



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Tuesday, May 4, 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 printed, including:

RECEIVE AND FILE:

1. Treasurer's Report dated March 30, 2004
2. Clerk's Report dated April 30, 2004

ACTION:

3. Approval of Minutes from the April 6, 2004 regular Board meeting
4. Approval of Accounts Payable in the amount of \$337,193.35 (including \$305,405.22 Lutheran Social Services DPW Expenses March 2004)

Erick Takayama, 5100 S. Lautner Road, noted that there are no motions recorded in the minutes for April 6 after the closed session was ended and the open meeting reconvened. The Board confirmed that no motions or decisions to take action were made either during or after the closed session.

Motion carried unanimously.

B. LIMITED PUBLIC COMMENT:

Al Schneider introduced himself as a candidate for GT County Prosecuting Attorney. He moved here in 1989 as Dennis LaBelle's Chief Assistant. He has been with other prosecuting departments and with the Court of Appeals prior. He lives in Hampshire Hills.

Barbara Budros introduced herself as a candidate for 86th District Court. She has lived here since 1987, and her background is as a civil trial attorney, prosecuting attorney and court staff attorney. She cited a number of exciting new programs in the 86th district that seek solutions other than simple incarceration/release cycles.

C. CORRESPONDENCE: None

D. VIDEO PRESENTATION by Kelly, Grand Traverse County Resource Recovery: This county department deals with solid waste issues. The video she displayed is part of a public information and input process supporting a current update to the county's solid waste management plan. She stated that the county took over operation of 9 recycling sites from Waste Management in 2003. She invited individuals to participate on the Solid Waste Planning Committee and has applications that individuals from all points of view can fill out.

Walter asked how much of the County's current trash comes from areas outside of our region. Kelly was unsure, but noted that the amount could change at any time and that our local landfill is near capacity.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Noelle Knopf, Clerk, within 24 hours of the meeting at 938-1350.

Rachelle Babcock asked where recycled materials recycled locally are taken for processing, as she has heard the rumor mentioned in the video that recycled materials go to the landfill anyway. Kelly noted that there is generally a contractual requirement that if there is a 15% or higher level of contamination in recycled loads, the entire load is sent to a landfill. She believes this has happened to only one local load. Much of the cardboard goes to Manistee and the paper to Manistique. Much of the plastic is processed in Chicago.

Erick Takayama asked why our trash production rate is about double the state average? Kelly replied that our level of tourism is one source. Also, many people travel from other counties to work in GT County every day, and their office waste is figured into our totals. Mr. Takayama asked what is being done to encourage tourist industries to recycle, and Kelly replied that they survey tourist businesses to see what motivational programs can be provided to encourage them to recycle. Mr. Takayama stated that he has heard that the Acme drop-off is one of the worst for recycling contamination. Kelly was unsure if this is true, but she is aware that the quality varies from site to site. Acme's recycling site has the highest volume.

Lewis Griffith, S. Lautner Road, uses the Acme site for personal and commercial recycling. He has seen batteries and TVs on the ground outside the recycling bins. He suggested that some sort of convenient facility for such materials would prevent the dumping that he sees in the woods on a regular basis, or prevent them from littering at the recycling sites. Kelly suggested that a central electronics collection facility might be possible.

Amon noted that the County provided a DVD containing the video presentation that will be available to borrow at the township hall. He also noted that state revenue sharing programs are expected to see cuts over the coming years that will negatively impact county and township budgets. Environmental programs would likely be affected along with other public offices and services, so if these issues are important people need to speak out.

- E. SUPERVISOR'S REPORT – David Amon:** Amon stated that the proposed septage treatment plant was in the news last week, as there was a mailing of compost used as PR for the plant that was reported in the *Record Eagle*. Septage also falls under the heading of solid waste issues. Amon stated that the township is in the process of responding to a request for information from Bill Boltres, and in setting a schedule for placement and use of our radar trailer.

The \$1 billion state budget debt will be affecting counties and townships statewide. This is the time to become involved in the process of determining budget priorities. Amon stated that he was surprised to learn that 60 – 70% of our budget comes from the state revenue sharing sources that are threatened.

Amon stated that various individuals and groups have approached him about a possible millage for several different items, such as protection of unique and critical lands related to Acme Creek and bayfront properties. The township will continue to research these possibilities and whether or not the Acme public would be willing to vote in an additional millage.

Amon distributed a letter to the Board that if approved would express Acme's support for and desire to participate in local coastal zone management and planning projects related to watersheds and water quality. There is no proposed financial commitment on the township's part. The Board expressed general approval for having the letter signed and sent.

Amon stated that due to a ruling by Judge Power, at the current time there is neither a town center project nor a town center ordinance. Yesterday, the same group of developers who proposed the town center have put forward a new special use permit request for Planning Commission consideration. This application has been **received and** forwarded **by staff** to a

consulting planner for review and presentation at the May 24 Planning Commission meeting. This information will likely be in the paper tomorrow.

- F. COUNTY COMMISSIONER'S REPORT – Larry Inman:** The County Board decided to leave the Drain Commissioner and Soil Erosion Officer job responsibilities vested in a single individual, as do 28 other counties in the state. The process of making the decision has been an interesting education process for the County Commission. Inman also stated that the County was asked by NMEAC to re-address the County's transportation plan and will be conducting some new studies. It has become apparent that the proposed Hartman-Hammond bridge is on hold for the near future. Our current regional transportation study is ten years old. Grant funds for the project will be sought. Inman stated that the loss of revenue sharing funds for the County budget will be a much larger problem than anyone suspects. There has also been a drop in federal funding as well as state funding. The state is categorizing expenses by those mandated by state constitution and those that are not. Township revenue sharing is constitutionally mandated, but county revenue sharing occurs by statute (legislative vote.) There are also services the County must provide by law, and those that are voluntary. The State has told all counties that in the next budget cycle their revenue sharing (currently \$1.3 million for Grand Traverse) will be entirely eliminated to help balance the state budget. Inman believes this loss of funding will be devastating and will necessitate drastic cuts in services unless the public is willing to financially support them. The state has left counties one option: to require that all property taxes be paid for the entire year in June, rather than twice per year. The county would then be able to draw on the funds up front in the same amount of the lost revenue sharing to keep necessary services going. Needless to say, this could demonstrate a hardship on property owners and confusion for mortgage companies and escrow services. Most state legislators have signed "no new tax" pledges to not increase any state-wide taxes. The counties asked if those legislators would support imposition of county or city or municipality sales taxes, and they would not. New local millages to maintain services may be the only option left. Various government associations are lobbying in Lansing for relief. Things are going to get tougher in all municipalities as we are required to provide services without financial support.

G. TOWNSHIP COUNSEL'S REPORT – Jim Christopherson

1. **Update on Lewis Griffith Zoning Issue:** In the Board packets there is a timeline Christopherson established from older township records and discussion with Lewis Griffith about conditions on his property. It is his recommendation at this time that no further enforcement action be taken against Mr. Griffith because he has a grandfathered non-conforming special use that was previously approved. The approval is not specific enough about permitted activities to warrant further consideration, in his opinion.
2. **Proposed Confidentiality Agreement between Acme Township and the Grand Traverse Band Economic Development Corporation:** The reason this document was created and is proposed is that the Resort and the Tribe believe the current assessment on the Resort properties is too high. They may make a formal tax appeal to resolve. They would like the confidentiality agreement so that when they provide information to us that should not be provided to their competitors so that we can determine the fairness of their tax assessment they can feel more confident. It is important to note that this agreement would not override the Freedom of Information Act, but would provide a requirement at if we receive a FOIA request we would notify the Resort and they would have an option to fight the request. Also, there was a previous tax appeal during which a previous owner of the Resort sought and received a protective order. If we do not agree to this agreement they current owners might likewise seek a protective order and slow the reassessment agreement process down.

