

**Whitewater Township Board  
Minutes of Regular Meeting held November 11, 2014**

**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.

Popp thanked the veterans present for their service.

**Roll Call of Board Members**

Board Members Present: Goss, Lawson, Popp

Board Members Absent: Benak, Hubbell

Others Present: 13

**Set/Adjust Meeting Agenda**

No adjustments.

**Declaration of Conflict of Interest**

None

**Public Comment**

**Carol Crawford**, County Commissioner Elect, thanked everyone for allowing her the chance to represent Whitewater Township. Larry Inman asked her to let the Board know he is in Lansing and is not able to be here this evening.

**Karen Ferguson**, 686 Island View Drive, Traverse City, stated her letter concerns Horse Shows by the Bay. She is asking the Board to void the Zoning Administrator's decision until the township is certain which zoning ordinance is in force and put a moratorium on processing the application. She has received comments from residents of Island Lake who believe this is a heavy commercial use, a festival. She provided a document to the Board concerning some information she found online about Horse Shows by the Bay and read from the document. She stated we do not believe it fits within the category of a use by right allowed in the Recreation District of riding stable or riding academy. Judges look at the plain meaning of the words. If a use is not listed in a zoning ordinance, then it is not allowed. She stated this is a huge event and the people on the lake, including her, ask that the Board provide due process through public hearings and public comment. In Acme Township, they were required to have a special use permit and the public was allowed to comment. She listed concerns. She asked that the Planning Commission be directed to review the site plan standards and have public hearings.

**Karen Marco**, 198 Island View Drive, Traverse City, stated she moved from Central New York to Traverse City. They did their due diligence in choosing Whitewater Township. Now they are faced with a horse show coming across the street. She is greatly concerned about development of the horse show. She listed her concerns, including disappearance of tranquility, privacy, the appearance of a commercial event, noise, smell, possible environmental damage, construction vehicles, traffic, other events. She asked the Board to not allow the development of horse shows off Supply Road.

**Dale Schmidtendorff**, 52 Island View Drive, Traverse City (Union Township resident), stated he has submitted a list of concerns. He stated public hearings are probably necessary in order to get the response to the concerns he and his neighbors have. He is requesting public hearings and that the approval process be approved by the Board rather than the Zoning Administrator. He stated it has been difficult to get information. He stated he is still ignorant on the Union Township end of it. He stated Horse Shows by the Bay sounds way too commercial for something that belongs on a private lake with people who want quietness and serenity.

### **Public Hearing**

None

### **Reports/Presentations/Announcements/Comments**

**Grand Traverse County Sheriff Department Report** – No one is present from the Sheriff Department.

**County Board of Commissioners Report** – Commissioner Inman is in Lansing.

**Fire Captain Report** – Captain Arbenowske is not present.

### **Ambulance Coordinator Report**

Ambulance Coordinator Dawn Martin gave the following report:

- She thanked everyone for their support getting the ambulance millage approved.
- As of today, there have been 171 runs.
- They did the Mill Creek 5K event to provide safety for the runners and walkers.
- Medical training by Wendy Dawson included medical assessment for diabetes.
- They participated in the Iceman event on Saturday. Both Whitewater Township ambulances transported injuries.
- Next medical training is on November 17. They will be doing CPR renewals; 12 people will be attending.
- On December 20, they will be going through initial trauma life support renewal in Kingsley.
- The Med Control meeting was today. Backboards are going to be eliminated eventually for spinal immobilization. Regarding Ebola, they should be getting their personal protection equipment next week. If they come in contact with an Ebola patient, the rig will be down and responders will be quarantined if a patient tests positive. Patients will be treated at another facility (not Munson).
- A couple EMT classes are coming up December 2 through May 15, as well as an MFR class in the summer.
- Stroke patients were also discussed at the Med Control meeting.
- The two Lazy Boy recliners were received yesterday. They are still waiting for the foldup beds.

Popp asked where our personnel would be quarantined if they come in contact with an Ebola patient. Is it the ambulance service's responsibility?

Martin replied it is not the service's responsibility. Munson has that already set up. Those who test positive will be moved to a facility in Michigan.

### **Planning Commission Report**

Lawson gave the following report:

- The PC meeting was last Wednesday. Most of the members were there. The chairperson was absent. The vice chair moderated the meeting.
- They covered where they are on the Master Plan. The final draft is not finished yet. They are hoping to have it ready for Board approval in December. There have been some problems with the maps.
- There was a lot of public comment from Island Lake residents concerning Horse Shows by the Bay.
- Lawson stated the agenda did not come out until the 11th hour, the same day as the meeting. This has happened a couple other times. He feels the Board needs to address this. Lawson recommends there be a specific timeline issued for the agenda and packet to come out.

Brief discussion followed. Lawson will bring up the idea of discussing the next-month agenda during the meeting.

**Parks & Recreation Advisory Committee Report** – Board Representative Benak is not present.

### **Consent Calendar**

Receive and File

1. Supervisor's Report for October 2014 (no report)
2. Clerk's Report for October 2014
3. Zoning Administrator's Letter 11/06/2014 re: Horse Shows by the Bay
4. Fire Captain's October 2014 Activity Report (no report)
5. Ambulance Coordinator's October 2014 Activity Report
6. Treasurer Reports: FYE March 2014 Interest and Balance Reports; April 2014 Interest and Balance Reports; May, June, July, August and September Draft Balance Reports
7. Approved 09/08/2014 Parks & Recreation Advisory Committee Minutes
8. Approved 10/01/2014 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics October 2014
2. Letter 10/24/2014 Edward Ascione re: DNR Lake Skegemog Access
3. Letter 10/27/2014 GT County Sheriff Department re: 2015 Budget
4. Letter 11/03/2014 GT County Road Commission re: Baggs Road
5. Letter 11/05/2014 Karen Ferguson re: Horse Shows by the Bay
6. Letter 11/06/2014 re: Elk Rapids Harbor Public Input Session
7. Grand Traverse Rural Fire Compensation Payment 10/2012 to 09/2013
8. Grand Traverse Rural Fire Board 10/15/2014 Minutes DRAFT

#### Minutes

1. Recommend approval of 10/06/2014 special meeting minutes and 10/14/2014 and 10/28/2014 regular meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 38854 through 38943
2. Approval of Alden State Bank Miami Beach vouchers # 1155 and 1156

Budget Amendments (none)

Revenue & Expenditure Report (none)

Goss suggested that approval of the Consent Calendar could be added to a special meeting agenda, in case Benak and Hubbell have comments.

Popp stated the Consent Calendar pays the bills.

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

#### Unfinished Business

##### Master Plan Review – Possible Approval for Distribution

Popp stated Unfinished Business has been removed.

#### New Business

##### Ambulance – Introduction of New Personnel

Ambulance Coordinator Martin introduced Lesa Kreps, an EMT-B from Interlochen and a paramedic student. She also introduced Lee Bailey, an EMT-B from Traverse City. He is also a firefighter with Metro Fire. She welcomed both.

(Applause)

Popp also welcomed, in their absence, Rudy Rakan, Hilary Smith, and Shawn Fitzgerald.

Martin stated Rakan is an EMT-B working at Munson as a nurse assistant/tech. Smith, who goes by Ginger, is an EMT-B who works at Station 4 in Interlochen and is a firefighter with Rural. Fitzgerald is an EMT-B and firefighter from Traverse City.

##### Zoning Office – Break Into Two Sections

Popp stated before Habedank's acceptance of a position in Blair, they had discussed the pending work on the zoning ordinance and the thought of bringing in some outside help for the Planning Commission in the form of a contractor or consultant. Popp stated Roger Williams, applicant for the zoning administrator position in Whitewater and well respected local planner, would be top on his list to bring in, in a supportive role for the PC and to streamline the process. The other

aspect is the day-to-day operations, i.e., processing applications for land use permit and enforcement.

Popp stated he has made contact with both Mr. Williams and Mr. Vey, zoning administrator in Torch Lake Township. Their office is broken into enforcement and planning. Mr. Vey is interested in working with Whitewater Township 20 to 24 hours a week, on a consultant basis, on the administrative/permitting side. His background is minimal, about a year into the Torch Lake Township position. Roger Williams may be willing to handle both sides.

Discussion followed regarding whether a new arrangement would be interim or permanent, the issue of employee/subcontractor/consultant, others who may be available, cost and experience, etc.

Popp will bring more information to the Board on this topic at the December 9th board meeting.

### **Interim Zoning Decisions**

Popp stated New Business #s 2 and 3 were discussed simultaneously.

### **Ambulance Recommendations**

Popp stated this agenda item requires the entire Board's input. With the deadline on the revised L-4029 form, a special meeting will need to be scheduled.

Date options were discussed. Goss will contact Benak and Hubbell with available dates, which are 11/13, 11/14, or possibly 11/18. This will be the only agenda item.

**Motion by Goss, seconded by Lawson, to table New Business #4 until a special meeting with all Board members present, occurring no later than 11/18.** There was no further discussion. **On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.**

### **Tabled Items**

- 1. Review Administrative Policy Section 5**
- 2. Parks and Recreation Master Plan**

Popp noted that tabled items will remain tabled.

### **Board Comments/Discussion**

None

### **Announcements**

Next meeting date is December 9, 2014, barring the special meeting.

### **Public Comment**

**Mark Smith**, 326 Island View Drive, Traverse City, stated he backs up to the HSBTB property. Nobody on the lake speaks for everybody on the lake. There are a variety of different opinions. He thinks a lot of concerns expressed are legitimate; it is going to be a dramatic change to their

environment, but they cannot fight development forever. Owners have rights, too. It will be sold at some point and somebody is going to do something with it, unless they can get it to go to the state. Even then, it will probably be logged off. When Alex did the presentation, it sounded like she was very willing to work with us, put up pine trees along the side, put up a berm around the side to shield some of the property. She has made some changes to the layout. It does seem like a commercial operation more than a riding stable or a riding academy. A valid question to ask is: Is this really a legitimate use with the scope of it, or is this truly a commercial operation? If it shouldn't be in that area, then we shouldn't allow it. That determination is critical. If it is approved, something like a special use permit makes more sense that can have some restrictions on it.

**Karen Ferguson** stated she is concerned with the discussion on interim zoning decisions and asked who is going to be making decisions on Horse Shows by the Bay. Is this going to be turned over to the Planning Commission? Is Denny going to handle it? Is Roger Williams going to handle it? Or some consultant or a zoning administrator you hire? She stated her biggest concern is if someone approves the site plan, they only have 7 days to appeal the decision, so it is critical that they be advised when that decision is made. If it is a Planning Commission decision, they can see it being made because it will be on the agenda. If the zoning administrator makes the decision, they have no idea when it is made. They would appreciate notification of decisions that trigger appeal periods.

**Karen Marco** asked if you can tell us who the zoning person will be making decisions concerning Horse Shows by the Bay.

Dialogue ensued between Popp and Marco. Popp stated, at least until December 9th, Dennis Habedank will be the township zoning administrator. If he decides it needs to go to the Planning Commission, that would be his decision. On December 9th, if the Board decides to go with someone else, the person making the decision may change after December 9th.

**Marco** asked who is going to make the decision for the zoning on Horse Shows by the Bay and when will that be.

Popp stated Habedank will make the decision, but he does not know when it will be. The decision that Habedank has made at this point is that he believes it is a use by right. He will now begin his site plan review. If he had decided it was not a use by right, if it needed to be a special use, then that decision and all supporting information would go to the Planning Commission. When Habedank completes the site plan review, it will be public record. If you do not like his decision, you have the opportunity to object and bear witness that you are aggrieved by his decision.

Popp acknowledged that there is a small window of time and stated he has no problem making sure Ms. Marco is notified of any decisions as they are made throughout the process. Popp stated, so far, the decision that Habedank has made does not affect Ms. Marco in any way; it merely changes who is involved with the process. Habedank has not approved the plan for construction.

**Marco** asked how do we have an opportunity to speak with him in a public setting before his decision.

Popp replied that Ms. Marco can set an appointment with him at any time, likely on a Monday.

**Ferguson** stated she objects to the classification of his decision that he made on November 6th as a mere decision and it is ripe for appeal.

Popp noted Ms. Ferguson is making a second comment on the same item, which is not allowed.

**Dale Schmidtendorff** (Union Township resident) stated he wants to clarify a point he made earlier about the two townships working hand in hand. The site plan shows a road going into Union Township, but the Union Township section is totally isolated, no entrances or exits. He stated anything that goes on in that township needs to have this township's approval. If they have an accident, a fire, trucks that go back there, the planning commissioner of Whitewater needs to understand exactly what is going on in the Union Township section before he can make a decision on the whole site plan. He stated he is trying to get information on what is going on in Union Township. If he gets it, he will forward it. If they have plans, Whitewater needs to know what they are.

(Audience members engaged in discussion amongst themselves.)

**Smith** stated the original plan did include the Union Township section and did show 6 or 8 campsites with a pasture. The part in Whitewater Township is about 122 acres, and there are 18 acres in Union Township.

### **Adjournment**

**Motion by Lawson, seconded by Goss, to adjourn. On voice vote, all those present voted in favor, none opposed; Benak and Hubbell absent. Motion carried.** Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk