

**Whitewater Township Board**  
**Minutes of Special Meeting held November 22, 2016**

**Call to Order**

Supervisor Popp called the meeting to order at 3:20 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: None

**Set/Adjust Meeting Agenda**

Goss would like to add the following items to the agenda: Information regarding the extended stay trailer, sewage permit approval for option B, listing of the power cot on Craigslist, and a request from a firefighter to buy some flashlights from 3A2.

With all board members present, these items were added to the agenda.

**Declaration of Conflict of Interest**

None

**Public Comment**

None

**Placement of Extended Stay Trailer / Sewage Permit Approval for Option B (added)**

Goss stated she met last Thursday at the fire station with Tim Tinker from Excel Site Rentals and Nick Bernelis from Mobile Medical Response to discuss locations for the extended stay trailer as well as providing, electrical, water, sewer, and radio signal to the unit. Two locations were discussed, one on the east side of the fire station along the cemetery fence and another across the road in front of the tennis nets. The preferred site would be along the east side of the station due to availability of electrical and water. In either location, a sewer skid would have to be brought in.

Further details were provided as to accessibility of infrastructure.

Goss also met at the job site yesterday with Chris Kuhns, Excel's electrician. He is to provide a quote for the cost of running electrical to the east side of the building.

Measurements were taken to determine how the trailer would fit into the east side location and how far past the south wall of the building it would extend.

Goss stated she also contacted Eric Burt at the Health Department regarding the option B versus option A drain field location. Burt responded with his reasons for approving the option B location.

Discussion followed.

Popp proposed that the drain field could be placed south of the radio tower, but stated he has not heard back from the railroad people.

Number of parking spaces, land-locking, and a possible U turn were discussed.

Popp proposed the Lucsy building be considered to house the ambulance and MMR personnel.

Discussion followed, with other board members preferring to utilize the extended stay trailer rather than the Lucsy building.

Goss also raised the issue of where to park the Expedition, trailer, and snowmobile trailer.

There was agreement that they can be parked in front of the tennis courts, with an area to be plowed for that purpose.

There was consensus that the trailer should be brought in as soon as possible.

Brief discussion occurred regarding moving Arbenowske's office, provision of a dumpster for cleaning out of the loft, disposition of equipment/assets.

Goss will get the electrical price. Potential price was discussed.

Goss stated she would like to get the attorney going on bid documents so that final documents are available at the first meeting in January. Then the bid package can go out, with 30 days allowed for contractors to respond.

Brief discussion followed regarding the bid process and engineer involvement in that process.

Popp will contact Eric Burt again regarding drain field location, as well as contact MDOT.

**Power Cot Listing on Craigslist (added)**

Goss inquired whether the board would like her to list the power cot on Craigslist.

Discussion followed regarding the missing second charger and whether to buy a charger or sell as is, and the fact that MMR is using the battery that belongs to it as a spare battery for the other cot. There is one charger, which is currently being used by MMR.

Popp will provide pictures.

**Motion by Goss, second by Benak, to sell the Stryker Power Cot on Craigslist, with no chargers or batteries, listing price of \$7,900.** There was no further discussion. **Ayes: Benak, Goss, Hubbell, Lawson. Nays: Popp. Motion carried.**

**Streamlight Flashlights – Offer to Purchase (added)**

Firefighter Dave Tilley contacted Goss and inquired about purchasing the two Streamlight flashlights and offered \$100 for both.

Brief discussion followed.

**Motion by Popp, second by Lawson, to sell the flashlights for \$100 a pair.** There was no further discussion. **Ayes: Benak, Goss, Hubbell, Lawson, Popp. Opposed: None. Motion carried.**

**Agenda Items as Listed in Special Meeting Notice****Zoning Administrator Interview – Christopher Weinzapfel**

At 4:17 p.m., the Weinzapfel interview began. Numerous questions were directed to Mr. Weinzapfel.