Walter asked why the agreement would be required of the whole board if only our assessor and our supervisor and attorney are involved. Christopherson responded

that because the assessor would have the information, and she is a representative of the township, the information can be requested of the township. Also, if our negotiating team reaches a settlement the Board will have to approve it and we need to have documentation to support the request that is sufficient to enable that approval. Walter asked if the assessment is being based on profit and loss versus the land value. Christopherson responded that most assessors use the "income approach" to assess businesses of this nature. This involves evaluation of detailed financial information.

Hoxsie asked why the township might wish not to enter into the agreement. Christopherson feels the only reason would be a policy issue. However, it would likely result in time and money spent to litigate a protection order before the Tax Tribunal.

Walter asked if there should be an attendant statement that if employees divulge information they would be liable to disciplinary action. Christopherson stated that all individuals who might have access to the information should be given a copy of the agreement signed by the board, and a record kept that they received the information. He sees that any breach of confidentiality should be viewed as worthy of disciplinary action.

Motion by Hoxsie, support by Knopf to enter into the proposed confidentiality agreement with the Grand Traverse Band/Grand Traverse Resort. Motion carried unanimously.

Christopherson mentioned the two pending lawsuits. Briefs have been filed in the Johnson lawsuit and will be heard in oral argument the afternoon of May 24. He encouraged everyone to attend if possible to fully understand what occurs. In the CCAT lawsuit a motion for reconsideration of Judge Powers' decision has been filed. We continue to work with CCAT's lawyer on wording for a final order in the case.

- H. **SHERIFF'S REPRESENTATIVE REPORT – Deputy Matt McKinley:** Today was Deputy McKinley's first day with Acme Township. 63 complaints occurred in Acme Township in April. There were 18 criminal complaints and 36 non-criminal complaints, and 9 car accidents. There were 2 liquor inspections. Diana Morgan asked if there was a particular location where the accidents occurred, such as M-72. Deputy McKinley stated that there are in general quite a few accidents on M-72. Mike DeAgostino, Grand Traverse Resort & Spa, asked what the impact of the upcoming US 31 resurfacing might be, and Amon stated that this project will be somewhat covered during the Road Commission report. Amon also reiterated that the township obtained a radar trailer through grant funding last year that will be in use.
- I. **METRO FIRE REPORT – Randy Agruda:** The addition to the Metro Fire offices is complete. At the state Firefighters Training Council, which was moved to the Department of Labor and Economic Growth. He echoed Inman's statement that finding training funds for firefighters will be tough. Senator Jason Allen has introduced a Firefighters Training Bill that would allow state funds obtained through insurance companies to be used for this purpose. The bill is in committee but is receiving some opposition from the EMS and Law Enforcement Departments, which would like to capture some of the training dollars for themselves. The Firefighters Training Council feels that those other two entities should seek separate bills. He encouraged the public to contact Sen. Allen and Rep. Walker to encourage them to support the bill and maintain firefighting service quality. Another issue is the level of ongoing training required versus the family commitments of two-income families, which is driving many people out of the volunteer departments. Often we are understaffed on emergency calls. There are currently 15 people in Acme's Battalion 8.
- J. **ENGINEER'S REPORT – Jim Minster, Gourdie Fraser Associates:** Phase 1 of the relief sewer project is nearly complete. Grass seeding will progress as soon as areas are dry

enough. Phase 2 routing options will be reviewed this coming Thursday morning, with an eye towards keeping as many avenues open as possible for future rerouting of flows. On another note, he has received the township's long-awaited approval to do some beach grooming at Bayside Park. Changes have been made by approving agencies that he will review with Henkel, and some changes have occurred on site that need to be reviewed. Amon asked if the TART paving between Four and Five Mile Roads was done today; Minster stated that this will be addressed in the Road Commission Report.

1. Discuss/approve 2 invoices received in April:

Motion by Hoxsie to approve the two invoices as presented. Motion carried unanimously roll call vote.

2. Approve Progress Payment #7 to Porath Contractors in the amount of \$19,543.39 for work performed on relief sewer project: Funds will come from the County Bond; more than \$1 million remains. We are at or below budget for this project.

Motion by Knopf, support by Hoxsie approve as presented. Motion carried by unanimous roll call vote.

K. ROAD COMMISSION REPORT – Annual Update presentation by Mary Lajko: Lajko stopped by today and SRW is laying asphalt three weeks ahead of schedule. A press release has been made to notify the public that for a day or two the trail will be closed while the asphalt cures. The trail is being restored at the current 10' customary width rather than the previous 8' width. US 31 will be repaved between Three Mile Road and the Resort, mostly at night, within a few weeks. MDOT and the Road Commission are working together on the project, and the area will be monitored by the State Police. The project is due to be complete before the peak tourist season.

This summer, Acme will be a primary focus of a "wedge and seal" program. Mark Makowski will review the proposed plan with Amon. Subdivision streets are generally chip sealed, but before this occurs letters will be sent in affected areas asking if they would rather form a special assessment district to pay for placement of asphalt instead. Ms. Lajko provided copies of the annual Road Commission Report that was published in the paper.

Al Schneider asked when the last time was that the road between Three and Four Mile Roads was resurfaced, as it doesn't seem like it was that long ago. He questions how effective the mill-and-fill procedure is. Ms. Lajko said she could research the date. New procedures and products are constantly being tried, and they don't always work out well. A case in point was a newer, larger grade of stone used for repaving near the Benzie County line which turned out to trap ice and snow and make plowing less effective. Diana Morgan asked how such decisions are made; Ms. Lajko responded that they are made by engineers downstate. Amon reminded the public that the project in question is being conducted by MDOT and not the Road Commission, so questions and comments could be redirected to the other agency as well.

Walter heard an announcement about a May 10 informational session and asked for details. MDOT will be holding an open house at the Acme Township Hall from 3-6 p.m. on Monday, May 10, 2004 to discuss the planned "mill and fill" work that will be done to repave US 31 North from Three Mile Road to Dock Road between May 12 and the end of June. Corpe stated that information regarding the project has been placed on the township website's home page.

Dan Hanna noted that there are two gravel or unpaved roads in the county. Last year we budgeted to brine one, but is it needed on Bennett Road also. Amon stated that this will be considered during our annual budgeting sessions.

L. **BUILDINGS AND GROUNDS REPORT – Tom Henkel:** Henkel is preparing to open the parks later this month. The signs identifying the YCNA are in place. About 90% of the autumn olive has been removed in several targeted areas thanks to about 15-20 volunteers. The ice skating rink liner has been put away for the year too.

M. **OFFICE & PLANNING COORDINATOR’S REPORT – Sharon Corpe**

1. **Request for Minor Changes to SUP #2001-16P for Great Lakes Trim and #2001-15P for Mariage Roofing/Randy and Dave Hedges :** Corpe explained that Great Lakes Trim and Mariage Roofing would like to connect their adjacent parking lots with a 20’ x 25’ area of asphalt to facilitate truck traffic to both businesses. In particular, it will enable semis to back into Great Lakes Trim’s loading dock without driving onto the front lawns of other properties. Walter expressed concern that approval not be given until all facets of the Great Lakes Trim site are up to standards, expressing particular concern about some dead landscaping materials. Corpe stated that an application for a more significant amendment to the Great Lakes Trim SUP/Site Plan was recently made, and that this issue will be addressed as part of that process.

Motion by Hoxsie, support by Agruda to approve the Minor Change Permit. Motion carried unanimously.

2. **Clarification regarding prior approval of funds to hire environmental consultant:** Corpe provided a page from the minutes of last July’s board meeting showing that approximately \$3,600 was approved to hire Ball Environmental to review an application submitted by the Grand Traverse Resort for an amendment to the SUP currently in place for The Shores. They were seeking approval for a lengthened dock with a boat livery service at the end, but withdrew their application prior to completion or expenditure of the funds for an environmental review. The application has been resubmitted, and Corpe believes the Planning Commission will still want the plans reviewed from an environmental perspective, as the activities are to be carried out in close proximity to the mouth of Acme Creek. She spoke with Dr. Chris Grobbel at Ball Environmental, who told her that for a brief review such as he currently understands would be needed, \$2,500 would cover his fee. Corpe is seeking to ensure that approval for these funds is still valid after almost a year.

Walter expressed general concern about the state of the planning budget in general, noting that he feels it would be appropriate to have applicants pay the costs associated with necessary special reviews and processes. Amon feels it would be important to have Ball Environmental assist in the application review. Agruda is concerned about the amount of money we are spending on a great variety of consultants, and that the idea of having a boat rental facility in close proximity to the mouth of Acme Creek does not need a lot of consideration to realize it may be a poor idea. Hoxsie responded from the Planning Commission perspective that they need more than “we don’t feel it’s right” when responding to an applicant’s request. They need to hear from an expert as to whether they should or should not grant approval of the application. He feels the request is no different than providing for an annual addition to the cemetery fencing – it’s in our budget as something we plan to do, but it may take a while to actually spend the funds and do the job, and the money should still be available.

Knopf stated that Henkel has \$17,000 in his parks budget at the current time. She asked if he expects to spend all of it prior to June 30. Henkel said he plans to redo the deck at the park, build Dumpster screening and potentially purchase sand for fill at Bayside Park. He probably will not use all of the appropriated funds by the end of the fiscal year. There is also \$7,000 available under contingencies for the township hall.

Agruda asked why we can't ask the applicant to spend the funds instead of us. Hoxsie feels that we do, and that the same thing happened with the Meijer's project. We weren't confident that we got good information from the applicant and chose to independently confirm the information. Amon still feels that it would be prudent to spend the funds to ensure that our interests are protected, as does Knopf.

Motion by Knopf, support by Hoxsie approve expenditure of up to \$2,500 to hire Ball Environmental to review the Grand Traverse Resort Special Use Permit Application.

Walter feels that a second vote is unnecessary because more funding than is currently needed has been previously approved. Knopf feels more comfortable with the reconfirmation process, as nearly a year has lapsed.

Motion carried by a roll-call vote of three (3) in favor (Amon, Hoxsie, Knopf) and two (2) opposed (Agruda, Walter).

3. **Update: process to hire consulting planner re: upcoming LochenHeath SUP applications:** As discussed at the April meeting, both of the planners the township is currently using for plan review will be working together to present a plan for an amendment to the existing Lochenheath PUD SUP and a new open space housing development to be added to the existing development. The Board agreed in April to have the Planning Committee prepare and circulate a request for proposals and qualifications so that the township could identify and hire a planner to represent us regarding the two applications. The committee decided to send the RFP to five entities; two responses were received (Wade-Trim and Williams Consulting offered bids, Gordon Hayward and Gosling Czubak declined to bid, and Fleis & Vandenbrink could not be reached). Corpe submitted the proposals received for the Board's information and possible decision.

Walter asked if there is any way to recoup costs above and beyond the \$500 - \$750 fee we are currently collecting. Amon asked Corpe to give her update on the current fee reassessment, which was scheduled for later in the agenda. Corpe reported that as discussed at the April meeting, she and Nancy Edwardson have been performing a review of the special use permit/site plan review applications processed during 2002-2003 to determine the township's actual costs for standard permit services incurred versus our current \$500 to \$750 fee charged. Costs for meeting per diems, photocopies, staff and consultant time and legally-required notifications are all being factored in. When the fee schedule is amended, a statement to the effect that all applicants will bear the costs of any special reviews or services required can also be added. She also noted John Hull's report regarding a recent seminar he attended at which the speaker suggested setting an amount that all applicants would be required to submit to be held in escrow at the beginning of a permit process, with actual expenditures to be covered from the fund and the balance returned at the end of the process. Walter stated personal opposition to a pre-deposit approach.

Amon redirected the discussion to asking whether the board is ready to make a choice between the two consultants. Get involved early on or wait until the last minute. Hoxsie felt a decision should be made this evening.

Motion by Hoxsie, support by Knopf to approve Williams Consulting bid.

Walter has concerns about working with a sole proprietor. If there is a difficulty for the individual, our process becomes derailed, whereas a larger firm provides greater depth and continuity. Amon stated that the applications were sent out in a very

specific format, and he felt that Williams Consulting followed the guidelines more appropriately than Wade Trim.

Motion carried by a vote of four (4) in favor (Agruda, Amon, Hoxsie, Knopf) and one (1) opposed (Walter.)

- 4. **Preliminary discussion: offering passport application acceptance services:** At the annual MTA Educational Conference, Corpe learned that some townships have added passport application acceptance to their list of services. To summarize the written materials she provided, the State Department authorizes the township to collect a \$30.00 fee, and generally it takes between 5-8 minutes to process an application. The township would receive all supplies from the State Department and would not be required to maintain any records or files regarding the process. Passport services hours can be determined based on staffing availability, and the township is not required to make a decision regarding the applications; it would just accept and forward them. The only other agency accepting passports in our area at this time is the County Clerk's office, so we would not be in competition with any local businesses. The service is not limited to township residents, and might serve to offer additional convenience to our citizens and funds to our budget.

Hoxsie feels we are working very hard to accomplish what we do right now. Adding anything new might be counterproductive and take time from other activities for little return. Walter likes the idea of having the service available to the public. He isn't sure he believes the timeframe per application, but if it's true. If so, he feels the time commitment would be minimal. If it doesn't work out, we could always cease the operation. Amon feels that this is one of the many types of things Acme Township needs to look at, particularly in light of previous statements about budget concerns. It might not offset a huge amount of losses, but it is one possible opportunity. Agruda feels it's a good service to provide and that if we limit the times we accept applications it could be a manageable process even though the staff sometimes seems hard pressed.

Motion by Walter, support by Agruda for Acme Township to apply to become a passport application acceptance agency, with service hours to be decided by the Supervisor. Motion carried by a vote of four (4) in favor (Agruda, Amon, Knopf, Walter) and one (1) opposed (Hoxsie.)

N. ZONING ADMINISTRATOR'S REPORT – John Hull (written report in absentia): received and filed.

O. PUBLIC HEARINGS: None

P. NEW BUSINESS

- 1. **Discuss annual renewal of township liability insurance - Terry Kunst, Burnham & Flower Agency, Inc.:** Copies of the renewal policy and premium invoice were included in the Board packets. Mr. Kunst stated that insurance costs are up this year, particularly for Acme Township, which carries a fairly high liability limit. The policy renewed on April 1 at the limits previously in force, which can be amended. Mr. Kunst had asked for a copy of our sewer contract with the DPW, as he was concerned about the removal of our coverage for sewage backups. It appears to him from the agreement that the DPW does control the situation and is responsible for liability coverage for the county and the member townships until the bonds are paid off. The coverage would also extend to loss of property.

The current per-occurrence liability limit is \$5 million. There is no annual aggregate limit. Once premiums top \$10,000 per year, there is a surcharge if no such limit is in place. Placing a limit would save \$1,000 in premiums per year.

Mr. Kunst discussed in detail the errors and omissions insurance. Christopherson noted that insurance for a taking situation is currently at \$100,000 and asked if it could be increased. Mr. Kunst stated that it might cost about \$1,000 to increase the coverage to \$1 million; Christopherson feels this is an area ripe for litigation that should be considered for a coverage increase.

Mr. Kunst noted that there is coverage for both the township truck and, to some extent accidents caused during use of a private vehicle by an official, employee or volunteer while on public business. Walter asked if the comprehensive and collision deductibles were reduced to \$500 how the premium cost would be impacted. Mr. Kunst replied that the savings would be negligible – perhaps \$100. Mr. Kunst also directed attention to the schedule of coverages for the physical plant of the township as well as portable equipment. There is also crime coverage for disappearance of cash or forgery on checks, and bonding against malfeasance by officials and various staff. Knopf asked for a quote to add bonding coverage for the Supervisor's position. Walter asked if the assessor, who works on a contract basis, should be covered. Mr. Kunst responded that the only individuals statutorily required to be covered are the Clerk, Treasurer and their deputies; all the other coverages are discretionary. The assessor can be removed by submitting a letter.

Package renewal premium cost is \$12,874. The invoice provided information regarding the savings that could be realized by reducing the liability coverage by \$1 million increments down to a \$1 million minimum. Hoxsie noted the previous statement that it's difficult to find a carrier for \$5 million liability coverage and asked if this implies that few townships choose this level of coverage. Mr. Kunst replied that this is true, and that the average coverage level is \$2-3 million. Walter asked what would happen if the liability limit is reduced and an umbrella policy is added. Mr. Kunst responded that the "excess" coverage is actually umbrella coverage with a different name.

Hoxsie asked how much takings coverage most townships carry. Mr. Kunst replied that many choose the \$100,000 level Acme currently uses, but our township is much larger and more subject to developmental pressure than most.

Walter stated that it's difficult to weigh the comfort provided by \$5 million liability coverage with the additional cost and the risks. Mr. Kunst stated that the largest liability he has seen was approximately \$2 million for a wrongful death. Amon asked if Christopherson had a recommendation regarding the liability coverage level; Christopherson responded that he would keep the full \$5 million level. Larger judgments are being granted in our area, and the potential for large judgments is growing.

Knopf asked if it would be possible to change the policy year end cycle to coincide with the township's fiscal year and pay a pro-rated amount to carry the township from April 1 to July 1 of this year. The premium is a large amount to pay annually at the end of the fiscal year. Mr. Kunst will inquire on our behalf.

Walter asked if there is a "good guy" discount or rebate for having few claims over time. Mr. Kunst stated that this is not available on property or casualty coverage, and that premiums are higher for municipalities with frequent claims over time where there appears to be an ongoing problem that remains uncorrected. Walter also asked if it would be possible to get a three-year premium guarantee paid annually; this is no longer available.

The various changes suggested will be investigated, and final approval to pay the premium invoice can be discussed at the next board meeting.

2. **Consider reappointment of Herbert A. Smith to an additional 2-year ZBA term:** Amon noted that Smith represents the Planning Commission on the ZBA.

Motion by Walter, support by Hoxsie to approve reappointment of Herbert A. Smith as Planning Commission representative to the Zoning Board of Appeals contingent on May 10 ratification by the Planning Commission. Motion carried unanimously.

3. **Consider Resolution #R-2004-PC1 from the Planning Commission requesting Board support to G.T. County for farmland and open space preservation:** Amon read the resolution made by the Planning Commission at their April 26 meeting wherein they requested that the Board support the concept of farmland and open space preservation at the county level. Walter supports the concept but is concerned by the method of financing. He cannot see the township supporting the use of public funds to purchase the development rights on farmland. Knopf noted that last month we approved expenditure of \$3,000 to support local farmland preservation education efforts. Knopf agreed that she supports the concept but would not want to sign on to anything further without seeing the actual agreement.

Motion by Hoxsie, support by Knopf to adopt Resolution #R-2004-PC1. Motion carried unanimously.

Q. OLD BUSINESS

1. **Update on project to evaluate Ordinance #88-5, Schedule of Review Fees:** Reviewed previously in the agenda.
2. **Approve letter of thanks to GT Band of Ottawa and Chippewa Indians:** Amon asked Corpe to read the proposed letter for the public. He stated that last week representatives of the township met with Lori Spencer and other staff from Equalization to learn about the gift and the project. The group was impressed by the level of detail available through the program and the ways in which the data can be manipulated. Part of the funds went to aerial photography for the entire county. Amon received consensus to sign and send the letter.

Motion by Hoxsie, support by Knopf to extend the meeting to 10:10 p.m. if needed. Motion carried unanimously.

