

**Whitewater Township Board
Minutes of Regular Meeting held December 9, 2014**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:00 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, Lawson, Popp

Board Members absent: Hubbell

Others present: County Commissioner Inman, Captain Arbenowske, and 6 others

Set/Adjust Meeting Agenda

No adjustments; set as is.

Declaration of Conflict of Interest

None

Public Comment

None

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 gave the following report:

- After 22 years, this is his last report as a County Commissioner. He has enjoyed representing Whitewater Township.
- Carol Crawford is taking over and will be sworn in on January 2nd.
- The County Board of Commissioners finished the 2015 budget and it is balanced. Cuts were made. They did some outsourcing and made some efficiencies. It was balanced on the expectation that they are not going to have full employment as they have had in the past.
- They are in the process of selecting two road commissioners. There are tentative recommendations on Marc McKellar and Cori Nielson.
- The 911 ballot proposal passed. The County wants to identify what is needed for equipment, operational needs, and communication needs and then buy it all in 2015 through an internal loan. They would pay themselves back with the 911 surcharge. This will be the recommendation to the 2015-2016 BOC.
- Inman stated he is planning to attend the 9:00 a.m. meeting on Friday in Whitewater Township regarding Baggs Road. He would like to hear the alternatives. He stated he is

encouraging the Grand Traverse County Road Commission to annex the road back to Grand Traverse.

Goss inquired whether the County is anticipating levying the full amount on the 911 surcharge.

Inman stated it is scheduled to go to the full \$1.85 (per device, per month), unless the new board changes it.

Brief discussion followed regarding contacting public officials.

Regarding Baggs Road, Popp noted that the Asset Management Plan addresses roads with PASER ratings of 5/6 and above. Baggs Road is listed as a 2/3. If Baggs Road is brought back into the AMP, there is no way to address the road in the plan. Popp would like to see discretionary choices within the plan.

(Applause for Commissioner Inman)

Fire Captain Report

Captain Arbenowske gave the following report:

- He stated this might be one of the last times he is able to attend as the Post Office has decided to change all their schedules.
- He provided a written report for September, October, and November 2014 with some stats and briefly reviewed the report.
- They have had 72 fire/rescue calls so far this year. Last year at this time, it was 49. They are usually at 90 by this time of year.

Ambulance Coordinator Report – Ambulance Coordinator Martin is not present.

Planning Commission Report

Lawson stated there was no Planning Commission meeting this month. It was cancelled at the last minute, presumably due to lack of information getting out to members in time to be prepared for the meeting.

Brief discussion followed concerning the delay with completing the layout of the Master Plan. Should the PC bring it back under their control? Is the document being laid out in a program that we have? Can we make updates with relative ease? We will want that capability. Consensus was reached that Lawson will go to Chairperson Dean directly to find out what program is being used for the document and inform the Board via e-mail.

Consensus was also reached that the Board would like to have the Draft Master Plan no later than the Board's second meeting in January 2015.

Parks & Recreation Advisory Committee Report

Benak reported that, due to lack of a quorum, there was no PRAC meeting last night. Benak noted that acting PRAC Chairperson Melissa Melton is present this evening.

Melton stated she is acting chairperson since Bill Mouser moved out of the township. She would like to recognize some of the efforts of the PRAC. She would like to give credit to Steve Donkers and others who finalized the majority of the Lossie Trail stakes. Steve and his family also did the perimeter fencing of the parking area at Petobego. The gate may be installed next week, weather permitting.

Melton also noted that all PRAC members have terms expiring, except for Steve Donkers.

Benak stated the PRAC has asked her what they need to present at budget time as far as improvements. What is the Board looking for?

Goss stated a prioritized list of things they are interested in doing, along with estimated cost.

Melton stated there are a lot of projects they could do that are not big budget items. She is thinking specifically of Hi Pray Park.

Popp stated he has not received any official notification from Bill Mouser.

Goss stated she has not received anything from him.

Brief discussion followed.

Goss noted that shortly after the first of the year the PRAC should elect new officers as well as adopt a resolution with their 2015/2016 meeting schedule.

Consent Calendar

Receive and File

1. Supervisor's Report for December 2014 (no report)
2. Clerk's Report for December 2014 (no report)
3. Zoning Administrator's Report for December 2014 (no report)
4. Fire Captain's Sept Oct Nov 2014 Activity Report
5. Ambulance Coordinator's November 2014 Activity Report
6. Approved 10/08/2014 Historical Society Minutes
7. Approved 10/13/2014 Parks & Recreation Advisory Committee Minutes
8. Draft 11/19/2014 Grand Traverse Rural Fire Department Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for September 2014 (updated), July-September 3rd Quarter Totals, October 2014 (updated), and November 2014
2. Letter 11/07/2014 Department of Treasury re: Assessing Audit Determination
3. Letter 11/17/2014 Charter Communications re: Price Adjustment
4. Letter 11/19/2014 Charter Communications re: Annual Report
5. E-mail 11/10/2014 Karen Ferguson with attachment from Dale Schmidtendorff re: Horse Shows by the Bay (HSBTB)
6. E-mail 11/11/2014 Karen Marco re: HSBTB
7. E-mail 11/11/2014 Claudia and Phillip Eisenberg re: HSBTB

8. E-mail 11/11/2014 Anthony and Mary Randazzo re: HSBTB
9. E-mail 11/11/2014 Mike and Katy Lutz re: HSBTB
10. E-mail 11/14/2014 Anthony Randazzo re: HSBTB
11. E-mail 11/14/2014 Jillena Kellogg re: HSBTB
12. E-mail 11/15/2014 Jillena Kellogg re: HSBTB
13. E-mail 11/17/2014 Robin Hagan re: HSBTB

Minutes

1. Recommend approval of 11/11/2014 regular meeting minutes and 11/13/2014 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 38944 through 39044
2. Approval of Alden State Bank Miami Beach voucher # 1157

Budget Amendments (see New Business #6)

Revenue & Expenditure Report (none)

Regarding the Grand Traverse Rural Fire Department 11/19/2014 draft minutes, Goss questioned who was being paid in the \$63,687 payroll.

Brief discussion followed. It was determined that this amount was for points compensation.

Referring to page 2 of the GTRFD minutes, Popp noted that, according to the minutes, the discussion about the firearm took place after the vote. Popp stated it did not happen that way; a motion was made and seconded.

Brief discussion followed regarding the Clerk's receipt of draft GTRFD minutes. Consensus was reached to utilize draft GTRFD minutes in the packet.

It was noted that Julie Dunham's replacement has been hired.

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

Unfinished Business

Master Plan Review – Possible Approval for Distribution

Popp noted the Draft Master Plan is still not in front of us.

New Business

Proposed Public Record Inspection Policy (Non-FOIA)

Popp stated the State Tax Commission wants to have our public records available outside of the FOIA request and they are requiring all townships to have a policy of how to obtain these

records outside of the FOIA request. Popp noted that the Board looked at this policy previously but did not adopt it. However, the Assessing Audit Determination states it is a requirement.

Goss noted the proposed policy language was supplied by the township assessor.

After discussion, it was agreed as follows:

- “Shall” will be substituted for “may” in numbered paragraph 2.
- The FOIA Coordinator will not be specifically named.
- Popp will add review of the schedule of charges to an upcoming agenda. The schedule will then be attached to the policy.
- “Excepting governmental holidays” will be added to numbered paragraph 8, after the phrase “Monday through Friday.”

Motion by Goss, seconded by Benak, to adopt Whitewater Township Policy and Procedure for the Public Inspection and Copying of Public Records (Non-FOIA) in Lieu of Customary Business Hours, as amended, with the understanding that a schedule of charges will be adopted and attached. There was no further discussion. Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Hubbell/Whitewater Township Lease for Storage Space

Regarding page 3, numbered paragraph 3, Goss inquired whether “township-owned” should be inserted in the phrase “Store ambulance and various other (proposed insertion) equipment.” Consensus was reached to add “township-owned.”

Discussion followed regarding the term of the lease being 6 months commencing 11/10/2014, equipment is already at the location, the base rent being \$550.00, and the fact that the rent is due on or before the first of the month.

There was discussion whether the “advance rent” in numbered paragraph 13 is a security deposit. According to Commissioner Inman, it is the first and last months’ rent, not a security deposit.

Brief discussion followed concerning the possibility of amending paragraph a. on page 1, the definition of Additional Rent. No modifications were made.

Goss noted that she likes numbered paragraph 14, “. . . one township employee and one township elected official shall be present for entry into the building.” This is a good protection for both parties.

Referring to page 7, numbered paragraph 18, responsibility for payment of utilities, Goss believes that plowing was to be included in the price of the rent, so that wording should be added. Other Board members agreed.

It was noted that Brandon Hubbell will be responsible for making the changes to the document.

There were no further questions regarding the lease.

Motion by Goss, seconded by Benak, to authorize the Supervisor to sign the 9-page Commercial Lease Agreement dated 11/10/2014 with Brandon Hubbell, as amended. Goss stated that language concerning paying the rent does not need to be in the motion. **Roll call vote: Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

Appointments to Board of Review, Parks & Recreation Advisory Committee, and Planning Commission

Popp noted that December was a very busy month with 10 total board appointments. He thanked everyone who has stepped up again and first recommended Connie Rountree for a two-year term on the Board of Review.

Motion by Goss, seconded by Lawson, to confirm the recommendation of the supervisor appointing Connie Rountree to a two-year term on the Whitewater Township Board of Review, term ending 12/31/2016. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Popp then recommended reappointing Kim Halstead to the Board of Review, term ending 12/31/2016.

Motion by Lawson, seconded by Goss, to confirm the recommendation of the supervisor appointing Kim D. Halstead to a two-year term on the Whitewater Township Board of Review, term ending 12/31/2016. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Popp also recommended that Paul Tyrer be reappointed to the Board of Review.

Motion by Benak, seconded by Goss, to confirm the recommendation of the supervisor appointing Paul Tyrer to a two-year term on the Whitewater Township Board of Review, term ending 12/31/2016. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Moving to appointments for the Parks & Recreation Advisory Committee, Popp first recommended the reappointment of Brandon Hubbell to a three-year term.

Motion by Benak, seconded by Goss, to confirm the recommendation of the supervisor appointing Brandon Hubbell to a three-year position on the Whitewater Township Parks & Recreation Advisory Committee, term ending 12/31/2017. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Popp also recommends the reappointment of Dennis Leach to a two-year term.

Motion by Lawson, seconded by Goss, to confirm the recommendation of the supervisor appointing Dennis Leach to a two-year position on the Whitewater Township Parks & Recreation Advisory Committee, term ending 12/31/2016. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Next, Popp recommended the appointment of a new person to the Parks & Recreation Advisory Committee for a two-year position, that being Frances Butler. Popp noted that Fran works at the state park in Traverse City and knows her way around this type of atmosphere.

Motion by Benak, seconded by Goss, to confirm the recommendation of the supervisor appointing Frances Butler to a two-year position on the Whitewater Township Parks & Recreation Advisory Committee, term ending 12/31/2016. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Popp stated he is recommending the reappointment of Melissa Melton to the Parks & Recreation Advisory Committee for a three-year term.

Motion by Goss, seconded by Lawson, to confirm the recommendation of the supervisor appointing Melissa Melton to a three-year position on the Whitewater Township Parks & Recreation Advisory Committee, term to end on 12/31/2017. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Popp also recommended the appointment of Thomas Cosgrove to a three-year position on the Parks & Recreation Advisory Committee, another new person to the committee.

Motion by Lawson, seconded by Goss, to confirm the recommendation of the supervisor appointing Thomas Cosgrove to a three-year position on the Whitewater Township Parks & Recreation Advisory Committee, term ending 12/31/2017.

Benak stated she cannot support him as she does not think it would be beneficial to the committee; he has an agenda and it is self-serving.

Melissa Melton inquired if Cosgrove would be a sixth member of the committee as Steve Donkers is still on.

Popp stated Donkers is an alternate and he is gone for six months out of the year.

Benak replied that Donkers was moved up to a regular member of the committee after a resignation. Benak stated she believes the PRAC voted to bring him up.

Discussion followed.

Popp stated he will reserve the Cosgrove recommendation and consult the by-laws.

Lastly, regarding the Planning Commission, Popp noted that he is recommending the reappointment of Brad Link for a three-year term.

Motion by Lawson, seconded by Benak, to confirm the recommendation of the supervisor appointing Brad Link to a three-year position on the Whitewater Township Planning

Commission, term ending 12/31/2017. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Grand Traverse Rural Fire Department – Proposed Lease Agreement

Popp stated this agenda item involves discussion of the proposed Grand Traverse Rural Fire Department lease agreement with Grand Traverse Band. Popp noted we received documentation from our attorney and that up to this point we have held most of this discussion confidentially. Popp inquired if anyone sees a reason to continue that.

Lengthy discussion followed related to release of documents, parcels in the coverage area which are not in Whitewater Township, the communication from Fahey citing various issues with the proposed lease agreement, Popp's desire to know how the Board wants him to vote on the proposed lease agreement at the next Rural Fire meeting, as well as the issue of the township being a party to the agreement.

Popp inquired if the Board would like to hear public comment at this time. No objection from the Board.

Tim Shaffer, 5309 Moore Road, commented that the fire hydrant at Arnold Road and M-72 has one of our designation numbers on it, and the last time he knew, it was one of them that they put a blue barrel over to protect it for the winter.

Kim Halstead, 7923 Cook Road, stated his question is who is going to pay for the building. The Tribe is building it. Rural is going to agree to the lease. Who is going to pay for the upkeep and whatever else needs to be done? Is that our responsibility? Or is it Rural's? If it is Rural's, they are going to have to foot the bill; is that correct?

Popp replied that, in the RF budget review, Rural continued to allow \$8000 per station to cover maintenance, utilities, repair, snow removal, and some money toward rent for each of the stations. Popp stated \$8000 is not going to cover (a tribal) building. Popp stated he has asked the budget committee what their plans are. If this lease is to go through, what have they estimated they will spend as far as heat, lights, and maintenance?

Popp again asked the Board if the lease is something the Board would like him to support.

Further discussion followed.

Benak proposed that Fahey's comments be distributed to the supervisors with a letter saying why we are sending it and that we are going to be asking for them to hold off.

Goss stated she has a problem with it (the proposed lease agreement) to the extent that our attorney has problems with it.

Popp stated he does not think the agreement has to include Whitewater Township as a party because it is Rural making the agreement. He stated all the townships are a party to it because they belong to Rural.

Popp summarized that the position of the Board is that they cannot support the lease as it is written and provide documentation as to why.

Benak added that they should also be urged to not pass this until it has been reviewed by Rural Fire's attorney and by the Rural Fire board members individually.

Halstead stated they (Rural Fire) are agreeing to do this for the Tribe. Is it going to cover all Whitewater Township citizens, too? Is that in the agreement?

Popp stated Rural Fire would still be our township fire department.

Snowplowing Bids 2014-2015

Popp stated Kurt Horton has been doing the plowing in the interim (KC Services). He is a township resident. The deputy clerk complimented the job he has been doing. Blackmore has provided good service as well. Popp noted this agreement will only cover snowplowing.

Discussion followed as to the amount of each bid. Blackmore is the lowest bid. Request to bid was for a single year.

Motion by Benak, seconded by Lawson, that the township stay with Blackmore for snowplowing services for the winter of 2014-2015. Popp noted some consideration should be given to people who live here in the township. Benak noted that Blackmores own property in the township and their grandchildren live here. Also, she knows the work they do, and they are the lowest bid. Lawson stated his decision is mainly based on price and past history. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, absent.**

Budgeted Transfers and Budget Amendment

Benak stated she has spoken to the auditors regarding the use of the ambulance millage funds. Jonathan stated we must do a budget amendment to include those funds that we expect to receive and then they are available for us to use; we do not have to transfer from the General Fund. Therefore, the budgeted transfer for Ambulance Fund will not need to be done.

Goss stated she will bring the budget amendment to the Board in January. Benak will supply the number via a copy of the warrant signed by the assessor.

Regarding the proposed transfer for Fire Capital Improvement Fund, Goss stated she missed a call from the auditors today and we should wait on this until we get our question answered.

Motion by Popp, seconded by Lawson, that New Business #6, Budgeted Transfers and Budget Amendment, be tabled until the first meeting in January. There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Opposed: None. Absent: Hubbell. Motion carried.**

Draft Parks & Recreation Master Plan

Goss noted that there was no real cover page, just a map. She will provide other comments at the first January board meeting.

Popp stated the first six pages can probably be dropped; it is a zoning ordinance. Have them take a look at other park and recreation plans; assets are right at the top. Ours do not even get named until page 18 or 20. Everything else is a zoning ordinance. He stated he sees very little in the way of visionary statements and how we plan to make what we have better. There is no process of how to involve the public in the plan.

General discussion followed.

Tabled Items

Review Administrative Policy Section 5

Consensus was reached that this item of business should remain tabled.

Board Comments/Discussion

Popp reported to the Board regarding his proposal to hire Roger Williams to do some planning work for the township. His basic fee is \$30/hour and he typically contracts for blocks of hours with townships. He is willing to work as few or as many hours as we want per month. He has offered to read the zoning ordinance, without charge, and take on a couple of the Board's major concerns while he is recuperating. Popp would like to commit him to 40 hours in the first month that he returns (March 2015) to give the Planning Commission general help on Ordinance 32. We may want to have him opine also on use by right. Popp stated he will put something together in January about the \$1200.

Popp also provided information concerning Josh Vey, the Torch Lake Township Zoning Administrator, as someone who could help us out. He is willing to work for \$12 to \$14 an hour. He has been in zoning about a year. Josh is also an EMT and would love to serve on the ambulance service here as well.

Popp also reported that Zoning Administrator Dennis Habedank is going to be moving and has some court dates, and it is going to be hard to get him here in the township.

Discussion followed as to whether the township should subcontract while they look for a zoning administrator and how soon someone should be in place.

Benak stated we need to advertise for the job.

Popp will place an ad.

Announcements

The next Township Board meeting will be January 13, 2015.

Public Comment

None

Adjournment

Motion by Lawson, seconded by Goss, to adjourn. Meeting adjourned at 9:41 p.m.

Respectfully submitted,

Cheryl A. Goss