

**Whitewater Township Board  
Minutes of Regular Meeting held January 13, 2015**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:02 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

**Roll Call**

Board Members Present: Benak, Goss, Lawson, Popp

Board Members Absent: Hubbell

Others Present: 8

**Set/Adjust Meeting Agenda**

No adjustments.

**Declaration of Conflict of Interest**

Popp declared that he will recuse himself under New Business #4 Zoning Administrator Replacement.

**Public Comment**

**Tim Shaffer**, 5309 Moore Road, apologized for an error last month regarding a statement about the Arnold Road fire hydrant. It has a Metro number on it and no blue barrel. He questioned the description of "Beds for Ambulance" under several department headings on the Bills for Approval document.

Goss acknowledged that it is confusing and explained that it has to do with the limited room for an invoice description in the check program.

**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 Crawford gave the following report:

- The new Board of Commissioners was sworn in on January 2nd. They have the second-ever female chair and for the first time there are three females on the County BOC.
- Crawford is the chair of the Audit Committee, member of the Community Mental Health Board, the Pavilions Board, and the Health Department, as well as other committees of the whole BOC.
- They recently had a presentation from the Municipal Employees Retirement System (MERS) to explain how the \$44 million obligation of Grand Traverse County was created.

- They are looking at ways to make the Soil Erosion Department more efficient, which is a seasonal operation. They plan to look at every department to see where efficiencies can be found and cuts can be made.
- They will meet with the townships that have community police officers over the next few weeks to talk about the program.
- The BOC is going to try to focus on the fact that taxpayers are customers; government is a service organization.
- She encouraged township board members to call her anytime.

Brief discussion followed concerning the MERS obligation.

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

### **Ambulance Coordinator Report**

Ambulance Coordinator Martin gave the following report:

- In 2014, there were 203 calls, up from 185 in 2013.
- The VASA is February 13 through 15. East Bay Township, Kalkaska, and NorthFlight will be in attendance for any 911 calls for the event.
- Seven providers attended medical training last night. They learned hemorrhage control from Wendy Dawson.
- Dr. Rob Smith, Medical Control Director, will be a guest speaker next Monday night.
- Dr. John Depue (sp?) will be presenting HIPAA information on February 16.
- In March, they will have self-defense training, but no date has been set.
- Attended the Med Control meeting this morning. They have been 100% compliant with required information documentation. Protocols are changing for backboards and KED devices. Martin received a CD today with all the updated protocols. Hard copies of these protocols must be in both ambulances and in the office.
- The EMS conference is April 23-25 at the Grand Traverse Resort.

Goss noted that Martin's report shows one missed call in December. However, two missed calls for December were reported in payroll information.

Benak congratulated Martin on passing the recent MEDCOM inspection.

Regarding Popp's question whether transports were up or down from 2013, Martin stated she will get that information.

Regarding Popp's question whether the Board is invited to Monday night's training, Martin responded that it is always open to the Board to come.

Martin added that they help talk patients through the process of deciding whether to be transported. She stated they never refuse transport or treatment.

Brief discussion followed regarding the cessation of operations of Allied EMS, 800 MHz radios, and GoPro cameras.

Popp requested that Martin provide the updated Med Control protocols to him when she is finished with her updates.

### **Planning Commission Report**

Lawson gave the following report:

- The PC had their first meeting of the year last Wednesday. The bylaws were reviewed and accepted as is with no changes. They will review meeting dates at the 02/04/2015 meeting.
- The PC is eager to read the parks and recreation plan.
- New officers were elected, Brad Link as chair, Mickey Dean as vice chair, Kim Mangus as secretary.
- Lawson has been assured by Dean that the Township Board's deadline for the Master Plan will be met. They plan to have a copy to the Board before the next meeting.
- There was brief discussion of the road ordinance. The PC would like to get a copy to begin their review.
- The PC would like to get all three copies of the ZO to determine which one is the most complete.
- The PC inquired regarding a new ZA.

Popp stated the PRAC master plan was forwarded to Dean on 12/10 or 12/11 for distribution when he saw fit. Popp will forward it to the new chairperson.

Regarding Ordinance 32, the Private Road Ordinance, minutes of the Township Board meeting where the Planning Commission was directed to review road standards will be provided to Chairperson Link, Lawson, and Popp.

Popp stated there is some misunderstanding about the zoning ordinance. A hard copy of the certified Zoning Ordinance does exist. However, electronic copies have been potentially modified by multiple people and saved as the original file rather than "proposed," "draft," or "amended." The plan is to have an electronic copy that only the Clerk has access to.

Lawson inquired if there are certain areas of the Zoning Ordinance which the Board would like the PC to look at.

Popp stated the PC has already been directed to Ordinance 32, although they could consider some of Habedank's inputs as to what needs to be changed.

### **Parks & Recreation Advisory Committee Report**

Benak referred to emails from Melissa Melton to the Board which were received today. Subjects are the PRAC draft master plan and weighing in on new appointments to the committee. Benak read the master plan email aloud. Links are provided in the email for the DNR guidelines and a checklist of what is needed in master plans. Benak provided a copy of the self-checklist.

Lengthy discussion followed.

Benak will forward Milton Township's parks and rec plan to Board members, as well as the DNR checklist.

Popp stated his comments are ready for review, but he will wait until we find out exactly what the DNR plan dictates.

Goss had prepared written comments on the plan but will review them with the checklist.

Benak will forward some other parks and rec master plans to Board members.

### **Consent Calendar**

#### Receive and File

1. Supervisor's Report for December 2014 (no report)
2. Clerk's Report for December 2014
3. Zoning Administrator's Report for December 2014 (no report)
4. Fire Captain's December 2014 Activity Report (no report)
5. Ambulance Coordinator's December 2014 Activity Report
6. Approved 11/05/2014 Planning Commission Minutes
7. Approved 11/12/2014 Historical Society Minutes
8. Ambulance Financial Report for December 2014 (incomplete; available 1/27/15)

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics for December 2014, 4th Quarter Totals, and YTD 2014
2. Grand Traverse Rural Fire Department Draft 12/17/2014 Minutes
3. Grand Traverse County Road Commission 2015 Meeting Schedule
4. E-mail 12/09/2014 Robin Hagan re: Horse Shows by the Bay (HSBTB)
5. E-mail 12/13/2014 (1) Robin Hagan with Photo
6. E-mail 12/13/2014 (2) Robin Hagan with Photo
7. Letter 12/23/2014 Department of Community Health re: Inspection
8. Letter 12/28/2014 James Rybarsyk re: Ambulance Service
9. MTA Official Notice of Educational Conference, Expo, and Annual Meeting

#### Minutes

1. Recommend approval of 12/09/2014 regular meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 39045 through 39122

#### Budget Amendments (see Tabled Item #2)

#### Revenue & Expenditure Report (none)

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

**Unfinished Business**  
**Master Plan Review**

Popp stated it looks like the plan will be coming to us next meeting.

Goss stated a hard copy is available in the township hall for the public.

**Parks & Recreation Master Plan**

Popp will submit his comments after he reads the bullet points from the DNR.

Benak noted she gets more communication from the new chairperson, who will forward things to the committee to review before the meetings.

Brief discussion followed.

**New Business**

**Township Vehicle Policy**

Popp noted that the paragraph entitled Authorized Vehicle Use needs to be amended. It states, "The operation and use of township vehicles is limited to township employees." Rural Fire members are not township employees.

Lengthy discussion followed. The entire 1-1/2 page policy was reviewed and revised.

**Motion by Lawson, seconded by Goss, to amend the Whitewater Township Vehicle Policy, as amended.** There was no further discussion. **Ayes: Benak, Goss, Lawson, Popp. Nays: None. Absent: Hubbell.**

**Appointment to Parks & Recreation Advisory Committee**

Popp inquired whether there were any questions on his memo.

Benak noted that PRAC Chair Melissa Melton emailed the Board with the committee's suggestion and alternate concerns. Benak stated their concerns are legitimate, and read aloud from Melton's email and from minutes of the PRAC.

Benak stated she has real concerns over it. She stated the problem with Mr. Cosgrove is that he has already made it very clear that he would sue the township if we even attempted to get the plug removed. That makes it very controversial and makes it very obvious, at least to the general public, why he would want to be on that committee. If they (PRAC) start talking about this, is he going to have to recuse himself because he has a vested interest in keeping that plug in? There must be other people who can serve on the committee.

Popp stated it seems like Benak is picking out one particular item and one particular park to focus on; maybe the bias is coming from the PRAC. Popp noted that Phil Knapp indicated his sole purpose for being on the PRAC was to get the plug removed. Popp further commented that there is lots of work in front of the PRAC to be completed.

Benak stated the difference is that Cosgrove has made it clear that he will sue to protect his vested interest down there, and now we are going to appoint him to a committee that would be doing research on that at some point possibly. Benak stated there is a reason that we have to look at that for the benefit of the whole township, not just Battle Creek Natural Area, not just the people that live down on Miami Beach. If the Board at some particular point says yes, we want you to research this, is Tom really going to be able to do that, unbiased?

Goss stated Cosgrove is being accused of having an agenda; yet, nowhere in the Battle Creek Natural Area Management Plan does it call for removal of the plug. Goss gave further details of the management plan related to the requirement of fish passage between the pond and Elk Lake, which is the more eastern mouth of Battle Creek. Goss reminded the Board of the brouhaha which took place nearly a year ago related to the Parks & Recreation Advisory Committee. Goss stated the PRAC should focus on the goals laid out in the various management plans. The plug should not be on the PRAC agenda; it is a done deal and does not need to be addressed.

Benak asked how Goss figures it is a done deal when we agreed to let the science look at it.

Goss stated she never agreed to “let the science look at it” and Cosgrove seems like an intelligent, reasonable person. In response to Benak’s statement that Cosgrove made a threat, Goss noted that she has heard that Phil Knapp made a threat also to Cosgrove, but Goss was not there and does not know what was said. Goss stated she feels, from everything she has heard, that a member or members of the PRAC are responsible for creating some of the so-called controversy between the committee and Cosgrove.

Lawson stated he would not hold that against him (Cosgrove) and that a lot of people get involved with government because of a perceived injury or threat or an actual threat or injury. They get involved to try and do the right thing. He stated he thinks Cosgrove could potentially be a very good person on the PRAC; he would have a different perspective coming in.

Benak stated she is going to vote no because she feels like it is putting the township as a whole in a situation for a lawsuit eventually down the road, because eventually some board or some group is going to come forward and want to address that plug. Whether the current board does want to or not, somebody is going to. Benak just feels that, to avoid this type of situation, there are many other candidates that we could possibly tap that would work out just as well as Tom. Benak stated her concern is, if that subject ever comes up, he is going to have to say I have a conflict of interest. If he does not, he is not doing his duty.

Goss inquired of Benak how it could happen that the township could get sued over the plug.

Benak stated it is an environmental thing. The plug is causing floodage upriver.

Goss noted that the plug and concern for flooding is not addressed by the DNR in the BCNA Management Plan.

Benak said that back when this was being investigated by the township zoning administrator, there were documents put together. There was a DNR officer that came out. Benak stated she provided all that information to the Board and she suggests they re-read it.

Goss stated she does not recall those documents being provided and asked that they be provided again.

Benak stated she is not Goss's recordkeeper. They have been sent electronically and in paper form, complete with pictures.

Referencing number 13 on the master plan, "Battle Creek – removal of plug at channel and improvements per the BCNA Management Plan – available in the Clerk's office," Popp inquired if Goss is saying that is an incorrect statement.

Goss replied that she is, and stated she has addressed it in her comments.

Popp noted that Benak made a statement, "some agency were to pursue this." Popp stated it sounded like a threat.

Benak replied that that is not what she meant and she would like the meeting minutes to reflect that she is not making any kind of threats, she has no intentions of contacting anybody, but that does not mean that there is not individual groups out there that are protecting the wetlands and the lakes and the streams. She believes Phil Knapp pointed out his frustration and one of the reasons why he resigned from this committee is because nobody wanted to listen about the Battle Creek Natural Area.

Popp stated his recommendation stands and he will entertain a motion.

**Motion by Goss, seconded by Lawson, to confirm the recommendation of the Supervisor appointing Tom Cosgrove to a 3-year position on the Whitewater Township Parks and Recreation Advisory Committee, term to end on 12/31/2017.** There was no further discussion. **Ayes: Goss, Lawson, Popp. Nays: Benak. Absent: Hubbell. Motion carries.**

Popp noted that Chairperson Melton believes the appointment is an alternate position and he will send her Ordinance 48 for review. He also noted that the ordinance does not call out the duties of the alternates or when they go into play, something that should be cleared up.

#### **Appointment to Planning Commission**

Popp is recommending Ted Hooper for appointment to the Planning Commission and would entertain a motion. He was at one time the zoning administrator here and owned what used to be Morrison's farm market.

Benak stated the letters of interest for the recommended appointments used to be included with the memos and asked if they could be included again.

Popp agreed they could be.

**Motion by Lawson, seconded by Goss, to confirm the recommendation of the Supervisor appointing Ted Hooper to a 3-year position on the Whitewater Township Planning Commission, term to end on 12/31/2017.** Benak inquired if he was the only one who applied or showed interest. Popp replied yes. **Ayes: Goss, Lawson, Popp. Nays: Benak. Absent: Hubbell. Motion carries.**

### **Zoning Administrator Replacement**

Popp stated once his memo is reviewed, he will recuse himself and leave the table to allow **Board** discussion. He stated a half dozen residents are not being properly served, potentially more every day, due to the lack of a zoning administrator. Due to various personal issues, Habedank has not been able to keep his original commitment of being here one day a week until a new ZA is hired. Zoning issues such as land use permits, requests for final inspections so people can move into their homes, so contractors can get paid, and ZBA hearings need to be attended to. The Mansfield proposal has a typographical error; the \$75/hour should be corrected to \$60/hour. Mansfield will not be able to help with the Horse Shows by the Bay issue.

Popp read section 17.10 of the Whitewater Township Zoning Ordinance, “A zoning administrator shall be appointed by and on such terms as shall be determined by the township board, provided that the zoning administrator shall not be a member of the township board, the planning commission, or the zoning board of appeals.”

The following issues were raised:

- The township attorney has stated it is not an incompatible office.
- Popp’s statement that he does not really have the time, but it will cost \$60/hour plus expenses for someone to do inspections. However, funds are available in the budget.
- There is a need to act on zoning issues. Phone calls to the zoning office are not being answered.
- Applications for zoning administrator have been received. Any appointment should be for a short period of time.

Goss noted that Hubbell called at 6:35 p.m. today and stated he would not be at the meeting but asked Goss to pass along that he has a concern about Popp doing the ZA job right now and he would prefer that we hire the intern from Torch Lake or someone else.

Brief discussion followed concerning the township’s hiring process.

Goss stated she does not want to put the burden of the ZA position on Popp, especially with the budget process about to begin.

Benak inquired if we should be having this discussion with Popp at the table.

(At about 9:33 p.m., Popp removed himself from the board table.)



Goss stated bringing in someone else involves time familiarizing themselves with the ordinance; how soon will they be ready to help? Whoever comes in should have experience and be able to jump right in and start handling the job.

Benak asked if the hiring process could be waived.

Lawson inquired of Popp how long it would be before Mansfield could start.

Popp replied that Mansfield is away this week; maybe the 19th.

Goss asked if the hiring procedure could be waived temporarily, for 60 to 90 days, till the hiring process has been completed.

Popp stated the Board would not do that for ambulance staff.

Benak stated she sees that the Torch Lake zoning administrator is willing to help us out, knowing he would have to go through the hiring process like everybody else. She stated Popp does not have the time and Mansfield cannot start for a week.

Goss stated there is no contract readily available.

Benak would like to go in that direction.

Lawson stated he thinks Popp will have too much on his plate and he is leaning toward Mansfield. They have a lot of experience; it shouldn't take too long to get up to speed with our ordinance.

Goss inquired of Popp if a contract would have to be drawn up for Mansfield.

Popp replied it would be an hourly rate.

Goss stated she feels that probably Mansfield will be the least complicated option, except that he would not be able to handle the Horse Shows by the Bay matter.

Benak urged that the hiring process be waived for a period of time so Josh Vey can come in and start working.

Lawson said he is still leaning toward Mansfield as a temporary solution.

Goss added that whoever comes in is going to have to try and find things in the zoning office. Goss does not want to burden Popp, but he probably could begin immediately to take care of some pending matters.

Lawson asked if interviewees could be here for the next meeting.

Popp stated he did not know.

Lawson stated Popp could be nominated temporarily until someone can be hired.

Benak, Lawson, and Goss agreed that they would like to see the applications as soon as possible and schedule a special meeting to discuss and decide who will be interviewed.

Goss proposed to make a motion for Popp to be the acting zoning administrator until as late as 03/10/2015 during the selection process of a new zoning administrator.

Goss inquired of Popp if he would agree to do that.

Popp stated yes, no one here wants to put faster wheels under this than he does.

**Motion by Goss, seconded by Lawson, to have Ron Popp be the Acting Zoning Administrator until as late as 03/10/2015, while the Township Board is in the process of hiring a new zoning administrator, to be paid at \$12 an hour.**

Benak stated we are all elected officials who have not gone through the hiring process, so are we not skipping the hiring process by hiring the zoning administrator?

Goss replied that Popp is being appointed as the Acting Zoning Administrator for a temporary period of time.

Benak states she wants to go on record saying that we are waiving the hiring process. Also, if we have a problem with our zoning ordinance saying the zoning administrator cannot be a township board member or a ZBA member, then we should look at changing that, because otherwise we are violating our own zoning ordinance.

Goss stated she agrees it should be changed, but his title will be the acting zoning administrator, not zoning administrator, and it is a temporary position.

**Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, abstains; Benak, no. Motion carries.**

(At about 10:10 p.m., Popp returned to the board table. At the same time, Lawson excused himself from the board table.)

Goss noted that she would like to see the hiring of a zoning administrator proceed as quickly as possible.

(At about 10:12 p.m., Lawson returned to the board table.)

Goss reiterated that she would like to see the process of hiring a zoning administrator proceed as quickly as possible.

Lawson stated that he agrees completely, and if extra meetings are needed, let's do so.

Benak inquired if a date should be chosen for a special meeting.

Popp agreed to forward the applications and each Board member can pick their preferred candidates to be interviewed.

Brief discussion followed. No special meeting date was set.

#### **Proposed Ambulance Billing Policy Post Millage Approval**

Popp stated he will make a motion to ask the Board to continue the billing process as it stands right now with NorthFlight. We currently comply with all Medicare/Medicaid/CMS rules. We are awaiting an Office of Inspector General opinion regarding the anti-kickback statute, which requires an invoice to be generated for everybody, resident or not. Popp recommends the policy be reviewed in light of this statute and then sent out to Fahey for review.

**Motion by Popp, seconded by Goss, to maintain ambulance billing as currently conducted until such time as a new policy can be legally reviewed.** Brief discussion followed. **Ayes: Benak, Goss, Lawson, Popp. Nays: None. Absent: Hubbell. Motion carries.**

Brief discussion followed regarding ambulance.

#### **Tabled Items**

##### **Review Administrative Policy Section 5 (tabled 10/14/2014)**

This agenda item was not discussed.

##### **Budgeted Transfers and Budget Amendments (tabled 12/09/2014)**

Goss stated the Road Fund is in the negative. A transfer of \$1,400 is needed.

**Motion by Popp, seconded by Goss, to transfer \$1,400 from the General Fund to the Road Fund, as budgeted in the 2014/2015 budget.** There was no further discussion. **Roll call: Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carries.**

**Motion by Popp, seconded by Lawson, to transfer \$7,000 from the General Fund to the Recreation Fund as budgeted in the 2014/2015 fiscal year.** There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, absent. Motion carries.**

Goss noted that the Ambulance Fund has self-corrected with receipt of millage revenue. A new revenue line item has been added to this fund. A warrant provided by the assessor shows the millage will raise \$274,121. A budget amendment is needed to show this revenue.

**Motion by Lawson, seconded by Benak, to amend the Ambulance Fund budget for Fiscal Year 2014/2015 by creating a new revenue account, 210-000-402, Property Taxes, and inserting \$274,121 in the Budget Amendment column.** There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes. Motion carries.**

Regarding the Fire Capital Improvement Fund, Goss stated the Board had not budgeted for any expenditures, but funds were expended for the town hall meeting. Budget amendments are needed.

**Motion by Lawson, seconded by Benak, to approve budget amendments for the Fire Capital Improvement Fund as recommended by the Clerk.** There was no further discussion.  
**Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carries.**

#### **Board Comments/Discussion**

None

#### **Public Comment**

No members of the public are present.

#### **Announcements**

Next Township Board meeting is January 27th.

#### **Adjournment**

**Motion by Lawson, seconded by Goss, to adjourn. Ayes: Benak, Goss, Lawson, Popp. Nays: None. Hubbell: Absent. Motion carries.** Meeting adjourned at 10:37 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk