

Whitewater Township Board
Minutes of Regular Meeting held January 12, 2016 (Revised 02/02/2016)

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:04 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: Goss, Hubbell, Lawson, Popp

Board Members absent: Benak

Others present: County Commissioner Carol Crawford, Grand Traverse County Road Commissioner Marc McKellar, Dan Rudy of Direct Designs, Planning Commission Chairperson Bradley Link, and 2 others

Set/Adjust Meeting Agenda

Popp stated he has a notation from our last meeting to set a date for a joint meeting with the Planning Commission.

Added as Unfinished Business #7.

Declaration of Conflict of Interest

None

Public Comment

None

Public Hearing

None

Reports/Presentations/Announcements/Comments

Grand Traverse County Sheriff Department Report – No one is present from the Sheriff Department.

County Board of Commissioners Report

Carol Crawford gave the following report:

- At the end of December, they approved the budget. Crawford does not like it, but they are going to have to work with it. It was done in a hurried manner. They are coming up with some policies to ensure that commissioners and other decision makers in the county get the right financial information at the right intervals.
- Tom Menzel has hired a deputy administrator. They will together hire a finance director.
- Tomorrow night, they will talk about a millage for Veterans Affairs.

Grand Traverse County Road Commission Report

Marc McKellar gave the following report:

- They did two budget amendments in 2015, May and December, which allowed them to carry over a little bit of money. They put together a balanced budget for 2016, the largest budget the road commission has ever had, which is due to the fact they have a millage,

they have a lot of state and federal grant money coming in, and they are pulling more out of their general fund for road projects.

- By March, their bargaining unit will be one year without a contract. They have gone through the negotiation process and ended up with state mediation. Now it is going to arbitration. The issue is equipment they do not have operators for; they do not have a grader operator. They are unable to hire one because the union contract says it has to be somebody from within, but no one qualifies. They are attempting to enhance their ability to hire somebody from the outside. That is why it is dragging.
- They did the manager's review for the year. According to McKellar, Mr. Cook is A to A+ material. He looks over the horizon. He brings things to the board regarding operational efficiencies and improvements and staffing changes. McKellar has been very pleased with Cook's performance.
- Regarding Baggs Road, McKellar is in favor of forming a group consisting of Clearwater Township, Whitewater Township, Kalkaska County Road Commission (KCRC), and Grand Traverse County Road Commission (GTCRC). He spoke with Popp about this today. They want to start having dialogue about solutions. It may boil down to a road swap between the road commissions. KCRC is unable to maintain Baggs Road to the level it needs to be. KCRC would need to contribute some money to the fix. MDOT says it is a safe road to travel. McKellar stated it is not safe. McKellar would like to get it back in the GTCRC inventory, stating it is a great asset to the community, especially the waterfront access. The DNR should be approached about contributing DNR funds, fisheries funds, etc. They will not ask Grand Traverse County for anything but will talk to the state representative and the state senator.
- If there are issues with people plowing snow across roads, call the road commission. They will come out and put up a sign.
- If there is too much snow in clear-vision areas, let them know.

Fire Captain Report – No one is present from Grand Traverse Rural Fire Department.

Ambulance Service Report

Popp noted that an ambulance report was included in the packet.

Goss reported that Steve Myers was not able to be present this evening. He has advised that they have narrowed down the candidates to two for the Director of Operations position and he expects someone to be in place soon.

Planning Commission Report

Lloyd Lawson gave the following report:

- He is real concerned with the way the meeting (01/06/2016) went. It did not go well, was probably by far the worst meeting they have ever had. They went into a lot of discussion about the communication plans and spent 1 hour 45 minutes on that issue. After almost every comment, the chair came back and tried to explain what was said or argued with what was said. It got to a point where Lawson felt the chair was out of control, slamming the gavel on the table and just about yelling at everybody. There has also been a little bit of harassment of another member and refusals to add stuff to the agenda that was asked for properly. An argument ensued about it.

- They talked about recodification, planning. There are at least four members who feel the PC should let the Zoning Administrator do his compiling, then look at the recodification process and what it entails, and then once the PC gets through that process, start discussion of whether we need a planner to help us fix or change things. A planner for the 01/26/2016 meeting is jumping way ahead. The general consensus was to let the ZA finish, recodification, and then review the recodification and resubmit it again. There is several months of work there, before the PC gets to the step where they might need a planner.

