



**ACME TOWNSHIP BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, January 6, 2015, 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 7:00 p.m.

Members present: J. Aukerman, C. Dye, A. Jenema, G. LaPointe, J. Zollinger
Members excused: P. Scott, D. White
Staff present: J. Jocks, Legal Counsel
N. Edwardson, Recording Secretary

A. LIMITED PUBLIC COMMENT:

T. Phillips, 2986 Wild Juniper Trl, would like to see "Old Business" addressed first on the agenda. Phillips stated some of our meetings last so long we get bogged down with the new business that the old business is put aside. He also had questions on the Freedom of Information Act (FOIA) but would address at that time on the agenda.

B. Kelley, Ridgecrest, read a prepared statement into record which is attached to the minutes.

Supervisor, Zollinger, addressed the FOIA statements made by Kelley and informed Kelley that construction drawings are available at the township. Zollinger also addressed the issue of algae on a December 27th visit by Kelley. Dr. Grobbel did not find any such issue with algae. Grobbel's report is on our website. Zollinger commented on trespassing on others property.

A. Ruggirello, 7874 Turnberry Circle, expressed his frustration with the continuous discussion on the VGT site. This is a construction site not an erector set, pieces are not marked A or B you have to deal with things as they come along. Ruggirello asked the Board to stop wasting taxpayers money on useless reports from individuals who have no expertise.

D. Hoxsie, M-72, commented that he would like to second Ruggirello's remarks. Hoxsie talked with the engineers today and asked what was happening and was told that everything was fine. Hoxsie also commented that this information is on the website.

Trustee, LaPointe, commented that if a citizen has a concern, by all means express the concerns. He did not agree with paying for services on a citizen's concern. A citizen could do it on their dime.

T. Phillips, 2986 Wild Juniper Trl, did not want the citizenry to be discouraged.

R. Evina, 6075 Arabian Ln, expressed his frustration with the continuous discussion on the VGT site. He pays taxes on three businesses and his home. He believes the developer is doing the best he can to keep our waterways healthy. He does not believe a citizen from the Township should be interfering with what the experts are doing. This costs the taxpayer money.

C. Abernethy, 4312 Westridge Dr, stated that is was very wrong to use this as a forum to cut people down on the part of the audience or the Board.

Trustee, Aukerman, commented that the public has that right to speak about anything on their mind during Public Comment and we need to honor that. Secondly, Aukerman stated that she has taken a lot of her time to study water quality because the big question in the room has been what is the impact on Acme Creek and the Bay. The recent water testing has shown no impact. Aukerman would encourage citizens with concerns to look for information that is out there.

Public comment closed

B. APPROVAL OF AGENDA:

Zollinger would like to add one item to New Business #6 regarding Holiday Hills funding. Dye would like to add under Old Business # 3 Clerk's update regarding the rules and procedures for conducting Board business.

Motion by LaPointe, seconded by Jenema to approve the agenda with the additional two items to Old and New Business. Motion carried by unanimous vote.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. CONSENT CALENDAR: The purpose is to expedite business by grouping non-controversial items together for one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

1. RECEIVE AND FILE:

- a. **Treasurer's Report**
- b. **Clerk's Revenue/Expenditure Report and Balance Sheet**
- c. **Draft Unapproved Meeting Minutes:**
 1. **Planning Commission 12/08/14**
 2. **Parks & Rec Advisory 11/5/14**
- d. **Metro Fire Newsletter – December 2014**
- e. **Parks and Maintenance Report – Tom Henkel**
- f. **Zoning Report – Lennox**
- g. **New Budget amendments Resolution Template**
- h. **2015 Planning Commission Meetings Schedule**

2. APPROVAL:

1. **Township Board Special meeting minutes of 11/25/14 and 12/11/14 and Regular Meeting 12/2/14**
2. **Accounts Payable Prepaid of \$7,363.68 and Current to be approved of \$49,971.76 (Recommend approval: Cathy Dye, Clerk)**

E. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Zollinger requested the Zoning report Item F.

Motion by Dye, seconded by Jenema to approve the Consent Calendar minus the Zoning Report, Item F. Motion carried by unanimous roll call vote.

Zollinger requested the Zoning Report pulled. He presented additional information on the land use permits that are issued. Additional revenue to the township for commercial and residential permits in the range of \$78,347.

Motion by LaPointe, seconded by Dye to approve the Zoning Report as presented. Motion carried by unanimous vote.

F. SPECIAL PRESENTATIONS/DISCUSSIONS: None

G. REPORTS: Received and filed

1. **Sheriff's Report – Deputy: Ken Chubb**
2. **County Commissioner's Report - Crawford**
3. **Road commission report - Mouser**

H. CORRESPONDENCE: None

I. PUBLIC HEARING: None

LaPointe commented on a recent email from B. Garvey, 6377 Deepwater Point Rd, in which Garvey expressed concerns with Acme Creek/Bay and water testing and perhaps a community lack of trust in the developers. LaPointe was disappointed in the statement regarding the developer. LaPointe stated that the developer has gone above and beyond to do things right.

J. NEW BUSINESS:

1. Approval of Ordinance Amendment #33 to 7.5.6 to add Native Plantings

Planning Commission, Chair, Wentzloff, was present to talk about the proposed ordinance amendment. She stated this ordinance promotes the use of native plant materials, and discourages the use of invasive plant materials. Acme Township will use the "Recommended Planting Guidelines for Municipalities" as published by the Northwest Michigan Invasive Species Network.

Motion by LaPointe, seconded by Jenema to approve Ordinance Amendment #33 to 7.5.6. to add Native Plantings. Motion carried by unanimous vote.

2. Board of Review recommended appointments for 2015-Zollinger

Zollinger recommended three appointments to the Board of Review for terms of office from January 1, 2015 through December 31, 2016. Toni Morrison, Karly Wentzloff and Dean Frick.

Motion by Jenema, seconded by Aukerman to approve the appointments of Morrison, Wentzloff and Frick to the Board of Review. Motion carried by unanimous vote.

3. Presentation on Hammond/Hartman road Extension-C Korn Garfield Twp.

Korn, Garfield Township Supervisor, was in attendance seeking support and a Resolution of support on the Hammond/Hartman Road Extension. Korn stated that this has been a long controversial subject. There are a lot of misconceptions. The project will reconnect over 160 miles of free-flowing cold-water stream and restore hundreds of acres of wetlands and upland habitat. Discussion followed.

Motion by LaPointe, seconded by Jenema, to approve Resolution R-2015-1 in support of Hartman-Hammond Bridge with additional verbiage. Motion carried unanimously.

4. Possible changes to Acme FOIA procedures-LaPointe

LaPointe has been reviewing Acme Township as well as other townships FOIA procedures. Now Gov. Snyder is poised to sign new amendments to the FOIA which will put more responsibility on the Township. Zollinger stated that with the information from LaPointe and Dye a draft FOIA procedure could be drawn up by Jocks and presented at a future Board meeting.

5. Resolution change to Burial Services Contract-Dye

Dye stated that on November 11, 2014, Jason Bostwick informed the Township that his company will no longer open and close gravesites in both Yuba and Acme cemeteries. Dye looked into other contractors and believes Blackmore Property Management out of Elk Rapids, is capable of and qualified to open and close gravesites for Acme Township.

Motion by Zollinger, seconded by LaPointe to approve Resolution R-2015-2 to approve the change to the Burial Services contract as presented. Motion carried by unanimous roll call vote.

6. Holiday Hills Area Subdivision Agreement to Fund Design costs

Zollinger reviewed agreement between Acme Township and the County Road Commission on fund design costs for the Holiday Hills Area Subdivision.

Motion by LaPointe, seconded by Jenema to enter into the Holiday Hills Subdivision agreement with the County Road Commission to Fund Design costs. Motion carried unanimously.

K. OLD BUSINESS:

1. Resolution 2015 for setting board meeting dates

Motion by Dye, seconded by Jenema to approve Resolution R-2015-3 setting the 2015 Board Meeting schedule. Motion carried by unanimous roll call vote.

2. Status on Sayler Park Boat launch Funds on hand and Grants applied for-Aukerman

Jean Aukerman updated the Board on the funding status for the Sayler Park Boat Launch project that she is working on with Acme's Parks & Recreation Advisory. Jean covered how much money has been donated and awarded through grants, and she also discussed her plans, working with the Parks & Recreation Advisory, for securing the remaining funds. Jay Zollinger discussed the tentative construction schedule which he has been working on with Acme's engineering firm of record, Gosling Czubak.

3. Clerk's Update

Dye gave an update on the 'Rules for Procedure'. Aukerman has been working with Dye and would like to have a draft ready for the February Board meeting.

Dye also commented that there will not be an election in February but one in May.

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

Adjourned at 9:20 pm

To: Acme Township Board of Trustees
From: Brian Kelley
Date: January 6, 2015

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Good evening,

There has been much interest among citizens regarding the final stormwater design plans for the VGT. The Planning Commission motion for approval on January 12, 2012 required that final versions of those plans, including the creek monitoring plans, be submitted before Acme granted a Land Use Permit, or construction began. Jay Zollinger was the Chairman of the PC at that time.

I wanted to see those plans, so I submitted a FOIA to township. When I arrived to view the documents on December 29, I was told that they were not available and that they were still being produced. Still being produced?

How is it that a land use permit was issued by township without those documents? How is it that the planning commission and this board approved in May 2014 that store construction could begin, while the township did not even have final plans yet?

When I was verbally told that the plans were not available. I followed up with an email, asking the township FOIA coordinator to acknowledge that the documents were not available, and explain why they were not provided, but have not received a reply. The state law that governs FOIA requests requires that entities give explanations when they do not return requested documents.

The Acme Board of Trustees approved the requirement that those plans be provided to township before the LUP was issued. Citizens and Planners should not need to wonder whether conditional approval controls on projects are being enforced. They should not need to file FOIAs to learn facts that should be pro-actively shared.

How did this occur?

Another part of item #1 was a plan for monitoring Acme creek. Apparently we still don't have that. Of course that plan assumed that everything on the construction site went perfectly. And while we still need that plan, what we need right now is an enhanced monitoring plan. Township trustees spoke about this at the October 2nd meeting, but here we are, 3 months later, and we still don't have that. This must come from the Township. Not from DEQ, and not from County.

The township should ask Dr. Chris Grobbel for a recommendation on an enhanced monitoring plan. But what we need is action. After much talk, and hand waving, this Board has not followed through.

This problem has not gone away. On December 27 there was significant discharge into Acme creek. It was worse than at any time observed in November or December. The concentration of clay levels in the discharge significantly increased, reversing a previous trend of improvement. On December 14, the new creek algae growth observed on Nov 30, was observed to have significantly spread.

Thank you,

Brian Kelley

01-12-12

Motion by Carstens, support by Yamaguchi that the Commission recommend that the Board accept Dr. Grobbel's recommendation that the stormwater management plan is suitable pending completion of 7 conditions:

- 1) final engineered drawings, detailed wetland maintenance/monitoring plans, revised stormwater calculations, hydrograph/retention times for each phase and respective wetland basins be provided and approved by Acme Township prior to construction and/or issuance of land use permit(s);
- 2) proposed wetland basins be "reshaped" or "naturalized" on final Phase I site plans to be representative of the concept presented in the December 22, 2011 conceptual stormwater plan;
- 3) copies of VGT's countersigned MDEQ Part 303 Wetland Permit #11280034P dated December 15, 2011 be provided to Acme Township;
- 4) copies of future Grand Traverse County stormwater management and soil erosion and sedimentation control permits be provided to Acme Township;
- 5) copies of the results of GourdieFraser's November 2011 soil investigation/percolation study be provided to Acme Township;
- 6) as built plans for all phases of proposed stormwater management systems be provided to Acme Township;
and
- 7) the stormwater basins adjacent to Lautner Road must be planted with a meadow mixture . Motion carried by unanimous roll call vote.