

**Whitewater Township Board  
Minutes of Regular Meeting held October 8, 2013**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

**Roll Call of Board Members**

Board members present: Benak, Goss, Hubbell, Lawson, Popp

Board members absent: None

Others present: 10

**Set/Adjust Meeting Agenda**

Benak wished to add an agenda item concerning Fire Station/GTB relationship (added as New Business Item #3). Popp referenced several reports/minutes not turned in and would like to discuss with the Board whether these should continue to be in the Consent Calendar (added as New Business Item #4). Goss stated she has some questions on the Supervisor's Report, as well as an addition to the Clerk's Report. Agenda is set.

**Declaration of Conflict of Interest**

None

**Public Comment**

None

**Public Hearing**

None

**Reports/Presentations/Announcements/Comments**

**Grand Traverse County Sheriff Department Report**

No representative from the Sheriff's Department is present. However, a statistics report for September was received.

**County Board of Commissioner's Report**

Commissioner Inman stated the county still does not have insurance numbers from their healthcare provider; this is the last thing they need for the budget. This is beginning to strain their relationship, so the county has contacted Priority Health as an option over Blue Cross. They hope to complete the budget by the end of the month. It must be finalized by October 30.

Goss questioned whether the county's unions have any say in who the healthcare provider is. Inman replied no; the county just has to provide healthcare to the level that the bargaining units would agree to. Discussion followed.

In response to Popp's question concerning the upcoming millage, Inman stated the Road Commission is doing tours, has brochures out. There is also no change in the status of the other agencies in line to receive funds if the Road Commission millage is successful.

### **Battalion #3 Fire Captain Report**

Captain Arbenowske is not present.

### **Ambulance Coordinator Report**

Ambulance Coordinator Martin stated she did not submit a written report. Since January, there have been 145 calls, which is up 20 calls over last year. They have used their Lucas device. Her husband happened to do a chimney job for a family who lost a loved one. The family was very grateful for the response and attitude and compassion shown. Ambulance Coordinator Martin thanked her team for that service. Another family also called to thank them for their response. Also, a note of appreciation with a \$100 check was recently sent to the ambulance service from a family who was served by the ambulance service. Goss read the note of appreciation.

The ambulance service is excited about the upcoming Halloween party. Also, Coordinator Martin stated the EMS page on the new township website is nicely done.

The newest member of the ambulance service (O'Connor) is currently in a Medical First Responder course, along with member Micaiah Foust.

### **Consent Calendar**

Goss referred to the Supervisor Report statement that it appears to be too late to brine with the rainy weather and asked whether they should be informed not to do it. Discussion followed regarding the weather forecast, etc. Audience member Kurt Horton asked what the brine would do subsequent to freezing; would it be there in the spring or would it make it worthless. Discussion followed. Popp will inquire of the Road Commission regarding Horton's questions.

Goss would like to add to the Clerk's Report that the final audit report has been received and inquired how the board would like to handle this. Benak stated that, in the past, if any Board members had questions that could not be answered by the clerk or the treasurer, the questions would be forwarded to the auditors. However, an entire meeting was not set aside to review the audit. Discussion followed.

Popp stated there seems to be a theme of reports/minutes which have not been received in the township hall. He will call those involved to find out why we are not getting this information in a timely manner. Discussion followed.

Goss also commented that, under Correspondence, there is a memorandum from Sarah Lucas, Regional Planner, which came with a book entitled Food Innovation Districts: An Economic Gardening Tool. Goss displayed the book that came with the memo and stated it would be available in the township hall for anyone who wished to look at it.

Discussion followed regarding draft and approved minutes. Consensus was reached that approved minutes should be available in the township hall within 2 days after they are approved.

Popp would like to add some verbiage to Page 2115 of the 09/10/2013 Township Board minutes. In the 7th paragraph beginning "Popp stated he had a ZBA case . . .," the period at the end of the sentence should be changed to a comma and the following verbiage added, "off the platted road right of way." Goss will make those corrections.

With respect to Bills for Approval, Goss stated that her office inadvertently paid John Lucsy and AD Assessing twice in September. Both of those contract vendors have been notified of same and that they will not be issued a check again until November. Benak noted they were paid 5-6 days ahead of time.

**Motion by Lawson, seconded by Benak, to approve the Consent Calendar items as amended:**

Receive and File

1. Supervisor's Report for September 2013 w/attached Green Lake Letter
2. Clerk's Report for September 2013
3. Zoning Administrator's Report for September 2013
4. Approved 08/14/2013 Historical Society Minutes

Correspondence

1. Grand Traverse County Sheriff Department statistics for September 2013
2. Note of Appreciation to Ambulance Service with \$100 Check Enclosed
3. Memorandum from Sarah Lucas, NWMCOG, dated 09/12/2013 re: Food Innovation Districts: An Economic Gardening Tool
4. NWMCOG 09/23/2013 eNews

Minutes

1. Recommend approval of 09/10/2013 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 37452 - 37534
2. Approval of Alden State Bank Miami Beach voucher # 1140
3. Approval of WMDLS voucher # 1021

Budget Amendments (none)

Revenue & Expenditure Report (none)

**Roll call vote: Popp, yes; Benak, yes; Lawson, yes; Hubbell, yes; Goss, yes.**

**Unfinished Business**

**Resolution #13-12 – Galligan Family Monument**

Popp stated the family asked that the term of Edra "Mickey" Galligan's service to the township be added to the stone. No objection from the Board. Jim Galligan was present and stated the location of placement needs to be determined so they can get the base installed hopefully yet this

fall (treated lumber frame with gravel or crushed rock). **Motion by Hubbell, seconded by Lawson, to adopt Resolution #13-12 as written. On voice vote, all were in favor, none opposed. Motion carried.**

#### **Review and Discuss WWT Park Rules (especially Rule 16)**

Lawson read Rule 16 aloud. Popp directed Board members to Rule 6 (7) of the Public Health Code, PA 368 of 1978, "A campground owner shall ensure that a site is occupied by not more than 8 persons and by not more than 1 recreational unit." He also quoted the definition of "recreational unit." Whitewater Township Park has been allowing 2 sleeping tents per site. Lengthy discussion followed. Popp stated the gist of having only 1 recreational unit per site connecting to water, sewer, or electrical has to do with concern about overuse of the facilities, which in our case would be electrical. Benak stated when the fire happened at the park, there was total evacuation; the township should look at a disaster plan. Benak is concerned about overregulation. Hubbell stated we have not had any issues. Goss noted that it is not being enforced at our campground or other local public campgrounds. Lawson stated the Board cannot openly go against the law. **Motion by Popp, seconded by Lawson, citing Rule 6 (7) from Public Act 368 of 1978, the Public Health Code, to follow the law in the Whitewater Township Park campground, 1 recreational unit as defined per site. On voice vote, Lawson, Popp, and Goss were in favor; Benak and Hubbell opposed.**

#### **Discuss Disposition of Decks Built by Seasonal Campers**

Goss provided a picture of the extensive deck on Site 17 and quoted from PA 368 of 1978, Rule 6 (4) on Page 7, where it states, "A campground owner shall ensure that a permanent structure requiring footings is not located on a campsites." In response to Board questions, Park Ranger Edie Deveneau stated this was the 2nd season the deck was in place and that no one gave permission for it to be constructed. Goss stated it appears that this deck, when in use, abuts the recreational unit using this site, which is a violation of the law requiring a 4-foot-wide unobstructed path completely around any recreational unit. Also, a statement in a DNR memo dated 02/26/2010 regarding structures on licensed campground sites reads as follows, "Simply stated, a structure may be placed on a campground site when it is not over 400 square feet and when a footing is not required." Hubbell stated it is awful nervy to have constructed this deck without permission and it does not belong and should be taken out. Goss stated there were 2 other decks in the park (on sites 43 and 15), but they have already been removed. Popp requested permission to send a certified letter to the campers who constructed the deck indicating there may be personal property which has been left on the site and it must be removed by 12/31/2013. Popp stated he would make himself available to provide access to the park after the closing date. Consensus for this course of action was voiced by Lawson, Hubbell, Goss, and Popp. No response from Benak.

