

Peninsula Town Board
Regular Meeting
January 23, 2018, 7:00pm
Minutes

1. Call to Order by Manigold at 7:03 p.m.

2. Pledge

3. Roll Call Present: Manigold, Westphal, Bickle, Achorn, Wunsch

Absent: Sanders, Wahl.

Also present: Gordon Hayward, Assistant to the Planner, and Planner Brian VanDenBrand,

4. Brief Citizen Comments for items not on the agenda-None

5. Approve Agenda

Supervisor Manigold requested an amendment to the agenda to declare the old phone system as surplus at Item #7.

Motion to amend and approve the agenda by **Wunsch**, with a second by Bickle. **Passed Unam**

6. Conflict of Interest-None

7. Consent Agenda:

Any member of the Board, staff, or public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Meeting Minutes Approval – Town Board Regular Meeting of December 12, 2017, Town Board Regular Meeting of January 9, 2017.
2. Reports and announcements (as provided in packet)
 - A. Officers
 - B. Staff
3. Correspondence
4. Edit list of Invoices (recommend approval)
5. Approve additional part time hires at the Fire Department (3 new Officers).
6. Approve 3 days of training on BS&A software for Clerk's & Treasurer's Office staff.
7. Declare old phone system surplus

Nancy Heller, 3091 Blue Water Rd, Traverse City, MI 49686: Questioned the cost and number of people that will be attending the BS&A software training consent agenda item number **Westphal**: The training will be at the Township Office's and it is for five people for three days for just slightly over \$3000.00.

Requested by **Achorn** to have the Town Board Regular meeting minutes of December 12, 2017, postponed until she has the chance to review these minutes. Also the list of Invoice at Item #4, she did not have time for a final review of those invoices.

Bickle: Subject to final review and approval of the invoices, may we move forward with approving the consent agenda items? **Achorn:** yes.

Moved by **Wunsch** to approve the consent agenda as amended, with a second by **Bickle**,

Passed Unam

Achorn: Also asked for a correction of the January 9, 2017 Regular Township Meeting Minutes. Page 3 says, “**Achorn:** as the project goes along”; what I said was “if the project goes long”...that is, if it took longer than anticipated.

8. Business:

1. Discuss Adoption of the Park Master Plan, presented by Brian VanDenBrand.

VanDenBrand: To bring you up to speed, the DNR requires a five year Parks and Recreation Plan when we apply for grants. The plan that is before you tonight is an update of our 2010 plan. There are not a significant number of changes from the 2010 plan, but what we have done is to shift the “Pelizzari section” to an appendix. This shortens the plan significantly. It also allows us to incorporate the Bowers Harbor Park Plan as Appendix B. The final appendix would be just the documentation of our public hearings and our minutes of the adoption. Again this is necessary to qualify for a number of grant funding sources. It is not a funding commitment or a budget commitment, but rather, a general outline of where we want to go with our parks. The Park Commission has been working with this for quite some time, and now they are ready to recommend adoption of it by the Township Board. I have included a Resolution to that effect which was not included in your packet. What this Resolution does is closely follow the DNR's recommended motion for Resolutions of this nature. So that is before you tonight. I know that the Park Commission is here tonight to answer any questions that you may have.

Manigold: Do any of you (i.e., Park Commissioners present) wish to make a statement?

Anne Griffiths: There are two changes that you may notice as you read through it. First, we included language which specified our interest in working with the DNR to produce a plan that would be satisfactory to all concerning the interactions between Kelly Park and Haserot Beach. All we are doing at this point is acknowledging that the DNR has expressed interest; we are expressing our interest back. We are not planning on asking for any legal or binding regulations or recommendations between us and the DNR, but we are expressing an interest to the DNR in working with us concerning Kelly Park as we go forward. The only other thing that is probably a little different from 2010 is that we have received a lot of input from trails people. They would like to see us working towards the situation of removing bikes and pedestrians off of the roads and on to a trail system to get up and down the Peninsula. This is to save their lives and avoid accidents. Overall, I think those are the only two

significant changes from the previous document. **VanDenBrand:** Ann pointed out the relationship between Haserot and Kelly Park and the public interest in a trail system. What we don't have is a detailed trail plan yet, which I would hope to work towards. It is important to realize that the point of this plan is to make sure that if a grant opportunity pops up, we can go for it. We can always amend this plan, a month out from now if necessary. This plan qualifies you for DNR grant funding opportunities.

Manigold; Any questions of the Park Board or of Brian?

