locations are owned, operated and maintained by local companies.

Motion carried unanimously.

- 2. Traverse City Area Public Schools Resolution:** Hoxsie stated that this resolution is somewhat of a formality, allowing us to continue to collect summer school property taxes for the schools. Must be adopted annually.

Motion by Hoxsie, support by Walter to adopt the Traverse City Area Public Schools Resolution to have the township collect 2004 summer school taxes.

Amon has heard that Governor Granholm would like to collect personal property taxes in advance for local municipalities but not for the state. Hoxsie is unaware of the situation; Walter thinks the initiative failed.

Motion carried unanimously.

- 3. Consider approval of Accounts Payable through February 18, 2004 in the amount of \$15,805.98:** Walter questioned item "Interest Credit Card" on the monthly report. Knopf stated that there are eight different items covered by this amount, including some of the kitchen remodeling items and the MTA attendance charges. Walter asked why we are spending money on interest charges; Knopf replied that sometimes there is a delay in getting receipts from people who use the card. Walter encouraged taking a hard line on having receipts in hand promptly to avoid the need to pay interest charges in the future.

Motion by Knopf, support by Hoxsie to approve the Accounts Payable as

presented. Motion carried by unanimous roll call vote

P. OLD BUSINESS

- 1. Approve Acme Sewer Progress Payment #5 from bond issue funds to Porath Construction in the amount of \$24,710.98:**

Motion by Walter, support by Agruda to approve payment of Acme Sewer Progress Payment #5 in the amount of \$24,710.98 to be paid from County bond issue funds. Motion carried unanimously.

Hoxsie noted that the last payment was made from township funds and asked when the County will be reimbursing us. Minster said the payment should have been approved yesterday. He will follow up with Diane at the DPW.

Q. PUBLIC COMMENT/OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

1. Walter talked to Corpe about selling the used maintenance truck. She said not done yet. Went to view truck, couldn't because in snow out back. He has a friend, Ted Don, who would appraise it for free. He'd like Henkel to clean it up and put it out front with a sign in the window. The Board concurred.
2. Walter stated that with regard to potential DDA formation, within the next 10 days he would like to have potential costs for consulting services available. He'd like to schedule a special meeting to discuss further. Amon also learned today that to participate in asking for another Rotary Charities Grant for farmland preservation issues we must act before April 1. When Walter has the information available regarding consulting services, a special meeting date will be set.
3. John Kennedy has heard about the potential for a boat launch at the bottom of Bunker Hill Road, and asked where cars would be parked. Amon stated that four different potential launch sites have been examined including Bunker Hill Road, Dock Road, Bayside Park and Yuba Park Road. Gourdie Fraser has prepared a series of conceptual drawing for potential facilities. There are quite a few agencies and processes involved in trying to proceed with such a plan, but there is general consensus that the best location may stretch from the bottom of Bunker Hill Road to the current MDOT roadside park.
4. Corpe stated that she was with Plude when the GIS mapping project was originally discussed. The benefits it will provide to the township are immense in her opinion, and she feels that the Tribe should receive recognition for providing the funding to participate. She received the Board's approval to draft a letter of thanks.
5. Herb Smith, as Chairman of the Planning Commission stated that he is spending more and more time in the hall, and complimented Hull, Edwardson and Corpe on the assistance they provide on a daily basis. Dan Hanna echoed the sentiments, saying that he is always treated well when he shows up.

Meeting adjourned at 8:28 p.m.