

**Whitewater Township Board
Minutes of Regular Meeting held November 12, 2013**

Call to Order

Supervisor Popp called the meeting to order at 7:01 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board members present: Benak, Goss, Hubbell, Lawson, Popp

Board members absent: None

Others present: 10

Pledge of Allegiance

The Pledge of Allegiance was recited.

Set/Adjust Meeting Agenda

Benak stated she would like to pull out the approved 10/02/2013 Planning Commission minutes (added as New Business #3). Under Reports/Presentations, Popp would like to introduce Dennis Habedank (added as #6 under Reports/Presentations). Lawson would like to give a report on the last Planning Commission meeting (added as #5 under Reports/Presentations). Benak will give a report on the Parks & Recreation Advisory Committee (added as #7 under Reports/Presentations). Goss would like to add a budget amendment (added as New Business #4).

Declaration of Conflict of Interest

None

Public Comment

Levi Gaskin, 5653 Vinton Road, stated he knows there have been problems with ambulance and fire. He then read from a 1-page document.

At Benak's suggestion, Gaskin would like to make the document part of the record. (See attachment to minutes.)

Public Hearing

None

Reports/Presentations/Announcements/Comments

Grand Traverse County Sheriff Department Report – No officer is present.

County Board of Commissioners Report – Mr. Inman is not present.

Battalion #3 Fire Captain Report

Fire Captain Arbenowske stated there were 3 runs in October, 2 fire and 1 rescue. The department has had 41 runs so far this year, almost half of the number of runs as in 2012. The members have attended various trainings, a business meeting, and conducted vehicle maintenance.

Captain Arbenowske reported that the new GT Rural Fire Chief is changing things over. The Williamsburg department is no longer a battalion; they are a station. Also, there are no more chiefs in the stations. Weber is the only chief. The responsibilities are the same.

In October, the department conducted public education at Mill Creek Elementary and Down by the Creek Children's Center. They also had lockdown drills at Woodland School and Mill Creek, as well as a fire drill at Mill Creek.

The department participated in Mill Creek's 5K event and the Iceman bike race event. There was a good turnout for the annual Halloween party. The hayrides had to be cancelled.

The Williamsburg station hosted the GT Rural officers' meeting this month. The Auxiliary put on the dinner.

Paul Tyrer dropped off a quote for 2 different types of ice stops on the fire station roof. Only the front needs to be done. Discussion followed. Arbenowske would like to go with the bar type.

Arbenowske agreed to make room for storage of the park golf cart at the Lucsy building.

Ambulance Coordinator Report

Martin noted that the agenda states that the Ambulance Coordinator's report was not received. Goss clarified that the report was not received as of the time the board packet was put together but did come in on November 11th. Martin would like to have her computer looked at as some things are not being sent.

Martin reported there were 16 calls in October and described the types of calls. NorthFlight personnel were on board 4 times. NorthFlight did transport for 3A one time because they did not have staffing. The ambulance service is up to 168 calls for the year. Last year, they had 145 at this time.

(At 7:25 p.m., Hubbell left the board table to take a phone call. He returned to the board table in less than 1 minute.)

Martin also reported that Micaiah Foust and Benjamin O'Connor have finished their MFR class and have passed on the state level. They will next take the National Registry. After that, Foust will be a driver. O'Connor will get into a driving class in the spring.

Martin thanked everyone who participated in the Halloween party. Martin was not able to be part of the Iceman this year due to being scheduled at Munson.

Ambulance 3A was on standby for the Mill Creek 5K event. They will use 3A2 more now that the weather is getting bad because it has 4WD. The brakes were recently fixed on 3A2.

Planning Commission Report

Lawson stated the most recent PC meeting was last Tuesday (November 6). In Public Comment, they were asked why the township E-letter was not being used more and when it would resume.

They discussed reports being turned in on time and agreed to a time schedule. It was a long meeting. The PC was stuck on Section 5, Future Land Use. Two other items were tabled to the next meeting. They hope to finalize Section 5 at the next meeting.

Goss inquired about a comment in the PC 10/02/2013 minutes attributed to Lawson, namely, "At the last Board meeting, there was discussion in reference to the TART trail. Board recommends removing the TART trail from the Master Plan." Goss pointed out that the Board did not agree to removal. Lengthy discussion followed.

Benak inquired about another comment in the PC 10/02/2013 minutes attributed to Lawson, namely, "There was also discussion regarding the five acre minimum. The PC does not need to rewrite it, so just leave it the way it is." Benak stated that it was not the consensus of the Board to go with the 1999 language; that was the sentiment of the Supervisor. Discussion followed. Benak asked Lawson to go back to the PC and clarify that there was not Board consensus that the 1999 language be used.

Popp inquired of audience member Vaughn Harshfield what he recollected from the 10/02/2013 PC meeting on this topic. Harshfield stated he heard it that the Board wants to maintain the 1999 land use. Popp indicated that it needs to be clarified. Also, consensus was reached that the TART trail will not be removed.

Introduction of New Zoning Administrator Dennis Habedank

Popp introduced Dennis Habedank as the new Whitewater Township Zoning Administrator. Habedank recapped his written report, stating he has issued 11 Land Use Permits, done a number of inspections, and driven 89 miles in the township in the last month. No major complaints have been received. He has been acquainting himself with the Zoning Ordinance and fielding a lot of calls.

Benak inquired whether Habedank would now be attending the Planning Commission meetings. Popp replied that he would be once the Master Plan is finished. Benak stated she would like him to be at the meetings.

In response to a question from Harshfield, Habedank stated his office hours are Monday, Wednesday, and Friday from 8:30 to 4:00 or 5:00.

Benak stated there were quite a few people at the recent annual awards banquet for planning who knew Dennis and said that he would be good for our township.

Also, Goss stated she introduced him to the election workers on November 4th and he got hugs from two who already knew him.

Consent Calendar

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

Receive and File

1. Supervisor's Report for October 2013

2. Clerk's Report for October 2013
3. Zoning Administrator's Report for October 2013 (to be available on 11/11)
4. Battalion #3 Fire Captain's October 2013 Activity Report
5. Ambulance Coordinator's October 2013 Activity Report (not received)
6. Treasurer's Cash Balance Reports, MBIA Class Investment Reports, and Bank Accounts Reports for months ending 04/30/2013, 05/31/2013, 06/30/2013, 07/31/2013, and 08/31/2013
7. Approved 08/07/2013 Planning Commission Minutes
8. Approved 08/12/2013 Parks & Recreation Advisory Committee Minutes
9. Approved 08/22/2013 Zoning Board of Appeals Minutes
10. Approved 08/26/2013 Parks & Recreation Advisory Committee Special Meeting Minutes
11. Approved 09/04/2013 Planning Commission Minutes
12. Approved 09/09/2013 Parks & Recreation Advisory Committee Minutes
13. Approved 09/11/2013 Historical Society Minutes
14. Approved 10/02/2013 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for October 2013
2. 10/23/2013 NWMCOG eNews
3. 10/25/2013 Letter from GT County Sheriff Tom Bensley re: Budget Shortfall
4. 10/28/2013 Letter from LARA re: Uniform Video Services Local Franchise Act
5. 10/30/2013 E-mail re: Suspension of the 2014 Boundary and Annexation Survey

Minutes

1. Recommend approval of 10/08/2013 and 10/22/2013 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 37535 through 37633
2. Approval of Alden State Bank Miami Beach vouchers # 1141 and 1142

Budget Amendments (**Proposed Budget Amendment added as New Business #4**)

Revenue & Expenditure Report (04/01/2013 through 08/31/2013)

On voice vote, all those present were in favor, none opposed. Motion carried.

Parks & Recreation Advisory Committee Report

Benak summarized the progress of the PRAC in putting together the Recreation Master Plan. They are to the point of assembly. They will look at it one last time once it is completely assembled and then send it to the Township Board.

She stated Phil Knapp did research on the plug at Battle Creek Natural Area and gave a brief update. He is waiting on information from various departments.

Popp commented that the flow of Battle Creek has been changed by one of the property owners. Benak replied that the management plan states the creek must be kept free-flowing. Benak states

it is in the investigation stage. The adjoining property owner, Mr. Cosgrove, would like to keep it as a private island. However, if the plug is taken out, there will not be flooding further upstream. Benak stated a report will be sent to us. Popp stated there is one building on hold because of the water table there. Discussion followed.

Unfinished Business

Review Township Board's Written Comments on Tribal Taxing Agreement

Popp stated that he had asked for written comments on the taxation agreement. Benak stated she is not sure of our focus since the parcels in question are not part of Whitewater Township. Popp replied that we need to have an understanding of the difference between ad valorem revenue and 2% revenue. Soon, we will be asked how we want to negotiate the new compact with the tribe. The current compact expires 12/31/2013. Grand Traverse County and Attorney General Bill Schuette are currently working on the compact. Lengthy discussion followed. Goss believes the township should write a letter to the tribe stating that Grand Traverse County does not speak for Whitewater Township. Lawson, Benak, and Hubbell agree. Popp stated there is a "Memo of Understanding" committee consisting of Grand Traverse County and the Acme and Whitewater Township supervisors only. Popp urged Board members to look at how the Mt. Pleasant tribe has to distribute their money and how it differs from what GT Band does. Discussion followed. Consensus was reached that 2% money is more favorable than ad valorem.

New Business

Read and Provide Written Comment on WWT Annual Audit and Report for Fiscal Year Ending March 31, 2013

Popp inquired if the Board had an opportunity to read the audit.

Goss stated she went through the audit and wrote down a number of questions, some of which may have been answered later in the audit. She needs time to review the questions again.

Benak stated the audit identified an action item for her, namely, that the township needs to move some money as some accounts have balances over the \$250,000 insured limit. She will look at this as soon as the December tax bills go out.

Popp has lots of questions as well, most of which will go to the auditor. Popp referenced Page 3 of the 08/05/2013 letter entitled "Communication With Those Charged With Governance at Conclusion of Audit." Popp stated this is an area that the auditors feel we need additional work. The paragraph entitled "Methods of Strengthening Internal Control" states, "As is common in small and medium sized townships, it is not cost effective to segregate all duties of the township board. As a low cost method of strengthening internal controls, we recommend that the Township consider having a trustee review and initial each bank reconciliation prepared by the treasurer, as well as each page of the statement itself, and each adjusting journal entry prepared by the clerk."

Benak stated all bank accounts are reconciled once a month.

Goss stated her office does not make very many adjusting journal entries. Most adjusting journal entries are supplied by the auditors. She has no problem with a trustee reviewing all adjusting journal entries.

Discussion followed concerning the process that might be used to implement the recommendation of the auditors.

Goss stated, as to outsourcing the preparation of financial statements, the only statement or report outsourced is the F65.

Benak stated bank reconciliations are done every month. Benak does not think it is a good use of time for her or the trustee to have the trustee initial all bank reconciliations.

Benak does not have any questions for the auditors, nor does Hubbell.

Goss will type up her questions after reviewing the report again.

Goss referenced the following statement on Page 4 of the audit, under Park Fund, "This fund, presented on Schedule 3, is used to account for revenues generated through the use of Township parks," and clarified that Park Fund revenues are only those revenues derived from Whitewater Township Park. Revenues and expenses for all other parks in the township (Hi Pray, Petobego, Battle Creek, and Lossie Road Nature Trail) are accounted for in the Recreation Fund. The Park Fund is strictly for Whitewater Township Park. She will make a note of this to the auditors.

Goss also noted that, on Page 12, the audit shows that property tax revenues were down \$50,000 from March 2012 to March 2013. State shared revenues were down about \$33,000 from March 2012 to March 2013. Revenue was also down under the Unrestricted Investments Earnings and Miscellaneous categories. Total revenues for March 2012 were \$1,026,185, and total revenues as of March 2013 are \$926,590, which is almost a 10% drop in revenue. Discussion followed.

Lawson stated he has no questions on the audit.

Popp inquired whether the audit needs to be adopted and whether there is a deadline. Benak stated in the past all Board members reviewed the audit and if there were questions, they asked the clerk, the treasurer, or the auditors.

Goss stated questions should be submitted to the auditors and the answers shared with all Board members.

Land Division Application – Nickerson’s Subdivision #1

Popp inquired of Benak and Hubbell if they had ever voted on a subdivision lot being split. Benak does not recall it. Popp stated this issue must come to the Township Board because the township’s Subdivision Ordinance makes the Township Board responsible for approving a subdivision. The township’s copy of the Subdivision Ordinance in the General Ordinance book is on very small paper and is not an original. A full-size copy has been found but needs to be authenticated with what is in the General Ordinance book. Discussion followed.

Craig Leppien, 527 Shelly B Lane, is present. He stated the reason for the requested split is that he does not have enough room with his current piece of property for the accessory building he would like to construct.

Discussion followed.

Popp stated General Ordinance 26, the Land Division Ordinance, does not apply here. That ordinance speaks to metes and bounds property, not platted subdivisions.

Popp is comfortable with moving forward; he has read both copies of Ordinance 16. Specifically, Section 4.69 says the township board has the authority to divide a lot within a platted subdivision into as many as 4 parts.

Audience member Dave Hauser, 9240 Skegemog Point Road, inquired whether a variance is required within the subdivision.

Popp stated the subdivision rules for Nickerson 1 were set up during dedication and there was an association formed which was supposed to revalidate these criteria every 15 years. About 1974-1975 era, that body quit meeting to revalidate these. The current association's president believes they now follow our Zoning Ordinance. Popp added this is a point that needs to be confirmed.

Lengthy discussion followed.

Benak would take Popp's interpretation that the Board is authorized to do this.

Zoning Administrator Habedank has recommended approval. Habedank stated the original number of lots will always be in existence. Lot 21, the lot proposed to be split, will always be Lot 21 in the plat. The Board is moving the property lines 50' from each adjoining lot. Habedank requests that there be an agreement between Mr. Leppien and Mr. Dann spelling out that the piece of land they acquire becomes part of their lot and that it becomes a buildable lot.

The Whitewater Township Assessor has approved the split.

Hubbell concurs with Benak that it is the right thing to do.

Popp is not sure whether this needs to be a resolution.

Goss stated she has not had a chance to read Ordinance 16, it is not in the packet, and if there is a procedure in there that the Board is supposed to follow, it should be followed. Goss stated she does not wish to hold up Mr. Leppien, but feels it should be done right.

Mr. Leppien is okay with a delay as he also wishes for it to be done right.

This matter was tabled to the 12/10/2013 Township Board meeting.

Planning Commission 10/02/2013 Minutes

In response to Popp's question, Benak stated her concerns with the 10/02/2013 Planning Commission minutes were addressed earlier in the meeting.

Budget Amendment

In looking at the Elections budget earlier today, Goss realized that a budget amendment was necessary before election workers are paid for the November 5 election. Per the memo, she is proposing to deduct funds from election software support, clerk office supplies, and clerk postage line items in order to transfer funds to the election wages line item. An appropriate motion would be: Motion to approve budget amendments as recommended by the clerk on 11/12/2013.

Hubbell stated he would make the motion. Popp would like to amend Hubbell's motion to take the necessary funds from Contingency rather than the election and clerk line items. Motion seconded by Popp.

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

Referring to the JS Interactive portion of the Clerk's report, Benak stated the Board does not expect the Clerk to pay the \$300 for the website photography. Popp agreed it was a good decision to keep the project moving forward and it is still under budget. **Motion by Lawson, seconded by Hubbell, to pay the \$300 incurred in excess of the JS Interactive contract for website photography. Roll call vote: Benak, yes; Goss, abstain; Lawson, yes; Hubbell, yes; Popp, yes. Motion carried.**

Tabled Items

None

Board Comments/Discussion

Hubbell stated that Rob Manigold (Peninsula Township Supervisor) is resigning for personal reasons; he has served for 26 years. A replacement will be appointed.

Popp stated he once again was visited by Mr. Robert Durga, who is looking for relief from Ordinance 32. Mr. Durga is very frustrated and feels Popp may have misguided him.

Discussion followed regarding the clause for relief in Ordinance 32 and whether Ordinance 32 more properly belongs in the Zoning Ordinance.

In response to a question from Benak, Habedank stated that Garfield Township's road ordinance is incorporated into the zoning ordinance, and he believes it is appropriate to move the township's road ordinance into the Zoning Ordinance.

Popp stated the road ordinance was originally part of the Land Division Act. Former Zoning Administrator Rob Larrea's recommendation was that the road ordinance belonged as its own ordinance.

Audience member Kim Halstead questioned why there is a general ordinance from which relief cannot be granted.

Benak stated she would like to send this issue to the township attorney to find out whether the road ordinance can be moved to the Zoning Ordinance or not.

Popp stated a previous board has already granted relief from this ordinance one time.

Lengthy discussion followed.

Popp will draft a letter to the MTA attorney suggested by Goss (Catherine Mullhaupt).

Further discussion followed.

Popp stated he is doing more followup. At some point, it should be shipped back to the Planning Commission for their investigation and recommendations.

Goss inquired concerning the status of the Berents' removal of the deck on Site 17. Popp stated he has not sent the letter yet.

Announcements

Next Township Board meeting is 12/10/2013.

Public Comment

Kim Halstead, 7923 Cook Road, inquired when Ordinance 32 went into effect and how many houses have been built since then on private roads that were not required to upgrade the road. He believes a whole lot of houses were built either illegally or they just ignored the ordinance and the zoning administrator allowed it.

Popp stated that Ordinance 32 clearly says "at the time the lot was divided." Many lots have been divided since the 1960's. The ordinance is for lots created after 2003 or 2004.

Adjournment

Motion by Hubbell, seconded by Popp, to adjourn. Meeting adjourned at 9:39 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk

It has come to my attention that some of the board members are not pleased with our lack of response to the fire and medical calls with in the past month. This is agreeably upsetting to the department as to our township that we are trying to help, and there has been some news circulating about holding people accountable for not responding. This is all in well, but as we are a volunteer department and not a full time one. We are doing our best with the resources that we have been allowed. We have jobs and family to take care of just as everyone of you do, we signed on to help and aid in our township, but if we don't have the necessary equipment, housing, staffing, or trust from our township what can we do? In the emergency service field we have a higher risk of stress and problems with family life and need to watch out for these or we could hurt the people we are trying to help. So adding extra stress by not allowing items to be repaired, wanting to sell necessary equipment, taking extensive period of time to approve items needed, and removing equipment from active department members impairing their ability to respond is not going to help our situation. We need a plan to fix the situation instead of adding extra stress to the department and threatening the wellbeing of our township and responders. We have worked hard and are working hard to rebuild and maintain a good report with the township and surrounding areas. I know there has been talk about having fulltime positions, which would have the station staffed at all times, or you could set up an paid on call system making it so staff is paid to stay in the area for a certain amount of time. But with either choice that is made you will still need a minimum of two responders at a time for coverage. More would be better but with the short staffing we have now that is the least we could do. Every time we respond to a call we never know what we are going into, it could be as simple as a lift assist which requires at least two or could be a mass-causality with several people hurt and need several more resources. Also there has been some talks that if we did go full time, the crews would be required to cut fire wood and clean the parks. That is all fine and good but would you want to have a responder coming to your house smelling like diesel or covered in dirt, giving the appearance that we don't care about how we look or present to ourselves. After all we are driving a large billboard with our township name on it and looks do say a lot about how we work.



Received from Levi Gaskin
on 11-12-2013
CG