



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday August 14, 2012, 7:00 p.m.

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 p.m.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wikle, F. Zarafonitis
Members excused: None
Staff present: S. Vreeland, Township Manager/Recording Secretary
J. Jocks, Township Counsel

A. STUDY SESSION: None

B. LIMITED PUBLIC COMMENT:

Gail Trill, 7174 Deepwater Point Road, stated that for weeks she has been awakened by fireworks at all hours, and that her neighbors' sleep and pets have been disturbed as well. Fire danger has also been high much of the time lately. She hopes that the Board will restrict the use of fireworks to the maximum extent possible.

C. APPROVAL OF AGENDA: Item L2 is not ready for discussion this evening and may be removed from the agenda.

Motion by Zarafonitis, support by Wikle to approve the agenda as amended. Motion carried unanimously.

D. INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

E. CONSENT CALENDAR: Motion by Scott, support by Dunville to approve the Consent Calendar as amended to remove the Board meeting minutes for discussion and approval, including:

RECEIVE AND FILE:

1. [Treasurer's Report](#) as of June 2012
2. [Clerk's Report](#) as of 08/03/12
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission [07/30/12](#)
 - b. Parks & Rec Advisory [07/26/12](#)
 - c. Shoreline Advisory [07/18/12](#)
 - d. Placemaking Leadership Team [07/12/12](#)
4. [Parks and Maintenance Report](#) – Tom Henkel
5. ["The Metro Insider" Newsletter July 2012](#)

ACTION – Consider approval:

6. Township Board meeting minutes of [07/03/12](#)
7. [Accounts Payable](#) of \$178,992.01 through 08/03/12 (recommend approval: Dunville)
8. Approve [Japanese Knotweed Eradication Project](#) with Conservation District

Motion carried by unanimous roll call vote.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

G. REPORTS:

1. [Sheriff's Report](#) – Mike Matteucci: received and filed.

2. **County Commissioner's Report – Larry Inman:** There will be a Board of Public Works Finance Committee meeting tomorrow. The County asked for a 30-day extension of their time to respond to the BIA questions regarding the Tribal Trust application. They approved a resolution in 2008, and had at that time expected some discussions between the County, Township and Tribe on an intergovernmental agreement. They are urging such agreement to be completed now. The County Road Commission appears unlikely to renew Manager Mary Gillis' contract in October, and the County Human Resources Director is being urged to pursue a nationwide search for her successor, similar to the one conducted for the County Administrator. An important FEMA meeting is coming up next week regarding flood map updating. This is important to all coastal communities and those with inland lakes. As a former banker he has seen the problems that can occur when coastal property owners have to deal with unnecessary flood insurance requirements, or don't have flood insurance when they need it. A new County Health Director, Wendy Trute, has been hired. Kladder and Vreeland participated in a conference call with FEMA last week, and the Zoning Administrator will be attending next week's meeting.

H. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. **Grand Traverse Band of Ottawa & Chippewa Indians:**
 - a. **Introduction of Tribal Chairman Al Pedwaydon:** Kladder introduced Chairman Pedwaydon to applause from the audience.
 - b. **Discuss [07-03-2012 Letter from BIA – Proposed Trust Acquisition of Land \(“Hoxsie Property”\)](#) and formulate response:** Vreeland summarized the packet materials, including a draft response to the BIA request for information about the potential impact of the trust status application on the community. Chairman Pedwaydon stated that the Tribe has no immediate plans for development of the property. Scott noted that the application materials state that the land will not be used for gaming purposes, and he asked if this was a firm commitment. Chairman Pedwaydon stated that the Tribe feels that the market for gaming is currently saturated with the current operations. Takayama asked about the requirements for trust applications, being of the impression that applications to place land in trust had to be for parcels contiguous to existing trust status parcels. The BIA letter notes that this is being processed as an “off-reservation application.” Many people are of the same impression as Takayama. Vreeland's discussions with Bill Rastetter, who is serving as legal counsel to the Tribe for this application, indicate that the basis for applying is that the property in question is within the land area subject to the Treaty of 1836. Takayama also asked about the potential loss of tax revenue. Vreeland noted that the grant program whereby 2% of electronic gaming revenue is granted by the Tribe to local units of government is intended to help replace such losses. The township has successfully requested 2% grants based on what would have been the tax revenues on the lands placed in trust at Turtle Creek for several years. Vreeland also noted that in 2008 when the Turtle Creek trust application was approved, the township, County and Tribe started negotiating an intergovernmental agreement in consideration of reduced tax revenues. Discussions have been stalled, much to Kladder's disappointment, but there are current efforts to move them forward to conclusion. Chairman Pedwaydon noted that the Tribe has contributed significantly to the community outside of the 2% grant program, with the most notable recent contribution being \$1.5 million to reconstruct Holiday Road. Kladder stressed the need for completion of the proposed intergovernmental agreement.

