



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Tuesday, October 5, 2004**

Meeting called to order with the Pledge of Allegiance at 7:02 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. Amon indicated that item O4 regarding the TART trails would be discussed early in the meeting rather than late as scheduled.

A. CONSENT CALENDAR:

Motion by Hoxsie, support by Knopf to approve the Consent Calendar as amended to remove SUP #2004-11P for further discussion (placed as Old Business Item #3), including:

RECEIVE AND FILE:

1. Treasurer's Report through August 31, 2004
2. Draft unapproved minutes of the September 27, 2004, Planning Commission
3. Final draft of Special Use Permit #2004-11P, The Village at Grand Traverse

ACTION:

4. Approval of Accounts Payable in the amount of \$132,182.67 through September 22, 2004, including \$25,011.00 Annual Retirement Contribution and \$42,723.57 for Hoch Rd. expenses

Motion carried unanimously.

B. LIMITED PUBLIC COMMENT: Knopf asked that Henkel buy a new finial for the flagpole for the American Flag; the eagle has a broken wing.

C. CORRESPONDENCE:

1. **Chamber of Commerce recent membership renewal thank you:** Received and filed

O4. TART Trails request for local matching funds for TART Trail projects: Bob Otwell, TART Director, referred to a letter dated August 20, 2004 sent to David Amon, asking for help in providing matching funds for a grant the TART has received. TART has grown into a consortium of what previously were 4 individual trail sections. It has long been their goal to extend the trail further through Acme; in particular they would like to achieve a connection to the Grand Traverse Resort. At the outset, it was expected that the trail would continue to follow the railroad right-of-way, but it will be necessary to create spurs and go around pockets of wetlands along this route. TART has received a grant from the State that has nearly expired, and if they don't find matching funds and use the grant soon they will have to relinquish the funding.

The current project will provide enhanced shoulders along Bunker Hill Road as it goes uphill to the east from US 31. This is a steep area with a sandy shoulder that is dangerous for bikers and walkers. The proposed shoulder improvements will provide additional safety and better drainage. \$45,000 has been raised to date during the current campaign, and the Tribe contributed \$70,000 to an earlier fundraising initiative. They have not approached Acme previously because they had raised sufficient funds to cover the expected match required based on estimated engineering costs. When the actual bids came in they were substantially higher than expected, and the project costs and matching funding need have been revised accordingly. The contract for the Bunker Hill work specifies that this work will be completed

this fall. An additional expansion from Lautner Road to Bates Road is expected to be completed by next spring.

TART is requesting a \$21,000 contribution towards the costs of both project portions within Acme Township. Walter indicated that a contribution of this size is not currently in the budget. He supports the TART expansion and would like to find the funds. He would also suggest that the contribution be spread out over three years to lessen the impact on any one budget cycle. Knopf believes that the entire amount should be taken out of the Fund Balance Forward immediately. The current FBF is approximately \$780,000. Hoxsie notes that the Board didn't budget for this item this year, and also agrees that we could and should take the funds from the FBF right away. Walter feels it might be possible for the Road Commission to "front" the entire amount and have us pay them back over time, similar to a special assessment district (SAD). Hoxsie noted that when dealing with SADs, the township pays the entire cost up front to the Road Commission and collects over time from the property owners within the SAD. Walter asked about the total expenditure budget for this year, noting that if the funds are taken from the FBF we should ensure that sufficient reserves remain relative to our annual budget size. Hoxsie stated that the current year's budget is about \$364,000, so even with the requested distribution the FBF would still have a balance equal to 2 year's worth of operating expenses.

Lewis Griffith stated that he attended a County Meeting and the Grand Opening of the TART connection recently. At those meetings, he recalls a statement being made that TART has enough funding on hand for all current projects. If this is the case, why are additional funds being requested now? Mr. Otwell says that the leaflets handed out at the groundbreaking state that TART was still seeking \$25,000 in funding. Mr. Griffith observed that there were two bidding cycles on the projects, and still doesn't understand why additional fundraising is necessary when a bid has already been accepted. Mr. Otwell replied that once they discovered that the estimated costs were too optimistic, they needed to complete the bidding process to find out exactly how much the work would cost.

Motion by Walter, support by Hoxsie to approve \$21,142 payment for the TART trail project in Acme Township from the Fund Balance Forward. Motion carried by unanimous roll call vote.

Mr. Otwell stated that payment can be issued to the Grand Traverse County Road Commission. Knopf asked that the Road Commission invoice the township for our records.