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

1. **Budget Amendment #R-2004-7:** Knopf prepared the proposed budget amendment to cover expenses for farmland preservation education and consulting expenses related to planning. Funds would be transferred to these line items from a general township hall line item.

Motion by Hoxsie, support by Knopf to adopt Resolution #R-2004-7 as presented. Motion carried unanimously by roll call vote.

2. **Consider approval of ballot language for rezoning referendum:** Knopf provided proposed ballot language for the referendum issue regarding the rezoning of several parcels of land on Brackett Road that will be considered during the August primary election. Christopherson provided a first draft that was amended by Amon, Knopf and Corpe. Christopherson stated that the language appears to be neutral as required by law. He noted that the surrounding zoning on all sides but the north is mentioned and perhaps should be. Knopf asked Corpe what the zoning designation would be; Corpe replied that the land on the north side of Brackett Road is zoned Agricultural. Walter suggested presenting the language to the interested parties to see if it met with their approval; Knopf was concerned that if we did so it would be impossible to present it

to the County on time. Knopf read the proposed language for the audience. Amon clarified that the Board is charged with deciding on the wording with legal counsel approval. If language not submitted by May 25, the referendum item would have to be forwarded to the general election in November. Knopf stated that after the last meeting when it was decided to place the question on the primary ballot she became aware that Amon and Corpe felt it might have been better to place the question on the general election although neither offered comment to this effect during the meeting. She stated that she would be uncomfortable if the wording decision and the vote were delayed any longer than necessary, viewing this as a hardship to the rezoning applicants.

Motion by Hoxsie, support by Knopf to approve the amended ballot language (including specification of zoning classification on the north side of the subject properties). Motion carried unanimously.

3. **May 1, 2004 Clean-up Day Report:** Hoxsie provided a preliminary report on the May 1 clean-up day as compared to last year, the first year of the program. The volume of materials collected increased significantly. Last year 125 households participated; this year there were 226, a number of whom made multiple trips. He also mentioned that the Acme Civic Association cleans up US 31 and M-72 from the intersection to the Woolen Company. They will be doing their spring pickup starting at 10:00 a.m. Saturday morning. They will meet at the Bayview Inn, and the job usually takes about 2 hours. The Civic Association buys lunch at the Bayview afterwards. Hoxsie thanked Amon, Walter, Corpe, Jim Maitland and David Kipley for volunteering to help at the clean-up day. Metro Fire displayed their new ladder truck and we displayed our new radar trailer for the public's viewing pleasure as well.
4. **Annual Spaghetti Dinner:** Amon noted that the annual Fire Department benefit Spaghetti Supper will be held on May 22 at the Masonic Lodge. Information about times and prices can be found on the website home page.
5. **Public Comment:**
Erick Takayama, 5100 S. Lautner Road, commented regarding the ballot wording for the referendum. He feels that the average voter may not understand the meanings of the terminologies A-1 Agricultural and R-3 Urban Residential in terms of allowable development density. He feels that adding this would be beneficial. Knopf felt this would not be practical, as we cannot determine in advance how a landowner will choose to develop their property. Dan Hanna stated that the health department will allow septic tanks to allow on a minimum one-acre parcel, but not all of his land, which is within the proposed rezoning district, will perk. Corpe interpreted Mr. Takayama's point to refer to our zoning requirements for minimum parcel sizes of 5 acres in the agricultural district or 20,000 sq. ft. in the R-3 district. Christopherson felt that trying to include all of the factors in our Ordinance would be prohibitive. Knopf disagreed with any attempt to characterize the potential development of the parcel, as any potential development plans that may exist were neither part of the rezoning application nor mentioned on the petitions that lead to the referendum and deferral of final action.

Rachelle Babcock, Bartlett Road asked if there is any information on the website regarding the referendum. Corpe responded that there is not at the current time, but it can be arranged if the Board and public feel it would be beneficial. The Board indicated that this would be welcome.

Meeting adjourned at 10:10 p.m.