Achorn: I have a question on page 13, it names Bowers Harbor Park. It says that the Township has explored the possibility of acquiring additional property adjacent to the Bowers Harbor Park. Where is that?

VanDenBrand: The Township has acquired additional property is what it is should say.

Achorn: On the Dougherty House, it reads "The Township has established an endowment fund for long term needs and programming at the home". I have not seen anything.

Manigold: That fund is at the Grand Traverse Regional Community Foundation.

Meihn: Correct.

Achorn: And then on page 17, in the right column, "the Lighthouse Park is now available by reservation for a fee for special events". I was not aware of that.

Griffths: There is no established fee mechanism for events. There used to be weddings, but weddings are no longer scheduled. There is no mechanism for anyone to have an event at the lighthouse.

Achorn: So this should be removed?

Griffith: Yes.

Griffths: Thank you. I would point out in the diagram on page 11, it list the "Recreation Commission" by name; it should read "Park Commission".

Westphal: I have a number of corrections as well. First of all where are the appendices that were referred to throughout this document?

VanDenBrand: Here is one; this is the Pelizzari Park Plan that was already adopted by the Board. We are incorporating this for reference.

Westphal; If that is an appendix document, then it needs to be incorporated in the Parks Master Plan document.

VanDenBrand; Here is a copy.

Westphal; Starting on page 4 of the Park Master Plan, under "Goals, Objectives and Action Program", there is a minor typo, but it stops with the bold face stuff and starts a new sentence. It is important that you stay consistent formatting a document like this. Use the format that you have in the above paragraphs.

VanDenBrand: I didn't get catch that could you please repeat that JoAnne.

Westphal: Page 4, under E: Goals, Objectives and Action Program. You introduce a format that you started with in A-D and then you break from it, by bringing in a sentence after that bold face. The document needs to stay consistent in format. On page 2, under paragraph 5, at the very end the document reads “Park Commission meetings were held in the summer of 2017 into the winter of 2018 to discuss the development the time the plan time line, content and goals to encourage leadership participation and public input.” This is a run-on sentence that is difficult to follow. It needs to be written more clearly. For example, what is leadership participation? Is it a program, leadership by who or what?

Wunsch: leadership comma – participation.

Griffiths: Right.

Westphal: Okay. Then you refer at the bottom paragraph, on the same page, left hand column, page 5 “A summary of the public comment which was received is included in appendix D.” There is no appendix D so how do you know what.... interrupted by...

Griffiths: There are no appendices in this plan, are there Brian?

VanDenBrand: There will be.

Griffith's: I know that there are appendices, but I don't think that they are in this document.

VanDenBrand: They are not in this document.

Manigold: You said the minutes for the Resolution would be attached.

VanDenBrand: That was part of the housekeeping side so if you prefer to see that public comment before you adopt this.

Westphal: Actually, it would be nice to see the public comment so that I know how many people participated and attended the public hearings. Then I will have a sense of just exactly how much public input we have on this document.

VanDenBrand: Okay.

Achorn: Perhaps, the Commission members could tell us.

Griffiths: We do have minutes that are recorded. I think it would be most appropriate to provide you with a copy of the whole attendance, and let you go at it so you can move forward on accepting these documents.

Westphal: Also, I went on-line to census.gov and updated your population for the Township in 2016, it was 5,831. That is <www.census.gov>.

Achorn: Where is that?

Westphal: On page 6, left hand column in the second paragraph down.

Achorn: What was the number?

Westphal: 5,831.

Achorn: In 2010?

Westphal: No, 2016. By the way, the Old Mission Peninsula ranges from 1 to 4 ½ miles wide, and extends 17 miles into Grand Traverse Bay, based on research that we have done at Michigan State.

Achorn: Where is that?

Westphal: That is on page 7, right hand column under “Physical Features” in the first paragraph.

Achorn: Range is what?

Westphal: The range is 1 to 4.5 miles wide, and extends 17 miles into Grand Traverse Bay. Westphal went on to suggest several more areas where clarity of the text, omissions in the data, and oversights in the document leads her to suggest that the Board hold off on approving this plan until it is complete and accurate in content. We need to see what the appendices are, and what the data from the public hearings includes. It is especially important to know who participated, how many people participated, and what their input was. This park plan told me that the township is due for a public survey again, that includes parks in addition to a number of other things that feed into the Township’s Master Plan. If the last Park Plan was written in 2010, it is about time that we do get some serious public input not only on the parks but other things. For example, we need to know how people feel about PDR and other things that are important to the township and feed into the Park Plan by providing open space and scenic views. We really don’t have current data on many of the issues that make this place special.

Meihn: Madam Board member, I would also suggest in line with what your requesting, given that you have to get this submitted to the DNR in March, the last opportunity that you are going to have to approve this Park Plan will be in one of your February meetings. It would be incumbent that the people that are furnishing this information, get this information to the Board immediately. It is important that information for Town Board approval is there in time for a thorough review, so the Board is able to come to a meeting and ask questions. I would hate for the Township to miss that March deadline.

VanDenBrand: What I think that we should do, is to present a clean version at your first meeting in February. We will include all the appendices and get the necessary corrections for you. Then move forward with it to the DNR. What we were trying to do is qualify for the next DNR funding cycle.

Westphal: The problem is that people like me will pick the weaknesses of a document like this if we are on a review panel. We have two more meetings in February before the March 1st deadline. We need to do a quality job so we have an inside track of a high quality documentation put forth to the DNR. I know that we have very good relationships with the DNR but other people will review this besides the DNR Officer, and I think we want to have the best product that we can put out there.

VandenBrand: I agree and like I said I realize that it is not perfect. We wanted to get it through the Park Commission and through you guys so that you can see the general direction that we are going in knowing full well that you would probably have some stuff that you would want us to fix.

Manigold; We have the time to make these corrections. The critical date for a Michigan Land Trust grant is April 1st. The good news is that we have going against many of the Township's throughout Michigan that are in bad financial states; they cannot come up with the 25 percent match. This puts us in a very good position. There has been talk about changing the toilets at the lighthouse; we have Bowers Harbor improvements that we can make a grant for monies. So it is important that we get this plan completed and submitted. We are going to be meeting in a study session tomorrow and the following Wednesday, so we could put it on one of those meetings, if you can get all the changes that were presented tonight. We can start working then on the grant proposals. That would be my suggestion.

Westphal; I think that it is more practical that instead of putting this on the agenda for the study session, which we can do, I would suggest that we try to target the first meeting in February that we have for the Town Board and have it done well.

Bickle; Or as soon as it is available before February.

Manigold; Greg said that the changes could be done very quickly so that is what I am saying. I don't want a half done job either. I want it perfect but we do have that week from tomorrow that we could put it on too.

Achorn; I suggest that since Jo knows so much about this type of publication that she work closely with the Park Commission to make those minor changes. She can review it again before our next board meeting, so at that board meeting it will be ready to go.

Wunsch; I have two minor changes. At the top of page 5, it should read Michigan Department of Natural Resources and the Michigan Department of Environmental Quality. You consistently used DNR throughout the rest of the document. One other suggestion is to include data on the high volume of tourists from outside our community that use our parks. That may improve the appeal to any DNR Commissioners who are not familiar with our area but are going to read this. DNR gives funds when applied in Northwest Michigan to help a much broader community when they have suburban parks downstate.

Achorn; We do have documentation as to how many people visit the lighthouse which is readily available.

Snow: It was approximately 46,000 this past year.

Achorn: That information could be incorporated into one of the appendices.

Westphal: Was that just the lighthouse?

Snow: Yes.

Bickle: Those are only the people that signed the guest book. That is a quantifiable number, and it is fair to assume that it could be another 10 to 15 thousand that are just casual tourists.

Westphal; You know that your guest registration book at the lighthouse could be expanded to your other park areas too. A lot of parks have these little entrance boxes that ask people to tell them where a person is from, with a slot in the box where they can put their information

in without other people seeing it. I think every one of your parks should have that at their entrances. I am stunned when I go by Pelizzari Park and there isn't a day or a time when I go by) that there isn't at least one car in the parking lot, if not ten. I have been amazed at the number of people that use that park at all times of the day, well into the evening, all days of the week and all season long. I think that would be really good data that you could gather and not spend any money, except for the registration stands, pencils, and papers for people to sign. I think it would help us document use. If you want to go to a survey format, then I would get Michigan State University's Recreation and Parks Department to help the Parks Commission do a survey.

Snow: That would help us document how well the parks are used in a quantified, accurate way would be very helpful.

Westphal: I also think that you also need to update your census data. Include the public hearing data that you have. Tell your potential funding agencies, about the people at the public hearings. What did they say? Who were they? What did they think you did well? You don't have to say what they thought you may not have done well. It shows that you're documenting what we are signing off on with the Resolution.

Manigold: I guess we will be requiring a motion to table?

Bickle: Do you want to say 'or as soon as available'? If this gets done in five days so I would do an amended motion.

Moved by **Wunsch** to table the Parks Plan until our next regular meeting or as soon as available, second by **Westphal**.

Passed Unam

2. **Approval of the Written Findings of Fact and Motion on 'the 81" Public Hearing of 12/12/2017 (Meihn);**

Meihn: As the Board will recall on December 12, 2017, I, in concert with Tim Wilhelm, put together a Findings of Fact. After each Findings of Fact, there was a vote.

At the end there was a motion that culminated in a vote on all of the Findings of Fact and the conditions that the Board had discussed in the workshop and other things to consider. We went through that meeting, item by item. With regard to each item, we also then indicated which conditions were going to be required. Those that voted 'Yes' voted that the Findings of Fact were true and accurate and had been approved. Those that voted 'No', to protect those people who objected, I attached the transcript. The only difference in the Findings of Fact that we have presented to you today for affirmation are the vote, who made the motion on each of the individual items, and the reference to the people that objected and as to each objection. We also made reference to conditions that are both in the transcript and at the end of the motion.

This is way a reader such as yourself or the public will see who voted yes or no or who objected. They know where to go to see what those objections are because it is in the transcript, and they will also know that there are conditions upon which that approval was made by the members that voted 'yes' and those conditions can be found in two places the transcript that is attached and at the end of the motion. I found as I did many different reiterations of this, that staying true to what was essentially presented to you on the 12th was what we needed to do. At the end, we have our motion with conditions that you articulated. Essentially what I am asking you to do today is to not to approve that which you have already approved on December 12, 2017, but to approve the document which reflects the decisions that you made and the changes that I had to make to the document that was submitted on the

12th. Again I just want everyone to know that this is not usual. I think that when you have an important vote like this, you attach the transcript. This allows the people that will take over for you in the future to see what you have done and to know why you have done it. For those that objected and wanted their voices heard and not to be lost in the midst of a motion, it is there; and those that have voted positively, who also asserted their reasons, it is there also. In addition if there is any appeal, of this will be immensely helpful to us. It was really designed to protect the public, the Board and everybody involved. I would respectfully ask the Board at this point and time to put forth a motion to reaffirm or affirm the document that has been presented to you as reflecting the decision of the Board that was made on December 12, 2017, and then to adopt that document. With that said., ‘thank you’.

Manigold: The first question that I have is who ordered the other document? Did Judge Power do that?

Bickle: You mean the transcript. Did the Court order the transcriber?

Meihn: No. The transcript of our December 12th meeting was done by two people. It was done by Mr. Rowe and his people, and it was done by Mr. Meihn through the disk that was provided to me from Christina. I then sent it to a Court recorder to have it transcribed, so that we would have an actual paper record. This is because writings are more important than digital recordings. A disk will go away and is lost forever. I think that the transcript is more important.

Bickle: I think that you (Manigold) are asking about the woman that was actually taking the...

Meihn: That was not ordered by anybody. That was Mr. Rowe doing it for purposes, if I were Mr. Rowe, for purposes of being able to either defend any appeal if we voted negatively or to join us in defending any appeal that would be brought based upon the decision. And possibly worrying about whether our recording machine is working or if there were hidden or missing things like the Nixon 19 minutes that were missing on the tape or the disk. It is what most lawyers do on the other side to protect their clients.

Westphal: We do have page 87 missing that we did not receive in the transcript. So we do have a Nixon error?

Meihn: That is a scanning error. Thank you for pointing that out. I wasn’t made aware of that. ‘Thank you’, I will make a note of that.

Westphal: So this was a product of Attorney Rowe and...

Meihn: No, it is a product of mine and my court recorder and Attorney Rowe’s court recorder. I compared the two to go through the transcripts. Thank you for those questions, I really appreciate that. I will get you page 87.

Westphal: I have another question. On these Findings of Fact, were these are the ones that were developed and presented to us at the December 6th or 7th meeting before the December 12, 2017 public hearing?

Meihn: I don’t believe so. It is the Findings of Fact that we provided to you the day before the hearing as being updated with the new information.

Bickle: Tim Wilhelm has provided us with information, and you merged into it, to streamline what we ended up with.

Meihn: Absolutely.

Westphal: Down at the base of page 1 and throughout the Findings of Fact document, “Township proposed Findings of Fact for 12-8-2018” can be found.

Meihn: That shouldn’t be on the document, you have an old copy. You do not have the one that I sent this morning, but yes December 8th was the final one that we have provided to you. The one that I sent to you today, I removed that simply because it wasn’t necessary from a tracking perspective any longer.