- D. SUPERVISOR'S REPORT - David Amon:** Amon reported that County Equalization has hired a GIS intern to work on Acme's framework project to match up and input all data layers. He has received a newsletter Milton Township is using to educate the public regarding the farmland preservation millage request coming up in November. He has also received a letter from Foster, Swift & Collins regarding IPCS Inc, the owner of a cellular antenna tower in Acme Township. IPCS has declared bankruptcy and is seeking a settlement of \$200 on the \$8,000 they currently owe in taxes. Walter asked how much it would cost to seek the settlement; Amon is investigating but has not yet received a response. Hoxsie stated that he has filed all paperwork necessary to make the township's claim as part of the bankruptcy proceeding, and isn't certain that anything more need be done at this point. Christopherson stated that if Foster, Swift were to be hired it would make sense to cap the amount it would cost for their representation. Hoxsie stated again that he has fulfilled his duty to pursue the township's claims, and is not sure further action is required or cost effective. Walter suggested that the matter be turned over to Hoxsie for further handling; Hoxsie believes we should not accept Foster, Swift's offer.
- E. COUNTY COMMISSIONER'S REPORT – Larry Inman:** On Tuesday, October 19 at 7:00 p.m. the township is expected to make a presentation to the County Commission regarding the proposed DDA district. The meeting is being published as a public hearing two times, and public input will be taken. This is the only item on the agenda for that meeting. Inman and Amon have been working together to formulate a presentation that will be complete and appropriate. The County has a preliminary budget in place. The District Court is seeking a reorganization that will be discussed further; otherwise, the County has a balanced budget for the coming fiscal year.

- F. TOWNSHIP COUNSEL'S REPORT – Jim Christopherson:** Christopherson has further word about the pending appeal of Judge Power's ruling regarding the Village at Grand Traverse's first application. The first time the appeal paperwork was submitted the claim was dismissed. Motions for reconsideration were filed and have been denied by the Court of Appeals. Christopherson recommends that nothing further be done at this time, as one more ruling is pending on a "leave to appeal." Knopf is surprised by the continuing denial and asked what reason was given; Christopherson replied that no reason was given for not reconsidering the petition and that the Court is not required to give one. Depending on what happens next at the Court of Appeals, a further appeal to the state Supreme Court is one option.
- G. SHERIFF'S REPRESENTATIVE REPORT – Deputy Matt McKinley:** There were 82 calls for service, including: 14 criminal, 12 car accidents, 68 traffic stops, 38 citations, 37 warnings, 7 arrests. Deputy McKinley handled several drunk drivers and arrested two individuals on felony warrants pursuant to a traffic stop (one involving extradition to New Mexico). He received a tip that some political signs were found near Bunker Hill Road and have been brought back to storage at the township hall. If not claimed, they will be destroyed.
- H. METRO FIRE REPORT – Randy Agruda:** Agruda provided a 2004 Metro Fire Strategic Plan Update for the township hall. He also provided the Metro budget for 2005. A meeting is coming up on October 19 to discuss the budget, so he would appreciate any comments by the end of next week. The increase in the amount that will be due to Metro from the township is notable. Agruda will be in Lansing next week for a Governor's Firefighter Training Council Meeting, including luncheons with various state senators regarding some proposed funding legislation.
- I. ENGINEER'S REPORT – Jim Minster, Gourdie Fraser Associates:** Regarding the insurance claim for the sewer main break this summer, the insurance company has agreed to Christopherson's language for indemnification. A check is expected in the near future that will complete payment to the contractor. Both Acme and East Bay Townships must sign off, since monetary damage accrued to Acme but the physical damage occurred in East Bay.
- 1. Discussion of Sanitary Sewer By-Pass, Phase 2:** A packet of materials was provided that includes Gourdie-Fraser's proposal for completion of the sewer system upgrades. The second phase would complete flow rerouting that would give more gravity flow capacity to the US 31 area. Pumps and electrical controls and systems would be updated along with flow rerouting through force mains. \$172,000 is the proposed amount of the contract, not to be exceeded without authorization.
- Motion by Walter, support by Knopf to accept the Gourdie-Fraser bid for the Acme Sanitary Sewer Bypass Phase 2.**
- Design and bidding should be complete over the winter, with construction to occur in the spring. Funding is available in the County bond issue that was already sold last spring for this purpose. Not spending the bonded funds would be inappropriate; the township is already in some way obligated to continue with the project. The recently approved expansion of LochenHeath would surcharge the gravity line along US 31 without the flow rerouting.
- Motion carried by unanimous roll call vote.**
- J. ROAD COMMISSION REPORT – Chuck Walter:** The Road Commission awarded a \$790,000 contract to Elmer's for the TART trail expansion along Bunker Hill Road. They continue to engineer the Three Mile Road Expansion and pursue right-of-way acquisition. The widening and bridge replacement may occur next summer. There was a TART construction kickoff on October 23. Walter asked the Road Commission to paint the local roads. This year's chip and seal program was also suspended and redirected towards another township, but should be resumed in Acme next year. Amon asked if there have been any further discussions about improvements to Holiday Road; Walter replied that there had

not been, so this would seem to be an issue for the two new Acme and East Bay Supervisors to address.

K. BUILDINGS AND GROUNDS REPORT – Tom Henkel: Parks are closed for the winter, and new informational kiosks have been placed at the entrances to the Yuba Creek Natural Area. The water faucets in the cemeteries have been drained. The township hall carpets were cleaned about a week ago, and the windows are freshly washed. Not all of the fire crew duty shifts have been spoken for this month. Knopf asked if screens will be reinstalled in the hall windows; Henkel has been storing them because he expected that the new air conditioners would be used instead of opening windows. Hoxsie complimented Henkel for keeping the corner at Five Mile and US 31 mown and looking good (this is within the MDOT right-of-way).

L. OFFICE & PLANNING COORDINATOR'S REPORT – Sharon Corpe: Corpe made a statement supporting the Road Commission for their very swift action to erect a promised sign signifying where the public portion of Deepwater Point Road ends and the private portion begins.

1. **Request by Melissa Barber, 2886 Holiday Pines Road, to adjust boundary line between Lots 32 and 33 of the Holiday Pines Subdivision:** Corpe summarized a memo she provided earlier in the day and which is incorporated by reference. While the request to adjust the lot line 45' to the east, giving Lot 33 additional space, has merit because it would bring Lot 33 into conformance with road frontage and building setback requirements, there are some immediate concerns with inconsistencies between file documents and applicant assertions as to the precise location of the Barber house and drainfield. In particular, the requested lot line adjustment might bring the lot line closer to the drainfield than the 10' required minimum setback. Corpe's recommendation is that a survey showing boundaries, proposed new lot configurations and all existing improvements be required before final permission is granted. Mr. Barber, Ms. Barber's father, stated that he knows the precise location of the drainfield, and asked if a member of the township staff could be asked to perform a site visit to verify his observations. Corpe stated that it is standard practice in cases such as this to require a survey, and the survey would be required in any event to process a land division. Mr. Barber asked how a surveyor would be able to locate the drainfield; Minster offered the information that a probe can be used to find the edges of the drainfield and easily indicate the location on the survey. If the applicant is present to assist, the process is speeded. Mr. Barber stated that the neighbor to whom the land would be sold has been maintaining the property to be transferred for quite some time. Ms. Barber does not want to have any more surveyed than she has to; Minster indicated that the surveyor will be able to assist in minimizing the area to be reviewed.

Motion by Agruda, support by Knopf to approve the requested transfer of property from Lot 32 to Lot 33, Holiday Pines pending receipt of a survey verifying the location of the improvements on Lot 32. Motion carried unanimously.

M. ZONING ADMINISTRATOR'S REPORT – John Hull: Written report received and filed.

N. PUBLIC HEARINGS:

1. **Consider adoption of Zoning Ordinance Amendment#126:** Corpe summarized the proposed amendment, which is incorporated by reference and contains provisions permitting limited outdoor storage of recreational equipment on residential properties, reduced minimum street tree sizes in the SUP landscaping requirements and requires that fences screening Dumpsters be tall enough to hide Dumpsters from view.

Public Hearing opened and closed at 8:08 p.m., there being no public comment.

Motion by Hoxsie, support by Agruda to adopt Zoning Ordinance Amendment #126. Motion carried unanimously.

2. **Consider adoption of Zoning Ordinance Amendment#127, M-72 Corridor Overlay District:** Corpe introduced Brad Kaye, Gourdie-Fraser, who was the consulting planner for the development of the ordinance. Kaye observed that this ordinance has been about two years in the making. The project began as an access management ordinance but grew to include land use issues regarding setbacks, parking, landscaping and some general architectural controls. Kaye noted that trademarked architecture is prohibited unless it otherwise fits the general requirements of the district, and that a recommended 50' long section of right-of-way buffer landscaping is included to allow for a consistent appearance throughout the corridor. Existing sidewalk requirements were enhanced and also given some flexibility to allow for curvilinear pathway development and deferral of construction until appropriate future periods of time in conjunction with neighboring properties and expected improvements and widening to M-72 itself.