Motion by Dunville, support by Wikle to approve letter as drafted. Motion carried unanimously.

2. **Ian Cummings – [Approval for Eagle Scout project](#):** Mr. Cummings has met with Kladder and Henkel regarding performing an Eagle Scout project for Acme Township. He is a township resident and has often enjoyed the Yuba Creek Natural Area. After discussion with

Henkel and Kladder, he determined that the three information kiosks in the YCNA need to be re-stained, and the informational material inside the kiosk windows needs to be reprinted and updated. Weeding also needs to be done around the signs, and he would suggest placing gravel at the base to help reduce future weed growth. Kladder also suggested placing of some gravel around the donor recognition plaque at the US 31 scenic overlook. His proposed timeframe for completion would be 2-3 Saturdays in September starting September 8. The benefit to the community would be protection of the township's investment in the structures and aesthetic and informational improvement. Scott asked if the new stain would be a similar color as at present; it will. He also suggested placing some geotextile under the gravel to further inhibit weed growth. Kladder stated that Henkel would work with Mr. Cummings to select appropriate stains and other materials. Takayama offered to assist with materials procurement. Kladder asked Mr. Cummings to make a follow-up presentation at the conclusion of the project at the October Board meeting.

Motion by Dunville, support by Takayama to approve the Cummings Eagle Scout Project. Motion carried unanimously.

I. CORRESPONDENCE:

1. [Letter to Larry Inman, copied to township about Special Assessment](#) – **Acme Resident Richard C. Howard:** Zarafonitis read the letter aloud for the audience.
2. [Letter from Grand Traverse County DPW - intent to enactment of a special assessment on properties with septic or holding tanks;](#) Kladder read the letter aloud for the audience.
3. [Ambulance Service Report for July 2012;](#) Scott asked if the report could contain more detailed information about the type of assistance provided, such as whether it was a car accident or some other emergency, instead of simply stating “pre-hospital.” Kladder will forward the request to Northflight.

J. PUBLIC HEARINGS: None

K. NEW BUSINESS:

1. [Metro Emergency Service Budget 2013](#) – **Presenter Pat Parker:** Chief Parker reported that the first draft of the MESA budget proposes no increase to the 2.1 mills each township currently contributes to the authority. While tax revenues and property values have been decreasing for the last few years, there is cautious optimism that the trend is reversing. There are proposed salary increases in the range of 6-8% across various segments of the employment spectrum to bring wages in line with industry standards. Similar increases are projected for employee benefit costs. A request for a 24 hour/week IT/GIS worker is included along with the wages for a driver for the Acme ambulance. This last cost is directly reimbursed by the township. Replacement of a Station 8 fire truck is planned, with the current truck to be placed on reserve status instead of the existing 25-year old vehicle. The cost is expected to be \$130,000/year for 6 years, based on a loan at 3-4% interest. The budget requires 2.2 mills of funding, but rather than increasing the levy request they are proposing to use approximately \$174,000 of the over \$1 million fund balance.

Scott recognizes that one cannot budget for grants, while expressing the hope that MESA continues to seek grant funding as appropriate. Chief Parker stated that the authority is constantly applying for funding from a variety of sources including FEMA and the Tribal 2% grant program.

Hardin asked how accurate the current GIS maps are for emergency calls. Chief Parker stated that the County GIS data is extremely accurate. The new hire would help add to the current hazardous site mapping MESA keeps in house.

Motion by Dunville, support by Wikle to recommend approval of the MESA 2013

budget as presented. Motion carried unanimously.

2. **Resolution Authorizing Refunding of County/Acme/East Bay/Peninsula Series 2003 Sewer and Water Project Bonds**: Wikle reported that one of the outstanding bond obligations of the township is as a point where it could be paid off. It is a shared bond issued through the county in which several other townships such as East Bay and Peninsula participated for water and sewer improvements. Savings to the township would be approximately \$29,000 over allowing the bond to run its course. The other townships are planning to refinance their portions of the bond, but Acme is in a position to pay its share off entirely. The total payoff amount will be approximately \$336,000. There is over \$800,000 in the Sewer & Water Fund, with a significant infusion expected from Meijer within several weeks.

Motion by Dunville, support by Wikle to adopt Resolution R-2012-15 authorizing the 2003 Sewer and Water Project Bond refunding as presented. Motion carried by unanimous roll call vote.

3. **Proposed Zoning Ordinance Amendment 020 – Loading and Unloading Spaces**: Vreeland summarized the proposed ordinance amendment. Wikle recalls from her time on the Commission that is a needed reduction in the loading space requirements.

Motion by Takayama, support by Zarafonitis to approve Amendment 020 as presented. Motion carried unanimously.

4. **Proposed Zoning Ordinance Amendment 021 – Public Assembly Uses**: Vreeland summarized the proposed ordinance amendment.

Motion by Wikle, support by Takayama to approve Amendment 021 as presented. Motion carried unanimously.

5. **Storage building on former Knollwood Property**: Kladder noted that the building in question is a former motel unit retained at the southwest corner of the Shoreline Phase I project area, at the former Knollwood property. The Buildings & Grounds Manager asked that this building be retained for him to use to store park equipment and materials. The Bay Villa Condominiums are immediately adjacent to the retained building and their association has expressed concern about the condition and appearance of the building. Henkel has provided four options for the future of the building ranging from repair in house at an estimated cost of \$3,000 for materials, repair by contractor at a cost of up to \$10,000, construction of a new building elsewhere in the park at a cost of \$25,000 plus utilities and current building deconstruction, or removal of existing building without installation of new building. Each option has a time cost and a timeline as well.

Evart Stewart, Secretary of the Bay Villa Condominium Association asserted that to date nothing has been stored in the building, and that over the past winter items were stored outside of it. Improving the appearance of the building would be a significant benefit both to the residential neighbors and the general public, particularly when it becomes more visible when the Hoxsie House is relocated.

Kladder agrees that it is an eyesore. Takayama stated that he went to the building and finds it solid and mostly in good exterior condition except for the roof, facia and siding on the south side of the building facing the condos. If that side of the building is fixed up it would make a significant improvement very quickly. He also feels that the building is solid and attractive enough on the north side that storage might be a waste of an opportunity for changing rooms or a concession stand. The vinyl siding could be removed and replaced with materials that would be more consistent with the future park design. He would rather not install the double door, opting instead to build an additional small storage building elsewhere in the park.

Consensus was reached to ask Henkel to bring a detailed cost and timeline estimate for fixing the roof, fascia and south side, and also detailed cost estimates for long-term refurbishment for either storage or public use. option 1, the refurbishment of the building, to the September board meeting. This could potentially include the authorization of overtime pay to ensure the work happens quickly. Juan Hernandez, the Bayside Park worker could be delegated to do the painting.

Motion by Takayama, support by Zarafonitis to obtain three bids for roof and fascia repair from insured contractors, and having parks staff painting the south end of the building. The Supervisor and Manager are authorized to consider the bids and let the contract at a cost not to exceed \$4,200. If the cost estimates are higher, the bids are to be brought to the September Board meeting for approval. Motion carried by unanimous roll call vote.

6. **Township Fund Balance Allocation Resolution:** Kladder summarized the proposed fund balance allocation resolution prepared by Wikle, which would update the resolution adopted in 2011 to comply with GASB rules. This resolution discusses the balance in each township fund and specifies how it is to be allocated. It was suggested that the wording “Hoxsie House Relocation” should be changed to “Hoxsie House land restoration” as this money will be used to restore the site once the house is removed. Vreeland noted a sentence in the latter portion of the document which specifies that the resolution provides a guideline for how various township funds must or may be used, but does not require that they actually be expended.

Motion by Dunville, support by Zarafonitis to adopt Fund Balance Resolution R-2012-16 as amended. Motion carried by unanimous roll call vote.

7. **Proposed Shoreline Preservation FAQ :** Jean Aukerman and Pat Salathiel from the Shoreline Advisory were present to answer any questions regarding the proposed FAQ sheet. The Shoreline Advisory is recommending that this be used as THE document with answers to question that have been posed throughout the community to advisory members, to ensure that answers are communicated accurately and consistently. They recommend that the document be reviewed occasionally to ensure it remains current, and that if anyone becomes aware of questions that should be added they advise Kathleen Guy and Fran Gingras, the Shoreline Advisory co-chairs. She also asked if the Board would authorize the Supervisor and Manager to approve any future revisions to the document, and encouraged the creation of similar documents for all the township advisories. She offered to help create them as desired. The Board expressed appreciation for the effort involved in compiling the information. Scott agreed that all committees should have a similar document along with their mission statements. It might help potential volunteers understand what they are signing up for, as well as helping the community at large. Takayama suggested this would be an excellent piece to distribute at the upcoming placemaking open house. Hardin recommended that updates to the document be flagged so people could skip to the new parts.

Motion by Dunville, support by Takayama to adopt the Shoreline Preservation FAQ as presented. Motion carried unanimously.

8. **Proposed Placemaking Open House Postcard Mailing:** There will be a public open house on Tuesday, August 28 from 4 – 7 p.m. at the Williamsburg Dinner Theater. People can drop by to see the work done on the shoreline district placemaking project to date and talk with the planners. To date we have been advertising the process and public input opportunities through press releases, the township e-newsletter, press releases and dedicated website <http://www.acmeshores.org>. No one way of communicating public events reaches everyone. The Placemaking Leadership Team wants to ensure that we reach and engage as many people as possible, and is recommending a postcard mailing to all township property owners. Our consultant estimated the cost for mailing 2,500 pieces at about \$1,200. Funding could come

either from money appropriated for the master plan update, since the placemaking output will be incorporated into the master plan, or from money appropriated for new urbanist planning.

Motion by Wikle, support by Scott to approve the cost of printing and mailing 2,500 postcards for the Placemaking open house on August 28 not to exceed \$1,200, to be paid from the Planning & Zoning Planner Services (New Urbanist) line item.. Motion carried by unanimous roll call vote.

9. **Planning Commission Appointment:** Kladder has interviewed four candidates and is nominating Pleasant Ridge resident Trae Forgette to fill the vacant Planning Commission 3-year term expiring July 2015.

Motion by Dunville, support by Scott to appoint Trae Forgette to a 3-year Planning Commission term expiring July 2015

L. OLD BUSINESS:

1. **Fireworks Ordinance:** Vreeland and Jocks summarized the proposed ordinance, which would entirely ban the use of consumer fireworks except for 10 federal holidays and the days immediately preceding and following. There is some debate about whether or not townships have the ability to regulate other factors such as hours or setbacks on those 30 days. Jocks recommends a strict interpretation of the state law, which indicates that the township shall not regulate the use of consumer fireworks on those days. Scott asked simply specifying that fireworks are allowed only on the minimum days permitted by state law so that if the definition in state law changes over time our ordinance does not need to be amended. Jocks stated that this type of language can seem vague to citizens seeking to understand the ordinance. It is unknown at this time the extent to which the County and Sheriff's Department will allow our deputy to assist in enforcement.

David Kipley, 30-year resident of Springbrook Hills and owner of a 200-acre tract of land has been a lifelong fan of fireworks. He was taught how to handle them safely as a child by his father. He is concerned that this ordinance is about hunting rights. Mr. Kipley said that many days, a resident of Hampshire Hills fires at least 50 rounds of ammunition in what might be a private hunting range. How can people tell the difference between gunshots and fireworks? Or between bottle rockets and fireworks? To him the issue is noise more than the fireworks.

Scott is concerned about how easy it might be for Deputy Matteucci to enforce the ordinance. The Supervisor and Manager will talk to the county in this regard.

Motion by Takayama, support by Zarafonitis to adopt Ordinance 2012-04. Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Takayama, Wikle, Zarafonitis) and 1 opposed (Scott)

2. **MOU Grand Traverse Regional Land Conservancy:**

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

Today Kladder attended a meeting regarding potential cooperation or merger of the City Fire Department and MESA. Much additional work needs to be done on this issue.

Meeting adjourned at 9:04 p.m.