Goss suggested that a rule be put in placing going forward that no decks can be erected on campsites. Discussion ensued concerning other structures on campsites, i.e., semi-permanent "garages." Various ways to word the motion were discussed. **Motion by Popp, seconded by Lawson, to amend Whitewater Township Park Rule 3.2 to state that no personal property of any type will remain beyond the tenancy of a site. On voice vote, all were in favor, none opposed.**

**Motion by Lawson, seconded by Hubbell, to amend Whitewater Township Park General Park Rules to prohibit the construction of decks of any configuration or material. On voice vote, all were in favor, none opposed.**

#### **Discuss Location and Number of Seasonal Camping Sites**

Popp stated this topic was tabled from the last meeting (09/10/2013). Brief review of the previous meeting discussion was undertaken. Lengthy discussion followed. Popp would like to amend his original motion of 09/10/2013. That motion was not voted on; the matter was tabled. Goss read the original motion and amendment from Page 2114 of the 09/10/2013 minutes.

**Motion by Popp to amend his original motion of 09/10/2013 to increase the number of seasonal sites from 13 to 15 and to remove all current designation as to site labeled seasonals.** Goss clarified that reservations were taken for 15 seasonal sites for 2013, but 2 sites did not pay. Benak withdrew her second of the motion. Goss restated the motion. Discussion followed. **Motion failed for lack of a second.**

Further discussion ensued. **Motion by Hubbell, seconded by Benak, to keep all of the 2013 seasonal sites as seasonal sites for 2014 and for the 14th and 15th seasonal sites to be chosen by those seasonal campers for 2014.** Discussion followed. **On voice vote, Hubbell, Lawson, Benak, and Popp were in favor; Goss was opposed. Motion carried.**

#### **New Business**

##### **Approval of ASB Cash Management Allowance of Access and Company/Financial Institution ACH Agreement**

Goss explained that she was recently contacted by Sharla Leach, Vice-President of Alden State Bank, informing of a new method for submitting the direct deposit information for payroll and that this new method would be required as of the 10/04/2013 payroll. Basically, the new method requires the Clerk to have access to the NetTeller function on the Alden State Bank website. Sharla provided documents prepared by Alden State Bank which require the Board's approval and signature. **Motion by Popp, seconded by Lawson, to authorize the Clerk, and Supervisor if necessary, to sign the ASB Cash Management Allowance of Access and Company/Financial Institution ACH Agreement documents.** **On voice vote, all were in favor, none opposed.**

#### **Largent Masonry – Dennis Evans**

Dennis Evans has submitted an invoice dated 09/02/2013 in the amount of \$600. Popp related the history of the matter, namely, that Dennis Evans was given a Land Use Permit by former ZA Vanessa Gembarski to construct a garage. The garage was not constructed and the LUP expired. It was then reapplied for through ZA Popp and was granted. Popp then received a phone call stating the front yard dimensions should be checked. Upon inspection, the front property line was 36 feet away from where the owner thought his property line was. Footings had already been dug. Mr. Evans claims he has \$600 worth of damage in having to move the footings to what the ZBA allowed him to do.

Popp stated he is declaring a conflict of interest in this matter. Popp answered several questions from Board members and then removed himself from the Board table at 9:08 p.m.

Discussion followed. **Motion by Lawson, seconded by Benak, that Mr. Evan's request for reimbursement be denied due to the fact he was responsible for the correct information.**

Benak then questioned whether she may have a conflict due to sitting on the ZBA case in this matter and the ZBA approved Mr. Evans' request. Discussion followed. Goss stated if there is any appearance of impropriety, a board member should recuse themselves.

Benak stated she does not feel like she has a conflict of interest or impropriety, but she is willing to remove her second of the motion and declare a conflict of interest. Benak removed herself from the Board table at 9:12 p.m.

**Hubbell stated he would second the motion.** Goss re-read the motion. **On voice vote, Hubbell, Lawson, and Goss were in favor, none opposed. Motion carried.**

Popp and Benak returned to the Board table at 9:13 p.m.

#### **Fire Station/GTB Relationship (added to agenda)**

Benak quoted Paragraph C of the Supervisor Report entitled Meeting Tribal Members. At Popp's previous suggestion, Benak spoke with Chuck Stewart today. She asked him about rumors that the tribe would build the station, but it would be manned by Metro. Stewart replied absolutely not. Stewart told Benak the ball is in our (the township's) court; tell us what you want to do. The 2-year-old draft of the Intergovernmental Agreement is available to the Board. Benak thinks all Board members should read the Intergovernmental Agreement. Regarding building plans, Benak stated the prior township board never saw plans; it was all internal; they were working on it. Also, some fire/EMS members have stated they have heard that if the station is built and we go into the agreement, the tribe will want ALS. Stewart says no, they do not feel ALS is a good fit for Whitewater Township; we do not have enough volume and it is too expensive.

Benak stated the tribe is currently working on fiber optics from the resort to the casino, and they are willing to extend this into our business district. They are also willing to extend sewer and water into the township. Also, Chuck Stewart advised that Meijer's broke ground today. Discussion followed. Benak stated we need to set up a meeting.

Popp stated that Chuck Stewart does not speak for tribal members. He stated it has been left that once we decide what we want to do, then we go to them. Hubbell stated we need to have a meeting with them. Lengthy discussion followed.

Possible dates for a joint tribal and Township Board meeting were discussed. Popp will attempt to set up a meeting for Friday, October 18th, at 8:00 a.m. at the township hall. Once the date is confirmed, Goss will do a special meeting notice.

#### **Missing Reports/Minutes (added to agenda)**

Popp noted that this was dealt with under Consent Calendar.

**Tabled Items**

None

**Board Comments/Discussion**

None

**Announcements**

1. Tentative meeting date with the tribe on October 18 at 8:00 a.m.
2. Next regular Township Board meeting date is October 22 at 7:00 p.m.

**Public Comment**

Kurt Horton, 2181 N. Broomhead Road, stated he was most interested in hearing the County Sheriff report. He had a question about enforcement. He mentioned an incident at Guernsey Lake campground. Horton also commented on the tribe and their desire to install infrastructure. He stated they have a lot to offer but noted the township would be dealing with another national government. The Board should consider the impact of that relationship if the infrastructure is controlled by another nation. Horton appreciates the Board's efforts to make our community better every day and stated the roads are better.

Tim Shaffer, 5309 Moore Road, thanked the Board for starting to work on infrastructure and working with the tribe. Regarding the decks, Shaffer asked: How about the handicapped?

Edith Deveneau, 4410 Buttercup Lane, Traverse City, stated she does not understand the 2-unit rule and it is her personal opinion that we are going to lose a lot of campers and it is a huge mistake.

Popp asked Deveneau to help with changing the State's outlook. Popp agreed it will be a revenue loser but stated he is not ready to expose the township to additional liability.

Jim Galligan, 9125 Ayers Road, thanked the Board, from the kids and the whole family.

Benak announced that the annual Halloween Party is on October 26 and invited all Board members. They are looking for various volunteers. Any help would be appreciated.

Hubbell inquired of Popp how he would pursue the Petobego project. Popp stated there are 2 groups in town who focus on mobility. He will see what they have to say. Popp also stated the fence to be tied into is on somebody else's property; we should have an agreement in writing. Discussion followed.

**Adjournment**

Motion by Lawson, seconded by Hubbell, to adjourn. Meeting adjourned at 9:59 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk