

**Whitewater Township Board  
Minutes of Regular Meeting held November 10, 2016**

**Call to Order/Pledge of Allegiance**

Popp called the meeting to order at 7:03 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: County Commissioner Carol Crawford, MMR Supervisor John Lata, and 4 others

**Set/Adjust Meeting Agenda**

Benak would like to add Excel Site Rentals under New Business. A handout was provided, with a copy for the public.

Added as New Business #5.

**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 budget will be hopefully coming out in early December, a little delayed due to some IT difficulties.
- The bell downtown is going to be on the next agenda.
- Next week, they are going to interview people for the DHS board and the Road Commission. Interviews for Parks & Rec are coming up as well.
- They have two new commissioners, Tom Mair and Cheryl Follette.

There were no questions for Crawford.

**County Road Commissioner Report** - No one is present from the Road Commission. The annual road tour was held today.

**Mobile Medical Response Report**

John Lata, MMR Supervisor, gave the following report:

- For October, there were 8 calls. One fell outside the response time. It was a call to the casino; the crew forgot to call on scene. Technically, they were 100% on time. Nature of the calls was described.
- From January 1 to October 31, there were 142 transports, with contractual response time at 91%.
- One year has passed since MMR took over in Whitewater Township. Next month, they will provide a year-to-date report.
- The Halloween party went well. There was huge turnout.

### **Planning Commission Report**

Lawson reported that there was no Planning Commission meeting this month.

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

Goss reported that the PRAC does not meet until next Monday.

### **Consent Calendar**

#### Receive and File

1. Supervisor's Report for October 2016
2. Clerk's Report for October-November 2016
3. Zoning Administrator's Report for October 2016 (no report)
4. Grand Traverse Rural Fire Chief's Activity Report 09/09/2016 to 10/13/2016
5. Mobile Medical Response October 2016 Activity Reports
6. Approved 09/12/2016 Parks & Recreation Advisory Committee Minutes

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics (no report)
2. Grand Traverse Rural Fire Board DRAFT Minutes of 09/21/2016
3. Letter 10/13/2016 to Tom Cosgrove re: Donation to Hi Pray Park Sign

#### Minutes

1. Recommend approval of 10/11/2016 and 10/25/2016 regular meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank voucher #s 41165 through 41236
2. Approval of First Community Bank Miami Beach voucher # 1182
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

**Motion by Hubbell, second by Lawson, to approve the Consent Calendar as presented.**

There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

## **Unfinished Business**

### **Review Emergency Services Building Renovations**

Popp stated the septic permit shows approval of the plan B location, not plan A. The plan B location is in the parking lot.

Discussion followed. Popp will give them a call.

Popp stated the price of the MDOT property has been set at \$17,500.

Discussion followed.

**Motion by Benak, second by Lawson, to authorize the supervisor to negotiate with MDOT on the parcel of land behind the fire station, railroad property, up to the asking price of \$17,500.** There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.**

Popp stated he has suspended application for the soil erosion permit and has gotten permission from Construction Code to submit, and has submitted, the drawings for the plan review so we can get a biddable set of prints. Before a building permit is issued, a soil erosion permit will have to be obtained. Within two weeks, we should know.

Discussion followed.

Hubbell noted the elements of the weather are not going to hold us up.

Popp will notify the board when plan review is done so that a special meeting can be scheduled.

### **Review Whitewater Township Planning & Zoning Fees**

Changes are still in process. This agenda item was not discussed.

### **Rural Fire Update**

Popp stated he listened to the audio of the 10/11 meeting and got the impression that an assessment increase from Rural Fire to include EMS service is not supported by the board.

Benak and Lawson confirmed Popp's impression.

Popp quoted Hubbell as saying the time for cross trained fire and EMS personnel has come and gone; a combination fire/EMS service is not in Whitewater Township's short-term 3- to 5-year future, but a well operating Rural Fire system could be a reason to re-evaluate a combination system.

Hubbell stated his personal preference is to keep MMR, perhaps do something to the north eventually, but keep all avenues open.

Popp stated Rural is moving toward a single entity offering both fire and EMS.

Goss noted that Rural Fire would not have the economy of scale that MMR does.

Hubbell said he does not want to go down that road (adding ambulance service) with Rural Fire. If they want to make fire work and be affordable, great.

Benak stated she wants a well operating Rural Fire system but not a Rural Fire system with an ambulance.

Audience member Andrew Jeurink, 8601 Church Street, stated he is required by Rural Fire to get his MFR. This is the only place he has heard, in 2-3 years with Rural, with an ambulance service. This is news to him. He does not see Rural going as an ambulance. They struggle enough as it is providing fire service. He stated he enjoys being a volunteer.

John Lata stated they have looked at providing an MFR class for all the local fire departments. If they can get enough students to make it worthwhile to bring an instructor up, between Milton, Elk Rapids, Whitewater Township, they would be happy to provide a low-cost, if not free, class for the fire departments.

Popp stated he will project at the Rural Fire meetings that Whitewater Township is not interested in Rural providing ambulance service for us.

#### **Ordinance 28 – Miami Beach Sewer Project**

Popp stated Grand Traverse County DPW is currently administering the operation and maintenance of this system. DPW is controlled by BPW, Board of Public Works. Under section 2 of the agreement, Whitewater will own all of the infrastructure and land once the bond is paid off.

Benak confirmed that the bond is paid off.

Popp noted the agreement continues until the township decides to terminate or the BPW decides to terminate. They have to give 6 months' notice.

Section 4 says the township shall bear the entire cost of operation, maintenance, and administration of the system. The township has no more authority to collect from the users of the system, but they bear 100% of the costs. Popp said we need to change that situation; we need to be able to collect from those folks.

Benak stated, like other townships with sewer and water systems, we would need to have a utility set up. If we turn it over to them, they would have to internally create their own organization, their own set of rules and their own user fees, and it would become their liability.

Discussion followed regarding:

- Whether Miami Beach residents have an organization.
- Should the township have a sewer/water authority?

- Treasurer's office would have to bill and collect.
- Whether a general law township can create an authority.
- Residents are getting bills from the county.
- The township is paying 0.5% of the DPW's annual budget to administer the billing, vehicles to respond, equipment, etc.

Popp inquired which way the board wants him to look, potentially forming an authority or selling all the infrastructure.

After some discussion, Hubbell stated we should ask the attorney.

The second issue is that there is only one copy of the "black book." Benak stated the clerk is the designated keeper of documents and it is up to Clerk Goss to get a copy made.

After some discussion, Goss stated the black book needs to be returned to her office so she can check into getting it copied.

### **Short-Term Rentals**

Popp stated there are people here who are interested in this process. Popp introduced the township board, and stated that although this topic arose from a single entity, the discussion has grown; it is about the future of R1 property.

Popp provided information as to the regulation or lack of regulation of short-term rentals in Milton, Torch Lake, and Clearwater townships.

Discussion followed regarding:

- Where does the township get the authority to regulate it?
- We should look to see how widespread the problem is, perhaps with a survey of all waterfront owners, and then turn it over to the Planning Commission for their recommendations.

Cliff Pixler, 245 Lorraine Street, Glen Ellyn, Illinois, stated he owns the property at 9294 Skegemog Point Road. Pixler provided a short history of how he came to own property on Skegemog Lake. He is aware that his neighbors have issues with the rentals and the way he uses his property. He passed out copies of a letter to all board members responding to the allegations and read the letter out loud. He noted there were issues the first year they rented, but they have taken steps to remedy those. They have tried to be good neighbors. He offered to answer any questions.

John Karwoski, 9268 Skegemog Point Road, stated he was here at the last meeting when Popp was not here. He wrote the document up because he was the secretary for all the various neighbors in the area that have problems. Karwoski refuted Pixler's comments that everything is going fine. Having a rental for the whole summer season has destroyed the residential character of their neighborhood. The issues are the number of vehicles and people coming and going and the number of people in the house, up to 16 at one time. Things go late into the night. Karwoski has been at that address since 1979. They have never had anything like this in the neighborhood.

It has totally changed the character of the neighborhood. He stated we need to have some sort of rules for rentals, what the term is and how many people are in the house.

Lengthy discussion followed, including board member questions.

Benak stated she would like the neighbors to write their own letters, to see what their specific issues are. It would have more impact than a spokesperson coming in.

Goss noted that the first course of action in dealing with loud, rowdy, drunk people is likely to call the police.

Lawson stated we are stepping into the boundaries of police power, which we may not have the authority to go that far.

Hubbell commented that if letters are written by the neighbors, Mr. Pixler should get copies of them. He stated he is not taking sides, but does not want to have ordinances telling him he cannot rent a house out.

Lynn Didier, 9268 Skegemog Point Road, stated you asked for letters from the people. We met with Ron once and then again a year later. We had this room filled. Each individual person made their complaint. Now you're saying that's not good enough. She stated this is the fourth time they have been here in less than a year and a half trying to get something accomplished. There are 80-year-old people who do not sit out in the front yard anymore because of the renters. They are not going to come here and make an issue, but if need be, we will have them write a letter, and get the rest of the neighbors to write a letter.

Benak reiterated that when they were having meetings with Popp here at the township, the rest of the board knew nothing about it.

Discussion followed concerning the timeline of the complaints regarding the Pixler property.

Popp stated this is an ongoing process. People have a right to use their property. You may not like the use. This is a very sensitive issue that will not be settled overnight. Popp apologized that it is taking a long time, but there are lots of interests that we need to look out for.

Pixler stated they provide a contact person. If there are issues, come and talk to us. They have made changes based on feedback they have been given. Certainly, you can call the police, but the first call should be to him or the property manager. The neighbors have that contact information. They have rules in place for dealing with this type of stuff.

Goss commented to Pixler that his neighbors should not have to call a contact number and wake somebody up. The police are up 24 hours a day. The neighbors deserve to have it quiet during certain times. They should not have to put up with loudness, drunkenness or rudeness.

Chad Brown, 1711 Pergola Avenue, Traverse City, stated he sold Pixlers the lot. There was no intention to rent when they bought. He and his wife manage the property; it is the only rental

they manage. Since the time they have been rental managers, they have received one call about any of the renters. The neighbors have their contact information. He elaborated on a few incidents with the neighbors and urged that the township not institute an ordinance based on this one property. He also stated it looks like the local realtors' association is in favor of some reasonable ordinance that would prevent an owner from abusing the privilege of renting their property.

The board then discussed:

- Whether to pass this issue to the Planning Commission with thoughts of a survey of lakefront property owners.
- Whether to ask the ZBA for some type of determination or definition.
- Whether it would be a zoning ordinance or regular ordinance.
- The process of obtaining public input, township attorney involvement, drawing up an ordinance, public hearing, etc.

Popp stated what he has going back to the PC is to write a survey, find out the scope of the problem, if it exists outside of this corridor, and do they see it as being a future problem.

### **New Business**

#### **Zoning Administrator Résumés**

Goss would like to interview Weinzapfel and McElyea. Benak would like to interview Weinzapfel, McElyea, and Reid. Popp would like to interview Weinzapfel and McElyea. Lawson would like to interview McElyea, Reid, and Weinzapfel. Hubbell stated he is good with Weinzapfel and McElyea.

It was agreed that interviews will be conducted on Tuesday, 11/22/2016, starting at 3:00 p.m. Interviews will be scheduled 1 hour 15 minutes apart.

Popp will set up each interview.

### **Winter Maintenance Bids**

**Motion by Goss, second by Popp, to hire 365 Outdoor to do the 2016-2017 winter snowplowing for the township.** There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

### **Application to Grand Traverse Band for Sewer Capacity**

Popp introduced Paul Brady, who is looking at Whitewater Township for a rental housing development. He has looked at parcels along several roads. He is asking the township to write a letter to see if the tribe is interested in selling capacity.

Paul Brady, 10008 Amos Wood, Williamsburg, stated he is proposing to build a multi-family development, townhouses, but they need to figure out the utilities first.

Lengthy discussion took place along the following lines:

- Lack of details about the proposed project.
- Whether the developer should go directly to the tribe instead of through the township.

- A development of this type would encourage young people to come to the township.
- Whether the township would be financially involved in the costs of any infrastructure.
- Wording of the proposed letter from the township to the tribe.
- The tribe would be the owner of the infrastructure.
- The water system to Mill Creek School was given by grant.
- The money to build a system would pass through the township, but the township would not be spending taxpayer money.
- Who else would benefit from this grant.
- Eliminating the words “community partnership” from the letter.
- Brady stated he is expecting the tribe to pay for the infrastructure for his project.
- Comparison was made with the DTE natural gas project. People would not be required to hook up.
- If there is any grant writing, it would be a pass-through. The township would not be incurring the cost.

**Motion by Popp, second by Hubbell, to send the letter as written to Chairman Thurlow McClellan, Grand Traverse Band of Ottawa and Chippewa Indians.** There was no further discussion. **Ayes: Benak, Hubbell, Popp. Opposed: Goss, Lawson. Motion carried.**

Popp will remove the word “Tribe” in the address line.

### **2% Grant Application for Ambulance Services**

Popp’s memo on this topic proposes submitting a request “to assist with costs associated with maintaining the MMR ambulance service.”

It was determined that the ambulance millage covers all but \$1,358 of the annual subsidy.

Discussion turned to submitting a 2% grant application to cover the costs of remodeling the current ambulance station.

Benak related that she spoke to a member of the band at the community Halloween party, who made sure Benak understood that community building was a high priority to them. Benak understood it to mean that they want to be a part of this community and they want to contribute. The atmosphere might be changing with their new change of guard.

Popp stated he is available to help somebody with the application but cannot take on the full task.

Popp and Benak agreed to meet next Monday.

It was agreed that a 2% grant application will be submitted to assist with the costs of the renovation/addition at 8380 Old M-72.

### **Excel Site Rentals (added)**

Benak provided information on an extended stay trailer for use by MMR personnel during the renovation/addition of 8380 Old M-72.

Discussion followed concerning various details.

**Motion by Lawson that we move forward and rent the trailer/portable for the MMR staff during the construction project and rent the one with the holding tanks, not to exceed \$1400 per month.**

Discussion followed regarding rental properties that might be available and where to park an extended stay trailer.

**Goss seconded the motion.**

There was further discussion regarding electrical installation costs and proposed locations for placement of the trailer.

**Roll call vote: Lawson, yes; Popp, no; Benak, yes; Goss, yes; Hubbell, yes. 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.

##### **Review Ordinance 22 Pension Plan (tabled 10/25/2016)**

This agenda item will remain tabled.

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

None

#### **Announcements**

Next regular township board meeting is 12/13/2016, with a special meeting on 11/22/2016.

#### **Public Comment**

None

#### **Adjournment**

**Motion by Lawson, second by Popp, to adjourn. On voice vote, all those present voted in favor, none opposed.** Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk