

**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Tuesday, February 3, 2004**

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: R. Agruda, D. Amon, D. Hoxsie, N. Knopf, C. Walter
Members excused: None

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

A. CONSENT CALENDAR

Motion by Hoxsie, support by Knopf to approve the Consent Calendar as printed, including:

RECEIVE AND FILE:

1. Treasurer's Report through December 31, 2003
2. Clerk's Report through January 2004
3. Draft unapproved minutes from January 26, 2004 Planning Commission meeting
4. Grand Traverse County Board of Commissioners 2004 Meeting Notice

ACTION:

4. Approval of Minutes from the January 6, 2004 regular Board meeting
5. Approval of Accounts Payable in the amount of \$38,294.44 through January 24, 2004

Motion carried unanimously.

B. LIMITED PUBLIC COMMENT : None

C. CORRESPONDENCE:

D. SUPERVISOR'S REPORT given by Amon: Amon provided a memo updating the Board on the DPW's activities regarding the septage treatment plan. He also reported that the TART is now open throughout its full length after installation of our new sewer line and MichCon's new gas lines. Future questions regarding who will repair paving are being negotiated between Porath Construction and MichCon. The trail will be widened to 10' between Four Mile and Holiday Hills Road. Amon reported that under new business he would like to schedule a special Board meeting during February to do a detailed year-to-date review of the budget and annual audit.

E. COUNTY COMMISSIONER'S REPORT given by Inman: Last Saturday the County Board spend the day at the Governmental Center doing some strategic planning, with help from MSUE's Jim Wiesing as moderator. They discussed strengths, weaknesses and challenges, and next month a full summary report will be available. The area they felt they needed to work on most is public information and relations. They would also like to resolve the jail and courthouse expansion and a 911 system upgrade this year, and plan to utilize a blue-ribbon panel of citizens to examine the situation and make recommendations as to how to proceed. The County received a grant from the state to perform a personal property audit. Most smaller townships declined to participate, so the City and Garfield Township are doing a random sampling to see if a more thorough investigation is worthwhile. Lewis Griffith stated that tonight's news says that the County has received \$20,000 towards the 911 upgrade. Inman responded that we are buying some used equipment from another municipality that is upgrading their system.

F. SHERIFF'S REPRESENTATIVE REPORT: Due to icy roads and crashes, Deputy Bedora is unable to leave road patrol to attend the meeting.

- G. METRO FIRE REPORT given by Agruda:** Nothing much to report this month, as the entire Metro Board attended the 51st annual MTA Educational Conference. Agruda thanked the Board for his opportunity to attend and hear some excellent educational sessions. He said he would put together a report regarding the sessions he attended and the ideas he brought back with him.
- H. ENGINEER'S REPORT given by Minster:** Completion of the new sewer line installation is expected by March 9. Control systems and upgrades are being installed to the pump station. Finish grading will be performed in the spring.
- I. ROAD COMMISSION REPORT given by Walter:** The Hartman-Hammond bypass is in limbo, but the Three Mile Road widening is proceeding well. There is discussion about changing the intersection of Carlisle and Hammond Road and the driveway to Centre ICE.
- J. BUILDINGS AND GROUNDS REPORT given by Henkel:** There has been much snow shoveling and many fire runs. The skating rink has been operating for about two weeks. One of the space heating furnaces in the fire hall failed in the middle of a deep cold spell. Repair would have cost \$1,800 plus labor, while the cost of the new one is about \$2,091 minus a refund on an old motor that was recently installed in the old unit. The replacement was accomplished within 24 hours. Henkel reported that the pneumatic garage door stops in the fire hall are worn and are being replaced as required by OSHA. He has also been researching some improvements to the kitchen. The counter and cabinets on the west wall would be removed and replaced with different units across the south wall. This would leave enough room to use the table in the kitchen as a small conference room space. For pre-finished cabinets and a stove/mini-fridge combination unit he has a price of around \$2,000, and he could install them himself (electricity and plumbing work would be hired out, and a new air circulating fan would be needed. The Board would like Henkel to continue to research prices on cabinets. Knopf agreed that some more small conference room space would be very welcome. She noted that there are funds available in several line items that could possibly cover the expenses involved.

Motion by Hoxsie, support by to expend up to \$5,000 from the capital improvements fund to renovate the kitchen and pay for the furnace installed in the fire hall. Motion carried by a vote of 4 in favor (Agruda, Amon, Hoxsie, Knopf) and 1 opposed (Walter).

- K. OFFICE & PLANNING COORDINATOR'S REPORT given by Corpe:** Corpe summarized her written report, and thanked the Board for the opportunity to attend the MTA Convention last week.
- L. ZONING ADMINISTRATOR'S REPORT given by Hull:** Hull also thanked the Board for funding his trip to the MTA Conference. He felt that the salesmanship at the trade show left a little to be desired. He felt that a lot of key issues were discussed that he felt would be beneficial for members of the boards and commissions to attend in future. The key item Hull reported on this month is operation of a used car lot on his residentially-zoned property at 5181 Lautner Road. Clearwater Auto and Recreational Sales, Hull says that no license for this business existed before late 2002. There is also a manual transmission/axle repair business also licensed by the state in late 2002. He reported that Corpe approached Mr. Griffith regarding this issue earlier in 2002 and that he indicated that he would not be cooperative in pursuing the situation. Hull has researched the existing special use permit for Acme Tool and Die for the property, finding no description beyond the business name itself of the type of activities performed by the business. The state also said that Lewis had to affirm that he had zoning approval to do business on his site and sent him the paperwork to make a complaint for false affirmation. If Mr. Griffith can demonstrate that he is in compliance, Hull will drop the issue. If not, he would like the Board to authorize further action and further contact with the Secretary of State.

Mr. Griffith stated that his property houses a grandfathered non-conforming business and has done so since 1963. He plans to stand on his position. Agruda asked for an explanation of

grandfathering. Christopherson explained no expand no change no discontinue. Agruda asked if Christopherson has reviewed the case to date. Christopherson has been discussing with Hull but has not performed a full investigation of the facts. Agruda commended Hull on the job he is doing, and while he does not favor having the township sue its citizens, he is absolutely willing to do so if a citizen is violating the ordinance. He is not personally acquainted with the facts of the case, and wishes to proceed cautiously and evenhandedly with any enforcement activity.

Knopf agreed with Agruda, but would like to have Christopherson investigate this case further. If it is determined that Mr. Griffith is in error about his grandfathered status, he would favor having the township uphold the ordinance. Amon asked Mr. Griffith if he would be cooperative in providing information that current board and staff might be too new to be aware of. Mr. Griffith indicated that he would be willing to work with Christopherson, but not with Hull. He feels that Hull is pursuing him because he is trying to prove himself as the "new kid on the block." Amon stated that he would like Corpe and Hull included in discussions about this issue.

Motion by Knopf, support by Agruda to forward this issue to legal counsel for further investigation. Motion carried unanimously.

M. PUBLIC HEARINGS: None

N. NEW BUSINESS

- 1. Approve letter to County Road Commission accepting the road system within Springbrook West:** Corpe gave a brief overview of the letter, which is apparently required by the Road Commission before they assume county control of the roads within the site condominium. Agruda asked if the issues regarding the connection between Springbrook West and Bunker Hill Road have been resolved. Walter reported that the issue of who will pay for realignment of Bunker Hill Road to improve clear sight distances has been resolved.

Lewis Griffith commented that there's a story on the news tonight about a house that burned down because rescue vehicles could not reach it in time.

The Board discussed whether signing the requested letter implies that a special assessment district will be created or that particular individuals will be asked to bear a portion of the costs relative to the proposed Bunker Hill Realignment. Walter explained that in this case, the Savages are paying some funds, Elmer's is contributing heavy machinery and the Road Commission is contributing materials. Agruda just wants to be certain because he does not want to form special assessment districts that cost many citizens many dollars so that some individuals can subdivide their property. Christopherson pointed out that not every special assessment district requested becomes approved, and Walter mentioned that public health, safety and welfare issues can be involved as well.

Motion by Walter, support by Hoxsie to authorize Amon and Knopf to sign the proposed letter. Motion carried unanimously.

- 2. Resolution for Open Space Fund:** Knopf reported that pursuant to recent discussions, we need to set up a fund to receive any funds contributed pursuant to our Ordinances to be dedicated to acquiring permanent conservation easements. Walter asked about relationship to TDR/PDR.

Motion by Hoxsie support by Knopf to adopt Resolution #R-2004-03. Motion carried unanimously.

- 3. Application for progress payment from Porath:** \$16,222.91 payment #4. The bill will be paid by the DPW out of the sewer bond funds. The project is on-budget at 70% complete.

Motion by Knopf, support by Walter to approve Progress Payment #4 to Porath in the amount of \$16,222.91. Motion carried unanimously.

4. **Special meeting date to discuss budgetary issues:** to be arranged when everyone can look at their calendars and will be posted outside the township hall and on the website according to the Open Meetings Act.

O. OLD BUSINESS

- 1. Receive status update report regarding waterfront recreation park study:** Ron Reinhold, Acme Village Boat Launch Committee, introduced some members of the committee formed by the Board who were present in the audience this evening. He also directed the Board's attention to a packet of materials about the current status of the project.

The objective of this phase of activity is to evaluate four potential boat launch sites and select one as a final candidate based on sound engineering principles. Phase I of the study, site evaluation, is nearly complete. At completion, the committee would like to hold a public hearing to discuss findings and gather input. Criteria for site selection include water depth/dredging needs, parcel size/need to acquire additional land, roadway access/traffic patterns, adjacent uses, wave attenuation, need for bottomland acquisition, and location relative to population centers.

The report contains some elementary schematics of possible site layouts. This phase of the project is only looking to evaluate the pros and cons of specific sites, but not the hypothetical layouts. The site that so far seems to have come out on top would stretch from the road end at the bottom of Bunker Hill Road south through the current MDOT Gilroy Park. He drew particular attention to drawings #10 and 6 as seeming to be very realistic layouts.

Mr. Reinhold heard Russ Clark, president of the County Parks & Recreation Board, say that usage of public parks facilities is expected to increase by 30% in the near future.

Walter asked how many launch ramps might be included in an eventual site. Reinhold responded that the committee feels that six ramps will be the required number. Knopf asked what the DEQ's response to a request for extensive piers and breakwalls out into the bay and dredging might be. Reinhold responded that there are features planned that aren't detailed in the plans, and that the plans can be easily tweaked. There would be room for a modest storage building, restrooms and fish cleaning stations nearby to share plumbing. There would be a boat wash-down area to help eliminate transference of zebra mussels between bodies of water. Walter recommended that landscaping be inserted into the plan prior to the public presentation. Needed dredging volumes can't be determined until soundings are taken. Some preliminary cost figures have been considered.

The committee has spoken with MDOT, which has expressed that this park is special to them because it is on the waterfront. Even so, they are willing to discuss a deal with us as long as an equal benefit to their "consumers" can be provided. This could be in terms of making it a better roadside park as well as a boating facility, in which case we might have a valuable partner when it comes to raising funding from the state. It could mean helping them acquire property elsewhere for a roadside park. The DNR and MDOT are both looking favorably on the plans to date, and the committee therefore feels that they will be strong advocates for us with the DEQ, EPA and Army Corps of Engineers. There is no prohibition on this sort of engineering on the public waterways, but the highest public interest must be considered. This is just one reason why every bit of every facility will be designed to be handicapped-accessible – right to the end of the piers.

Jim Minster stated that the depictions provided for the four sites under consideration maximize use of each site. The next step is to check back with the Board and make sure that everyone still wants to proceed, and also to discuss any issues. They will check with various agencies to see if any of the scenarios are totally impossible for any reason, and narrow the field.

Knopf asked about the intent of the boat slips shown on the plans, and whether they are intended for transients or long-term rental. Reinhold responded that they are courtesy landings so that people can park their boats while their fetch their trailers to take them out of the water, and not for any long-term or overnight purpose.

The committee is considering the question of user fees (if so, how much; should there be lower fees for township residents; should there be overnight moorings and fees, enforcement issues, etc.) Reinhold would like to contact the Watershed Council and John Nelson, the Baykeeper to see if there are issues to be addressed from their perspective.

Knopf asked how much of the construction out into the bay would be required for parking at the proposed 186 spaces. Jamie Wade, Gourdie Fraser, stated that somewhere between 40-60 feet out into the bay as drawn on the hypothetical plans might be parking. The total breakwall feature might extend about 250' into the bay.

Reinhold also wants to develop a statement as to how this plan fits into the townships Parks and Recreation Plan prior to a public hearing, as well as making a presentation to the Planning Commission at their February meeting to bring them up-to-date. Ballpark construction cost estimates will also be prepared prior to hearings, along with identification of some potential public funding sources and projection of the new revenues that might be generated in the local business community. Reinhold expects that we may be able to obtain a Waterways grant for up to 75% of total construction costs. It might also be possible to share ownership of the site and form a joint operating authority with neighboring townships. Walter asked that overnight hookup at the breakwall be explored as a potential revenue source. He suggested seasonal rental of parking slips, or possibly phased construction of parking.

Agruda asked about whether the launch would be township or state owned. If township owned, what are the liability issues if there is a significant fuel or other contaminant spill or dumping.

Reinhold would like to add two committee members: one financial expert to help with funding discussions, and one environmentalist who can alert the group to any red flags that might arise from that perspective.

Amon stated that he is impressed with the options and information presented. He noted that this type of development was high on the list of desires identified by the public for local recreation opportunities.

Reinhold mentioned that there has been discussion about using the facility for a variety of purposes, such as swimming and sunbathing. They have determined that these are mutually exclusive activities, particularly because one goal of such facilities is to limit wave action within them, while waves are a natural part of keeping beaches clean.

The entire board complimented the committee on their work to date and will look forward to another update at an upcoming Board meeting. Reinhold complimented Gourdie Fraser's team, particularly for their help when it comes to extremely complex issues.

2. **Discuss Whitewater Township Tobeco Creek water quality monitoring program:** Hoxsie likes the idea of charging an annual fee for helping with their testing. Agruda concurred. All would like to see us retain full ownership of the device. They would have to pay someone if they didn't pay us, so there should be some sort of fee involved. Walter would like to amortize the equipment over five years, and billing them for the amount of depreciation pro-rated for relative usage. He figures we will have to replace it within five years and/or update to more sophisticated equipment. A written contract should be put in place, Corpe to work with

Christopherson.

Motion by Walter, support by Agruda to charge Whitewater township based on an amortization schedule arranged by our accountant and the amount of use on an annual basis, including cost of chemicals and other materials. Any malfunctions and repairs would be added by adjustment at the end of each year. Motion carried unanimously.

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

1. An unidentified gentleman asked what we can say to the public about the status of litigation. Christopherson responded that the Johnson lawsuit is scheduled for trial during the last week of August. Currently we are putting together an administrative record regarding an appeal. No date for CCAT has been scheduled yet but should be granted soon, probably for slightly after the Johnson trial. Their brief will be filed tomorrow and we can respond within 21 days, so a hearing should be coming up within 60 days.
2. Jim Minster stated that Porath's third payment request wasn't received for approval by the last DPW hearing due to a scheduling problem having to do with the relative dates of our meeting, their meeting and projects going on at the DPW. The contractor has been awaiting payment for over a month already through no fault of their own. Would the township be willing to advance the funds and accept repayment from the bond fund when the BPW meets at the end of February. The Board was amenable.

Motion by Walter, support by Knopf to approve payment of the third progress payment to Porath construction from the Township Sewer Fund, which is to be reimbursed by proceeds from the County sewer bond issue. Motion carried unanimously.

Q. ENTER INTO CLOSED SESSION TO DISCUSS TRIAL STRATEGY RE: PENDING LITIGATION

Motion by Knopf, support by Hoxsie to enter into closed session to discuss trial strategy regarding the CCAT lawsuit. Motion carried unanimously.

Public meeting recessed at 9:15 p.m.

Public meeting reconvened at 10:03 p.m.

Motion by Knopf, support by Walter continue meeting past 10:00. Motion carried unanimously.

Knopf presented a proposed letter for mailing to all township landowners and residents. She and Corpe worked together to prepare the letter. If approved it will be sent to a printer for preparation and mailing as soon as possible. The Board took a moment to review the letter.

Motion by Hoxsie, support by Knopf to mail proposed letter to all township landowners and residents as presented. Motion carried unanimously.

Meeting adjourned 10:30 p.m.