

Whitewater Township Board
Minutes of Regular Meeting held January 8, 2013

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:01 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, Hubbell, Lawson, Popp, Walton

Board members absent: None

Others present: Fire Captain Tim Arbenowske, Ambulance Coordinator Dawn Martin (late arrival), County Commissioner Larry Inman, and 12 others

Set/Adjust Meeting Agenda

Clerk Walton requested that a discussion of setting the date for the free camping weekend at Whitewater Township Park be added. Item added as New Business #4.

Declaration of Conflict of Interest

None

Public Comment

Vaughn Harshfield, 4404 N. Broomhead Road, addressed Unfinished Business #3, Whitewater Township Personnel Policy #4, vacation pay. He has been employed many places in his career; that statement means use it or lose it. If you are terminated, quit, fired, or die, employees were paid. He solicited the board to re-address this item.

Frank Berle, 5686 Vinton Road, has heard that the tribe has offered sewer in Whitewater Township. He is for it, feels it would be a good benefit. Inquired whether it is going to happen.

Supervisor Popp replied that he was contacted by a single person claiming to have ties to the tribe concerning money available for an engineering survey; application was due 12/31. Treasurer Benak indicated there was a grant which would pay up to 90% of the cost for the lower burg, but there was an issue of violation of the septage treatment ordinance. Benak would like to see the board investigate this issue with the tribe. Trustee Lawson commented that a water/sewer authority needs to be created. Trustee Hubbell feels a date should be set to get the public here and have it explained. Popp will work to get that on the agenda.

Dave Hauser, 9240 Skegemog Point Road, asked whether effluent flowing into Williamsburg Creek would then flow into Elk Lake.

Benak suggested the new board members should have a tour of the tribe's plant.

Public Hearing

None

Reports/Presentations/Announcements/Comments

County Board of Commissioners Report

Larry Inman gave the following report:

- County BOC met on January 2 for their organizational meeting. Herb Lemcool was elected chairperson; Sonny Wheelock was elected vice chairperson.
- The BOC is looking at the city-county agreement regarding the Traverse Area District Library and shifting of representation to 2 from the city and 5 from the county. There has been expansion of all member libraries.
- A letter was received from the tribe to set up committees. Past discussion centered around 2% grant applications. Regarding land in trust, if buildings are put on the land, would the tribe pay an impact fee. They have not heard back from the tribe on that. Inman feels the county has a great relationship with the tribe. By forming a committee, it will clear the air on a lot of things. He will suggest Whitewater Township be included on the committee.
- County commissioner Dick Thomas had reported a possible increase in septage rates. The BOC was opposed to the increase. Inman learned of the BPW resolution from our board packet. There is a state law requiring that septage be taken to a plant if you are within 25 miles of a plant. He will get the MCL number to Popp.
- The BOC has talked about the Storm Water Ordinance and review of it. Inman asked them to extend the Intergovernmental Agreement for 90 days; there was no support. The county can be asked to enforce it. Kevin McElyea has agreed to review and enforce the ordinance without charge.
- Acme Township's board meeting is tonight as well due to a date change.

Grand Traverse County Sheriff Report – No officer present.

Battalion #3 Fire Captain Report

Captain Tim Arbenowske gave the following report:

- Ten calls in December, 6 fire, 4 rescue, 3 PIs.
- Tom Emerson has finished the Officer II course.
- The department participated in the Christmas tree lighting ceremony.
- Burned the brush pile at the park.
- They might have a new member soon. If so, membership will stand at 11.
- A new furnace has been installed at the Lucsy building.

Ambulance Coordinator Report – Since Coordinator Martin has not yet arrived, the board will come back to this item.

Consent Calendar

Benak inquired when a closed session would be scheduled for an update on the Brown lawsuit. Popp responded that everything is at the same point as previously.

Upon question from Benak, Chief Arbenowske said all department physicals have been scheduled.

Benak commented that no one from Whitewater Township was at the last Rural Fire Board meeting and asked if there was an alternate. Popp said it was a misunderstanding on his part. Benak volunteered to serve as an alternate representative.

Brief discussion of the Grand Traverse County Sheriff Department statistics.

Brief discussion of the new 18 cents per gallon rate for septic waste. Popp will look into whether there was to be a cap on the per-gallon rate. Brief discussion regarding pulling out of the septage agreement. Popp remarked there is a lot to do as far as legwork before we say what we can do.

Regarding Correspondence #4, letter from Kevin McElyea regarding storm water review process, some issues arose and the BOC cut his wage.

Referring to the Draft Minutes of 12/11/2012, Popp questioned whether there was any term for the Recording Secretary appointment for the Parks & Recreation Advisory Committee. Walton indicated there is no term set for recording secretary appointments.

Popp inquired about the payment of shipping on Check 36508. Walton replied that this vendor was paid from the sales order confirmation, and when the invoice arrived, shipping had been added.

Questions from Popp to Dawn Martin regarding oxygen cylinder rental and purchasing rather than leasing tanks. Martin will research this and bring information back to the board.

Motion by Hubbell, seconded by Lawson, to approve the Consent Calendar items as follows:

Receive and File

1. Supervisor's Report for December 2012
2. Clerk's Report for December 2012
3. Zoning Administrator's Report for December 2012
4. Battalion #3 Fire Captain's December 2012 Activity Report
5. Ambulance Coordinator's December 2012 Activity Report
6. Draft minutes of 12/05/12 Planning Commission meeting
7. Draft minutes of 12/10/12 Parks & Recreation Advisory Committee meeting
8. Draft minutes of 12/18/12 ZBA meeting
9. GT Rural Fire Department – Minutes of 11/07/12 meeting
10. GT Rural Fire Department – Minutes of 12/19/12 meeting

Correspondence

1. Grand Traverse County Sheriff Department Statistics
2. E-Mail of 12/13/12 from Marvin Radtke re: Resolution 2012-10, Resolution to Proceed with Raising the Rates to Process Septic and Holding Tank Waste at the Grand Traverse County Septage Treatment Facility
3. Letter of 12/14/12 from Charter re: Michigan Government TV
4. Letter of 12/17/12 from Kevin McElyea to Community Leaders re: Storm Water Review Process

5. NWMCOG eNews – December 2012
6. Grand Vision Update: December 2012
7. E-Mail Attachment sent 01/02/13: Grand Traverse County Road Commission 2013 Regular Meeting Dates
8. TBAISD Summer Property Tax Levy Resolution
9. Elk Rapids Schools Annual Summer Tax Resolution

Minutes

1. Recommend approval of December 11, 2012 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 36462 - 36597
2. Approval of Alden State Bank Miami Beach voucher # 1130

Budget Amendments (None)

Revenue & Expenditure Report (None)

Roll call vote: Benak, yes; Lawson, yes; Walton, yes; Hubbell, yes; Popp, yes. **Motion approved.**

Ambulance Coordinator Report

Coordinator Martin gave the following report:

- The December run report is provided.
- Relates a story about a patient thanking the ambulance service for helping her and that she was thankful 3A responded.
- About a week after a call, Martin follows up to see how patients are doing.
- Martin extends hats off to and thanks her EMS providers.
(Board and audience applause)
- Upcoming events are the Snow Cross and VASA in February. Martin requested funds to provide food for her team at these events. She will let the board know what she needs.

Supervisor Popp commented that Martin does a wonderful job keeping the energy up and thanked her on behalf of the board.

Unfinished Business

Uniform Drain Code – Comparison Copies for PC

Benak will run copies for the Planning Commission tomorrow. Per Lawson, the PC has added meeting dates on January 16 and February 20.

Union Township Payables Update – BPW Breach of Contract

Walton looked into the latest invoices from Union Township, as well as what the last payment to Union Township covered. The last payment was for work done earlier than what is billed on the invoices submitted in December. However, there was no documentation for a \$300+ amount listed. This documentation was requested in December from Mansfield but has not been

received as of this date. It was the consensus of the board to await the provision of that information from Mansfield.

Whitewater Township Personnel Policy #4

Whitewater Township Personnel Policies #4 and #11 were discussed. Policy #4 does not allow payment for unused vacation time and appears to be the most current policy. Policy #11 does allow for payment upon termination or resignation with adequate notice. Popp inquired how the board would like to proceed. Benak stated she does not believe an employee should be penalized. Popp stated the former clerk did not have the power to pay the vacation time without board action; a precedent has been set. Walton outlined the chronology of events, indicating a township pay date occurred on Friday 11/16/2012; yet, "termination payroll" checks for Hockin, Lake, Boyd, Tezak, and Meyers, including the vacation pay, were issued 1 business day later, on 11/19/2012. **Motion by Benak, seconded by Hubbell, to not pursue recouping payment for the vacation pay issued to Leslie Meyers.** Roll call vote: Lawson, yes; Walton, yes; Hubbell, yes; Popp, yes, Benak, yes. **Motion approved.** Walton requested that the board put on a near-future agenda the issue of remedying the vacation pay inconsistency in the Whitewater Township Personnel Policy.

Submit/Discuss Information Collected by Each Township Board Member on Zoning Administrator Position

Hubbell's father has been hospitalized and he did not get the research done. Benak relayed information from Paradise, Blair, Torch Lake, and Bingham Townships having to do with their ZA and Planner (if any) hours.

Popp found many townships our size are separating zoning ordinance and planning, spending 70% of budget on planning, 30% on zoning. Many townships are eliminating planners, keeping planning commissions, and calling in planners when they need them.

Lawson submitted a written and oral report with details on zoning administrator/planner positions in West Branch, Benzonia, Bingham, Suttons Bay, Tuscarora, and Baldwin Townships.

Walton submitted a written and oral report detailing zoning administrator/planner information from Clearwater, Elk Rapids, Benzonia, Hayes, and Livingston Townships.

Popp provided details of ZA/Planner positions in Bridgewater, Kalamazoo, and Little Traverse Townships.

Popp asked the board where they want to go from here.

Walton feels we need to start with revisiting the Planner/Zoning Administrator job description, feels the township Planning Commission is capable of doing the planning in Whitewater Township. Walton also stated the township should be paying the Planning Commission members more; they have not gotten a raise in a long time. Many townships she contacted do not have a planner. Walton does not think a master's degree is required. One township she contacted had a former ZA with no degree and they felt she did an outstanding job. Current ZO is over 200 pages; how many more regulations do we need.

Lawson agrees with the PC doing a lot more of our planning.

Popp found that PC members in some other townships were being paid anywhere from \$50 to \$125 per meeting. Popp also inquired of the townships he contacted where their lawsuits came from. Without question, the people he spoke to said lawsuits did not come from the zoning administrator; they came from the planning commission taking rights away.

The audience was asked to comment. Glenn Savage feels the issue needs to go to a work session; let the PC do the work; hire a zoning administrator to enforce regulations.

Kim Halstead commented it should be somebody in the township who has a stake in the township, or close to it.

Hubbell feels it would be more effective to have somebody from the outside.

Adam Shaffer asked how local law enforcement was any different.

Popp asked board members to take the work description and modify it the way they like, look at a definition for "full time," do some offline work and come back with verbiage they like. Consensus was to bring the information back in 1 month.

New Business

Appointment to ZBA

Kenneth Bowen has submitted a letter indicating he would like to continue on the ZBA. **Motion by Hubbell, seconded by Lawson, to appoint Kenneth Bowen to the Zoning Board of Appeals for a term expiring December 31, 2015. On voice vote, the motion carried.**

Appointment to Planning Commission

Matt Lyons has submitted a letter indicating he would like to continue on the PC. **Motion by Walton, seconded by Benak, to confirm the recommendation of the Supervisor appointing Matt Lyons to the Planning Commission for a term expiring December 31, 2015. On voice vote, the motion carried.**

Budget Work Session Dates

There was discussion of tentative dates and budgets to be addressed. Budget work sessions were set for January 17th and 31st at 7:00 p.m.

Free Camping Weekend at Whitewater Township Park

Walton has received at least 1 call inquiring about the date for the free camping weekend and would like to be able to advise other callers when this will be. In 2012, Mother's Day weekend was the free camping weekend. **Motion by Walton, seconded by Popp, to set the dates of Friday, 5/10/2013, through Sunday, 5/12/2013, as the free camping weekend at Whitewater Township Park. On voice vote, the motion carried.**

Tabled Items

None

Board Comments/Discussion

Benak inquired whether the 2% grant application was submitted on time. Popp advised that he and Bill Mouser toiled over 4 of them amounting to more than \$60,000 and they were hand delivered to the tribe.

Benak inquired about Pat Miller's status on the Planning Commission now that Mickey Dean is the PC Chairperson. Popp advised that Pat resigned as chairperson but is still on the PC.

Announcements

Next regular meeting date is January 22, 2013.

Public Comment

Glenn Savage, 9833 Pineneedle Lane, advised the board that the township needs to get out of the sewage treatment fiasco. He resents the township telling him where to take his sewage.

Mary Wedow, 8732 Church Street, thanked the board for being proactive. Forming a committee to discuss with the Band the sewer project is what she would like to see get done.

Tim Shaffer, 5309 Moore Road, said the board should consider appointing the host camper to be the park administrator.

Adjournment

Meeting adjourned at 9:28 p.m.

Respectfully submitted,

Cheryl Walton
Whitewater Township Clerk