Popp inquired of Lawson, in his mind, what was the purpose of the planner or professional assistant coming in on the 26th.

Lawson replied that he does not know and he does not think we need anything like that. Four members of the PC did not necessarily agree that the PC is ready for that point yet, that a joint meeting may not be necessary for that purpose.

Popp questioned Lawson: If you were to comment on this board's knowledge of what the PC has in front of them or what they are embarking on, what do you think this board's understanding is?

Lawson stated he thinks this board has a better understanding than what was going on in the meeting. He stated he thinks a lot of the PC members are on the same page as the board. Lawson said he thinks the meeting is being directed in the wrong direction.

Popp began to relate his understanding of the 26th and the professional assistant. He stated there were non-planners on the original list of four. He said he was given a list of four companies to contact who might come in and offer some verbiage to the township board and the PC. The sole function of the professional assistant was to help this board understand the magnitude of what is coming up, to have the two boards understanding the scope, the workload.

Lawson stated he thinks the scope and the workload were discussed quite well at the PC. He said if you look at some of the information disseminated out, you can see what the process is, to recodify and bring it up to where we need to.

Popp asked if that was the only process.

Lawson agreed that it may not be the only process, but he thinks it is the best way to go, the best money for us, probably the least likely to be influenced, the most generic information coming back that is not going to be prejudiced one way or the other, the least biased.

Lawson further described the recodification process, and stated that process is probably the next step after Vey gets done with his. He said after that, when we decide what we want to do with our stuff, then we would bring in the planners, etc. Even our attorneys would come in after that. Lawson stated he and a couple members at the meeting questioned why we need the meeting on the 26th; that is farther down the road yet from where we are at; we are not going to be ready for them.

Popp questioned: So you don't think a meeting on the 26th would be beneficial?

Lawson stated, in his opinion, no.

Hubbell stated two of the PC members called him and asked for a meeting on January 26.

Goss stated she attended the PC meeting on January 6th and also has concerns about the way the meeting was run. Agenda items were skipped at the beginning. Mangus asked to add something to the agenda. The chair stated he did not see the urgency in that and pooh-poohed adding it. At 7:33 p.m., with argument going back and forth, the gavel was slammed so hard that Goss nearly jumped out of her chair. This was followed by repeated banging on the gavel, very loud, very hard. This was totally uncalled for and very unprofessional. It was done in a fit of anger. Goss stated she witnessed that the chair was not soliciting comments from PC members who had not spoken, was disregarding people's hands up wanting to make comments. Dean, Lawson, Mangus, and Hooper repeatedly stated that the ZA should finish the document he is working on, then it should be sent out for recodification. Every comment they made was rebutted by the chair with "maybe you didn't understand what I said," and then repeating what the chair had previously said. There was no acceptance of their point of view. Not much got done at the meeting. The vote on a motion was handled incorrectly. Hooper made one motion to leave the officers as they were. The chair directed the recording secretary to take three separate roll call votes, one for each office. The whole tone of the meeting was very troubling. Four people were not able to get their point across.

Goss further stated she does not have a problem with a joint meeting on January 26, but it should not take up more than an hour. Goss has three agenda items for that date. Who is the speaker going to be and what is going to be addressed? Goss stated she will need agenda items for the special meeting notice.

Goss also stated that the township has a signed agreement with Attorney William Fahey and will need to direct legal questions about planning or zoning to him.

Popp stated the agreement should be available so the board can review it.

Discussion followed.

Parks & Recreation Advisory Committee Report

Cheryl Goss gave the following report:

- The Parks & Recreation Advisory Committee (PRAC) met last night. They have finalized the Draft Recreation Plan. They agreed to delete two maps that were not needed.
- By the end of this week, the plan should be on the township website, which will start the 30-day public comment period. Goss will ask Benak to send a notice to her e-mail list stating the plan is available for public comment.
- At the end of the 30-day comment period, the township board needs to have a public hearing. This should line up with the board's February 23 meeting. They have made all the changes that the board asked for on December 8. The whole point is to get it approved so the PRAC can start looking for grants. Most grant deadlines are April 1.

- The PRAC will not be able to submit it to the DNR by March 1 due to the accessibility evaluation requirement. Disability Network in Traverse City will conduct these evaluations, at a cost of \$300 to \$500, at Whitewater Township Park, Hi Pray Park, Battle Creek Natural Area, Lossie Road Nature Trail, and Petobego Natural Area.
- Another DNR requirement is an inventory of the current status of all grant-assisted parks. This inventory has been completed by the PRAC but has not yet been inserted in the plan.
- If the board can get the plan approved in late February, the PRAC can apply for grants from agencies other than the DNR.
- The PRAC has worked really hard on the plan.

Discussion followed.

Planning Commission Chair

Bradley Link gave the following report:

- He appreciates the board's earlier discussion. He takes issue with some of it but is not here to discuss it. The meeting was not anyone's best efforts.
- A few months ago, Popp requested that the PC consider taking up reviewing all the amendments in the Zoning Ordinance and compiling them, and they declined as a body, thinking their time would be better used to recodify the ZO. The PC has defined what recodification is. It is, in short, rewriting our ordinance.
- The PC came up with a plan. They first started with the table of contents. They discussed reviewing the existing ZO, plugging them into the table of contents and recodify. The plan discussed at the last meeting was what we are talking about here, "this plan."

Brief discussion between Link and Popp regarding the Planning Commission getting sidetracked in the summer of 2015 on Article 27 and revamping the land use permit application.

- Link stated the PC has agreed on a working version of the table of contents. They have made it through a few articles. Commission members are reading it as we go along.
- Link stated he was looking to get a general discussion about the services that are out there, including what a planner does. Link stated that he and Popp discussed bringing a professional planner in who could enlighten both bodies on what a planner offers, but he has not been invited. Link described the agenda he proposes, an hour meeting possibly, maybe the PC meets at 6:00, the board starts at 7:00, with the meeting ending at 8:00. Part of the plan is to write an RFP. In the meantime, the Zoning Administrator is about halfway through his process of documenting all changes to the ZO as they occurred over the years. He can then point out inconsistencies. The intent was to plug in most of them as they are and take on 4 to 6 of them and change them to what we think they should be.

Popp stated the board has previously identified the usefulness of what Zoning Administrator Vey is doing.

Brief discussion followed.

- Link stated they also discussed a communication plan. Are we doing surveys? We can hold more open houses. We have the website now. It is a lot different than it was in 2009 when we took the last survey. We need to address that and a budget as part of that plan. That is the plan that I have been trying to move forward on the commission.
- I propose we get together in this joint meeting so that we have one voice to convey this to the community. My personal opinion is we need to find somebody who has a handle on this kind of message out there and direct us to get us off on the right foot, a planner or a professional assistant. It is very important we get off on the right foot. Put a little money up front to get good solid advice on how to make this plan work and move forward with it.
- Link stated that in the hoped-for meeting, we would talk about this plan, discuss the RFP process, a budget. The PC previously talked about training, too.

Discussion followed regarding:

- No changes will be made to the Zoning Ordinance without a public hearing.
- Open houses would ideally be held in the summer.
- Planning versus the recodification procedure.
- Doing a new survey.
- Getting public input on the environmentally sensitive issue.
- Moving the private road ordinance into the Zoning Ordinance, the possibility of employing a professional to enforce it.
- Whether to have a meeting on the 26th, the structure of the meeting, the possibility of postponing a joint meeting until Vey's document is complete.

Hubbell stated he will not be here on the 26th.

Link brought up a request for proposal (RFP) for recodification services. Lawson has sought out a half dozen or so informally. Link thinks we need a formal scope of service to go out and advertise. Vey's document can be presented to them. The next step is a legal review.

Popp stated he does not see a lot of value in an RFP here. Two recodification submittals Popp has looked at show the average cost for their service to be about \$6,000. This will not buy us a lot of Fahey time, so there is some value in using a third party to give us some ideas where we should be looking. We can use the companies' submittals as an RFP. The Planning Commission can decide what they like from the various companies and then we make a decision from their proposals.

Discussion followed regarding the number of documents in the zoning ordinance books in the clerk's office (535 pages) versus the size of the document Vey is creating.

Popp stated the document Vey is creating will be 297 pages.

Brief discussion followed.

Popp stated he thinks we have the need for a joint meeting, but we also see the need to have Vey's work completed before that meeting.

Lawson, Goss, and Hubbell agreed.

Popp stated he would like to postpone the 1/26 joint meeting, and asked Link what he thought.

Link said very good; he does listen to people, he does ask them their opinions, and he does not have an agenda here.

It was agreed that the joint meeting will be postponed for probably two months.

Link reminded the board that the PC was directed some time ago to take up the private road ordinance. He asked whether the board would like the PC to refocus on that.

Brief discussion followed.

Consensus was reached that the Planning Commission should work on General Ordinance 32, the private road ordinance.

Popp stated we will wait for Vey's document and then reschedule the joint PC meeting, looking for bidirectional communication.

This agenda item concluded at 8:40 p.m.

Popp apologized to Dan Rudy, stating we should have made a change to the agenda.

Consensus was reached to take up Unfinished Business #3, Ambulance Housing/Living Quarters, at this time.

Ambulance Housing/Living Quarters

Dan Rudy of Direct Designs has provided four drawings. Various details of drawings A2 of 01/04/2016 and A3 of 12/30/2015 were discussed.

Regarding the existing septic tank and field, they are 40+ years old. This plan will require a new septic system.

All board members present expressed their preference for plan A2 of 01/04/2016.

Rudy stated the next step is to narrow down any little particular items and their placement. Rudy will measure the whole building and then work on the apparatus area.

Discussion of various details followed.

Rudy would like to get the A2 of 01/04/2016 drawing up to date and to scale and then submit another plan.

Audience member Tim Shaffer came forward with several questions, all of which were answered.

Details such as location of the natural gas service, furnace size, and installation of central air conditioning were also discussed.

There was board consensus that plan A2 of 01/04/2016 is the preferred plan. Rudy will visit the building again, take measurements, and provide a site plan, elevations, etc., before the board's 02/09/2016 meeting.

Popp again apologized for not moving this matter up on the agenda.

Consent Calendar

Receive & File

1. Supervisor's Report for December 2015
2. Clerk's Report for December 2015
3. Zoning Administrator's Report for December 2015
4. Grand Traverse Rural Fire Chief Weber's Activity Report 11.11.15 to 12.07.15
5. Mobile Medical Response December 2015 Activity Report
6. Approved 11/11/2015 Historical Society Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for November 2015, December 2015, 4th Quarter 2015, YTD 2015
2. Grand Traverse Rural Fire Department DRAFT 12/16/2015 Regular Meeting Minutes
3. Accident Fund Group Program Dividend Statement 10.21.2015
4. FERC Order 12.07.2015 Issuing Subsequent License to Elk Rapids Hydroelectric Project
5. Letter 12.15.2015 Charter Communications re: Price Adjustment
6. Letter 12.17.2015 Public Service Commission re: Video Franchise Operations
7. Letter 12.22.2015 Charter Spectrum re: New Store Location
8. The Charter Communicator December 2015
9. Note 01.01.2016 Jim Rybarsyk re: Cost of Ambulance Service

Minutes

1. Recommend approval of 12/08/2015 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank voucher #s 40278 through 40369
2. Approval of First Community Bank Miami Beach vouchers (none)
3. Approval of First Community Bank WMDLS vouchers (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Motion by Hubbell, seconded by Popp, to approve the Consent Calendar as presented.
There was no further discussion. **Roll call vote: Benak, absent; Goss, yes; Hubbell, yes;**
Lawson, yes; Popp, yes. Motion carried.

Unfinished Business**Review Ordinance 22 Pension Plan**

Popp noted the plan will be restated soon.

Review Whitewater Township Planning & Zoning Fees

Popp noted that he and Zoning Administrator Vey have had some discussions on this issue.

Ambulance Housing/Living Quarters

See Page 2645 for discussion of this agenda item.

Review Whitewater Township Draft Recreation Plan 2016-2020

Popp noted the update is not available at this time.

Goss added that she should have it by the end of this week.

This agenda item will be brought back on January 26.

Review/Approve Whitewater Township Assessor Job Description as Revised 11/19/2015

Popp stated he is concerned with the first sentence of the section entitled Salary, i.e., "The assessor will be both a township employee and an independent contractor." The State Tax Commission mandates that the assessor has to be an employee of the township. Popp wishes to strike the sentence totally.

There was no objection to striking the sentence.

Motion by Hubbell, seconded by Lawson, to approve the Whitewater Township Assessor Job Description as revised 01/12/2016. There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Benak absent. Motion carried.**

Resolution #15-17 (changed to #16-01) In Support of Renaming the Traverse City Veterans Administration Clinic – Colonel Demas T. Craw

Popp stated this was postponed because we were not sure we had enough information that Colonel Craw was the only Medal of Honor recipient from this area. The website links show this to be true.

Goss noted the resolution number should be amended to 16-01. It was originally prepared for the December 8 meeting.

Motion by Lawson, seconded by Goss, to adopt Resolution #16-01, In Support of Renaming the Traverse City Veterans Administration Clinic after Colonel Demas T. Craw, as revised. There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, absent. Motion carried.**

Set Date for Joint Meeting with Planning Commission (added)

There was board consensus that a joint meeting with the Planning Commission will not be set at this time.

New Business

Appointment to Board of Review – Eric Sanborn

Popp stated he is recommending that Eric Sanborn be appointed to an alternate position on the Board of Review. His term will end December 31, 2016. One of the Board of Review members (Paul Tyrer) may be moving away. Sanborn is a construction manager for Elmer's, mainly working on commercial projects.

Motion by Hubbell, seconded by Lawson, to confirm the recommendation of the supervisor appointing Eric Sanborn to a one-year term on the Whitewater Township Board of Review as an alternate, term to expire December 31, 2016. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, absent; Goss, yes. Motion carried.**

Addition of Assessor Wage to Salary/Wage Schedule or Graded Wage Scale

Goss stated she believes it belongs on the Salary/Wage Schedule.

Discussion followed.

Motion by Popp, seconded by Goss, to amend the Salary/Wage Schedule adding assessor's wage as follows: \$100/month or \$25/hour. There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Benak absent. Motion carried.**

Chase v Hill Discussion

Popp stated that Benak asked to discuss this matter in closed session (on December 8). Goss provided the rules on closed session. Popp inquired if any board member present was opposed to speaking about it in public.

No objection was voiced.

Popp stated that Chase Bank initiated a lawsuit against the Hill family. It involves a tract of land, approximately 11 acres, on Skegemog Lake. The township is involved because they apparently did not approve a condominium project some 10 years ago. The bank has foreclosed and has brought the township in because they do not have clear title to condo unit #9, which was given as collateral for the Chase loan. Mediation has taken place. A 90-day stay was granted, during which the Hills are to make application for a land split of approximately 1.1 acre. No application has been submitted as of this date.

Brief discussion followed. Consensus was reached that, rather than ask the township attorney to opine on possible outcomes, the board will wait to see what transpires.

Discussion of Zoning Ordinance Review

There was brief discussion concerning how the recodification services perform their service and return information.

Regarding PC direction, Lawson noted that one of the cover letters on a PC packet stated all information is to go through the chair and the supervisor. When did the supervisor become part of that chain? The supervisor is not involved in that part.

Popp stated he has tried to be very careful to not reach into the PC's content but has offered retyping, photocopying, or legwork services. Popp stated the supervisor does not approve or disapprove any information the PC would receive, but it should be run through the PC chair. If Lawson was going to give 525 pages out for a quote, Lawson should have come to Popp and asked what he thought.

Lawson stated they were all examples; there were no quotes.

Goss stated she does not agree. If a member of the board wants to do some research and bring it to the board, they have every right to do that. What Lawson has done did not cost the township one red cent. It does not hurt to get that information. The same with the Planning Commission; if PC members want to research things on their own time and bring information back, it should not have to be approved by the PC chair for them to distribute that information to the rest of the Planning Commission.

Popp noted if it is released information, the supervisor should know about it.

Goss stated she does not agree; the Zoning Ordinance is a public document. It should be on the website.

Budget Work Session Dates

Monday, February 15 at 6:00 p.m. and Wednesday, February 17 at 6:00 p.m. were agreed upon as the first two budget work session dates.

Goss also advised everyone that the week of March 21 through 25 she will be out of the office at training in Mt. Pleasant.

Tabled Items

Review Administrative Policy Section 5 (tabled 10/14/2014)

This agenda item will remain tabled.

Review Graded Wage Scale (tabled 04/14/2015)

This agenda item will remain tabled.

Rural Fire Station Lease (tabled 08/11/2015)

This agenda item will remain tabled.

Board Comments/Discussion

None

Announcements

The next township board meeting is January 26 and will not be a joint meeting.

Hubbell advised everyone that he will be absent on January 26.

Public Comment

None

Adjournment

Motion by Hubbell, seconded by Lawson, to adjourn. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk