

**Whitewater Township Board  
Minutes of Regular Meeting held October 11, 2016**

**Call to Order/Pledge of Allegiance**

Clerk Goss called the meeting to order at 7:05 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

**Motion by Goss, second by Lawson, that Trustee Hubbell chair the meeting.** There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Popp absent. Motion carried.**

**Roll Call of Board Members**

Board Members present: Benak, Goss, Hubbell, Lawson

Board Members absent: Popp

Others present: MMR Director of Northern Operations Nick Bernelis, County Commissioner Carol Crawford, and 5 others

**Set/Adjust Meeting Agenda**

Goss noted that two emails from Cliff Pixler dated 10/08/2016 and a letter from Cliff Pixler dated 10/10/2016 should be added to Correspondence.

Goss would also like to add to the agenda the event form for the annual Halloween party.

Added as New Business #3.

**Declaration of Conflict of Interest**

None

**Public Comment**

None

**Public Hearing**

None

**Reports/Presentations/Announcements/Comments**

**County Board of Commissioners Report**

**Carol Crawford gave the following report:**

- The BOC is waiting for administration to get some budget items together. Budget hearings should start at the beginning of November. They are working on coming up with a good forecast for 2017. There is quite a big discrepancy in a couple different forecasts.
- They heard several weeks ago the sheriff's office audit. There were a few recommendations for fiscal efficiency. They may schedule a study session to hear more about that.

- They have put two county-owned properties up for sale. One of them is in Whitewater; it was originally purchased as a landfill. There is also one in Garfield Township which was bought as a potential site for a sewage treatment plant.
- The Commission on Aging audit is ongoing. The BOC appoints people to the COA board. They are funded through millage. They are trying to clarify whether the county administrator has any authority over the Commission on Aging. He has some recommended changes to make.

Goss asked Crawford to explain the current veterans' services and what they will provide with the additional money generated by the millage.

Crawford stated they are mandated to provide these services. They provide the office and the staffing. Their job is to make sure that veterans come in. They provide emergency services, i.e., housing, whatever they need short term. They work with the federal government to help the veterans apply for and get all the benefits they are entitled to. There is currently a waiting time of 30 days to get an appointment with a VA counselor. They hope the extra money will lower that to 10 days. They plan to add two staff people. The millage will replace what the county is giving them now, and it is a little bit more to allow the enhanced services.

**County Road Commissioner Report** – No one is present from the Road Commission.

### **Mobile Medical Response Report**

Nick Bernelis gave the following report:

- There were 11 calls for the month of September.
- Response times look great. One longer response time was due to the crew not calling on scene. It was actually an 8-minute response time.
- For the year, they are at 91% for contractual response times. Total calls are 130 for the year, the busiest of all the townships.

Benak stated she is part of the auxiliary and they are working on the Community Halloween Party, which will be on 10/29. During the meeting, it was brought to her attention that some of the fire department people are having a problem with the mess that the MMR people are making. The kitchen counter is full, no counter space, and when you go into the office, the cots are always up, not put away. You have two recliners in there and cots up. The fire captain has moved his office out to the apparatus bay. If MMR staff could put the cots away during the day, that would be helpful. Keep in mind, the fire department personnel are also using the kitchen, bathrooms, and office area.

After brief discussion, Bernelis stated he would follow up with Captain Arbenowske.

### **Planning Commission Report**

Lloyd Lawson gave the following report:

- The PC met last Tuesday (sic) and finally came to a decision on Ordinance 32. They voted 5-1 to recommend rescission of the ordinance.
- They also briefly discussed the topic of rentals of houses.

- There has been a lot of back and forth with the chair and the supervisor, and the chair said he is going to meet with the supervisor to interpret information from the attorneys. Lawson feels that is wrong; the information should go directly to the PC without interpretation.

Brief discussion followed.

Regarding the interim zoning administrator position, Goss stated she was informed just yesterday that Chris Weinzapfel is going to help us out. The job has been posted in the Record-Eagle, on the MTA website, and on the township website. Résumés are due by 10/25/2016.

### **Parks & Recreation Advisory Committee Report**

Cheryl Goss gave the following report:

- The PRAC meeting was last night. They voted to recommend one of the playground equipment proposals researched by Decker to the township board. They are asking for funding for this equipment for Whitewater Township Park.
- The PRAC will also be recommending a couple new pieces of playground equipment for Hi Pray Park.
- Decker has started the grant writing class through NMC. His project for the class is an extension of the existing dock as well as an additional dock, and maybe even a service dock. Goss has asked him to come up with a site plan incorporating additional boat trailer parking.
- PRAC reviewed the proposed plan from Arrow Homes for a 10x26 building to replace the pit toilets. They made a few changes. Goss will now provide that to the township board for their input. Arrow Homes will give quotes for prefab and concrete. Decker will get quotes from a couple other companies as well. The goal is to have all the figures together by budget time.
- There is nothing new to report on Recreation Plan approval. The Recreation Plan will need to be amended to correct two maps which are overstating the amount of acreage in the Battle Creek Natural Area.

### **Consent Calendar**

#### **Receive and File**

1. Supervisor's Report for September 2016
2. Clerk's Report for September/October 2016
3. Zoning Administrator's Report for September 2016 (none)
4. Mobile Medical Response September 2016 Activity Reports
5. Approved 08/08/2016 Parks & Recreation Advisory Committee Minutes
6. Approved 08/10/2016 Historical Society Minutes
7. Approved 09/07/2016 Planning Commission Minutes

#### **Correspondence**

1. Grand Traverse County Sheriff Department Statistics (none received)
2. Grand Traverse Rural Fire Department DRAFT Minutes (not available)
3. Letter 09/12/2016 Charter Communications re: Channel Replacement
4. Letter 09/30/2016 Charter Communications re: Changes to Channel Lineup

5. Letter 10/04/2016 Kalkaska County Planning Commission re: Notice of Planning
6. Email 10/08/2016 Cliff Pixler re: Agenda/Packet for 10/11/2016 Township Board Meeting (**added**)
7. Email 10/08/2016 Cliff Pixler re: Email from Cliff Pixler and Clerk Response (**added**)
8. Letter 10/10/2016 Cliff Pixler to Whitewater Township Clerk re: Home Rental (**added**)

Minutes

1. Recommend approval of 09/13/2016 and 09/27/2016 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank voucher #s 41085 through 41164
2. Approval of First Community Bank Miami Beach voucher # 1181
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

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

**Unfinished Business**

**Review Ordinance 22 Pension Plan**

This agenda item is awaiting scheduling.

**Review Whitewater Township Planning & Zoning Fees**

Fee changes are in process.

**Review Emergency Services Building Renovations**

Popp has reported that MDOT is close to getting us a price for the additional property.

Regarding the building renovation, the land use permit is needed. Goss stated the health department has indicated that the septic permit has been issued.

It was noted that the topic of temporary housing should be discussed at the next meeting, as well as moving the bid process along.

**Rural Fire Update**

The consultant meetings have taken place. The report is due out in November.

With respect to Rural Fire's proposal for increased funding in order to provide EMS, there was consensus of the board members present that they would not be in favor of providing additional funding for EMS since the township has ALS service in place.

**Ordinance 28 – Miami Beach Sewer Project**

This agenda item was briefly discussed. No action was taken.

### New Business

#### **Review Fiscal Year End 03/31/2016 Audit/Approval of Representation Letter**

There were no questions with regard to the audit. **Motion by Lawson, second by Benak, to authorize the Clerk to sign the representation letter and return it to the auditors.** There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Popp absent. Motion carried.**

### Short-Term Rentals

This matter is on the agenda due to some complaints that have been received about the Pixler property on Skegemog Point Road.

John Karwoski, 9268 Skegemog Point Road, stated a year ago he came in with neighbors from all around the Pixlers because they had some problems with what was going on there, a lot of drunkenness and loudness, not in character of the neighborhood. It never got on the agenda. He called Popp back this year. They assembled some additional people who came in about a month ago and talked about it. He stated he brought a document in, Home Rentals in Residential Neighborhoods, something he wrote up based on information he had himself and got from many of the neighbors. They read through it with everybody involved and they elaborated on some of the items. He stated he is very concerned that this is just the beginning of the problem. The south part of Torch Lake has turned into nothing but rentals. That is the real fear. We really need to do something to make sure we do not have something like this happen.

Goss commented that if regulation of short-term rentals was to take place, it would be a lengthy process of inviting the public in, inviting Mr. Pixler in, consulting the township attorney, drafting of an ordinance, and public hearing on the ordinance.

Hubbell noted it will need to be discussed with all board members here. The Planning Commission may have to look at it, too.

Karwoski offered his assistance, and stated other neighbors would be willing to come in, too. The goal is to preserve the character of the neighborhood.

Bob Campbell, 8886 Skegemog Point Road, stated he has used short-term rentals this summer, renting his property for two weeks. He stated he would hope there is room for compromise here. He stated he very carefully regulated how many people were coming and who they were. He said if you go on the rental websites, you are going to see a large variety of homes that are for rent. Renting can provide the opportunity to pay for trips or very steep property taxes. He stated he is not opposed to working to try to find a resolution that would be suitable to everyone involved, but he thinks that you can get into a lot of potential issues. There are all kinds of things that happen at our neighbors' properties that we may or may not like, i.e., large groups, noise, but it is also their property. It becomes a little bit of a mess in terms of what you are going to regulate and what you don't. He stated he was disappointed when he found out this spring that someone had challenged the township ordinance on cutting down trees within 50 feet of the water successfully, leading to the butchery of 400 feet of waterfront next to him. He stated he

hopes there is some middle ground that we can come to in trying to balance the rights of owners toward what is happening on properties that may affect them and their perceived value of their own property.

Karwoski added that we just want the neighborhood to stay the residential neighborhood that it is. That is the criteria that we want to go by. If something is happening for two weeks, that probably wouldn't be a big problem. When it is happening week after week, solid for the whole summer season, solid people coming in there, 12-16 people changing every week, the cars, the boats, the RVs coming in, that is an issue. The house next door to Pixlers is for sale because of what they have done.

Lawson stated he can go over what the Planning Commission discussed. The PC started talking about it with no information, so it was general pros and cons of regulating short-term rentals. They were told there were people who had some concerns. Are there people who own multiple locations? Have all the options been utilized, such as the police for noise or the health department for septic size? The Planning Commission as a whole was not keen on regulating rentals. They did not feel it was the place for the township.

Referring to the gentleman's remarks about the ordinance being beat based on authority, the trees being cut, Lawson said the same law that gave us the authority to do it technically only says we can zone 300 feet off the Boardman River. He stated he does not know if we have the authority to do it. It is something we need to diligently research if we are going to pursue it.

Information from Popp at the PC meeting is that there were large numbers of people in a single home, excessive cars, noise, trash, which is all concerning. The PC discussed how do we protect a residential area from becoming a commercial area, are any of these properties established resorts. If they are an established resort, there is not much we can do about it because they are grandfathered in as a business. There was discussion of how many bedrooms are in these houses, septic systems, going out and collecting information from Torch Lake, Lake Leelanau, any of the big areas, the pros and cons of short-terms rentals versus long-term rental, use by right, possibility of having the ZBA look at it.

Hubbell stated it sounds like we have the ball rolling and we will continue to work on it.

Lawson stated if it gets to the point of moving it toward an ordinance, it will go to the Planning Commission, who will advise the board as to what the ordinance should look like. Those would be the meetings to attend and be a part of.

It was noted that all meetings are posted on the website.

Goss volunteered to post Planning Commission agendas/packets on the website.

#### **WESA Annual Halloween Party Event (added)**

The completed event form was provided to the board and the public. Goss noted they need approval to hold the event.

**Motion by Lawson, second by Benak, to approve the annual Halloween party event on 10/29/2016.** Benak stated she would like to make this a blanket approval for the event every year. It is always the Saturday before Halloween. Goss noted she will still need the form to trigger obtaining the certificate of insurance; that should be a different motion. **On voice vote, all those present voted in favor, none opposed, Popp absent. Motion carried.**

**Motion by Benak, second by Hubbell, that the township give approval to Williamsburg Emergency Services Auxiliary to hold their annual Halloween party at the fire station for 2017 through 2020, on the Saturday before Halloween, with responsibility to reside with the auxiliary for providing the event form annually to the clerk for insurance purposes.** There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Popp absent. Motion carried.**

#### **Tabled Items**

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

This agenda item will remain tabled.

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

This agenda item will remain tabled.

#### **Board Comments/Discussion**

Lawson stated he wanted to let everybody know that Recording Secretary MacLean has been doing a real good job on getting the PC minutes to him before the meetings.

#### **Announcements**

Next meeting is October 25, 2016.

#### **Public Comment**

Andrew Jeurink, 8601 Church Street, stated regarding Rural Fire you have to be MFR certified and have Firefighter II, so they are cross trained. Also, being a neighbor of the township, he is getting concerned with the trash that is accumulating from this property. He is working with Popp in trying to come up with a resolution. All the neighbors have wells; they drink out of that water. It more has to do with the garbage that is accumulating.

#### **Adjournment**

Motion by Lawson, second by Goss, to adjourn. Meeting adjourned at 8:32 p.m.

Respectfully submitted,

Cheryl A. Goss

Whitewater Township Clerk