

**Whitewater Township Board**  
**Minutes of Regular Meeting held October 10, 2017**

**Call to Order**

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, Popp

Board Members absent: Lawson

Others present: Carol Crawford, Nick Carpenter, Tim Shaffer, and 7 others

**Set/Adjust Meeting Agenda**

Goss noted that RCI has provided a quote for insulating and heating the storage room at the Emergency Services Building, which should be voted on under Unfinished Business #1.

Popp added the vote on adoption of Ordinance No. 50 as Unfinished Business #5.

**Declaration of Conflict of Interest**

None

**Public Comment**

Scott McBride, 5842 Moore Road, stated his wife Susanne and he purchased property on Moore Road about a year and a half ago. The first 28 years of his life, his family ran the National Summer Palaestrum, which was a children's summer camp. He stated he is here to express the importance of the board's decision and to ask the board to opt in to the Medical Marijuana Facilities Licensing Act. The state is going to be making those licenses applicable on December 15. He would like to see the board take action to provide for permitting for the five licenses that would be available.

Susanne McBride, 5842 Moore Road, stated she has been married to Scott for 24 years. She is a caregiver; she was first a patient. She stated she and her husband are law-abiding citizens, and society needs to get over thinking this is a bad substance. It is really helping a lot of people. She asked the board to please consider opting in and know that not everybody who is involved in the industry fits the stereotype that you might have in your mind.

John J. Kreger, 8019 Skegemog Point Road, stated his parents' retirement home has been here for 43 years. He is an ex-Dearborn public teacher and is here to support what the McBrides have said. He described several joint replacements he has had and stated that marijuana helps him sleep and relax. Anybody who could be helped by it, that would make their life easier, he supports 100%. He asked the board to please consider it.

**Public Hearing****Ordinance No. 50 – Amendment to Video Service Provider Right-of-Way Management Ordinance**

Popp opened the public hearing at 7:22 p.m. and noted the following:

- Anyone wishing to comment should sign in.
- Notice of the public hearing was posted by the clerk at the township hall kiosk on Wednesday, September 20, 2017, and in the Traverse City Record-Eagle on Sunday, September 24, 2017.
- No written comments have been received.

Popp asked if there is any spoken comment concerning Ordinance No. 50.

(There were no comments.)

Popp declared the public hearing closed at 7:23 p.m.

Popp invited the board to offer discussion.

It was agreed that discussion would take place at the time of the vote.

**Reports/Presentations/Announcements/Comments****County Board of Commissioners Report**

County Commissioner Carol Crawford gave the following report:

- In the past month, they have a new Commission on Aging director who will begin on 10/19.
- Last week, they agreed to allow Comfort Keepers an extra \$10,000 through the end of the year to do backup services for the Commission on Aging. They reached their \$30,000 allowed without having to come back to the BOC for more. This led to a discussion about the purchasing policy, which is a little ambiguous. Administration will work on rewriting the policy.
- A couple weeks ago, they had a joint meeting with the parks commission to understand properties that the parks commission holds that may be excess property and what is the process to go through with the parks commission to be able to sell some of those pieces. A process will come to the board in the next couple weeks for how they can go about selling property that is currently under the stewardship of the parks.
- They have approved a reorganization of the 86th District Court administration.
- They authorized the formation of an officers' compensation commission. They are hoping to hire for that in the next several weeks. They will begin their work in January and will figure out what all of the elected officials should make in the next term, which begins in 2019.

Goss questioned when the elected County Board of Commissioners is going to take back control of the parks and pavilion properties from the unelected and unaccountable commissions and/or authorities which currently oversee them.

Crawford explained that the BOC does have the power to overturn a parks commission decision to not sell unused park land. The Pavilions is different in that the building is under the control of the building authority until the outstanding bonds are paid off.

**County Road Commissioner Report** – No one is present on behalf of the Road Commission.

**Mobile Medical Response Report** – No one is present on behalf of Mobile Medical Response.

**Planning Commission Report** – Lloyd Lawson is absent.

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

Parks & Recreation Administrator Cheryl Goss gave the following report:

- The Parks and Recreation Advisory Committee met last night and Goss attended their meeting.
- Regarding the used playground equipment for Whitewater Township Park, it was agreed that Goss will request quotes for sandblasting and powder coating the swings and monkey bars. The quote for the merry-go-round has already been received. The committee would like to get the equipment painted this fall. The committee will work on getting written quotes for the price of cement, bolts, fasteners, etc. Melton has obtained prices on new swings and chains. Invoices from the Hi Pray Park installation will be used to come up with price quotes for the cost of lumber, rebar, weed mat, and beach sand.
- Goss updated the committee on the status of the flush toilet facility, i.e., that it has been shelved for the time being as too costly. Decker volunteered to research some alternatives.
- Regarding enforcement of park rules, mainly with respect to people hanging around or staying overnight at Hi Pray Park, the committee asked Goss to contact the sheriff's department to get more information about police enforcement of these rules. Once this information is received, they will decide on the wording of a sign.
- Goss informed the committee that the township board has approved the purchase of six park benches. Those will be ordered this fall and stored for the winter.
- PRAC discussed the two map amendments for the Recreation Plan. Appendix 9 has been corrected to show the actual amount of BCNA property and removal of the piece of private property that was formerly included. Appendix 14 shows the path of the Lossie Road Nature Trail and the Battle Creek Natural Area trails before the August 2015 storm damage. Map My Walk has been used to show where the current trail is. When Appendix 14 is corrected, the Recreation Plan needs to be amended to add the corrected maps.
- Concerning BCNA, the committee is also concerned that the current trail which goes north from the parking lot does not actually exist all the way to the water's edge. They are concerned that perhaps the township did not get what it paid for when the trail was cleaned up. They would like the board to investigate the contract to see what was supposed to be done. Were Riegle and Parshall supposed to get all the way to the water? Dennis Leach and Tom Cosgrove did concede that the former trail to the water went through a swamp, which was dry, was probably only about 8 feet wide, and was in rough shape.

- There was brief discussion about gathering cost figures for next year's budget.
- The committee would like to see a tennis court backboard constructed yet this year. Tom Cosgrove will get backboard information.

### Consent Calendar

#### Receive and File

1. Supervisor's Report for October 2017
2. Clerk/Park & Recreation Administrator's Report for September/October 2017
3. Zoning Administrator's Report – Land Use Permits
4. Mobile Medical Response September 2017 Activity Reports
5. Grand Traverse Rural Fire Chief's Report September 2017
6. Approved 07/27/2017 Zoning Board of Appeals Minutes
7. Approved 08/02/2017 Planning Commission Minutes
8. Approved 08/14/2017 Parks & Recreation Advisory Committee Minutes
9. Approved 08/21/2017 Parks & Recreation Advisory Committee Special Meeting Minutes
10. Approved 09/06/2017 Planning Commission Minutes

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics for September 2017 and 3rd Quarter Totals
2. Grand Traverse Rural Fire Board DRAFT 08/16/2017 Minutes
3. GTRFD Officers' Meeting Minutes September 2017 (not available)
4. Letter 09/14/2017 Charter Communications re: Change to Channel Lineup
5. Letter 09/25/2017 Elk-Skegemog Lakes Association re: Purple Loosestrife Treatment
6. Letter 09/29/2017 Charter Communications re: Changes to Channel Lineup

#### Minutes

1. Recommend approval of 09/12/2017 and 09/26/2017 regular meeting minutes and 09/21/2017 special meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 42054 through 42140
2. Approval of First Community Bank Miami Beach voucher # 1234
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Referring to the clerk's report suggestion that the large tree on the north side of the township hall needs to have branches removed, Popp stated he will get three quotes.

Scope of the tree work was discussed. It was agreed that branches close to the township hall should be removed as opposed to complete tree removal. Goss suggested the large horizontal branch be completely removed to avoid roof damage.

**Motion by Hubbell to approve Consent Calendar items as presented; second by Goss.**

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

### Unfinished Business

#### **Emergency Services Building Renovation/Addition Project**

Goss reported there will be no additional cost for the 9'6" overhead door.

Brief discussion followed regarding clearances for vehicles.

Lt. Nick Carpenter will take some measurements of the trucks and advise the board.

Bulletin No. 4 has been provided, which shows an additional cost of \$16,731 to insulate and heat the new storage area.

Carpenter explained the reasons for requesting the area to be heated, i.e., prevention of pumps freezing, starting issues. They may use the space for training in the winter, especially if they get more members.

Popp noted that up to this point all of the ancillary storage facilities have been heated.

**Motion by Hubbell to authorize Bulletin No. 4; second by Popp.** There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, absent; Popp, yes; Benak, yes. Motion carried.**

Goss provided upcoming progress meeting dates and times.

#### **Discussion of Whitewater Township Fire Department**

Popp stated the documents in the packet are meant to keep everybody informed of what he is forwarding back and forth to Carpenter, Arbenowske, and Shugart. There are also MTA documents, the Long Lake ordinance, a sample ordinance from Shugart.

Carpenter said they continue to work on a policies and procedures manual for the department in preparation to provide to the board for review. They have created a sample ordinance for the township to review using the MTA sample. They are still working on budgetary issues as well.

Goss stated she compared the proposed ordinance that was submitted by Shugart with the MTA sample and she has a number of questions.

Discussion followed.

Popp stated it is his observation that one of the two ordinances is written from the township being the employer point of view and the fire personnel being employees, and went on to state that we cannot lose sight of the fact that we are volunteers at this time, unless the township board wants to move in a different direction and hire part-time, full-time staff.

Goss responded that volunteers do not get paid, and noted that the local department has been a paid-on-call department for many years. Paid-on-call firefighters will be township employees, paid at a rate set by the township board, and covered by workers comp.

Goss inquired if the board wants to have a special meeting to hammer out the ordinance.

Popp suggested we submit our comments and work on it remotely, especially given that Shugart is in Texas for another four or five months. Once we get it closer, it can be brought in front of the board.

Goss stated the whole board needs to be part of the discussion. Goss suggested Carpenter attend a meeting in place of Shugart to answer any questions.

There was board consensus that this matter should be kept on the board's first and second agendas of the month.

Goss will e-mail Shugart and request the Word version of his proposed ordinance.

Goss requested that the budget numbers be put into the township's regular budget format.

Popp stated at this point he is going to keep it in the Excel program.

**Proposed Update Section 2.0 Administrative Policies & Procedures Manual re: Public Hearing for Non-Zoning Ordinance Amendments**

Popp stated the new language to be inserted will require that a public hearing be held prior to adoption of all non-zoning ordinance amendments. The specific language to be added to Section 2.4 (d) Meeting Agenda is: All non-zoning ordinance adoption or amendment actions shall be preceded by a public hearing.

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

**Miami Beach Sewer System – Condition Assessment Proposal**

A proposal has been received from Gourdie-Fraser to complete the condition assessment. A Miami Beach representative has questions as to who is going to pay for the phase 1 work, whether phase 2 is going to be mandatory and, if so, who is going to pay for it, as well as the number of actual risers in use. Popp also reported that Ron Bertul asked Popp to contact Kotesky Brothers Excavating, the company who installed pressure filters on the effluent side of the septic tanks. Gary Kotesky indicated they do filter evaluations or sock changes for anywhere between \$50 and \$100 if the customer supplies the socks.

Brief discussion followed.

Goss noted that she favors engaging Gourdie-Fraser to perform the phase 1 services for \$3,200 on the township-owned part of the system.

Conversation ensued regarding obtaining more than one quote for phase 1 services, where the money will come from for the charges, the need for an estimate of the pumping costs, as well as routine maintenance which has been performed by the residents.

It was agreed that an estimate of the pumping fees will be obtained and this matter will be brought back for potential action on the second October agenda.

### **Adoption of Ordinance No. 50 – Amendment to Video Service Provider Right-of-Way Management Ordinance**

**Motion by Popp to adopt Ordinance No. 50 as presented; second by Hubbell.** There was no further discussion. **Roll call vote: Lawson, absent; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

### **New Business**

#### **Medical Marijuana Survey Results**

Benak provided survey results to the board this evening and explained the process of distributing the surveys, the number returned (total of 335), and the bar graphs showing the results. All of the written comments on the surveys are included in the results. Benak will calculate the percentage of return and provide that figure.

Benak inquired of the board if 335 responses is enough to make a decision on how the board feels about opting in or opting out, or do we need more input from the community, more expert opinion.

Popp stated he would like to bring in Vaughn Harshfield, who is very experienced with statistics. Popp suggested the 334 (sic) will relate to a 90+ percent statistical accuracy.

Lengthy discussion followed.

This matter will be brought back at the second October meeting.

### **Approval of Park Fund Capital Expenditure**

Goss provided a memo detailing the need for a storage shed at Whitewater Township Park and is seeking board approval for this capital expenditure.

**Motion by Popp to purchase a 12 x 16 pre-made shed, set and delivered, with additional money for a pea stone platform, two 22 x 27 windows, no extra doors, total expenditure of up to \$4,000 with site preparation; second by Hubbell.** There was brief discussion of workmanship. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, absent. Motion carried.**

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

This agenda item will remain tabled.

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

This agenda item will remain tabled.

**Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)**

This agenda item will remain tabled.

**Board Comments/Discussion**

None

**Announcements**

The next township board meeting is 10/24/2017 at 7:00 p.m.

**Public Comment**

Nick Carpenter stated he talked to the engineer at the last walk-through and asked whether it would be possible, with the new sprinkler system installation, to also have some sort of in-house hydrant to refill the trucks. The engineer did not think it would be an issue. Carpenter would like an opinion if that is something we can look at while we are in the renovation project.

Brief discussion followed.

Popp stated he will check with his tribal water contacts.

**Adjournment**

Motion by Hubbell to adjourn; second by Popp. Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk