

**ONEKAMA DISINCORPORATION COMMISSION MEETING
WEDNESDAY, APRIL 18, 2012, 6:3 P.M., FARR CENTER**

The meeting was called to order at 6:30 p.m. by Chairman Suzanne Schwing.

The Pledge of Allegiance was said.

Recording Secretary Mary Lou Millard called the roll: Al Taylor, Steve Szilvagy, Rosalind Jaffe, representing the Township; Roger Burger Schwing, Mary Reed, representing the Village. Absent: Village Alternate Paula Fortin.

Schwing introduced Attorney Peter Doren, facilitator for the meeting.

APPROVAL OF AGENDA: Schwing asked to add First Public Comment, after Approval of Minutes, also add Disincorporation Petition. Consensus to not add First Public Comment. Add Disincorporation Petition after Onekama Village Council Questions, Comments on Disincorporation Report (Number 6 A, B and C on Agenda). The agenda was then approved.

APPROVAL OF MINUTES OF APRIL 3, 2012 SPECIAL MEETING: On Page 2, first paragraph, change Sewer Advisory Board to Village Fund Advisory Board. Change Taylor to Meister. The minutes were approved as corrected.

PRESENTATION BY AL TAYLOR TO VILLAGE COUNCIL: Taylor outlined the Disincorporation Process, pointing out the Commission approved the plan on March 26. Modifications to the report can be requested prior to the Village vote and Township vote on the plan; changes can be made by the commission subject to their approval. A positive vote on the report indicates that the plan is what the township and village would follow should the August 7, 2012 votes be affirmative for disincorporation and would be stated so on the ballot. A negative vote on the report would indicate that the plan is unacceptable and would not be mentioned on the ballot. If disincorporation is approved by the village and township residents, a plan for moving forward is required. He said the plan must provide an orderly process for 13 elements as required by statute. He pointed out the Non-Controversial Elements of the Plan, and, the Remaining Elements of the Plan, which include real and personal property, employees and contracts of employment, jurisdiction over streets, and fiscal impact. Collateral Matters were identified as being impacted by disincorporation; these are outlined in the report.

Doren said the council is asked to ratify the legal ramifications. If the report is ratified it is a contract. If voters approve it, you would be obligated to follow it.

Questions for the Council: There were no questions. Taylor asked if the commission can go on record to ask the Council two questions: Do you have any problem with the concept of the plan? And, amend the Village agenda to have Council Comments before the vote during the Village Council meeting?

1.

VILLAGE FUNDS ADVISORY BOARD PROPOSAL: Motion by Szilvagy, second by Taylor to adopt the township of Onekama Resolution for Village Funds Advisory committee and add to the report. Motion carried.

RESOLUTION TO AMEND THE
VILLAGE OF ONEKAMA DISINCORPORATION PLAN
TO SUPPORT THE VILLAGE FUNDS ADVISORY COMMITTEE

WHEREAS, the Onekama Disincorporation Commission adopted the Village of Onekama Disincorporation Plan dated March 26, 2012, at a meeting held on that date; and

WHEREAS, the Onekama Township Board on April 3, 2012, unanimously approved that Plan and;

WHEREAS, the Onekama Township Board on that date also adopted a Resolution for Village Funds Advisory Committee, a copy of which is attached to this Resolution; and

WHEREAS, the Onekama Disincorporation Commission wishes to support the above Onekama Township Board Resolution for Village Funds Advisory Committee:

NOW, THEREFORE, BE IT RESOLVED that the Village of Onekama Disincorporation Plan dated March 26, 2012, is amended to add the following paragraph and attachment with said paragraph to be added as the last paragraph of the Executive Summary:

The Township of Onekama Board has adopted a Resolution for Village Funds Advisory Committee which is attached to this Report as Attachment 12. That Resolution creates a Village Funds Advisory Committee consisting of five members initially appointed by the Village Council to advise the Township Board and make recommendations on the spending of discretionary funds that have been transferred from the Village to the Township as a result of Disincorporation. Four of the committee members are to be residents within the current boundaries of the Village of Onekama and one member is to be the owner or part-owner of commercial real estate within those boundaries. The Village of Onekama Disincorporation Commission wishes to support the adoption of that Resolution.

I certify that the foregoing is a correct copy of the resolution passed on the 3rd day of April, 2012, and, that the same is now in full force.

Dated: April 3, 2012

Mary Lou Millard, Deputy Village Clerk
Village of Onekama Disincorporation Commission

Council member Alice Hendricks said we don't have to have another committee, we should trust the trustees on discretionary spending of funds. Council member Evie McNeil said it is a wise idea, it's good to have comments.

DISINCORPORATION PETITION: Schwing read from a Manistee News Advocate article on the April 3, 2012 meeting, which quoted her as saying “the petitions were, in effect, forced on the villagers. The villagers could not get enough people to sign the petition, so the township came forward to get the signatures to force this to go to the next level.....” She said she has the petitions signed by the villagers. The villagers are concerned about the petitions they signed. She further read from the article a quote by Szilvagyí which, in part, said “I think you're expressing an alternate reality that has no basis in fact..I would suggest that's poppycock.....” Szilvagyí questioned the use of the wording in his quote.

Schwing asked that the petitioners be given a chance to comment. Doren said the issue was not on the agenda; they could comment during public comment0.

COMMISSIONERS' COMMENTS:

Taylor: I have a question on taxes. There are comments in the community that the village millage may be eliminated for one year, but there is a "plan" to reinstate the tax on a village or township basis in the next year or so after disincorporation. Peter, Bob or David, can you elaborate on what happens to the village tax upon disincorporation in the plan that is in front of us today?

Doren: The village millage will be gone by Dec. 31, 2012. You can't levy a tax not previously authorized, unless authorized by statute, and the statute pre-dates the Headley Amendment. A general ad valorem tax? No.

Meister: The five mill reduction in village taxes on a township-wide millage is 15 per cent of a mill. There's a \$25,000 difference. Do we need money? No.

Szilvagy: I've noticed fear, from training and my occupation as a psychologist. What I keep coming back to is fear-- giving away the village, using an illegal approach. This process is designed to be open and above board where everyone can see it. I've heard that the village is giving away \$11 million in public land and buildings. These are still owned by the people, it will still be a village, just managed by elected officials. The question is do you need seven representatives for 400 villagers, or five representatives for 1,329 people? Fear is a tactic. There is a quotation: "No passion robs the mind of all reason."

Schwing: It's not fear. A sleeping giant has awakened. We are aware of what's going on. It (the \$11 million in land and buildings) will become township property. I tried to get the value of our property. Gov. Snyder signed a bill to sell the Michigan Fairgrounds. That's the kind of assurance you give up when you give \$11 million in property. We came with fresh faces and an open mind. The process has divided the township and village, friend against friend. No one has more interest than the people in this village and they have the right to speak.

Taylor: Over the past several years, both the village and township have benefited from cooperative and collaborative efforts to make improvements in Onekama. A joint watershed protection plan was developed as was a joint master plan for the community, and joint commissions were developed to manage our parks and our community planning. One of the most important benefits has been the use of those cooperative efforts and joint plan in our quest for grants to improve the Onekama Community. There is an expectation that these master plans will be used to guide community actions as we move forward. These should be used as a framework for our future. These plans were approved by both the village and township governing bodies. Included in the master plan was a request for the community to consider government consolidation to reduce costs and streamline decision making. The next step in this process was put the plan in the village council's hands. The council has had ample opportunity to participate with the disincorporation team in the development of the plan. Let this plan go to the people as part of the vote on disincorporation so they know what our government commitment is if the electorate approves disincorporation. Consider what impact you will have on future grant opportunities if our government does not support honest efforts to make community changes. I urge this council to approve the plan and allow it to be placed on the ballot for disincorporation.

Reed: I thought we could work through the issues and I was thrilled that we came up with answers. I don't see why it has become a confrontational issue.

Jaffe: From the (first) public meeting I saw that it was worth exploring. We have answered a lot of questions too.

Schwing: We've had a council member told that if this doesn't go down, we might not get grants. If

anybody tries to intimidate this village they will rue the day. That's a bunch of crap; this is not Chicago.

Taylor: We are judged on what we do, not what we say. We always point to the master plan, watershed protection plan, community planning commission, community parks .\,etc. Sooner or later we will be graded on what we do.

PUBLIC COMMENT:

Carla Kimball: I investigated both sides. I waited 20 years to come here; I want to keep it a village.

Jim Kimball: A lot of you get the AARP magazine. There's an article in it giving steps on how to create a village. If everyone reads the article you can see a positive reason to keep it as a village.

Paul Mueller: I'm concerned about the financial position of the village and if the village can sustain itself for the long term, and if not this plan, what plan? As a business owner I'm concerned. Your neighbors don't go away, you can still gather in the park for a concert, have coffee with your neighbor, etc.

Sally Koon: I've lived here 30 years. The commissioners did a great job. We are still a village, it's just a matter of who's taking care of us. Suzanne, I don't appreciate your tone of voice. I would hope the council would approve this. I have great faith in the township.

Roger Cody :Regarding the financial condition and cash flow of the village, how long can the village sustain itself?

Council member Alice Hendricks: We can always work together. I have questions on why our sidewalks are not fixed. How long can we go without raising taxes, I don't know. For three years we haven't raised taxes, but if oil goes up, we might have to raise taxes. Al, do you think it's fair to ask each council member questions? Did you ask each township member questions?

Taylor: No, but it was a smaller group.

Dr. Donald Schwing: I also have psychological experience. We are not dealing with fear. I would say caution. I'm concerned about the village on a daily basis.

Rudy Milasich: I'm disappointed not to have two public comment periods. And Mary Reed is not a member of the commission. In the minutes of the council's October meeting, Paula Fortin, Roger Burger and Suzanne Schwing were appointed. There's no minutes showing Mary Reed is appointed, so the plan is not ratified.

Isabel Steffens: A friend asked me to sign the petition. She didn't say it was an official effort to remove the village, or I would not have signed it. This village has been here for 120 years, I think we can keep it going.

Meister: The five mills goes away unless you vote a tax levy. This saves \$95,000. Suzanne you generate fear on the issue of selling parks. The township has no method to sell parks, the village can sell parks. The township has never sold a park. And Farr Center can't be sold, it would revert to the Farr family. If the council votes the plan down, it's not binding on the board. My board will support the plan. This was in the Watershed Plan and Master Plan, which were approved by both boards.

And the plan will not sit on a shelf, this has happened before. Approve the plan and let the residents decide. Don't take the plan away from them. On the Sewer Committee, we still have to deal with Pat McGow of Miller-Canfield. He has a say and makes sure you are treated fairly if there is a buy-in.

Nancy Story: I didn't know Onekama starts and ends with the village limits. I'm impressed that we have come a long way. If the village does not approve the plan, it goes to a 2/3 vote. We are not in the driver's seat, and I don't want to be a passenger.

Council member Rick Gulch: I've heard that Gov. Snyder wants to dissolve townships and go to the county. If the village disincorporates to a township, what happens then? We are at the county's mercy for streets, maintenance.

Debra Nale: On a special assessment about taxes, the state's attorney said people wouldn't vote on it. I'd like a clarification.

Doren said a special assessment is strict. It has to benefit the property owners, and requires notices, public hearings. There are a lot of rules to follow.

Meister: We've had special assessments such as the sewer around the lake and the invasive species. There were public meetings and hearings. A special assessment is not a property tax.

Rod Hudson: On the sewer commission, what about non-users?

Meister: This is for a buy-in.

Hudson: The Sewer Commission doesn't run the sewer system?

Meister. No, it would have an operator, as it has now.

Doren: The Township would take over the sewer.

Village Treasurer Nikki Jach: David you said do you realize the village taxes paid to the township are \$28,000? If the people of the village are paying taxes to the township why isn't that money going back to the village portion of the township?

Jami Meister: My grandmother, Marilyn Acker, was referred to as being coerced to sign the petition. She was not. You need to look at the bigger picture, not all this little stuff.

Jim Mrozinski: Look around, the businesses are closing. We are all one people in the township and village. Look at the advantage of less taxes for everyone.

Council Member Evie McNeil: It seems to me that the Onekama Community is becoming further divided when the whole idea of disincorporation was to find a way of joining together by consolidating the Village and the Township into one entity. I believe we are one Community that everyone is trying to make more economically stable, to help support and protect the natural resources and amenities that we share. The Disincorporation Board has spent a lot of time and effort in gathering information for the benefit of helping people make an informed decision. I think it is now our obligation as Council members to approve the plan that was adopted so the public can make an educated and informed decision on the future of the Village of Onekama on August 7.

Milasich: We have a joint planning commission, zoning ordinance, we have a long way to go. No one is going broke. Why doesn't the township help pay for village parks? Mill Street, needs to be repaired, it is a major thoroughfare. The effect of disincorporation should be reflected in the report.

Meister: In answer to Jach's question The township generates about \$28,000. Everyone pays 1 ½ mills. This pays the clerk, assessing function, treasurer, pays for everything we provide services for. Nikki, my treasurer makes the same salary as you do. She handles over \$5 million and over 2,700 parcels. You have 400 parcels and take in about a half million..

Helen Mathieu: I'm in charge of petitions and elections; this is my job. I have to face the county board. This (petition data) should not be broadcast. It is not fair to me that you (Suzanne) asked petitioners to comment; that is private. I trusted you. You brought up the petitions, this is wrong, wrong.

ADJOURN: 8:05 p.m.

Submitted by
Mary Lou Millard,
Recording Secretary

Facilitator

Date