



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
6:00 p.m. December 5, 2006**

Meeting called to Order with the Pledge of Allegiance at 6:00 p.m.

Members present: B. Boltres, D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis
Members excused: None
Staff present: S. Corpe, Township Manager/Recording Secretary
C. Bzdok, Legal Counsel

Motion by Kladder, support by Scott to enter closed session to discuss pending Meijer Inc. v. Acme Township litigation and ongoing settlement negotiations in CCAT v. Acme Township v. The Village at Grand Traverse LLC and Meijer, Inc. because discussion in open session could have a detrimental impact on the financial interests of the township. Motion carried by unanimous roll call vote.

Public meeting recessed at 6:02 p.m.

Motion by Kladder, support by Scott to resume public session at 7:05 p.m. Motion carried by unanimous roll call vote.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Kladder, support by Takayama to approve the agenda as amended to add consideration of removal of the Bratschi property from the PA 116 program as New Business item #5. Motion carried unanimously.

A. CONSENT CALENDAR:

Motion by Kladder, support by Takayama to approve the Consent Calendar as submitted, including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 10/31/06
2. **Clerk's Report** through 11/29/06
3. Draft Unapproved Minutes of
 - a. **11/17/06 Infrastructure** Advisory Meeting
 - b. **11/27/06 Planning Commission** meeting

ACTION:

5. Consider approval minutes from the **11/14/06 regular** Township Board meeting
6. Consider approval of **Accounts Payable** of \$55,243.68 through 11/29/06

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT:

Lewis Griffith, 5181 Lautner Road asked why the Board is on a "fast track" to take care of the proposed Future Land Use Map (FLUM). He stated that the process has been ongoing for over a year and there have been regular monthly meetings at which the matter could be

discussed. Now we will be paying people for two special meetings and perhaps more to the consultant who has already received \$17,000. He feels this is a waste of taxpayer dollars. Kurtz agreed that the process began over a year ago, and said that the Planning Commission is solely responsible for the project and will likely remain so. The Planning Commission has a budget and is operating in conformance with it. Mr. Griffith noted that it is said that the proposed map is not a zoning map, yet people seeking to develop property may look at it and draw zoning-related conclusions.

Andy Andres, Jr., M-72 East, asked if the Board should become the final adopting authority for the plan. Corpe reported that state law makes adoption of the Master Plan the Planning Commission's task unless the Board of Trustees actively votes to take that responsibility from them, which to date the Board has not done.

Gayle Hanna, owner of property on Deepwater Point Road near the Dock Road intersection, asked about the future land use map creation process. She attended one of the meetings and was "appalled" at the number of people influencing the process who are not township landowners. Township landowners must have the majority and final say over the process.

C. CORRESPONDENCE:

1. **11/20/06 letter from Bill Rokos, G.T. County Treasurer regarding loan to make septage treatment plant bond payment:** received and filed.

D. SPECIAL PRESENTATIONS:

1. **Discussion about 2007 Grand Traverse County DPW budget – Mr. Chris Buday, DPW Director:** The septage treatment plan has been receiving 3 truckloads of special waste per day since the end of October, adding about \$30,000/day to revenue generation. The DPW anticipates the facility will be "solidly in the black" next year, and that loans from the City and County will be paid back early in 2007. Reconstruction of the facility is scheduled to be complete in January 2007, and they should be ready for full operation and the receipt of additional regular waste. The County will seek to encourage deliveries from outside of the Grand Traverse area as well. The law has recently changed regarding the ability to land-apply septage waste to frozen ground, and the ground will be freezing soon, so septage must be hauled to a facility. Kladder asked what assumptions other than the special waste revenue indicate that the facility will be in the black next year; Mr. Buday replied that septage waste receipts are near the expected levels. Grease trap spoils will also add to the revenue base. Zarafonitis asked if the initial projections were overzealous; Mr. Buday stated that two engineering firms made projections, a local one and one from the East Coast. The latter projections were higher than actual receipts are running.

The septage treatment plant is accepting about 40,000 gallons/day of special waste from Bay Harbor. The DPW is studying whether collection systems can handle more than that. This is a small fraction of the waste available from Bay Harbor. It can be expected for the waste to continue coming year as opposed to being redirected to a newer facility because it would take several years to design, permit and construct such a facility.

Mr. Buday turned to the 2007 DPW budget summary he provided. General township sewer system operations are expected to run \$408,950. \$267,323 is for "other charges," which is primarily funds paid to the City of Traverse City and the bulk of which is paid in turn to OMI and CH2MHill, the plant operators. The City owns 60% of the plant, a controlling interest, so they run the facility and have responsibility for establishing the operating contracts. Kurtz stated support for privatization of services to keep government efficient. OMI has been running the plant for 16.5 years, which

is how long it has been since the contract has been put out for bid. Kurtz believes that contracts should be re-bid every 3-5 years. He has spoken to City Manager Richard Lewis, who does not seem inclined to recommend that the City Commission bid the contract out at this time. Kurtz understands that the plant has some unique characteristics, and that the plant was designed by Gourdie Fraser. Chris DeGood from that firm indicated that while they designed the original base plant, the more recent plant upgrades were designed by Gosling Czubak and CH2MHill. Kurtz is given to understand that if the contract were to be bid out this year, OMI would have to be notified at least 120 days in advance of the summer renewal date. Mr. Buday indicated that it would take approximately a year of analysis for firms to prepare bids. He also indicated that the plant runs well with few concern or violation notices and on many days produces water that has no detectable waste loading. This is one of the two cleanest facilities in the state.

Anticipated system revenues based on existing customers and an assumption of 5 new customers, are about \$567,800. While this is positive versus operating and maintenance expense, when annual debt payments incurred 3 years and longer ago of \$418,068 are factored in there is a revenue shortfall for Acme to cover. Much of the debt is related to tertiary treatment system installation and the 2003 relief line construction.

There are several projects in Acme Township such as LochenHeath, Orchard Shores and Acme Village that are partially on-line. Shortfalls are currently anticipated for these projects that will need to be covered. Kladder asked what is physically involved with each project. Some requirements are mandated by DEQ, such as water quality testing that must be done on a regular basis and the cost for which is allocated based on some combination of time spent and/or numbers of customers and/or actual flows. Kladder asked how replacement of worn parts is handled; this is not generally planned into the budget. If field staff identifies an upcoming problem that may occur within two years they do their best to notify the townships so planning can be performed.

Kladder asked if all of the relevant insurance companies have made full payments for septage treatment plan rebuilding; Mr. Buday said they had. Kurtz noted that Gourdie Fraser and Christman had “stepped up” and stated that taxpayers would not have to experience increased costs.

Motion by Kladder, support by Zarafonitis to adopt the 2007 DPW Budget for Acme Township as presented. Motion carried by unanimous roll call vote.

E. PUBLIC HEARINGS: None

F. NEW BUSINESS:

1. **Consider approval of SUP/Site Plan Approval Application #2006-11P, Creekside Village, proposed development of 39 single-family site condominium units within Acme Village in the northwest area of the property adjacent to Juniper Hills Condominiums and Crest Haven Hills Subdivision:** Brad Kaye and Chris De Good from Gourdie Fraser were present in support of the application and Creekside Properties. Proposed are 39 units under full condominium ownership on 13.1 acres, or a density of about 3 units per acre, pursuant to the Open Space Development Ordinance. The design maintains a park and open space area on the southwest portion of the parcel as originally contemplated in the Acme Village Mixed Use Development Master Plan. The applicant is in agreement with Hull’s staff report as presented.

Takayama asked if the 17 additional trees requested by the Planning Commission were added; they were to meet the two street tree per lot ordinance requirement. Zarafonitis noted that sidewalks along Mt. Hope Road are provided, but not along the internal roadways. Mr. Kaye stated they are not required by ordinance and that they do not wish to encourage large amounts of foot traffic to the project. Regional sewer service and Tribal water service are contemplated. The Tribe and Creekside have agreed in principle; the details have not been finalized. Zarafonitis asked how finished project grade will compare to existing topography. The generally sloping characteristic will be maintained. The northernmost units will be slightly lower than the lots in Crest Haven Hills, which will be slightly above the new road, which will be slightly above the grade of the southernmost units. Zarafonitis noted that the homes will be 35' or less tall and asked how this will be managed for units abutting Crest Haven Hills. Mr. DeGood expects those units will be 3-5' lower than the neighboring subdivision.

Kladder asked about the Planning Commission minutes, page 6, and a notation that the Commission wanted to be certain that the Johnson Family Limited Partnership agreed with the proposed density. Bzdok reported that Hull and Mr. Kaye discussed which of the versions of the Acme Village SUP was applicable, as the density for the subject property varied between them. During the discussion Mr. Kaye found in the ordinance that portions of mixed use developments may be developed either according to the MUD SUP or according to the underlying zoning. The latter option was chosen. The Johnson Family limited partnership may also choose between the approved SUP densities and arrangements and the underlying zoning. This may be an area to look at for future zoning ordinance amendments, so that in the future a total buildout is treated consistently throughout a development. In this circumstance Bzdok feel that the intent of the ordinance and Acme Village SUP are being upheld. Lee Bussa, Johnson Family Limited Partnership, confirmed that the price for selling to Creekside Development was based on an understanding of a lower allowable density, so perhaps they got a better deal than intended. Their other key questions were how it would affect allowable density in the rest of Acme Village and the impact on available sewer benefits. They are comfortable at this point in time that these issues are adequately addressed and that the project design is beneficial. The number of sewer benefits allocated to the project originally were based on earlier system capacity limits that no longer exist. Bzdok noted that pursuant to a settlement agreement, the Johnson Family Limited Partnership has the ability to purchase a certain number of sewer benefits at a reduced rate for residential use. That right may be transferred in part or whole to parties purchasing land in the development. Mr. Bussa stated that the Johnson Family has not transferred any of those reduced rate rights to Creekside Development.

Zarafonitis asked if Creekside will be developing the project and how swiftly; Mr. Kaye was uncertain of their plans in this regard, particularly in a softer housing market. Zarafonitis asked about a statement that units will be constructed "for sale;" this means that none of the units are going to be held for a rental unit owned in common by the condominium association.

Bzdok noted that a condition of approval under the OSD ordinance is that a conservation easement be approved and signed.

Motion by Zarafonitis, support by Scott to approve SUP Application #2006-11P contingent upon signature of acceptable open space conservation documents and receipt of a letter from the Grand Traverse Band of Ottawa and Chippewa

Indians indicating that a water service agreement has been agreed upon.

Kladder asked if the township needs to approve the proposed condominium documents. The ordinance calls for this, but it should be noted that sample documents are provided as part of the application materials and can be amended at any time.

Motion carried by unanimous roll call vote.

2. **Consider approval of SUP/Site Plan Approval Application #2005-14P, Horse Sports by the Bay for development of an equestrian center on 83.68 acres of land zoned A-1, Agricultural located at 6535 Bates Road:** Jason Horton from Elmer's and project applicant Alex Reinheimer presented the application. They produce an annual 3-week equestrian event, held to date in Chum's Corners. They began with 250 competitors a year, are at about 500 now and hope to reach 700. There are two Olympic equestrian disciplines and one nationally-recognized sport, all are nationally sanctioned. Most attendees come from out of state and compete for points in a year-long standings race. Their event contributes about \$4 million annually to the area. Participants travel the entire year and are passionate about the sport. They often bring extended family who might not appreciate the sport but take advantage of other area options. Their current location is leased and expensive, and they are seeking a permanent home. They like the proximity of the proposed site to the G.T. Resort and the Traverse Bay RV Park and in an area convenient to downtown but not as congested.

Preliminary agency approvals have been gained and the applicant is in agreement with Hull's staff report. The Planning Commission requested a berm at the front of the property, landscaping spread out every 10 spaces in the parking lot, and irrigation for the landscaping. All have been provided in the revised plan. They would be willing to provide a watering truck rather than an installed irrigation system, but the ordinance requires the system installation. The applicant would prefer the manual watering because of the highly seasonal nature of the event. Mr. Horton believes the proposed plant species can survive well with lower water levels.

The facility will be used for three weeks out of the year for a single annual event. Events run Wednesday through Sunday, with Mondays and Tuesdays off. July 18 through August 5, 2007 is the date range for the coming year's event, directly following the Cherry Festival. They expect to host the event in Acme in 2007. All of the stables are temporary. Vendors begin arriving about 10 days in advance to set up and setting up tents by about 6 days before the event. There are fairly few vendors but they travel with their entire shops. One is a food vendor; the rest are currently equestrian-related. They would like to expand the number of local vendors and range of offerings. Within 5 days after the event the site is emptied again. The permanent structures would include an office and food pavilion. In the future they might want to erect 1-3 permanent stable shells with temporary stall units.

Fairly few people camp with their horses on-site. The request includes a 15-site mini-campground for event employees. A few VIPs would ask to stay on-site, but everyone else would be directed to campgrounds or hotels.

Few non-contestants attend the event. There is minor local marketing but only about 100 people are attracted per day and mostly on the weekends. Locals would only attend feature events mid-afternoon on weekends. The industry is trying to promote spectatorship but it can be difficult to appreciate for the less well-acquainted.

Water will be sourced from on-site wells, possibly near the office facility. There is an existing hand-pump well. Kladder asked Mr. Horton to list the local agency preliminary approvals in hand, including Health Department, Soil Erosion, Metro Fire, Road Commission and DEQ Campgrounds. Building permits will be required for any permanent structures. Electric service will be underground. Porta-potties will be used for humans (a drainfield may be created when a permanent office structure is established. Equine wastes are placed in manure bunkers daily, and a local farmer removes it, composts it and sells the result as fertilizer. There will be concrete manure bunkers at the end of each stable area that are emptied weekly. Manure management requirements can be specified in the permit.

Kladder asked to what extent construction of proposed future improvements shown on the plan would require additional township approvals; Corpe and Bzdok indicated that unless the Board requires additional approval processes they would be treated as approved for future construction at this point. He ascertained that only two future permanent structures are being requested at this time and that the parking areas will be graveled.

Motion by Kladder, support by Scott to approve SUP Application #2006-14P on the condition that equine manure will be hauled off-site or otherwise managed using agricultural best management practices. Motion carried by unanimous roll call vote.

3. Consider approval of proposed **2007 Regular Board Meeting Schedule**: Scott recommended that the meeting proposed for April 3 be moved to April 10 to avoid a conflict with local school spring break.

Motion by Zarafonitis, support Takayama by to adopt the 2007 Regular Board Meeting Schedule as amended. Motion carried unanimously.

4. Consider **reappointment of John Marnette, Toni Morrison and Patrick Collins to the Board of Review**:

Motion by Zarafonitis, support by Takayama to reappoint John Marnette, Toni Morrison and Patrick Collins to new 2-year terms on the Board of Review. Motion carried unanimously.

5. Consider Resolution approving removal **of 5-acre parcel on Bates Road owned by Kevin Bratchi from the PA 116 Farmland Preservation Program**: Nels Veliquette indicated that there are PA 116 agreements in place on adjacent 75-acre and 5-acre parcels in the Bates area, and he and the owner of the 5-acre parcel, Kevin Bratschi, are seeking to remove the 5-acre parcel from the PA 116 program. The program generally allows 2 acres to be removed prematurely from the contract for housing for a person essential to a farm operation, but the State is willing to consider removing 5 acres because this is our minimum parcel size allowed in the agricultural zoning district. This could result in payment of some back taxes for the past 7 years that have been excused because of PA 116 program participation.

Kladder stated he generally does not like to see properties removed from the program but feels this request is warranted.

Motion by Zarafonitis, support by Dunville to adopt Resolution #R-2006-20. Motion carried by unanimous roll call vote.

G. OLD BUSINESS:

1. **Status update: road easement connecting Wild Juniper Trail and Five Mile Road: received and filed.**
2. **Update regarding request by Parks & Recreation Advisory to approve Wade-Trim bid to complete a site plan for Yuba Park Road boat launch improvements: received and filed.**

H. REPORTS

1. **County Commissioner's Report – Larry Inman: received and filed.**
2. **Parks and Maintenance – Tom Henkel: received and filed.**
3. **Sheriff's Deputy – Bob Sillers: received and filed.** Deputy Sillers has been asked by several residents who winter elsewhere if he would watch over their properties while they are gone. He has created a form available at the township hall and through the website to collect information. He will be going past houses every week or so looking for things that look out of place such as open windows or doors, or puddles where they shouldn't be. Residents will receive documentation of the visits.

I. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Mrs. Hanna complimented Deputy Sillers. She had help during the past year with a difficult situation that was occurring, and it is helpful to people who are in and out of the area to have a local contact and facilitator.

Kladder noted that Santa will be arriving on Friday at 7:00

Meeting adjourned at 8:53 p.m.