Shared driveways are encouraged, as are service driveways where recommended. Kaye stated that there are three locations specifically identified for service drives in the M-72 Corridor Access Management plan. He also touched on non-conforming lots and structures, noting that the ordinance includes a statement that we will seek to bring properties into conformance where possible and where the costs involved will not exceed 20% of the planned property improvements. If an applicant and the Planning Commission cannot agree on definitions and costs in this regard, there is a provision that the Township Engineer will make a final determination.

Amon asked what would happen to non-conforming lots. Kaye responded that they will have the same non-conforming status as any property in a similar situation in the township would have, and again noted the non-conformance sections of the overlay district ordinance itself.

Knopf asked about the requirement that that no development occur on ridgelines or within viewsheds. Corpe observed that the official viewsheds to be preserved are already identified in the township's Master Plan. Knopf asked what would happen when the township is taken to court for a takings. Kaye feels that view protection and access management are justifiable municipal concerns that may be regulated. Knopf asked where the 500' requirement came from; Kaye responded that it could just as easily have been another number, but that a significant number was required to create meaningful protections.

Walter has heard nothing mentioned about personal property rights. He feels that the standards proposed are excessive and inappropriate, and reflect a lack of discussion with affected property owners. He particularly noted the requirements for peaked roofs with a certain pitch, noting that on a large enough building the roof could reach 24' high and dwarf the rest of the structure. He believes that with major corporations wanting to do business in Acme, the township must communicate with them and allow them to use architecture that has proven successful for them over time in other locations. He would prefer to have some room for negotiation about trademark architecture.

Knopf asked about the requirement for 660' minimum lot widths for new parcels along the corridor. Kaye responded that this conforms to the dictates of MDOT's M-72 Corridor Access Management Plan. Corpe noted that to some extent the

Walter stated confusion about the architectural requirements, particularly as to additive massing and Planning Commission approval. He perceives the requirements to say that the property owner or developer will not be free to use design that will attract attention, a key component of business. Kaye responded that the goal is to allow the Commission some control over the situation to prevent glaring design elements, such as day-glo green exteriors. Walter posed the question of whether Kohl's as built in Garfield Township would be adequate. Kaye responded that the

ordinance would require a building of that size to employ variations in the building front – even if minor – to keep the structure from appearing too boxy. He also noted that flat roofs will be an option as long as cornices are used to screen the rooftop mechanicals from view.

Neither Walter nor Knopf felt they could support the plan. Knopf objected in particular to the 500' depth of the applicable area from M-72, feeling it subjects the township to takings claims and overreacts to desires to preserve the appearance of the corridor. She also objects to the minimum 660' property width that is proposed. She recalls Rise Rasch from MDOT expressing the opinion that the setback requirements proposed are too restrictive. Kaye and Hoxsie pointed out that the land is already controlled through existing zoning ordinances. Many of the new standards proposed conform to existing ordinance requirements. She asked what would happen to the existing small business lots along M-72 under the proposed ordinance, feeling that by the time consolidated driveways and access roads are installed along with expected road widening, nothing will be left of those properties. Kaye agreed that it is possible that the expected M-72 road widening will eat up those properties in any event. Corpe noted that in this event, the property owners would be compensated for their properties. Knopf likened the situation to the proposed farmland protection millage, whereby the township will be collecting funds to purchase properties or development rights on properties for preservation. In that situation, the township is paying people not to develop their land. She views the prohibition against building on ridgelines, for instance, as prohibiting people from using a portion of their land without compensating them in return. Kaye observed that within 500' of the right-of-way, building on a ridgeline would only be prohibited if there were other viable locations on the property.

Public Hearing opened at 8:35 p.m.

Candace Shield, 6424 M-72 East, is one of the owners of a house on a small parcel on M-72 in what she characterizes as an old-fashioned and close-knit neighborhood in the village of Bates. She participated in the public visioning sessions held in 1996. She has neighbors whose families originally homesteaded Bates and who already lost property to the highway. People are afraid of losing their homes, particularly if they have nowhere to which the houses can be relocated or pushed back. They feel that their "Americana" way of life is being extinguished by big business.

Art Hughes, 6284 Bates Road, is a local developer with property within the corridor. He supported Walter and Knopf in their statements, particularly as to the need to include property owners within the corridor in discussions on the topic before proceeding.

Scott Nowakowski, Meijer, Inc. owns property at the southeast corner of M-72 and Lautner Road. He finds the 500' overlay area shocking, and would like to know how it was proposed and if anyone else has a similar sized overlay district.

Lewis Griffith, 5181 Lautner Road, expressed opposition to the proposed ordinance, feeling that rules about the style of roof to be used may be illegal and that 500' of property is a lot to take away from someone. Some properties aren't even that deep. To hide the properties behind extensive landscaping also seems ridiculous to him, particularly since one key concept in business is being seen. He believes there are too many loopholes in the situation, and he urges the Board to reject the proposal and refer it for further study.

Margie Goss, 4105 Bay Valley Drive, asked about the viewsheds that have been identified. Are the owners of the properties where those viewsheds and significant ridges aware of the existing designations on their properties? Kaye responded that people should be aware through the Master Plan adoption, and that it is unlikely that individual notices to the owners of each property with an identified viewshed was sent. Hoxsie stated that everyone within the proposed overlay district received notice of this public hearing. Mrs. Goss redirected the question to viewsheds specifically; Hoxsie stated that he doubts that any particular portion of the plan was highlighted.

Mrs. Goss feels that property owners have a right to be personally informed that their land falls within a viewshed or ridge to be protected so that they can evaluate the impact.

Walter asked what happens to viewsheds in areas outside of the proposed overlay district. If the distant areas of the viewshed can be developed normally, how does it help to prohibit development close to the corridor? Kaye noted that the viewsheds were previously established in the Master Plan. He doesn't know how they were identified and whether it would be worthwhile to review them to see if they are still appropriate.

Erick Takayama, 5100 Lautner Road, does not own property within the proposed overlay district, but he has read the proposed ordinance. He feels there is a misunderstanding among the public, noting that the Planning Commission is granted flexibility to work with unusual and non-conforming properties within the district. In response to Mr. Nowakowski, he noted that Garfield Township is a prime example of an area where things haven't worked. To maintain and enhance property values, zoning and overlay districts such as this are a necessity in his opinion.

Corpe, speaking to the comments offered by Ms. Shields, said she is hearing a concern that people will be required to relocate from their homes as a result of the proposed ordinance. She stated that this is not the case. Ms. Shields amplified on her statements to say that the idea that eventually the property could be condemned for road widening. Corpe stated that she is hearing concerns that property owners within the corridor do not feel they have been appropriately included in the decision making process regarding the proposed ordinance.

Mr. Hughes stated concern for an individual who may have purchased property five years ago that would be impacted by the proposed ordinance to such an extent that the value and viability of the property becomes reduced or non-existent. Kaye responded that there are grandfathering clauses and flexibility

Steve Feringa, Grand Traverse Resort, spoke to the proposed 8:12 pitch for roofs. As an architect, he feels this would significantly impact his design options. Regarding the architectural style requirements, he is concerned as to whether a Planning Commission has adequate expertise to determine what is truly good design as compared to himself as a professional.

Mr. Griffith feels that between the setback requirements and the future potential width of the road, a total of 1,500' of land centered on the road right-of-way might be swallowed up. To him, this is a significant impact on personal property rights.

Herb Smith, Planning Commission Chairman, feels that there is still a large confusion. The proposed rules would not prohibit any construction within 500' of the right-of-way. The rules apply to an area 500' deep on each side of the right-of-way. Buildings could be as close to the road as 100' or as far away as 200'. He stated that the ordinance was designed in an attempt to meet continual public comments stating that Acme residents do not wish the M-72 Corridor to look like Chums Corners.

Public Hearing closed at 9:05 p.m.

Amon asked about the proposed minimum lot width to ascertain that it was determined in reference to MDOT standards, which Kaye confirmed. He noted that the proposed ordinance allows for smaller lot frontages if it can be demonstrated that the property can be accessed via drives on M-72 spaced by at least 660'. Every lot on M-72 has a right of access (except corner lots, which are generally expected to access from the side road.)

Kaye noted that the contents of the proposed ordinance have developed over time, partially in response to public input. He stated that about two-thirds of the ordinance is based on MDOT standards, and to deviate from those would require significant documentation of reasoning. The land use regulations such as landscaping and the

prohibition against cellular towers are local, as is the depth of the proposed district from the right-of-way.

Amon stated that key issues expressed are the size of the overlay district, the prohibition against construction within viewsheds and on ridgelines, the roof pitches and architectural standards in general. It has been clarified that the 500' corridor depth does not mean that the land in this area cannot be used; it can be used. Current setback requirements are 100' from the right-of-way, so only the increases for larger building sizes are new. Potential condemnation of property within the corridor by MDOT for road widening is not under the township's jurisdiction or related to the ordinance. Knopf stated that it is somewhat related, in that the wider the road gets, with the setbacks taking effect from the new edge of the road, the less land is available to the property owner for development.

Hoxsie doesn't understand why the township wouldn't want to do everything it can to make the M-72 corridor look good. He owns property that would be affected by the ordinance, and while he thinks his property looks pretty good already he still feels that everything that can be done should be done to protect the visuals.

Knopf asked about the 9th bullet point on page 1. Kaye responded that the reason for this bullet point is as discussed before, that there are properties that have already been developed that do not and/or cannot comply with the requirements, and that the ordinance provides a way to recognize these situations and provide flexibility in dealing with them to prevent the imposition of a hardship.

The Board generally felt that further discussion and study is necessary before potential adoption of the ordinance can proceed.

Ms. Shields asked if future discussion will include public meetings. Smith observed that such a public meeting was held very early on in the process. It's impossible to write the perfect ordinance, which is why the ZBA exists. He feels the ordinance is good as proposed and that the issues are small enough that they can be worked out, and hopes that the Board will adopt it this evening.

Motion by Knopf, support by Agruda to return Proposed Ordinance Amendment #127 to the Planning Commission for further review, particularly as to the issues specifically discussed this evening. Motion carried by a vote of 4 in favor (Agruda, Amon, Knopf, Walter) and 1 opposed (Hoxsie).

3. **Consider adoption General Ordinance #2004-1 Schedule of Fees:** Walter felt that it should cost more for copies of information on electronic media to recognize the amount of time that copying data takes. He feels that \$7.50 per CD and \$10 per cassette tape would be more appropriate.

Public Hearing opened at 9:29 p.m.

Lewis Griffith stated agreement with Walter as to the costs for CDs and tapes. It can take 10-15 minutes to discuss things with staff before they produce your documents.

Public Hearing closed at 9:33 p.m.

Motion by Agruda, support by Walter to adopt Ordinance #2004-1 as amended to increase the fees for preparation of CDs to \$7.50 each and cassette tapes to \$10.00 each. Motion carried unanimously.

O. NEW BUSINESS:

1. **Consider final action regarding Application #2004-16P by East Bay Medical Properties LLC for Special Use Permit/Site Plan Approval for redevelopment of former Beaversmith Tools building as a doctor's office on property located at 6231 US 31 North and currently zoned B-1P, Professional Office District:** Corpe summarized the application for the Board. Her final staff report to the Planning

Commission was provided to the Board as part of their informational packets, along with the minutes of the public hearing.

Motion by Hoxsie, support by Agruda to approve Application #2004-16P including 26 parking spaces, allowing Corpe to process an insignificant change to the SUP if the ZBA approves inclusion of 30 parking spaces on October 14. Motion carried unanimously.

2. **Consider additional monies for M-72 East Corridor Overlay District:** The proposed \$6,500 contract has experienced \$1,200 in cost overruns due to expansion of the project scope and extended period of time to consider the ordinance. Since the ordinance has been referred back to the Planning Commission, it is reasonable to expect that additional expenses will be incurred. Corpe noted that the budget for planning consulting services this year is \$25,000.

Walter asked what Kaye's hourly rate is, Kaye responded that it is \$75. Walter proposed a limit of 20 hours on new work related to this project.

Motion by Walter, support by Hoxsie to approve payment of the invoice for \$1,248 for work already performed regarding the M-72 Corridor Overlay district, and to approve payment for up to 20 hours of additional consulting time for this project. Motion carried by unanimous roll call vote.

3. **Consider documents provided by Michael Houlihan regarding new Septage Treatment Plant:** Amon stated that the documents have been thoroughly reviewed by the townships belonging to the Board of Public Works. There was much negotiation, resulting in everyone getting some of what they wanted and much of what they can live with.

A. Uniform Septage Control Ordinance of 2004:

Motion by Walter, support by Hoxsie to accept the Uniform Septage Control Ordinance of 2004. Motion carried unanimously.

B. Resolution approving contract for Septage Treatment Capacity:

Motion by Walter, support by Agruda to approve Resolution #R-2004-16 approving contract for Septage Treatment Capacity. Motion carried unanimously.

Walter observed for the public that if a licensed hauler cleans out your septic tank, he must haul the waste to the new septage treatment plant. If you own 20 acres of property you can have your property approved to spread your own pumped material on it.

Motion by Hoxsie, support by Knopf to extend the meeting to no later than 10:30 p.m. Motion carried by unanimous roll call vote.

P. OLD BUSINESS:

1. **Ron Reinhold, Boat Launch update:** Reinhold reported that 32 people came to the public presentation on October 23 about the Boat Launch Committee's activities to date. The majority of the public said that they would like the committee to continue considering only very minor improvements to the Yuba Park Road and Dock Road launch sites at this time. These improvements might include skid docks, improved ramps and wave attenuation structures. For the time being, Reinhold has asked Gourdie-Fraser not to pursue any additional engineering work at this time. Reinhold will be on vacation but will prepare a more detailed report when he returns. The state is providing grant funds covering 50% of project costs up to \$36,000 total (\$18,000) match; we should apply for reimbursement of half of expenses to date.
2. **Discussion regarding comp time:** Henkel requested that this agenda item be

handled in closed session after the balance of the agenda, which he understands he is entitled to do by law.

3. **Farmland Preservation Millage Information:** Amon provided copies of information prepared by American Farmland Trust that they are making available to the five townships requesting millages. He is interested in disseminating this information to Acme's voters, both as a link on the township website and through a local newsletter. He feels that the information would need reformatting before distribution, and Corpe's availability to do so is limited at this time. It was agreed that a link to the information would be posted to the website.
4. **Special Use Permit #2004-11P, The Village at Grand Traverse:** In the second paragraph regarding phasing plans, Knopf wanted to ensure that the language in this paragraph would not apply to the main trunklines within the project. Christopherson believes that the language would not be applicable in this case, as other provisions in the SUP allow the two main roads within the development to be constructed without further site plan approval.

Section 5.4, bullet 3 states that buildings may exceed the 35' height limitation to the extent of space needed for parking located below the structure. In the final paragraph there is also language stating that height variances might be considered. She is somewhat uncertain of what height variances will receive approval and which are subject to township discretion. She feels that the township has already agreed to allow increased building height if it results in reduced impervious surface footprint. Christopherson asked what the maximum allowable height under this scenario would be, noting that this wouldn't be known until specific building plans are presented during site plan review. Walter feels that if parking is placed under buildings, the language should state that the applicant absolutely will be granted some measure of additional height. Knopf feels that the paragraph should be reworded to make this clearer. Hoxsie, speaking from the Planning Commission standpoint, said that this was a very important consideration. He cannot imagine a situation where the additional height would not be approved if impervious surface is reduced, He feels the language is fine the way it is. Walter stated that because the future membership of the approving bodies is uncertain, the language should be strengthened to say that approval of additional height will be granted. Mr. Smith stated his understanding that Russ Clark specifically recommended that if they provided, for instance, two levels of parking under a building they would still be able to build 35' additional vertical feet atop that. Clark spoke, saying that as an incentive to place parking under buildings and reduce surface impervious surface, he did recommend taller buildings. One or two parking spaces under a building shouldn't mean an additional 10' of height, so some discretion should be retained by the township. If a significant effort is made, it should be rewarded. Hoxsie stated that this is his reasoning why the language should remain as constructed. Clark stated that perhaps it can be stated outright that if an entire level of a building footprint is dedicated to parking, an additional story of building point shall be allowed. Ken Engle, Saylor Road, noted that the proposed change does not require that the amount of surface parking be reduced by the number of spaces placed underneath the structure. Hoxsie suggested additional language specifying that the under-building parking provided must reduce the amount of impervious surface on the site by a "comparable amount." It was agreed to amend the language to say that if the majority of a lower level is dedicated to parking and impervious surface is reduced by a comparable amount, an additional floor may be added.

Knopf noted that language regarding an option to purchase sewer benefits has not been included in the proposed final document. Mr. Smith noted this as well. He proposes that under Section 5.5, third line down, he would add "The parties will negotiate in good faith to reserve future benefits in the form of an option agreement." The Board concurred with the proposed addition.

Motion by Agruda, support by Knopf to extend meeting to 11:00 p.m. Motion carried by unanimous roll call vote.

Under Section 5.22 dealing with market, economic and traffic studies, Knopf asked for and received verbal confirmation that the requirement for provision of a traffic study does not apply to creation of the interior trunkline roads.

Knopf also addressed Section 5.22(3) says that any contributions to road costs required of the applicant are independent of any consideration of what costs are required of other property owners. Christopherson referred to 5.22(1) which says that the applicant will not be required to pay for any more than its fair share of any required improvements. Mr. Smith interprets (3) to say that the applicant must pay their share, and only their share, regardless of whether or not anyone owes but has not paid a share.

Knopf stated she had a concern about Section 8.0. Hoxsie expressed exasperation, noting that the Board ratified the SUP language at the September 30 meeting and that additional changes at this time shouldn't be warranted. Knopf stated that she is entitled to have her say, and Amon recognized that she still has the floor. Knopf stated that the language in this section is unprecedented, and seems to be unfair in that it holds the applicant to anything ever said at any meeting, without seeming to him to impose the same standard on the township. Walter observed that the applicant has agreed to this language, which to him says that the SUP document itself, and only the document, contains the standards to which the applicant will hold the township. Knopf feels that the language is prejudicial, but the remainder of the Board felt the language should remain as presented.

Mr. Smith mentioned several typographical errors that required correction.

Motion by Walter, support by Knopf to accept and incorporate all modifications discussed and agreed upon to SUP #2004-11P as made this evening. Motion carried unanimously.

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

1. Ken Engle, 8755 Bates Road stated that during recent road work in Acme Township, the road crews have covered up some surveying monuments. He needed to reference some regarding his proposed SUP application, and asked what can be done to have them uncovered. The last time something similar happened to him, the lot line was actually changed as a result. He is concerned that chipping and sealing will cover the monument time and time again. Amon will call Mark Makowski at the Road Commission to raise the concern. Mr. Engle states that Bates and Saylor Roads should be examined thoroughly to identify any covered monuments. He expects this will be a problem anywhere that sealing or wedging is performed. The county surveyor should have a record of where all the monuments are.
2. Mr. Steve Smith, The Village at Grand Traverse, stated that he hopes eventually the township will be able to overcome the difficulties of being slowed down in its work by uninformed opinions and half-truths that are held and spread throughout the public. He notes a lack of trust in elected and appointed officials that makes it difficult to do the jobs given to them. It is hard to do a job as permitted by law when "character assassination" is being performed on those trying to do that job. He feels there have been "untruths and blatant lies" told about his project in an attempt to confuse the process. Mr. Smith believes that much of this is being driven by special interest groups based outside of the township who want to see Acme Township maintained as a "racetrack" on the way to other areas in the region that are already developed. He feels badly for the experiences that some township officials have had to endure in following the law, and he has and will continue to pursue his rights as a landowner fully.
3. Christopherson stated that Henkel has the right to request a closed session for discussion of comp time issues, but the board may decide whether or not to do so.
4. Walter presented a letter dated October 5, 2004 stating that he feels he was

inappropriately denied health insurance early in his tenure as a Trustee. Due to this fact, and a belief that he will be ineligible to continue his coverage under COBRA when he leaves office, he will be pursuing reimbursement of his medical expenses from December 1, 2000 until August 30, 2003. Knopf confirmed that Walter was inappropriately advised of his right to enroll the health insurance plan by Knopf. She said she would research what premium rates had been during the specified time period; Walter doesn't feel this is relevant. With the Board's approval, he plans to submit detailed records of his medical expenses for the time period, and asked for the Board's indication this evening as to whether or not they will approve reimbursement.

Christopherson stated that if the Board agrees to approve such a payment for Walter, they should consider whether other township officials and employees are entitled to similar treatment. Agruda, Plude and Corpe might be included in this group. Walter feels he is in a different situation than others because he had no other employment or spousal benefits to apply to, and had to pay for health insurance privately at higher rates.

Motion by Knopf, support by Agruda to extend meeting to 11:30 p.m. Motion carried by unanimous roll call vote.

Hoxsie doesn't feel that the request should be considered this evening, since Walter presented the information to the Board only several minutes ago. Walter stated that if this is the case, he requests that a special meeting be set.

Knopf acknowledges the concept that Walter's situation may be different from that of other employees, and that this forms a second question on top of the one as to whether or not the Board agrees in principle that Walter ought to be compensated. Agruda stated that if the Board agrees to consider the matter further, he plans to submit a request to the Board as well. It has been on his mind, but our agendas have been so full that he hasn't wanted to bring it up.

To Walter the issue is entirely that he was told by Mark Ritter he could not be part of the township plan when he could have been, and this had financial implications to him.

The Board agreed to set a special meeting on Friday, October 8 at 10:00 a.m. to discuss this issue further.

Motion by Knopf, support by Hoxsie to enter closed session to discuss employment issues related to Tom Henkel. Motion carried by unanimous roll call vote.

Regular meeting recessed at 11:10 p.m.

Regular meeting reconvened at 11:29 p.m.

Motion by Knopf, support by that effective the next pay period, Henkel be paid on an hourly basis at an hourly rate commensurate with his current salary, and that he shall be eligible to be paid at time and a half for all hours over 40 worked in one week and with time records to be submitted bi-monthly. Motion carried by unanimous roll call vote.

Meeting adjourned at 11:32 p.m.