Bickle: In fairness to Jo, her Outlook was down. The thing that Brian just passed out to us Jo, is the cover sheet for the upgraded one that Mr. Meihn had sent this morning. Christina forwarded it to us, and that should be the final draft.

Deeren: That is the final draft.

Westphal: I am confused, as I have three of these now. The one I proofed and wrote in; and the one that I was given that says revised December 12th; and now I have the one that Christina just gave me. So will someone tell me which is the real document that I am supposed to review.

Deeren: The one in your hand is the final one that had all the corrections in it.

Meihn: All it had was four corrections in it. It had two typos and two votes that were wrong based upon transcripts.

Achorn: Did you give me a copy of the revised?

Bickle: I did. I printed it off for you Marge. Just to provide clarity, Mr. Meihn, when I received your memo from this morning at 9:50 from Christina, I made the point for my own record keeping providing a copy to Trustee Achorn where it says “revised”. It is just a reminder that this is the document that we want to be working with or to do a comparison side by side.

Meihn: That is also why I included Ms. Westphal on the email with the revised part. I assumed that she had worked with somebody, or had at least would be able to see those four minor changes.

Achorn: For the record, I want the four documents to be “transcript from the public hearing”, “Christina’s minutes”, “the document that we worked with at the December 12th meeting”, and “Greg’s copy that he had sent”; I have the red lined copy as I compared them all together. All four and then I gave them over to Christina with the documentation for what I thought were changes which she passed onto Greg, and that is how the final version or the next version came. I went through it once again with my red lined version to confirm that the changes had been made. I did not go through the revised version (the one that says revised December 12th), but I will if you want me to. I think it is the same as what we had received.

Meihn: It is the same. The only thing is that somebody put on the first page, as Brad had indicated, the word “revised”. Like I said, all of your changes were made. In fact, I thanked you for the typos that somehow in the middle of the night, I did not catch after reading 250 pages of transcript. As you know, we had some crazy motions that did not go forward. We also addressed everyone’s concerns over the direction of those conditions. I think that specifically Ms. Westphal and Mrs. Achorn had spent a lot of time ensuring that at least these conditions were appropriately made. If the Board were to look for just purposes of one last thing from an insurance perspective (in terms of being comfortable) if you would turn to page 17 for a moment; in page 17, is the motion to approve and deny which again is the same as it was on the 12th. On page 18 and 19 are the same as presented on the 12th except for me drawing out those additional conditions that you had made. Board Member Achorn had also requested for clarity purposes that the developer provide the Board information regarding the storm piping for 25 year event instead of a 10 year event, pursuant to Section 8.1.3(3)(d) of the following Findings of Fact. What this does is take you all the way back to 8.1.3(3)(d); when you look at that, you will see the vote and you will see the objection and you will see that vote was subject to the conditions, so you are able to match it all. You can then match it all to the transcript. So it is kind of a three way guarantee to ensure that your objections and vote were accurately reflected.

Manigold: I would also like to put on record that Marge went through her analysis of all four. If there was a question, we brought Christina to fly-speck it. If there are any questions, the ultimate source is the recording which I think will be attached to this document.

Meihn: Yup. If that is what you so choose to do.

Manigold: As an extra set of eyes I also asked Gordon to go through it as well.

Hayward: I did review it and the items that I caught were also caught by Christina and Marge, so I am confident that it is an accurate representation.

Bickle: Gordon, if I may ask, when you went through this review was it working off the document that was sent to the Supervisor, Clerk and Christina from Mr. Meihn this morning at 9:30? Was that the document that you worked off of?

Hayward: I worked off that and the other documents that were received. I found a couple of typos which I gave to Christina, and she then gave them to Greg.

Bickle: Thank you, Gordon.

Westphal: I have some corrections on this document as well, that go back to the transcripts that you provided us. They are on page 18 and 19 on the new revised edition. Starting with condition number 11, that “the developer provide to the Board assurance and calculations that the ditch can accommodate at 25-year, 24 hour event”. That is what Jennifer suggested to the Board as a better solution or condition than the 10-year, 24 hour event, given the size of the pipe. That was on page 93 of the transcript. Then on number 13, another condition was “the developer provide for retention or some sort of structure at the end of the ditch to stabilize outlets and dissipate flow”. That was page 95 of the transcript. It was another recommendation of Jennifer also made as a suggestion. This was one of her four suggestions.

Meihn: Let me stop you with number 11. If you look at condition number 12, I do not think number 11 is a change. It reads “the developer provide to the Board assurance and calculations that the ditch can accommodate a 10-year, 24 hour event”. Number 12 the developer to provide to the Board, information regarding storm piping for a 25 year event instead of a 10 year. Eleven and twelve are two different conditions that were being asked of the developer, so I do not believe your correction with all due respect for number 10 as number 11, is appropriate, because what you are reading for number 11 for correction is in number 12.

Westphal: I disagree with you on that, but we can talk about this further. I do know that if we go to page 95 in the transcripts, Jennifer Hodges was not talking about ditching; she was talking about the end of the ditch and seeding the cul-de-sac (see pg. 95, lines 11-13). Her point was that there is nothing to retain the flow of the water coming through that ditch. That is directly against the ordinance in terms of the way that this is written. She was talking about a mechanism to stabilize outlets and dissipate the flow. She was concerned about that.

Meihn: The Board did not make every concern she raised a condition. She raised many concerns within her presentation as issues of concern. If you give me the page, I can follow through to see if the Board decided to make it a condition.

Westphal: Page 95, lines 11-13.

Meihn: Okay.

Westphal: The reason that I bring this up is because there was ditching there. The problem was there was nothing to slow the flow coming out of that ditch when it hits the cul-de-sac.

Meihn: If I recall correctly, but you may be right, there was not ditching there, which she thought it needed to be and on the edge. The transcript will say that, and that is why I referenced the transcript.

Westphal: That is why I am referencing the transcript too.

Meihn: The other one where we are disagreeing is 11 and 12. Remember 11 has nothing to do with 12. She wanted assurance and calculations that it could accommodate a 10 year, 24 hour event and then what she wanted was developer provide the Board information regarding storm piping for a 25 year event instead of a 10 year pursuant to that.

Westphal: You might be right.

Meihn: Let's check it; what page do you have for that?

Westphal: Page 93 of the transcripts for the 11th condition, and page 95 for the 12th condition.

Meihn: Wonderful. Thank you.

Westphal: Condition number 14—"the developer provide information regarding the watershed and capacity". Jennifer Hodges said that the plans "lacked an outline of the watershed" so it was difficult to determine the capacity of that watershed and subsequently, the volume of water that will be coming off of it. If you say in this particular Condition number 14, "the developer provide information regarding the watershed and capacity", it is inadequate.

Meihn: That is exactly why it was written like that. It was to give Jennifer the broadest scope of ability to control and to deal with the situation.

Westphal: But she asked for at least the minimum of knowing what the boundaries of that watershed were.

Meihn: Understood. This gives her the greatest capability of being able to ensure the watershed in that capacity.

Wunsch: It gives her flexibility to ask for more or less. Correct?

Meihn: That was what I was trying to avoid saying, but "yes". It gives her the full ability to operate instead of the limited ability under a minimum.

Westphal: Number 15, pg. 19: "the developer provide a standard mulch blanket to resolve soil movement." Hodges actually recommended a "turf reinforcement blanket" on those slopes that had a run of 2 over an elevation of one (2:1 slope, 50% grade). It is the type of slope where a standard mulch blanket would not be adequate to hold soil in place on that type of slope, pg. 108 and several other pages refer to the turf reinforcement blanket.

Meihn: Later on she does refer to a mulch blanket around trees, but I have noted your concern on that condition.

Westphal: On condition number 17, "developer to provide a standard performance guarantee to the Township to be negotiated by the Township and Developer". Hodges said on pg.111, lines 3-11, that she recommends "incorporating a performance guarantee where you have the ability to obtain a bond...ensuring you have the ability to ensure that the project is taking place per the plans provided on schedule, and...have the ability to issue violations accordingly."

Meihn: That was not put into the original conditions/negotiations, and I cannot put it in at this time.

Westphal: General question, about how this information is presented. Especially on items that talk about pg. 12, subsection 2ii: "the Board finds that the Township Engineer Brian Boles of Gourdie Frazer reviewed the grading plan and concluded that while the mass grading plan for the project is adequately designed from an erosion control and storm water management standpoint, but the grading and site construction have the potential to relocate and redistribute soil materials including arsenic on neighboring properties, depending on weather conditions which was also acknowledged by Dr. James Harless of SME." There are several of these statements in the Findings of Fact that talk about Brian Boles involvement as the Township Engineer, but we had a shift in engineers that provided other findings that are not being reflected here in these Findings of Fact.

Meihn: I would disagree in this regard. First and foremost, this vote is already done. It is inappropriate to go back on a vote that was already approved by other members of the Board. With that said, there are no other Findings of Fact by any other engineer that you have hired. Jennifer Hodges did not any other Findings of Fact or written documents; she provided an oral communication at the meeting about what she thought was defective and that was then put onto the conditions. Now, new information came from ASTI, and that is incorporated in the Findings of Fact and the conditions.

Westphal: One of the important things that Jennifer Hodges talked about that deals with Item 2, is the absence of a grading and soil stabilization plan, pg. 108, lines 12-24.

Meihn: That requirement is found in condition number 16, pg. 19, in the Findings of Fact document “Developer to provide a grading and stabilization plan...”.

Westphal: I can live with that.

Manigold: Where are we now? One word change—“turf mulch”.

Meihn: Yes. The final things or concerns, subject to Board Member Westphal’s corrections, is 1) that she believed paragraph 11 should accommodate a 25 year storm event in 24 hours, pursuant to 8.1, and my reading of the transcript is to accommodate a 10 year, 24 hour storm calculation, and then paragraph 12 is what she wanted 11 to be, which reads “the developer to provide to the Board information regarding storm piping [sized] for a 25 year event instead of a 10 year event”. [Note: Meihn missed the significance of the size of piping when summarizing this condition—Editor’s note.]

2) Number 13, that **Westphal** wanted some additional measures added to the condition that included “engineering measures to stabilize the ditching outlet and dissipate the flow at the cul-de-sac area” as found in the transcripts, pg. 95, lines 11-13. I would like to look at the transcript real quick to resolve this condition.

3) Number 15, **Westphal** was correct the developer should provide a “turf reinforcement blanket’ on slopes with a 1 foot rise to 2 foot run (50% slope).

She also wanted the clarification of who would be responsible for a standard performance guarantee. Since the Board did not make it explicit in the minutes who would pay for the performance guarantee, it clearly that the performance guarantee will come from the developer and cover for it. The Board did not make this explicit in the minutes or transcript but I do not think it is a prohibition to this. If our view is that they have to pay for it, and they don’t meet that condition, then this does not proceed.

Manigold: Do you want to take a minute to review that?

Meihn: Yes, please. [Pause.] If you don’t mind, I would just like to read it. And then I will read what we did in terms of our motion. This is the one that we tried did two motions and then modified. Pg. 94, line 25, and Pg. 95, lines 1-20 of transcripts:

“**Ms. Hodges:** I had some concern as far as the 81 private road and cul-de-sac at the end. I had talked about the ditching, and there is as it stands right now with the cul-de-sac as designed is the asphalt at the end of the cul-de-sac here, [with] a stone basin there, for all intents and purposes to capture that water. But the ditching itself, just looking at the plans and the drastic profile, it seems to end. So my concern is if that ditch becomes inundated with a significant rain event that it’s just going to overflow. I saw nothing at the end of that ditching to prevent anything—to stabilize outlets, to dissipate any of that. So I was just looking for some clarification because right now that ditching just seemed to end with nothing at the outlet. **Mr. Manigold:** So is basically what you are doing is going through the entire project after flyspeck it because they all tie into everything, the drainage--. **Ms. Hodges:** They do.”

Meihn: One more part here. This resolves one of our other issues too. This is me speaking on Pg. 96, line 12- 25 and Pg. 97, line 1, of transcripts,

“**Mr. Meihn:** So that your option then would be either a motion to find that condition is not met, or a motion to find that the condition is met pursuant subject to the condition such as, or conditions of information being provided to the board to meet the requirement as set forth by the board’s engineer, which are the watershed is supposed to be on the plans, illustrated, they are not. The storm piping, the condition being if you look at for 25 year instead of a 10 year. And then ditching at the cul-de-sac area it seemed like the ditch ends, there is no continuation or where that drainage of that water would go. And then ditch flow capacity calculations haven’t been provided. Those seem to be the four things...”

So to accommodate from a clarity perspective, raised by Board Member Westphal, is think that we would continue with the developer to provide ditching at the cul-de-sac area, ditch flow calculations, and plan for handling overflow. I believe that accurately reflects the concerns of Board Member Westphal, while accurately representing the transcripts provide.

Manigold: Any other questions? I entertain a motion to approve as amended.

Achorn: I move to approve as amended.

Bickle: I second.

Manigold: Any further discussion? Roll Call. Rob-yes; Westphal-Yes; Achorn-Yes; Wun- sch-Yes; Bickle-Yes **Passed unam**

Manigold: Can you tell us what the procedure is now for the record?

Meihn: We are done with this. I will make the corrections so effectively today the matter is concluded. There is no reason to go back to the Circuit Court unless one or more of the interested parties, such as David Rowe and his client O'Grady, or Scott Howard and his client who started the appeal, file an appeal on this. I am feel that you have put yourself in a great position to defend.

Manigold: I think both parties have called wondering where it is. I told them that it would be the 23rd that the Town Board would be dealing with the Findings of Fact and conditions. Can you get that to them?

Meihn: I will get it to them.

Manigold; Okay. What I will do is get it to the Board tomorrow morning with the corrections. I would like each of you to send me an email stating that you have seen the corrections. This is our final document. I want the Board to be comfortable with the final document.

9. Citizen Comments- None

10. Board Comments - Manigold: Michigan Township Association will be meeting in Acme this year. It would be good for people on the Boards and Commissions from the Township to attend some educational classes, without the added cost of travel.

Bickle: In fact Rob, I did make a copy of the information, and I put it in all of the Board members’ boxes.

Manigold: If somebody comes up for re-appointment, and they haven't been to a class, do we want to consider them for reappointment? It is kind of a tough, but we want to keep people going to continuing education classes.

Monnie Peters: May I suggest that you do some sort of email out for the other Boards, because I am finding that people are not checking their mail on a regular basis.

Manigold: Okay. That was the plan I just didn't know how forceful we wanted to be to get the word out.

Achorn; When we ran for office, we stated that we wanted everyone to be educated that way they would represent the Township to the best of their ability.

Manigold; Okay, we will put it out there for everybody tomorrow asking them to please sign up for something and to get back with us. Is there any other Board comments?

Westphal: I brought up to Rob, my concerns with dealing with the absenteeism of some of our elected officials at Board and Commission meetings. I think it weakens us as Boards and Commissions, in terms of having a full slate of elected officials when making decisions on crucial items of business here in the Township. I suggested that one of the things that we should consider is rescinding pay for Township officials when they fail to attend meetings without an excuse. I questioned whether or not we needed to have a policy dealing with attendance at the township meetings. If someone does not make a Town Board meeting, should they be paid for not going to the meeting if they are not excused? Furthermore, extensive absenteeism for a variety of reasons—for example going south for the winter or doing community service work—should not be an acceptable excused absence. We do have a choice with how we use our time as township officials, which means if you have an option to do something of personal interest like summer activity in the community that conflicts directly with a Board or Commission meeting, then you need to make it your business to avoid that type of conflict. I suggested to Rob that we have a fiduciary responsibility to our residents to represent them at meetings, and if we are not available to do so, we are failing our constituents and the teams that we agreed to be a part of when we ran for office.

Manigold: That is one of the topics for the study sessions that we hope to talk about, along with personnel. We are having a study session tomorrow at 9:00, and another one, each Wednesday (except the first Wednesday of a full week in a month). We are trying to get everyone's time schedule where we can deal with things like looking at escrows, permitting procedural issues, and other decision making processes that take discussion among various board and commission members.

Meihn: Just to add some information for you. As you go through this evaluation of your process and procedures, in my opinion, this is a very important thing. Tomorrow I will be downstate reviewing an audit of competitive bidding processes and qualified bidding processes in one of the Township's on the east side of the state. As you probably know, a lot of those Townships on the east side in Southern Michigan are under FBI review or investigation for the bidding process. It is good to have your policies and procedures known, and understood and followed. And it is important that you not only know what are, but that the people who are implementing these processes and procedures know what they are. The second thing addresses Board member Westphal's comment. State law provides for a remedy when there is a fiduciary duty not being fulfilled. My job is to make sure that you are knowledgeable about your responsibilities. I think that there is a good reason to have an attendance policy. Everybody needs to pull their weight. Those are the types of policies that are in play that are good to look at in terms of what you do.

Manigold; I would entertain a motion to adjourn.

Wunsch; I just have a couple of additions. The Planning Commission had a public hearing for the new library yesterday. And did we approve...?

VanDenBrand; We had an approved motion to direct staff for findings to support approval.

Regular Town Board Meeting
Christina Deeren, Recording Secretary
Joanne Westphal, Editor

Wunsch: We had a recommendation for some changes at the Planning Commission level and with our staff. We are also working on the junk and blight ordinance which you may remember. Members from the Planning Commission and Township Board are working on a sub-committee that are dealing with that issue today, along with short term rentals. We are looking at making any changes that we want to make to the B&B ordinance at the same time.

Adjournment: Motion to adjourn by Bickle, second by Wunsch.
Meeting adjourned at 8:30 p.m.

Passed Unam