

**Whitewater Township Board
Minutes of Regular Meeting held September 10, 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, Goss, Hubbell, Lawson, Popp

Board members absent: None

Others present: 12

Set/Adjust Meeting Agenda

Benak stated she would like to give a report on the Parks & Recreation Advisory Committee (added as #5 under the Reports/Presentations category). Goss states she has a couple questions regarding Correspondence Item #3 (added as New Business #5). Also, Lawson will give a report on the Planning Commission (added as #6 under the Reports/Presentations category). Popp would like to review the Parks & Recreation Advisory Committee minutes of 07/08/2013 (added as New Business #6).

Popp also advised that at the last moment today the Grand Traverse County Road Commission provided updated information on a different brining contract (added as New Business #7). Popp also offered apologies that the commercial lease for the Unfinished Business agenda item was not included in the packet. The agenda was then set.

Declaration of Conflict of Interest

None

Public Comment

Tim Shaffer, 5309 Moore Road, requested that board members move their microphones closer to them or turn the volume up.

Public Hearing

None

Reports/Presentations/Announcements/Comments

Grand Traverse County Sheriff Department Report – No one is present from the Sheriff Department. However, a statistics report was provided.

County Board of Commissioners Report

Commissioner Inman gave the following report:

- The County BOC has finally approved the 2013-2016 Strategic Plan. Inman brought copies of the executive version. The full plan will be placed online.
- Regarding the Proposed Tax Agreement (Consent Calendar – Correspondence Item #3), Inman had a meeting at the Grand Traverse Resort 30 days ago or so and the tribe gave

them this proposed agreement. This document will begin the discussions regarding the 2% money. Meanwhile, the tribe has negotiations ongoing with the State of Michigan on their compacts. All compacts come due in 2013.

- The BOC will be spending time on the budget for the next 90 days. They have not gotten answers on retirement costs, health insurance costs. There is talk of a 20% increase. Last year, the County paid \$5 million in healthcare costs. The County has 13 bargaining units and their contracts are up at the end of 2013.

Discussion followed regarding the Proposed Tax Agreement, the current method of disbursement of 2% money, funds owed by the County to MERS, and the Grand Traverse County Road Commission millage proposal.

Battalion #3 Fire Captain Report – Captain Arbenowske is not present due to an ambulance call. No questions on his written report.

Ambulance Coordinator Report – Ambulance Coordinator Martin is not present due to an ambulance call. No questions on her written report.

Parks & Recreation Advisory Committee Report (added to agenda)

Benak reported there was a PRAC meeting last night (09/09/2013). Committee members Bill Mouser and Brandon Hubbell are present tonight. The committee went through recommendations for Battle Creek Natural Area. Regarding the Cosgrove bridge, the committee made a recommendation to send it to the board. They discussed the plug at BCNA which is causing a lot of silt to come through; recommendation is to unplug it.

Popp described the area being discussed and stated the wall and bridge were legally put in by Terry Snowday; Popp has seen the permit. However, the blockage is not permitted.

Benak stated the committee would like to check with the Three Lakes Association and the Elk-Skegemog Lakes Association to see if they have a program to come in and clear out the plug.

Brief discussion followed concerning the duties of the PRAC.

The PRAC also wants to do a work bee for erecting fence posts at Petobego before hunting season. Brandon Hubbell has provided quotes for materials (copies distributed to Board members).

The only thing the committee needs for the Recreation Plan to be assembled is maps and current budget information. The next meeting is October 14th. The only member absent on 09/09/2013 was Dennis Leach.

Discussion followed concerning the proposed fencing at Petobego. Popp would like to see a drawing of what is going to be done. Various materials discussed. Brandon Hubbell will provide a drawing. The quote for materials will be updated.

Regarding the Miami Beach matter, Popp stated he would like to have all information submitted through his office before it is released to anyone. Popp indicated he has spent a significant amount of time down there. He also stated there is no silt; it is a plant growing on the lakebed. Brief discussion followed.

Planning Commission Report (added to agenda)

Lawson reported that the PC met on 09/04/2013 and there was a lot of good input throughout the meeting. Audience member Kim Halstead spoke about inconsistencies in the zoning ordinance, i.e., no accessory buildings, no outside storage. Lawson suggested the PC should review these after the Master Plan process is completed.

The PC read through Part 2 as amended and checked for grammatical errors on Parts 3, 4, 6, and 7 of the Draft Master Plan.

The Zoning Administrator's report brought up water access points that are not functioning and need repair. The Board may want to come up with a service schedule.

The ZA report also recommended an improved fee structure regarding land use permits and print approvals. Discussion followed.

Lawson reported that overall the PC did a great job with the tasks on their schedule. Chairperson Dean was not present at the meeting.

Consent Calendar

Referring to the 07/08/2013 Parks & Recreation Advisory Committee minutes, specifically, the bolded sentence on Page 1 ("Recommend to the Board, through Board Rep. Benak, to check on the no trespassing signs and have them moved onto their own property (off the easement)," Popp wants to make it clear that Lossie Trail is an easement upon these people's property; they have a right to place signs on their property; they are allowing us to walk across the surface of their property.

Referring to the same minutes, specifically, the sentence which says, "DNR said the silt would go away if the dam was removed," Popp reiterated that it is aquatic growth, not silt.

Referring to the same minutes, specifically, a statement under Unfinished Business that "there have been complaints about the steps being closed," Popp indicated he would like those complaints forwarded to the entire Board.

Referring to Page 2 of the same minutes, Popp encouraged the committee to stay focused on the master plan of the park. Brief discussion followed regarding Benak's reference in the minutes to grant opportunities.

Goss stated that the questions she wished to ask earlier regarding Correspondence Item #3 were answered during the discussion with Commissioner Inman.

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

Receive and File

1. Supervisor's Report for August 2013
2. Clerk's Report for August 2013
3. Zoning Administrator's Report for August 2013
4. Battalion #3 Fire Captain's August 2013 Activity Report
5. Approved 07/08/2013 Parks & Recreation Advisory Committee Minutes
6. Approved 07/10/2013 Historical Society Minutes
7. Approved 07/10/2013 Planning Commission Minutes
8. Approved 07/25/2013 Zoning Board of Appeals Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for August 2013
2. Comparison of Lost Tax Revenues on GTB Parcel 80 and 82.
3. Proposed Tax Agreement GTB and GTC 2013.
4. E-mail dated 08/15/2013 from Debra Horner at University of Michigan re: Michigan Public Policy Survey
5. NWMCOG eNews dated 08/21/2013
6. Letter dated 09/03/2013 from Russ & Janet Sapp re: 2014 Seasonal Camping

Minutes

1. Recommend approval of 08/13/2013 and 08/27/2013 Township Board regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 37332 through #37451
2. Approval of Alden State Bank Miami Beach voucher # 1139

Budget Amendments (none)

Revenue & Expenditure Report (none)

Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Goss, yes; Benak, yes.

Unfinished Business**Emergency Services Building Rental Agreement – Updated Contract**

Popp provided copies of the new lease agreement, stating it is a simple lease and is very similar to the one signed in the past, with a couple exceptions. The previous lease required the township to pay for all repairs to the building, including the furnace that was replaced. It also required all utilities to be in the tenant's name. Both of those provisions have been eliminated in the new lease. Compensation will be at the same rate as currently agreed. Landlord John Lucsy has requested that a statement be added under Paragraph 22, specifically, that future lease agreements must be signed by 60 days prior to the termination date, which is September 15. Hubbell stated he had no problem with that language. Lawson and Goss agreed. Benak stated she has no problem with the 60 days; she has a problem with the whole lease.

Popp stated we really should be discussing what to do about a building and prints have been available for almost 60 days. Discussion followed.

Popp stated it is a 1-year lease. Hubbell stated he will agree to the lease as long as storage needs are seriously discussed. Paragraph 22 was modified to add the following verbiage, "Future leases or extensions shall be signed 60 days prior to September 15."

Motion by Hubbell, seconded by Goss, to accept the Commercial Lease as amended in Paragraph 22. Roll call vote: Lawson, yes; Benak, yes; Popp, yes; Hubbell, yes; Goss, yes.

New Business

Commission on Aging Introductions

Shawn Burt, member of the Board of Directors for the Grand Traverse County Commission on Agency for the past 10 years, provided written and verbal information about how the COA is funded, the services they provide, as well as statistics on how many Whitewater Township clients they served in 2012. Anyone 60 years of age or older can request services. They put out a newsletter every month with lots of information. The number to call for services is 922-4688. Their office is in downtown Traverse City at 520 West Front Street.

Popp inquired whether their newsletter could be provided electronically to be linked to the township's webpage or a hard copy for the bulletin board. Ms. Burt will request a copy be mailed and will find out if we can scan it for the township website.

Galligan Family – Monument Approval

Jim Galligan provided a picture of the proposed stone monument to be placed on the Lossie Road Nature Trail to honor Edra "Mickey" Galligan. The monument would be donated to the township. Placement near the Cook Road end of the trail is preferred. The wording may be changed to "dedicated to" instead of "in memory of." Goss indicated that she had checked with the Michigan Townships Association to find out the procedure for accepting a donation of this type. The township is able to accept the monument, but it was suggested that it be formalized with a resolution. Goss will draft a resolution to be available at the next Board meeting. Consensus was reached that engraving of the stone could begin.

Whitewater Emergency Services Auxiliary – Request to use Fire Barn for Annual Halloween Event and Permission to Block off Old M-72

A completed Whitewater Township Event Form was provided. **Motion by Hubbell, seconded by Benak, to approve Whitewater Emergency Services Auxiliary's request to put on their annual Halloween party at the Whitewater Emergency Services building.** Discussion followed concerning whether approval was needed from Rural Fire. Captain Arbenowske does not believe Rural Fire approval is an issue. Benak stated Rural Fire has not been consulted in the past. **On voice vote, all in favor, none opposed. Motion carried unanimously.**

WWT Park – Discuss Location and Number of Seasonal Camping Sites

Popp stated this agenda item is to confirm an earlier board decision to increase the number of sites. Goss referred board members to Township Board minutes of 01/10/2012 where that

decision was made. Goss also provided a map of the park with the location of each 2013 seasonal site highlighted. Discussion followed. **Motion by Popp, seconded by Benak, to increase the number of seasonal sites to 15.** Lawson asked where the seasonal sites would be located. **Popp amended the motion to add sites 24 and 27 as seasonal sites.** Popp clarified that the yellow highlighted sites totaled 13 and his motion is to increase the number of seasonals to 15 by adding 2, which would become 24 and 27. Park Ranger Edie Deveneau commented that site 24 is very small and not level, and 27 would not be desirable for 3 big units side by side. She suggested sites 25 or 29. Lengthy discussion followed. **Motion by Hubbell, seconded by Popp, to table this agenda item until the October 8 meeting.** Discussion followed. **On voice vote, all in favor, none opposed. Motion carried unanimously.**

Goss further mentioned that any research done by the PRAC should be done only on public campgrounds, not private campgrounds. Also, a 15-day maximum stay is the industry standard at public campgrounds and is the policy followed at 2 local public campgrounds, Traverse City State Park in Traverse City and Barnes Park in Antrim County.

Lawson commented that he worked in the RV industry for 16 years, staying at parks all over the country, and what has been done here he has not seen elsewhere.

Popp questioned why the season starts and ends on a certain day.

Correspondence Item #3 (added to agenda)

Addressed under Reports/Presentations/Announcements/Comments.

Parks & Recreation Advisory Committee Minutes (added to agenda)

Addressed under Consent Calendar

Revised Road Brining Agreement (added to agenda)

Addressed below.

Tabled Items

None

Board Comments/Discussion

Lawson suggested the Board should have name tags on their desks for the public's benefit.

Lawson inquired whether there was anything to go back to the PC.

Popp stated that Section 5, Land Use, is a really hot topic, 5 acres versus less than 5 acres. Popp's proposal to the PC is that it be left as it appears in the 1999 version.

Benak does not agree. She commented that the 5-acre minimum is a personal thing for her; it was a taking of her land and stopped a tradition that had been going on since the early 1930s. An injustice has been done to many people, and it is economic discrimination of young families; they cannot afford to buy 5 acres.

Hubbell stated that he opposed the 5-acre minimum for agricultural land in the northern part of the township, but it was snuck in on the southern side of the township.

Benak stated the 5-acre minimum exists in an area that is best for building.

Popp inquired how to address people who claim that the wishes of the township residents are being ignored.

Benak referred to a presentation given by Dylan Sullivan detailing how the 5-acre minimum was adopted.

Goss stated that surveys do not determine property rights.

Benak further stated that it does not make sense that 5 acres is needed for a single family; yet, one can have as many horses as one wants on 2.5 acres. She has addressed the Planning Commission on this topic.

Popp stated he had a ZBA case which showed 2 confirmed cases of trespass at Island Lake, where Island Lake Road runs onto the former Weber property, *off the platted road right of way*. **(Correction in italics)**

Further discussion followed.

Revised Road Brining Agreement

Popp stated new brine applications are going to be first come, first serve. Three brine applications were originally approved, but there is likely only time for two applications. Popp would like approval to sign the revised 09/09/2013 brining agreement. The total estimated cost for brining will go from \$4,850 to \$5,283. **Motion by Lawson, seconded by Hubbell, to authorize the Supervisor and Clerk to sign the revised 09/09/2013 County Road Improvement Agreement for brining. Roll call vote: Lawson, yes; Goss, yes; Hubbell, yes; Popp, yes; Benak, yes.**

Announcements

Next Township Board meeting date is September 24, 2013, at 7:00 p.m.

Public Comment

Tim Shaffer, 5309 Moore Road, proposed that the Board get moving on a fire station. The present station could be a storage building. The prints are nowhere near what is needed and they are totally different from what was recommended. He has asked Rod Kuncaitis and several others where the last prints are; he thinks they were done by Peninsula Construction.

Popp responded that he has asked Peninsula to supply those plans. However, he has been told the tribe will have their own contractors.

Shaffer stated Green Lake/Interlochen pulling out (of Rural Fire) is a big concern. The tribe would like the ladder truck to be in Whitewater Township.

Hubbell inquired which prints are here in the township hall.

Bill Mouser, 11644 Topview Drive, stated the plans were generated by the tribe in 2002 and are for a police/fire services building in Peshawbestown. The building would be very expensive.

Lengthy discussion followed.

Regarding the proposed road millage, Mouser stated he has some fact sheets here.

Lengthy discussion followed.

Jim Galligan, 9125 Ayers Road, thanked the Board for approving the stone. Popp asked Galligan to pass on a heartfelt thank-you to the Galligan family.

Adjournment

Motion by Hubbell, seconded by Lawson, to adjourn. Meeting adjourned at 9:48 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk