



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, March 3, 2009 6:00 P.M.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 6:02 p.m.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wikle,
Members excused: F. Zarafonitis
Staff present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
C. Bzdok, Legal Counsel

Motion by Hardin, support by Scott that the Township Board enter into closed session to discuss litigation strategy in *CCAT v Acme Township v Village at Grand Traverse and Meijer, Inc* because discussion in open session could have a detrimental impact on the Township's financial interest. Motion carried by unanimous roll call vote.

Regular session recessed at 6:04 p.m.

Motion by Hardin, support by Scott to reconvene the regular session at 6:32 p.m.

A. STUDY SESSION: Presentation by Tom Menzel – The Language and Advantages of an Economic Development Plan: Kladder noted that the Acme Business Association (ABA) will be holding its fourth meeting tomorrow morning at 7:30 p.m. at the G.T. Resort. One of his goals is to promote an economic development plan for the township; Tino Breithaupt from the Chamber of Commerce said at the last ABA meeting that no townships in the county have formal economic development plans. Former Cherry Festival leader and noted businessman Tom Menzel was invited to address the Board this evening on this topic.

Mr. Menzel stated that a well-rounded community including economic development is as important as residential and recreation development and natural features preservation. It is important for a community to brand itself, before others create a brand for it that it may not wish. It may also be desirable to coordinate with the City of Traverse City and the County. Other areas of the country such as Sedona have branded themselves as desirable destinations, but this region could do a better job of promoting itself, including key features such as the horse show and the film festival, in a coordinated way. What can differentiate Acme among all other township that essentially perform the same function? How can business and residential community members be involved in the process? How can success be generated, which keeps people interested in the initiative?

Evaluating community assets is one step in the process. One such asset would be the shoreline preservation initiative, which can be a valuable economic development tool. Brainstorming towards a common vision then leads to a program of strategy (3-year), objectives (1-year), and tactics and action steps (under 1 year). Realism and achievability are important factors.

Internally, staffing is important to providing an open, welcoming, problem-solving atmosphere. Looking for solutions along with landowners, rather than simply saying “no” when an idea does not appear feasible, can go a long way towards creating an inviting reputation for the community. Economic development can involve a campaign of targeting desirable community members and attracting them in. At the same time, an exit strategy is important for those times when buildings and infrastructure are built but something happens in the market and the jobs and benefits don’t come. If

the community participates enthusiastically and economically in the development, it needs to be first in line to be reimbursed for bonds or other things in case of failure.

Mr. Menzel provided some handouts and invited questions.

Kladder has read about the strategy of creating a great place to live, which attracts the knowledge-based workers who increasingly place quality of life considerations at the top of their decision lists, which in turn attracts the businesses and jobs that employ them. Mr. Menzel agreed that playing to a community's strengths is a good idea. Identifying the target companies, compiling a list of benefits, and aggressively marketing to the target companies is important. He used to go to trade shows and have a booth and aggressively market Rolling Meadows, IL, and was successful in part because few other communities were doing this. In some cases they were successful because they made their presentations persuasive about available amenities as opposed to informational as other communities did. So many communities have become used to doing business the same way day after day.

Industry diversification is also important when creating a development plan for the community. Kladder also believes it is important for the community to provide high-speed bandwidth. Some businesses ask this question first. Mr. Menzel noted that in some industries the product lifecycle can be very short – in the information technology industry it's 6-12 months. In his community they linked a technology company with a local college, with the company providing financial support to the college and the college developing a study program that provided both the skills to work in the industry and the marketplace for the technology it sold.

Gap analysis is also helpful: these are our resources, this is what we need to do to capitalize on these resources, and this is our plan to get there. It would be wise to be planning and positioning the township for the end of the current economic downturn. Here again it can be helpful to work with the County and within the context of their overall plan, so Acme can fill a niche in the overall regional plan.

A five minute recess was declared from 6:55 - 7:00 p.m.

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Takayama, support by Scott to approve the agenda as amended to add an item D1 – Grand Traverse County Sheriff Tom Bensley. Motion carried unanimously.

B. CONSENT CALENDAR: Motion by Takayama, support by Dunville to approve the Consent Calendar as amended, to remove consideration of action regarding the Cherryland Electric Tax Tribunal cases and TCAPS/BATA and Elk Rapids School District Tax Collection Agreements to New Business items 3 and 4, including:

RECEIVE AND FILE:

1. Treasurer's Report as of 01/31/09
2. Clerk's Report as of 02/19/09
3. Draft Unapproved Meeting Minutes:
 - a. 02/10/09 Marina Advisory
 - b. 02/16/09 Planning Commission
 - c. 01/21/09 Road Commission
 - d. 01/20/09 Metro Emergency Services
4. Metro Emergency Services newsletter, 02/15/09

ACTION – Consider approval:

5. Township Board meeting minutes of 02/03/09
6. Accounts Payable of \$209,334.13 through 02/19/09

7. ~~Action regarding outstanding **Cherryland Electric Tax Tribunal** cases~~
8. ~~**TCAPS (including BATA) & Elk Rapids School District Tax Collection Agreements**~~
9. **Resolution #R-2009-04 Amending Township-County Interlocal Agreement – Farmland Preservation**

C. LIMITED PUBLIC COMMENT:

Rachelle Babcock, 4261 Bartlett Road, stated receiving information in reference to injection wells to be located in and near the township. She has done some research on the subject at the library. Two wells are proposed. The “Cherry Berry,” a class 2 permit for an injection well to be located east of US 31 North near Kesner Road. The wells will be used to dispose of waste brine water produced by oil and gas production wells. The Hubbell B-1S9WD would be located in Angell Road in Williamsburg Township. Both wells are proposed by OIL Energy Corp. The Hubbell well would also be proposed for use for waste waters beyond oil and gas well brine, particularly from a local cherry processing firm. A public comment period is open during which people can write to the EPA and MDEQ to express any thoughts. Ms. Babcock as form letters by which concerned individuals may request a public hearing. The public notice for the Cherry Berry well is dated February 18, 2009, and responses must be received by close of business 30 days later.

Virginia Tegel, Bartlett Road is excited about the proposed improvements to Saylor Park, specifically the new baby swing. She has been following the septage treatment plant issue and urges the township to pursue accountability on this issue. There will be discussion about a potential new township hall, and she believes that the community deserves a facility that would meet office space needs in particular. She believes that meeting space is less important, as it may only be needed 2-4 times per month; perhaps it could be rented on an as-needed basis. Ms. Tegel has also heard concerns in the public about how long governmental processes can take. She believes that the impact of government decisions have long-term impacts and she hopes the Board will continue to take any and all time needed to make good decisions for the future.

D. SPECIAL PRESENTATIONS/ANNOUNCEMENTS:

1. **G.T. County Sheriff Tom Bensley:** The federal stimulus package includes money for the COPS program, which funds local policing officers such as Deputy Matteucci. Several local townships may be interested in applying for these funds to add new officers, although it’s possible that less than the total number of officers requested could be funded and a plan for how to distribute them might be needed. If townships seek grants for new officers they would continue to be responsible for the salaries and benefits; the County would continue to pay for equipment and uniforms. Under the program, during the first three years there is little cost to the local community - the federal grant would pay the starting salaries. In the fourth year and beyond the township would pay the full salary costs. Applications should be ready by the end of the month, and there are some unknowns. The federal program is not expected to cover annual salary increases over the original base amount, so in the first three years the township would have to cover those as well. Averaged over four years Sheriff Bensley estimates the total cost to the township at \$24,000/year.

If the township does not try to take advantage of the grant program but decides to add officers anyway, the County is still willing to pay for equipment and uniforms if the townships cover the salaries. If a township commits to the program but decides not to fund the officer past the fourth year, the position would be eliminated from the total force but the individual occupying the position could post for a vacant position in the department if available. Funding is only available for new hires or call-backs from layoffs, and not for existing officers.

Kladder asked if townships could share officers. Sheriff Bensley noted that originally Acme and Whitewater Townships shared the officer Acme has today. He is aware that Whitewater Township is interested in adding an officer due to increased service needs related to the casino.

Hardin asked about cross-deputization with Tribal officers and how this might affect the need to add to the County Sheriff's Department. There is also a State Police satellite post within the township. Currently there are no cross-deputization discussions underway, and Sheriff Bensley does not believe that the State Police post is more than administrative. The Tribal officers are responsible within the Tribal trust lands only, and the Sheriff's Department has no jurisdiction there. There is a cross-deputization agreement in place in Leelanau County, where Sheriff Oltersdorf has offered advice. He expects discussions to begin within a few months.

Kladder stated that the Board would evaluate any information provided, and whether the township needs a second officer and/or might be interested in sharing a second officer with Whitewater Township.

E. REPORTS:

1. **Metro Emergency Services – 2008 Annual Report** – Assistant Chief Terry Flynn: In 2008 Metro officially became a governmental agency. Calls were up about 13% over 2007 in 2008. A new Station 1 was opened in East Bay Township and primarily responding in East Bay and portions of Whitewater Township. Call response time is down to between 6-9 minutes due to increased staffing at the stations. Three firefighters were injured last year, and code violations are down because inspections are more regular. Each station now has a full-time captain, and Stations 9 and 11 are covered around the clock. Because Metro Fire and various ambulance services are using the same radio frequencies right now there have been some safety concerns, so a new radio frequency is being tested to which Metro would move. Hazardous Materials responses are increasing, so more firefighters are being sent for specialized training. By the end of the year they hope to have 12 trained. The ISO rating is due to improve in 2010 from 6 to 4, after an application for re-evaluation later this year. This would result in a decrease in homeowners insurance premiums.

Kladder noted that 75% of calls for service are medical-related rather than fire related. This highlights the new name: Grand Traverse Metro Emergency Services Authority. A public educator with a teaching background has been hired and will be going through firefighter training school. She will coach children, seniors and many other community groups on enhanced safety.

Captain Troy Holiday was introduced; he is the Acme Station 8 full-time captain. Until this station has sleeping quarters it can't be staffed overnight, but it is generally staffed during the day now and there are crew members on-call at night.

Rapid Intervention Training will be held on March 16 at Bertha Vos. This is annually-required training for searching for downed firefighters in dark, smoky environments. The firefighters will search for dummies in the darkened and smoky gym in groups of 2 or 3.

Hardin asked if response times have been slowed by winter road conditions; this has not occurred as much in Acme but there was an accident in East Bay when a truck couldn't stop on the ice and hit a porch. Occasionally a longer route to an emergency is taken to avoid steep hills that can cause sliding when icy.

2. **Sheriff's Deputy** – Mike Matteucci: Deputy Matteucci presented the January 2009 statistics and read the February statistics, which were not previously available in hard copy.
3. **County Commissioner's Report**: – Larry Inman: County strategic planning sessions were held at the end of January and public input taken. On March 12 at 6:00 the County will meet to discuss a consolidated draft of the public input and integrate it with the draft 2009 strategic plan. They hope to adopt the draft by the end of the evening and distribute at least one copy

to each township (also to be available on-line) shortly thereafter. Inman will be unable to attend the next Board meeting due to a family medical need. The amendments to the County-Township Interlocal Agreement for the Farmland Preservation Program were approved by the County last week, with the intention of helping the township to use the funds it raised to move forward with the program. There has been a meeting about the County's continued assistance in funding the Metro Fire public education program, and an agreement is being prepared for the County's adoption to make this a formalized ongoing commitment. The County is considering the installation of solar panels on the Civic Center roof to heat Easling Pool. The idea came from a presentation at a recent NW MI Council of Governments seminar at the Hagerty Center that Inman found exciting. The expected period to return on investment is 4 years. Last month a group was assembled to meet weekly and seek a solution to the septage treatment plant financial issues; the meetings have been placed on hold to allow the five townships that guaranteed the plant bonds to meet, discuss the project history and consider solution options. The goal is for the five townships to come together in a better understanding of their positions. One of the options to assist the plant would be raising the fee for installation of a new septic system to about \$1,000, which could generate as much as \$200,000/year based on historic permit issuance patterns. The current fee is around \$200. Inman would support the fee increase if it comes to a vote, based on the philosophy that connection to a regional sewer system costs as much as \$4,200 and helps pay for the treatment plant, city residents have an annual levy for plant operations, so septic system users should pay for the cost of providing them needed services as well.

4. **Parks and Maintenance** – **Tom Henkel**: received and filed.

F. **CORRESPONDENCE**: None.

G. **PUBLIC HEARINGS**:

1. **Consider adoption of Acme Township Parks Ordinance #2009-01**: Vreeland summarized the history of the creation of the proposed Parks Ordinance, which would replace an existing parks ordinance in entirety. The new ordinance is the result of numerous discussions at the Parks & Recreation advisory, and grew originally out of discussions about whether and how to regulate the shoreline pathways on Deepwater Point in the Woodland Acres subdivision. The proposed new ordinance includes special provisions for areas with their own recreation plans, such as the Yuba Creek Natural Area (YCNA) and soon the Deepwater Point Natural Area, and for the Woodland Acres pathways. As to the latter, she believes that over the course of the discussions a reasonable compromise and level of consensus was reached between neighborhood residents and between the residents and township between the need to have some level of regulation but leaving it as broad as possible, and for respecting the desire not to attract too much attention to the sites. It incorporates special regulations for the Woodland Acres pathways that recognize their unique nature and achieved a reasonable level of public consensus at the Parks & Recreation Advisory.

The biggest changes to the proposed ordinance are that the township has learned that it does not have the authority to prohibit firearms in the parks, and the new rules will allow leashed/controlled animals anywhere in the parks. Previously, both were prohibited. Violations will be enforced as civil infractions, with tickets issued by people specified in the ordinance if attempts to resolve problems with a conversation and/or warning are ineffective.

Public Hearing opened at 7:54 p.m.

Nels Veliquette, 311 S. Maple Street in Traverse City, asked if there will be a high water marking along the riparian extensions of property lines to prevent trespass. Once a person is on a beach it can be difficult to determine where public property ends and private property begins. Bzdok stated that nobody may trespass on private property. The beaches will be treated as all other beaches are.

Deputy Matteucci asked if hunting is permitted in any of the parks; it is permitted according to state regulation in the Yuba Creek Natural Area, and we are aware there is duck hunting occurring in the Deepwater Point Natural Area. A management plan clarifying the latter issue is planned to be prepared later this year. In other parks hunting is not allowed.

Public Hearing closed at 7:56 p.m.

Motion by Takayama, support by Dunville to adopt Acme Township Parks Ordinance No. 1 of 2009. Motion carried by a vote of 5 in favor (Dunville, Hardin, Kladder, Scott, Takayama, 0 opposed, 1 absent (Zarafonitis) and 1 abstention (Wikle).

H. OLD BUSINESS:

- 1. Continued discussion regarding Fleis & VandenBrink Engineer of Record relationship:** Vreeland stated that at the January meeting the Board directed her, Kladder and Hardin to work towards a renegotiated contract for engineering services with Fleis & VandenBrink. To prepare for such discussions they reviewed materials previously provided regarding billings to date in more detail than before, and some additional concerns surfaced. Vreeland, Kladder and Hardin recommend that those concerns are such that they feel strongly that it is not in the township's best interests to continue the relationship at this time.

Motion by Scott, support by Wikle to terminate the contract with Fleis & VandenBrink. Motion carried by unanimous roll call vote.

- 2. Discuss receipt of Tribal 2% grant for, and approve purchase of, Sayler Park playground equipment and landing surface materials:** Kladder noted that the grant application was unsuccessful on its first try, but successful on the second try. Vreeland expressed gratitude to the Grand Traverse Band of Ottawa & Chippewa Indians for the grant that will fund the playground equipment purchase, saying she'd been told that the application was successful in part because the Tribal Elders like to picnic at Sayler Park. Midwest Recreation Products is a Michigan company, and they were kind enough to hold the pricing on their June 2008 bid through a second grant application cycle without an increase. The township will be working with the Parks & Recreation Advisory, other township civic groups, and the Tribe to coordinate an event centering on the equipment installation. Perhaps members of the community can help spread the wood chips for the landing surface, we can have a community picnic, and a Native American drum circle will be invited to participate.

Motion by Takayama, support by Scott to approve the purchase of playground equipment for Sayler Park from Midwest Recreation Products in the amount of \$14,344. Motion carried by unanimous roll call vote.

Vreeland stated that options for disposal of the old equipment would include selling it for scrap metal value, or selling it to an interested township resident who would like to erect it on his property for his grandchildren. There was general concern about the latter option, as the primary reason they old equipment is being replaced is that it does not meet current safety standards. The equipment will be sold for scrap.

- 3. Consider approval of negotiated Farmland Development Rights options and purchases:** Farmland Protection Specialist Brian Bourdages presented the PDR offers that have been negotiated with the four program applicants over the past month, and provided maps of the properties to be purchased at this time (rust colored) and optioned at this time (blue). Easements on 75 acres of the Send Family farm and 108 acres on the Engle Family farm would be purchased immediately. Option agreements on 114 acres from Cherry Country Cove and additional acreage from the Send and Engle families are also proposed. The township has also offered terms for a PDR from the Sayler family, and although Mr. Sayler

will be unable to formally respond for approximately 2 years we want to make sure he remains actively included in the process.

If approved this evening, Bourdages will proceed to have baseline property studies, conservation easements and closing paperwork prepared for the purchases. For the options, the grant money from the Americana Fund will be transferred from the Grand Traverse Regional Land Conservancy to the township, formal option agreements will be prepared and the grant funds will be used to make the option payments.

Bourdages also noted that the landowners have made generous offers of a 25% bargain sale on the easements to be immediately purchased.

Applicant Greg Send stated that he is excited to be one of the first landowners in the program. Applicant Ken Engle expressed appreciation for the hard work Bourdages, the Township and Planning Commission have done, and also to the landowners without whom it would not be possible. Nels Veliquette from Cherry County Cove said that the township needs to seek more money to keep the program going and growing. Rick Sayler has been involved in the program from inception and worked hard on the millage ballot proposal. He is looking forward to being involved as soon as possible and feels it will greatly benefit the participants and the community as a whole.

Hardin asked if there is any conflict between township conservation easements and existing wetlands easements on the Engle property; Bourdages stated that the two can coexist peacefully and that the township easements will be less restrictive than the wetlands easements. The township is not paying for easements on lands already protected.

Motion by Dunville, support by Takayama to adopt Resolution #R-2009-05. Motion carried by unanimous roll call vote.

Motion by Dunville, support by Scott to confirm the terms of the Sayler Letter of Intent. Motion carried unanimously.

4. **Discuss various current DPW sewer and septage issues:** Kladder was on vacation for two weeks and missed some of the recent meetings regarding the septage treatment plant, but spent time today coming up to speed with Inman. The County wants to know what type of help the townships would like, rather than the townships asking generically for help and the County debating what type of help to give. It is true that few of the people involved in the original creation of the plant are still in office and involved today, so education on the history of the project for the newer people is required. The most immediate concerns are financial, but in the long-term ownership and management also need to be settled. One thing that is clear to Kladder is that at this time the township has a financial obligation to meet in the form of the bond payments. He asked the Board for its thoughts on what type of help we might request from the County, and noted that DPW Director Chris Buday is on extended leave and K. Ross Childs is handling affairs day-to-day. CMS may approach us soon about a long-term contract for handling special waste from Bay Harbor; right now there is only a casual at-will arrangement. Kalkaska County is considering creation of its own septage treatment plant. Kladder encouraged Board members to approach him at any time day or night with ideas for the situation.

Takayama has always been particularly bothered by this issue, and does not believe we should consider ownership of the plant unless many issues are resolved. When the wall collapsed the public was assured that the taxpayers would not have to cover the cost, and Kladder observed that Gourdie Fraser paid for the repairs. Takayama remains concerned that the plant was substantially overbuilt and that the DPW attorney has been paid for project management and the project has not gone well. He dislikes that people have profited from a

bad situation that the taxpayers will have to pay to fix. He believes there should be accountability and sacrifice for mistakes made. Scott echoed Takayama's comments, suggesting that there be an investigation of why the plant was so overbuilt, what figures were presented to the townships and by whom. He believes that the representations made go beyond a simple mistake.

Takayama asked who pays the DPW attorney; the Board of Public Works approves payment of his billings. Takayama was stunned to read about how much has been billed for the project.

Hardin knows that ultimately accountability will be established, but that in the meantime a plan for viability must be sought. He does not currently have any concrete ideas on the best way to do this. He would prefer to see Kalkaska bring their septage to our plant rather than building their own. At this point Scott will be pleased to see the plant break even, let alone achieving profitability.

Wikle agrees with Hardin and Kladder that a positive attitude and a focus on moving forward is key. She is looking for at least some small margin of profitability.

Bzdok noted that state law establishes a radius from a plant within which waste generated much be brought to the plant. In 2010 the radius will increase from 15 miles to 25 miles. DPW attorney Michael Houlihan believes this law may conflict with some constitutional provisions and that consent would be required from townships that are not already partners to have their waste mandated to be delivered to the plant. This is a large source of potential new waste streams, and because this makes it very important to our plant financially, perhaps it would be well for someone to seek a second opinion about this issue. He suggested that East Bay Township attorney Jim Young, or Dick Figura from Empire (who provided a second opinion to the township on a different issue) might be good options.

Takayama asked if a portion of the plant could be shut down until waste streams increase, or perhaps it could be operated only a few days a week. Kladder stated that because the plant operates by a biological process it can't be run only a few days a week. It would have to be shut down entirely for an extended period of time, and there would still be staffing required. The plant was designed to handle 90,000 gallons per day but did not actually handle this amount at opening. A second membrane to bring the capacity to the full amount is due to be installed. New screens had to be installed, and it has turned out that what was supposed to be end-product Class A biosolids contain too much zinc to be sellable for fertilizer. Waste stream testing is seeking to eliminate the source of the zinc and perhaps make future batches of biosolids saleable. Kladder does not think Gourdie Fraser has been given enough credit for the steps it has taken to rectify problems with the plant, and believes they are working on a response to the questions about how the projections could have been so mistaken and the plant so overbuilt.

There was some explanation and discussion of the memo contents as relate to whether or not to extend the full existing lease of additional capacity at the Traverse City sewage treatment plant. The original lease was for 10% of plant capacity to a group of 5 townships, with 2% of the capacity lease to expire later in 2009 and the balance to expire in 2014. We have the ability to retain the full leased capacity through 2014 under the existing lease terms, which involve us making an proportional extra share of payments on a certain bond issued by the County several years ago to increase the plant capacity and purchase the Hoch Road property for an eventual second plant. While Acme Township's capacity usage is currently peaking at 75% of our owned capacity and we have not yet had to dip into the leased capacity, several of the other townships are peaking at or over their owned capacities. Our township also seems poised for significant potential growth within our sewer district, and the ability to negotiate additional capacity in the future if we allow the current leased capacity to lapse is unknown.

We could save some money by allowing a portion of the lease to lapse, but we might also risk another capacity shortage such as that experienced in the late 1990's. Kladder is interested in pursuing a different type of pooling of the leased capacity between the 5 leasing townships as outlined in a provided memo from Michael Houlihan. A decision on this issue will be needed closer to the end of the year.

Studies to establish the need to build a new treatment plant at Hoch Road are being discussed but have not yet been performed. Several townships are in need of extra capacity, as they are already exceeding their allotted capacities. If we relinquish our leased capacity now, it may be snapped up by one of them and not available to us in the future.

5. **Consider offer for negotiation towards lease/purchase of Real Estate One building:**
Kladder has been receiving many calls from Realtor David Frost, representing the owner of the Real Estate One (REO) building about whether or not the township would like to seriously pursue acquisition of the property. He has suggested several creative options for financing, subletting and the like. Scott asked how difficult it would be to determine the need for a fire suppression system; Kladder and Hardin stated that it depends a lot on the construction of the building, whether or not a change of use according to Construction Code is occurring, and the size of various use areas. A building inspection would not be limited to needs for fire suppression but would address all aspects of the building condition and whether much would be needed to bring it up to code. Scott is aware that we believe there are several substantial issues with the structure that could erase any bargain price on the property. Perhaps spending the money for the building inspection would be a good investment. He understands the need for new office space; he sees how people are sharing desks. Perhaps new construction should be entertained that meets all of our needs up front.

Wikle would want to work up a business plan with cash flow analysis, time values of money, what would be saved and what would be spent. It would be substantial work that would not be worthwhile if the Board does not have sufficient potential interest in the property to spend a little money to gather the data to determine how viable an option it is.

Dunville agrees that we need new space, and that the option needs to be investigated carefully to be certain of what we are potentially approaching.

Takayama stated that if the move would not save the township money, he cannot vote to support it. He does not believe the township population or needs have grown substantially over the past few years, and in this economic environment we need to cut the cost of government operation rather than expanding it. Hardin noted that the fire department needs space for firefighters to sleep at the station, and he finds it incredible that the staff can work and store items in the space at hand. We just spent money on efficiency improvements through a new computer system, so it seems odd that we would not look for a way to meet our space needs. He doesn't know if the REO building would be the right fit, but he supports finding out. Scott believes we are nowhere near considering an actual lease or purchase; that we are only at the stage of finding out what we can and should do. It might be that new construction would make more financial sense than retrofitting an existing structure. He helped build the building. He encouraged using knowledge resources wisely to pay for only the advice we cannot receive for free otherwise.

Kladder has considered renting out part of the building to help with the affordability if we were to move forward with it.

Motion by Dunville, support by Wikle to approve expenditure of not more than \$4,000 to investigate the condition of the Real Estate One building and the potential costs to prepare the building for township use.

Takayama suggested adding 50% to any repair/remodel estimate for a building that is 10-12 years old as this one is. It may well be that cost to remodel would be more than cost to build new.

Hardin observed that while this seems to be a time for saving dollars, it may also be the time to take advantage of the down market.

Motion carried by a vote of 5 in favor (Dunville, Hardin, Kladder, Scott, Wikle), 1 opposed (Takayama) and 1 absent (Zarafonitis).

I. NEW BUSINESS:

1. **Consider approval of SUP/Site Plan Review Application #2008-03P, Traverse Bay RV Park Expansion:** Hull reported that the proposal would add 82 new RV park pads on about 26 acres. 250 units of 350 approved have been built out to date; the original SUP density has been amended downward over time and the addition would bring the development to less than the original total number of units. Fred Campbell from JML Design Group was present in support of the application, and provided a revised landscaping plan as requested by the Planning Commission for compliance with the Zoning Ordinance. Hull noted that the existing site vegetation effectively screens most of the site; only one small area on the north side of the new area requires additional screening from neighboring properties. Kladder asked if the Planning Commission requires native species; Hull replied that they often do and that a landscape architect on the Commission often provides his advice on what will do well in an area.

Mr. Campbell stated that Planning Commissioner Dave Krause was consulted and requested the designation of Black Spruce and River Birch trees as the screening plantings. The application would add 28 acres purchased from John Marnett to the north side of the existing development. The development is an exclusive, high-end RV park. New water features are planned, including one required stormwater detention basin and some ponds for aesthetic purposes. Ownership is site condominium, so each site is landscaped individually rather than there being an overall landscape plan. One change from the plan viewed by the Planning Commission relates to planned “coach houses” of 132 sq. ft. primarily for storage. There are some similar high-end RV parks in the state that have such units with fixed foundations, plumbing and sleeping space. However, it turns out that RV parks are subject to campground rules and licenses by the state, and campgrounds require that all structures be moveable (not on foundations) and that they may not be habitable spaces (no utilities.) As soon as a habitable space is created they deem it a residential structure and it falls that way under the state building codes. After consultation with the state, Vreeland and attorney Mike Grant, it was determined that the original site offering the coach houses was permitted not as a campground but as a mobile home park. RV parks all over the state are now concerned because they installed such structures but are licensed as campgrounds and not mobile home parks. The state may be looking at amendments to their administrative rules, as expensive RV parks don’t seem intuitively much like campgrounds.

The storage buildings are now planned to be strictly for storage and 152 sq. ft. located on concrete slabs. The applicant realizes that if the structures are over 100 sq. ft. they would require Land Use Permits at \$75/each. Kladder asked what would happen if the state permits a change to the rules; Mr. Campbell stated that it is possible that they would seek to retrofit the structures with electric and plumbing service. The septic systems have been designed to accommodate one RV per site plus plumbing in the buildings as well already, and the electrical service has yet to be designed. Hardin noted that the Commission has had concerns about the use of water softeners at the proposed Bates Crossings development and the impact on the surface or ground waters if the discharged water has higher levels of sodium. Mr. Campbell stated that the RVs don’t have water softeners, and the project is served by four wells.

Hull summarize that the addition would bring the total project density to an amount less than that originally proposed for the smaller original land area, that MDOT has deemed access to the site appropriate, various permits still need to be obtained but contact with various agencies leads us to expect it will be approvable, and he believes the existing park has been beneficial to the community and the application should be approved.

Hardin asked if there are fire hydrants in the project; there are not. Metro Fire's only concerns are with road grades and road turning radii. Wikle reported that the taxpayers who own lots in the development always speak positively about it.

Motion by Scott, support by Wikle to approve SUP Application #2008-03P contingent upon receipt of outstanding required permits.

Kladder asked about the existing septic system; there is one on the southern portion of the property. A second new system would serve the new portion of the development. Using the projected gallon per day figures from the original application the new system and new portion of the development would be small to medium sized. The applicant could have connected the new section to the old drainfield, but to enlarge it would have had to remove a substantial number of large trees. They did extensive testing before selecting a site.

Motion carried by unanimous roll call vote.

2. **Consider approval of purchase of new website hosting and maintenance service/software:** Vreeland summarized the provided memo. The township's website is popular and content-rich, but it needs reorganizing and a stylistic update to become more professional and more effective. Several different software options have been considered that range widely in price and features, but a web-savvy group including Vreeland, Kladder, Howard Yamaguchi and Gordie LaPointe have been very impressed by Revize Software. They offer a package that is very fully featured, as easy to use as Microsoft Word, and can accommodate a wide range of services such as e-newsletters, web audio/video streaming, accepting reservations/scheduling and credit card payments for services. Their pricing is less than a local provider that is far less fully featured. It will be possible and easy to let each department update their own content, which can be reviewed by a centralized person or people for approval prior to upload, whereas right now only one or two people are managing the content updates.

Because the site would be hosted on their servers rather than on an in-house web server, the question came up of who would own the content, and how easy would it be to migrate later if we wanted to change providers? Some board members had heard of situations where webhosts would not provide the website materials to the companies that generated them when they were fired, and the sites had to be completely recreated. We do not anticipate any problems of this nature but will ask again to be certain.

Motion by Wikle, support by Hardin to move forward with the provided contract with Revize (\$2,000 startup costs and a maximum \$225/month to migrate, redesign and host the township website pending favorable completion of reference checking.

Dunville is concerned with the increased emphasis on the e-newsletter because not everyone has a computer. She would like to continue sending a paper newsletter, perhaps in tax bills, at least once a year. Kladder can appreciate the concern, and noted that we can provide paper copies of the e-newsletter on request.

Motion carried by unanimous roll call vote.

3. **Action regarding outstanding Cherryland Electric Tax Tribunal cases:** Wikle summarized what she has learned about several pending Tax Tribunal cases related to personal property taxes paid by Cherryland Electric. Cherryland has offered to settle for 90% of the amount originally sought, but the cases involve many townships within the county and across the state and may set an important precedent as their request involves asking for an assessed valuation break prior to the date the valuation break was enacted by law. Michigan Townships Association may participate in the case due to the potential importance. Settling the case would result in a return of approximately \$17,000, approximately \$460 of which would come from the township with the rest being returned by the other taxing authorities such as the County and schools. Not settling would involve additional attorney fees. It is unlikely based on past history that any of the other taxing authorities would participate in the legal cost. Wikle recommends that the township accept the settlement, as the legal costs have already exceeded the potential loss.

Kladder observed that Green Lake Township has already settled with Cherryland; before accepting the settlement offer he would like to confer with Green Lake Supervisor Paul Biondo.

Motion by Scott, support by Takayama to settle with Cherryland, pending discussion between Kladder and Paul Biondo about settlement terms. Motion carried by unanimous roll call vote.

4. **TCAPS (including BATA) & Elk Rapids School District Tax Collection Agreements:** The Traverse City and Elk Rapids school districts have proposed 3-year renewal agreements whereby they would reimburse us \$2.50/parcel to include their tax levies in our summer tax bills. This rate is consistent with last year's rate. One change is that BATA would like to move from winter to summer tax collection for cash flow reasons, and the TCAPS contract seeks to include collection of summer BATA taxes at no additional cost per parcel. Wikle stated that most of the other townships in the county were told that if they didn't agree to the proposed contract, BATA would bill separately and people would be upset over receiving 3 tax bills a year rather than 2.

Motion by Wikle, support by Dunville to approve the tax collection agreements with TCAPS/BATA and Elk Rapids. Motion carried by unanimous roll call vote.

- J. **PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:** Fred Campbell stated that the REO building is about 8,700 sq. ft. If more than 250 people are in the building it must have fire suppression. If it is more than 3,500 sq. ft. there must be firewalls that create separate segments in the structure to eliminate the requirement for fire suppression. He ran through calculations for how many people may occupy a given space based on a given occupancy level. If the use of the structure is not changed, it would remain an office use and the change would be a remodel only. If the structure goes to a mixture of assembly and office use then bringing everything up to code might be required, unless the assembly use is clearly accessory and fairly small. He estimated the cost for fire suppression at \$40,000 plus \$25,000 for a wellhead. That was for new construction; retrofitting might be more. It may be possible to sprinkle only some of the building. Using firewalls to segregate the assembly area would be cheaper than installing a fire suppression system.

Meeting adjourned at 10:15 p.m.