



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Tuesday, April 6, 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 Hoxsie, support by Agruda, to approve the Consent Calendar as amended to remove consideration of the Accounts Payable and March 2 Board minutes for further discussion, including:

RECEIVE AND FILE:

1. Treasurer's Report
2. Clerk's Report
3. Draft unapproved minutes from the Planning Commission March 29, 2004 regular meeting & approved minutes from the March 25, 2004 special meeting

ACTION:

- ~~4. Approval of Minutes from the March 2, 2004 regular Board meeting~~
- ~~5. Approval of Accounts Payable in the amount of \$26,594.71~~

Motion carried unanimously.

B. LIMITED PUBLIC COMMENT:

John Kennedy, 4765 Arthur Court asked questions about 2 meetings posted on the message board outside the Township Hall doorway, and Corpe responded. A meeting scheduled for Wednesday, April 7 at 1:30 p.m. is being held by the Waterfront Recreation Task Force formed by the Township Board to examine the possibilities for developing a new boat launch facility within the township to provide better recreational access to East Bay. The proposed facility would have six launch ramps and perhaps 186 parking spaces for cars and boat trailers. The task force, aided by Gourdie Fraser Associates, has studied 4 potential locations and developed several possible facility drawings for each. They are preparing to make a presentation to the Board of Trustees in further preparation for a public information meeting to introduce the work to date to the public and receive feedback.

The second meeting is scheduled for April 8 at 2:00 p.m. and is being held by the M-72 Corridor Overlay District Ordinance Subcommittee of the Planning Commission. This group has been meeting occasionally for over a year to develop new zoning standards for properties abutting the M-72 corridor. Right now, the zoning ordinance provides for enhanced setback requirements for properties along M-72 between the places where Acme and Yuba Creeks cross the road; the proposed new ordinance would place enhanced setback, access management and landscaping requirements on all properties within the township along M-72. The goal is to preserve to the extent possible the scenic beauty of this important gateway to the Traverse City area. Drafts of the ordinance are available to the public through the township offices.

C. SHERIFF'S REPRESENTATIVE REPORT – Deputy Brian Bedora: Amon noted that at last month's meeting Deputy Bedora announced he would be moving to a new position within the Sheriff's Department in May. Amon has taken the opportunity to work with Lt. Morrow to select our new CPO, Matt McKinley. Deputy Bedora stated that he will return to general road patrol on May 3 after completing his two-year commitment to Acme Township.

In March policing activity in Acme Township included a rape investigation, some larcenies and frauds, a liquor law violation, four disorderly conducts and two drunk driving arrests among other items. Last weekend there was a string of break-ins including several businesses between Traverse City and the Acme Quick Lube. Deputy Bedora was involved in the investigation, using his recent 80-hours of crime scene processing training. He also recently resolved an investigation that began last July regarding a theft of alcohol from the Resort.

Mr. Lewis Griffith, Lautner Road, asked Deputy Bedora's opinion of why there are petitions being circulated to institute a death penalty in Michigan only for those convicted of killing law enforcement officers. He believes that if there is to be an initiative towards a death penalty for murders, it should apply no matter who the victim might be. Amon recommended directing this question to Sheriff Fewins. Deputy Bedora stated that he personally is not very well informed on this issue.

Amon thanked Deputy Bedora for a job well-done, and introduced Deputy McKinley and asked him to say a few words. He has worked for the department for 14 months, and attended the Law Enforcement Academy at NMC. He spent 3 years with the Cheboygan Sheriff's Department.

D. CORRESPONDENCE:

1. Letter from Gloria J. Jeff, Director-MDOT dated March 5, 2004 re: MI Travel Counts
2. Memo from Grand Traverse Conservation District re: Gypsy Moth Program
3. Invitation to Septage Treatment Plan Groundbreaking Ceremony on April 23, 2004
4. Letter from Bob Garvey regarding Town Center dated March 29, 2004
5. Letter dated April 6, 2004 from the Grand Traverse Resort & Spa asking that their request for a resolution supporting their request for a bottomlands lease from the DEQ be continued to the May Board meeting.

E. ASSESSOR'S REPORT – Dawn Plude

1. **Consider new assessing services contract due to incorporation/name change:**
Dawn Plude and Amy Jenema incorporated their assessing consulting business this year, and therefore wanted to update their contract with Acme Township. They would like to continue the terms of the existing contract for another two years commencing from May 1, 2004. Hoxsie noted that there is one typographic error in section 1.1 under "Terms", which should state that Plude will maintain office hours for one full day per week. Walter asked if Plude had incorporated other changes he discussed with her:
 - Amending the first paragraph to indicate that the Acme Twp. Board of Trustees representing the people of Acme Township is entering into the contract;
 - In item 4 (Compensation), he suggested having the figure numerically represented;
 - Regarding the terms of compensation increases and whether they should remain a flat 3% annually or be linked to the rate of inflation. Plude and Jenema would prefer to remain with the flat rate;
 - Item 6 should note that we furnish office supplies or reimburse the firm for same upon presentation of receipts on the conditions that such supplies be used only on behalf of Acme Township. Plude noted that they have yet to bill the township for such items;
 - Item 15A should include a 60-day termination lead-time. Christopherson noted that because the termination has to be mutual, one term to be agreed-upon would be the lead-time.

Hoxsie asked if Christopherson concurred with the changes suggested, and Christopherson replied that he did.

Motion by Walter, support by Knopf to approve the new assessing services contract subject to changes as discussed. Motion carried by unanimous roll call vote.

- F. SUPERVISOR'S REPORT – David Amon:** Amon felt that the process by which our new CPO Deputy was chosen was a good one, and noted that only Acme and Green Lake Townships have chosen to involve themselves in the CPO selection process.
- 1. Draft minutes of March 12, 2004 DPW Water & Sewer Committee:** Provided for information, along with an outline of the DPW's 2004 goals, priorities and strategies. These latter items include a discussion of public water systems. The Board of Public Works includes Acme, East Bay, Garfield, Peninsula and Elmwood Townships. Currently the only water system in Acme Township exists at and for the Resort only. Blair Township may be working with Garfield Township from a sewer perspective, but would have to resolve issues caused by differing system standards to share water service. For Acme Township, possibilities include creating our own new water system, hooking into East Bay's system, working with the Resorts facilities and Tribal facilities in Whitewater Township. Discussions are ongoing.
- G. COUNTY COMMISSIONER'S REPORT – Larry Inman:** Inman could not be present, but provided a four-page report discussing the County's 2003 accomplishments, including: refinancing township Bonds for a savings of \$450,000; working to create a court annex in existing church building facilities; and completion of repayment to Grand Traverse Regional Land Conservancy for acquisition of Maple Bay Farms at 0% and establishing an endowment fund for maintenance. Coming issues for 2004 include jail overcrowding, court overcrowding; a long-term 911 system upgrade to meet needs and state standards, and regional transportation concerns. Amon noted that Acme recently hosted a BATA public input forum.
- H. TOWNSHIP COUNSEL'S REPORT – Jim Christopherson:** One count of the Johnson Family lawsuit pertaining to superintending control was dismissed yesterday. Regarding the CCAT lawsuit, several weeks ago Judge Power ruled that the town center ordinance was invalid because it provided that there could be no more than one town center development in the township as a result. The order should be signed within a week when both parties work out the final language. We will likely file a request that the judge reconsider his decision within 14 days after the order is signed. One count of the lawsuit remains regarding alleged violations of the Open Meetings Act. There are issues relating to trial and settlement strategy that he would like to discuss with the Board as provided by law in closed session this evening. He explained for the public that we can enter closed session to discuss these types of issues as long as no decisions are made during the closed session.
- I. METRO FIRE REPORT – Randy Agruda:** Statistics for fire runs during 2003 are available. There were somewhat over 2,000 fire and rescue runs in Acme, East Bay and Garfield Townships combined. Last year there were a number of juveniles who set fires last year who participated in a program to counsel them and prevent future occurrences. He cautioned that we are coming up on wildfire season and asked that people be sure to call the DNR Burn Permit hotline before engaging in any outdoor burning. It is important not to burn in the morning if a breezy afternoon is expected as well. Keep aware of the signs the DNR posts regarding fire danger conditions. Amon noted that burning without calling the DNR hotline and causing a fire leads to being charged for the costs of the firefighting outing.
- J. ENGINEER'S REPORT – Jim Minster, Gourdie Fraser Associates:** The new sewer line and pump station improvements are on-line and functioning well. All final restoration work should be completed in May, including TART repaving. As the next phase in the project, some additional work to reroute existing flows will be discussed.
- K. ROAD COMMISSION REPORT – Chuck Walter:** Last Thursday he and Amon attended a Road Commission dinner to hear an update on their planned programs for 2004. Beginning in May they will be performing chip and seal and wedging operations on degraded roads in Acme Township. He encouraged anyone aware of road problems to contact him so he can forwards concerns to the Road Commission. Also, beginning in late May US 31 will be repaved from Three Mile Road to the entrance to the Grand Traverse Resort. They will regrind the top layer of the road service and lay it back down. As much of the work as possible will be done at night, and they hope to have it completed within 20 work days. If not completed on time, the contractor must pay a penalty. John Kennedy asked if similar work

had been performed about four years ago, and is concerned because it appears the job wasn't very effective and it wouldn't seem to make sense to do it the same way again if it didn't work once. Hoxsie noted that the Road Commission has expressed in the past that standards for materials have been downgraded in recent years in an effort to control costs. Amon stated that work will be suspended during the Memorial Day weekend.

- L. BUILDINGS AND GROUNDS REPORT – Tom Henkel:** A group of volunteers are up at the YCNA this year working to eradicate Autumn Olive, an invasive species of vegetation, so that native plantings can be installed next year. The YCNA steering committee is also taking steps to erect a promised plaque recognizing major donors to the purchase fund. Henkel has received a request from the campground on Yuba Park Road to relocate a sign that may be on his property, as it is up for sale. Some research is required to determine if the sign is in the road right-of-way or on private property, and what agreements may have been in place. He has upgraded our trash facilities to a 2 cu. yd. Dumpster. To meet our zoning ordinance requirements he needs to erect a screening fence, and has been seeking bids for vinyl fencing product. Waste Management has asked that the enclosure be a minimum 12' x 12' to avoid damage from their trucks – if their requirement is met they will reimbursement for any damage. One bid is \$1,691 for parts. A Home Depot bid comes in closer to \$1,000 but the construction isn't as good. There are also some wood options at about \$500 and about \$300 that would result in a need for more ongoing maintenance. He researched colors for vinyl but has been advised that due to color matching issues white would be best. Hoxsie speculated that wood might be easier to replace if necessary, and prefers the dog-eared Wolmanized wood option with aluminum posts.

Motion by Hoxsie, support by Knopf to purchase dog-eared Wolmanized wood fencing for Dumpster screening at a cost of approximately \$500. Motion carried by unanimous roll call vote.

M. OFFICE & PLANNING COORDINATOR'S REPORT – Sharon Corpe

- 1. Request for Minor Change to SUP #2003-1P For Dan Kelly/Williamsburg Conference Center:** Corpe summarized her report regarding Mr. Kelly's request and an upcoming proposed ordinance amendment which would require 2.5" caliper street trees in landscaping plans rather than 3" caliper trees. Many have come to feel that our current requirements are too stringent, as most nurseries don't carry 3" trees, particularly locally, and the observable difference to the general public is negligible.

Motion by Agruda, support by Walter to adopt Minor Change #2004-4P to SUP #2003-1P for Dan Kelly. Motion carried unanimously

- 2. Update on water quality monitor equipment sharing with Whitewater Township:** Corpe provided copies of the signed agreement for reference.
- 3. Note new Planning Commission meeting schedule:** copies provided to Board with the explanation that the Planning Commission will meet on both the second and last Mondays of each month. The first meeting will be for internally-generated business and study sessions only, while applications from the public will continue to be entertained at the second meeting monthly. The change will help with schedule coordination and public access to meetings.
- 4. Discuss need and process for expanding range of consulting planners:** There is a forthcoming SUP applicant who will be utilizing the services of both Brad Kaye and Russ Clark in preparing and presenting his plans; therefore neither of these gentlemen, currently designated to review plans for us, can represent us in this matter. The township needs to identify and hire an additional qualified planning consultant to review this plan for us. Corpe has received some advice from Kaye and Clark on how to proceed, and recommends that the Board designate Amon, Knopf, Herb Smith and herself to put out a Request for Qualification (RFQ) to the public. Once they have reviewed candidates, they can negotiate potential price with suitable applicants and ask the Board to approve a final choice. The application may begin in May, so time is of the essence.

N. ZONING ADMINISTRATOR'S REPORT – John Hull: Corpe reported that Hull has been making a visual survey of all township properties looking for potential County Junk Ordinance Violations. As is done in Blair Township, he will send letters to property owners where a concern exists to inform them of the ordinance and an opportunity to get rid of their junk for free at our annual Township Clean-Up Day on May 1 at New Hope Church. Junk conditions that still exist after this time may be turned over to the Sheriff's Department for further follow-up.

O. PUBLIC HEARINGS: None

P. NEW BUSINESS

1. **Consider request from Grand Traverse Resort, LLC to adopt Resolution supporting lease of 3.7 acres of Lake Michigan Bottomlands located off-shore from The Shores Condominiums in Grand Traverse Bay:** Continued to the May 4 meeting at the applicant's request.

2. **Consider agreement to collect summer school taxes for Elk Rapids School District: standard annual:** The standard annual agreement to have the township collect the summer taxes has been put forward. A similar agreement relative to the Traverse City School District was approved last month.

Motion by Hoxsie, support by Knopf to approve the agreement to collect Elk Rapids School District summer taxes. Motion carried unanimously.

3. **Consider approval of contract with R. Clark Associates to produce a right-of-way landscaping buffer plan for inclusion in proposed amendment to M-72 Corridor Overlay District Ordinance:** Corpe and Smith explained that the M-72 Corridor Overlay District Subcommittee desires to maintain visual integrity of M-72 Corridor regardless of how each particular parcel is developed. Amon amplified that Acme Township participates in a consortium of municipalities along the M-72 Corridor seeking to maintain the area appropriately. Clark said it has been communicated to him that we desire to "set the standard" and to help developers by laying out what we expect from them in terms of minimum quality. Several other townships have taken this approach as well. His proposal covers work to produce a recommended roadside landscaping scheme (suggested planting species and required numbers) in a written and visual format that can be applied over 200' x 50' stretches. The goal is to have reasonable and easily understood standards.

Walter favors landscaping but he has some concerns. At 200' x 50' we are asking for dedication of a quarter-acre of land. He asked if the intent is to create solid screening or an aesthetic improvement. Clark's understanding is the latter. Walter stated that one reason to develop on M-72 is to be seen and attract and merchandise the business. Knopf noted that a solid buffer would also screen key viewsheds from view as well. She also asked about project timeline. Smith stated that the committee is meeting Thursday to finalize all other elements of the proposed ordinance except for this. We would then submit to Christopherson for review. Corpe stated that the earliest possible date she would foresee that the Board would be asked to consider adoption would be in early August.

Motion by Hoxsie, support by Knopf to approve contract with R. Clark Associates relative to landscaping standards for the M-72 Corridor in the amount of \$3,850.

Walter asked where money to come from. The general answer is: the planning and zoning consulting services budget, which will be discussed later in the agenda.

Motion carried by unanimous roll call vote.

4. **Consider request for funding from Traverse City Fourth of July Fireworks Fund:** This is an unprecedented request of the Board. Agruda is not opposed to fireworks, but he feels it has been traditionally sponsored by organizations within the

city that might directly benefit from their sponsorship through increased business. He finds he cannot support this request, as he feels we have ways to spend the requested funds that will more directly benefit the citizens of Acme Township. Knopf agrees, at least for this year, as she works intimately with the expenses we have incurred to face the lawsuits to which we have been subject.

Motion by Walter, support by Agruda to deny the request for fireworks funding. Motion carried by unanimous roll call vote.

5. **Consider request for annual Senior Center funding:** There was a difficult last year over timely billing and payment of Acme's requested annual voluntary funding for the Senior Center. \$3,800 was in this year's budget and has already been paid by Knopf. To fund the remaining \$200 a budget amendment is necessary.

Motion by Walter, support Agruda support to expend an additional \$200 to complete the requested annual Senior Center funding. Motion carried by unanimous roll call vote.

6. **Accounts Payable:** Knopf asked to have these removed for discussion because the amount shown as payable to R. Clark Associates is inaccurate. There was an invoicing mix-up, and we paid about \$10,000 when there was only about \$700 due. A check for the overage has been returned. The new Accounts Payable total is \$17,261.24.

Motion by Hoxsie, support by Knopf to approve Accounts Payable for March as amended in the amount of \$17,261.24.

Walter asked about the Kwik Print bill for "blueprints" for \$2,000 and a significant amount to Corporate Express for a "nameplate." Knopf reported that if multiple invoices to a vendor are paid through one check, the program she uses automatically sorts and prints the invoices in numerical order. On the Accounts Payable Report, only the description for the lowest numbered invoice appears, and there is no way to override the system and still maintain accuracy. Walter asked if the physical invoices are available to Board members who would like to review them, and Knopf said yes.

Motion carried by unanimous roll call vote.

7. **Approval of Minutes from the March 2, 2004 Board meeting:** Walter asked that this item be removed from the Consent Calendar for discussion. On page 2, it states that Herb Smith talked to Rise Rasch at MDOT about a possible time delay for the streetlight at Bunker Hill Road, and he wondered if we have received a reply. Smith, has not heard from her yet; Amon related that she has been on vacation. Walter also asked about the status of the Griffith zoning violation question discussed in the Zoning Administrator's Report. Christopherson stated that he and Hull have reviewed the township's files, that he wrote a letter to Mr. Griffith asking for his assistance and received a prompt phone call in return, but has been on vacation since that time.. Walter also wanted to follow-up on last month's discussion about interest being paid on a balance on our credit card. He sent a note to Knopf a few weeks ago and just received a response, and read his note to the Board. He asked if the Board could come up with a rule to assist Knopf in receiving needed receipts on a timely basis. He suggested setting a time limit for submission such as two business days after expenditure, or perhaps eliminating the township card and having people use their personal cards and ask for reimbursement. This has been a recurring issue. Knopf agrees there is a concern, and asks that everyone turn in invoices/receipts as soon as they are generated.

Walter asked why the township needs a card. The key uses are for travel expenses, seminar registrations and Internet orders. Knopf stated that reconciliation of the statements has become more complex as usage volume increases. She has asked for immediate submission of invoices upon use of the card, but in any event no later than the 10th monthly.

Motion by Hoxsie, support by Knopf to approve the minutes of the March 2, 2004 meeting as presented. Motion carried unanimously.

8. **Clean-up Day:** This year's township-sponsored clean-up day will be May 1 at New Hope Church from 8:00 a.m. to noon. A post card is being mailed to all residents and property owners. Hoxsie reminded the public that they will be expected to help unload their vehicles, but that we are looking for volunteers to assist individuals with special needs. Amon noted that the new speed monitor trailer will be on display. Walter asked if a policy for its use has been written yet. Amon replied that Deputy Bedora has been working on a suggested schedule. A hitch will be attached to our new officer's patrol car so he can move the sign around and position it as required for optimum function. The County usually does not put out its radar trailers until mid-May when they are sure that the worst of the rain and snow season is over. Knopf stated that the trailer has been insured under the township's policy. Corpe suggested having a two-sided banner made that can be re-used from year-to-year to help people find the event, which seemed to meet with general approval.
9. **Resolution to close the Township Offices for Good Friday:** Amon asked Nancy Edwardson to call other townships to see what their practices are. The County offices will be closed. We have sometimes closed from noon to 3:00 p.m. He recommends that we close as do the other Townships. Walter would not prefer to be closed for a full day. He feels there are plenty of other days that the office is not open. He would support allowing anyone who wishes to go to church. At most he would close from noon to 3:00. Knopf would support being open from 8:30 to noon only. Hoxsie concurred with her.

Motion by Knopf, support by Hoxsie to hold office hours from 8:30 a.m. to noon on Good Friday and close for the afternoon. Motion carried unanimously.

10. **Budget Amendment:** Knopf prepared a proposed budget amendment to cover higher than anticipated expenses for planning consulting and attorney services related to litigation. She recommends that a total of \$70,000 be moved from the Fund Balance Forward to simply cover existing overages. Additional fund transfers would be needed to account for upcoming expenses.

Walter asked if we are studying our fee schedule for planning and zoning issues to see if it is adequate. Corpe has had this on her "to-do" list for some time, and has a plan for the project in mind. She will assign the task to Nancy Edwardson for research with a goal of presenting information and a proposal to the Board at their May meeting.

Motion by Hoxsie, support by Knopf to adopt Budget Resolution #R-2004-05 as presented.

Agruda asked if these amendments represent actual litigation costs to date. Knopf replied that they are. Amon has asked Christopherson and Clark to clearly break out their time on their invoices by project. We can examine these at budget time to detect patterns of recurring costs.

Motion carried by unanimous roll call vote.

11. **Brackett Road Rezoning Petition:** Knopf provided a letter to the Board stating that the township is in receipt of petitions carrying sufficient signatures that a referendum on an approved rezoning of several parcels of land near the corner of Brackett and Lautner Roads be held. We could place the question on the ballots of either a special election, the August primary election or the November general election. Precise wording for the question will be coordinated with legal counsel for approval at the next Board meeting.

Knopf stated that she received signatures on a second from people who felt that the purpose of the first petition they signed had been misrepresented to them, so they wanted their signatures removed. Unfortunately for those individuals, Knopf could find no authority to state that the second petition was valid and was unable to accept it. She noted that all people approached with a petition should read the wording on it carefully, regardless of verbal representations made by the distributor to avoid this sort of misfortune.

Walter deferred to Knopf's judgment as to when the best time to put forth the question would be. He would be concerned about this issue getting lost in the shuffle of a general election, on which many different proposals may appear. There was general consensus that it would be undesirable to spend the funds necessary to hold a special election. Knopf feels that scheduling this question for the August primary would be best. People might be less confused because they would vote a straight party ticket regarding elected posts and then turn to any special issues. She agreed that at a general election there's a lot more going on and it can be confusing. Agruda noted that the "snowbirds" are all still here in August as well.

Motion by Walter, support by Hoxsie to place the question of the Brackett Road rezoning on on the ballot for the August 2004 primary election.

Amon asked what kind of turnout comes to primary versus general. Knopf replied that both are heavy, particularly in a presidential election year. Acme is an active voting township.

Motion carried unanimously.

Q. OLD BUSINESS

1. **Consider adoption of Intergovernmental Agreement Regarding the Farmland Preservation Fund:** The proposed agreement is similar to one adopted last year, and includes the same group of five townships that have been working together to evaluate the opportunities for a purchase of development rights (PDR) program for farmland. Last time around Acme Township housed the funds; this year Milton Township will do so. The primary focus for use of the funds would be for public information regarding the program.

Knopf asked what type of benefit we might receive and what has happened to date regarding this issue. Amon stated that Sherrin Hood had been a very active force on this issue, and her departure resulted in Acme being accidentally left out of the information loop for a while. The work has continued. Hoxsie reported that there has been a bi-county effort between Grand Traverse and Antrim to put together a program for if a farmer would like to sell the development rights relating to his property. Last year's funds matched a Rotary Grant that enabled development of the bi-county ordinance initiative. Amon views the next step as being to gauge the level of interest of farmers and residents of the township in participating in such a program. Acme is the only township that has yet to approve this round of funding.

Motion by Hoxsie, support by Knopf to adopt Resolution #R-2004-06 entering into the intergovernmental agreement regarding the farmland preservation fund, making a \$3,000 contribution.

There is approximately \$7,600 remaining in the previous year's funding. Scott Everett has invoiced for about \$10,500, thinking this is what was left in the fund.

Motion carried by vote of three in favor (Hoxsie, Amon, Knopf) and two opposed (Walter, Agruda).

Christopherson suggested that Amon note by his signature that we are contributing only \$3,000. Hoxsie would like to consult Lon Bargy before we pay out the remainder of last year's funds.

2. **Consider approval of Progress Payment #6 to Porath Contractors regarding relief sewer line installation in the amount of \$ \$139,230.21:** Minster noted that this includes a change order for a time extension to wait for a part which was approved and which didn't hold up the Township in any way. The bill if approved will be forwarded to the County for payment from bond funds.

Motion by Walter, support by Agruda to approve Progress Payment #6 to Porath Contractors in the amount of \$139,230.21 and approve Time Extension Change Order for completion date of March 26. Motion carried by unanimous roll call vote.

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

Erick Takayama, 5100 Lautner Road, stated that he hadn't planned to speak, but wishes to respond to a number of comments made by Board members that he feels imply that a number of people are causing budget deficits and expenses. He personally contributed more money than he feels he was reasonable able to bring the lawsuit forward. He circulated the Brackett Road petitions to all areas of the township at all times of day and found that people all over wanted to talk about the town center issue as well. He feels he got a very broad viewpoint, and that it isn't just a small group of people who supported the lawsuit, even if a small group pursued it. He resents the attempt to shift the blame for the costs to his group. Losing should be viewed as an opportunity to learn, and not to retain anger and hold a grudge. This is an opportunity for the Board to look at the development. He stated that all CCAT wanted was a public vote from the beginning. If this were a good project it would have been greeted with open arms and wouldn't have cost the taxpayers so much to defend. He feels CCAT filed suit as a last resort when their requests for a vote were denied. If the project were truly suitable, he believes it have needed to be "sold" through a letter to the citizens or an ad in the paper. If these developers don't want to be flexible and work with us for a good project, research getting better ones.

Wayne Seger, 4382 E. Timberwood Drive, is a Civil Engineer and township resident. Two people tried to get him to sign the Brackett Road petition. The first couldn't tell him where the property was. Mr. Seger educated himself, and later the second individual who approached him with the petition, who then continued to circulate it to others. He feels that the comments made by the Board this evening have been valid.

Lewis Griffith, Lautner Road, expressed concern about placement of a brass plaque on a rock in the Yuba Creek Natural Area to commemorate donors to the acquisition fund.. A similar monument on Muncie Road stone had a nice brass plaque that came up missing after a few years even though it was embedded in the rock. We will need to protect against vandalism.

Knopf asked Christopherson to respond to Mr. Takayama's earlier statements, particularly to address when a referendum is appropriate. Christopherson replied that the law provides that a referendum be held where there is a zoning ordinance adoption or amendment, including changes in zoning district designation. If there were individuals with concerns about the Town Center Ordinance, it would have been appropriate for them to request a referendum when it was originally adopted in 2001.

Mr. Takayama responded that this issue was part of the lawsuit. He feels that the lay person would view it as a good ordinance and that a practiced planning or real estate attorney would be needed to truly understand any flaws. He takes personal offense to the implications that have been made, and stated that he's certain that everyone has a different understanding of what the judge's ruling really means because the issue is highly complex. He felt that the real problem was not the ordinance itself, but a good ordinance being "twisted out of shape."

Herb Smith, Planning Commission Chairman challenged Mr. Takayama to come up with a town center meeting the precise letter of the ordinance that any developer would be willing to build. Every other town center he has researched has a retail anchor to draw people to the rest of the businesses. Mr. Takayama stated that he feels that the proposed development doesn't meet the spirit of the Ordinance. He stated awareness of a group from Chicago that

is currently developing land in the Empire area and that would be glad to meet with the township to discuss the property and the options to educate the township regarding the possibilities. He stated that when Sherrin was here she presented a plan by another developer he feels was better suited to the ordinance, but the Planning Commission turned it down flat. That is one example of an entity who could come up with a better plan. Smith declined to rebut due to the remaining lawsuit issues.

Lewis Griffith asked for clarification in when a referendum could have occurred (2001) and when Mr. Takayama took up residence in the township (1993).

Virginia Tegel, 4810 Bartlett Road, commended the Board for its direct involvement in hiring our new CPO Deputy and hopes he is better than our current one. Regarding the Farmland Preservation Fund resolution, she suggests that it's an important issue and unfortunate that we lost Sherrin Hood and her involvement. She hopes someone on Board steps forward and becomes actively involved. She thinks it's important to recognize that citizens are taking a serious interest in the township, and that we appreciate that they are taking the time to do so.

Corpe thanked Henkel for his work in remodeling the kitchen/conference room, which is now complete and much better than before. .

Hoxsie thanked Walter for his work in obtaining the new township hall exterior signage.

Christopherson noted that the Board has a policy not to meet for more than three hours without a resolution to do so. .

Motion by Knopf, support by Walter to continue meeting until no later than 11:00 p.m. as needed. Motion carried unanimously.

Motion by Knopf, support by Walter to enter closed session to discuss CCAT litigation possible trial and or settlement strategy. Motion carried by unanimous roll call vote.

Public meeting recessed at 9:40 p.m.

Public meeting reconvened at 10: 25 p.m.

Meeting adjourned at 10:25 p.m.