He is full-time at Milton Township, more than 40 hours every week. He does a lot of committee meetings. He goes to all the other meetings they have there. He has talked to the Milton board whether they have any problems with him working here 4-8 hours per week (in the office); they were fine with that.

He also does a staff report in Milton for what goes on at the planning commission, ZBA, and other things.

It was clarified that the job description says a flexible schedule, up to 24 hours a week, with at least 4 hours per week of office hours.

Weinzapfel stated he is available all the time by phone and email communication out of both offices.

He will be able to attend Whitewater Township Planning Commission meetings.

He lives in Milton Township, about a 15- to 20-minute drive from the Whitewater Township Hall.

He just retired from the fire department and is no longer on EMS either. He has 17 years in as the Milton Township zoning administrator.

He stated he is dedicated to Milton as full time, but feels if he is hired here, he can do a very fine job here. Ron is bringing him up to date on the computer side and uploading electronically. He does not do that in Milton; it is on paper. Whitewater's filing system is similar to Milton's.

Milton is the only township he has worked with as a zoning administrator.

He graduated in 1972 from Elk Rapids High School.

He still needs Ron's help with uploading onto the computer. He states he is probably half familiar with the zoning ordinance.

He feels he can pick up where Josh Vey left off with reviewing the zoning ordinance but has not been involved with that yet.

He has been working on dealing with the land use permits and land divisions that are backed up, contacting people. He has been skimming through the zoning ordinance quite a bit to find things.

He stated he is willing to submit to the required driver record check, criminal background check, and physical exam, all done at the township's expense.

His "extensive knowledge in planning and zoning" has been obtained through his employment with Milton Township.

In response to an inquiry concerning particularly difficult zoning decisions he has had to make, he responded that the biggest working issue is probably with the weekly rentals. It was a 5-year process (to adopt the ordinance in Milton Township). He has never issued a rental ordinance citation. He works with the 3-notice issue. Usually by then it is taken care of.

He believes he obtained the zoning administrator certificate from MSU in approximately 2007, 2008. It consisted of five full days of class work.

He does not have other jobs in addition to the Milton Township position.

He confirmed that his schedule would allow him to attend Whitewater Township Planning Commission and Zoning Board of Appeals meetings.

He understands that, as the zoning administrator, it would be up to him, perhaps with the assistance of the township attorney, to interpret the Whitewater Township Zoning Ordinance, and that it is not the function of township board members to interpret the ordinance.

He understands that zoning decisions he makes could cost township residents/taxpayers hundreds of dollars or more.

With regard to regulations, or lack of regulations, that would entice young families to live in Whitewater Township, he stated he has read a lot about it, but Milton has not had to deal with it. There is not a school in Milton Township.

He stated the main demographic in Milton is retired people. Milton has a lot of lakefront with high-end homes, with agricultural in the center of the township. It is predominantly turning more into retirement or higher end homes. They have lost a lot of the farmers.

He understands that the Whitewater Township Zoning Ordinance must be applied equally to all residents and taxpayers in the township regardless of their socio-economic status.

In response to the question “what would you do if any member of the township board asked you to deviate from the zoning ordinance or show some type of favoritism toward any of their property or property owned by their family or friends,” he answered that he wouldn’t be able to do it. He would direct them in a course toward the planning commission or the zoning board of appeals or the direction that it is referred to.

With respect to working in Whitewater Township, he stated he enjoys zoning; it is a job opportunity for him; it is a different area, a different type of people. It is the opposite of the majority of Milton Township. “Your thought here is more independent thinking in land and so forth versus what Milton is. They get a little bit more restrictive, I guess.”

In Milton Township, a 3-member committee from the planning commission and Weinzapfel worked with Williams & Works on the zoning ordinance. They went through the whole ordinance and rewrote certain areas. It was a pretty big overhaul at that time. A handful of people showed up at their public hearings.

Mr. Weinzapfel was asked about tracking of time spent on Whitewater zoning duties.

This year, 63 land use permits have been issued so far in Milton Township. Whitewater Township is at 38 so far this year. There have been 4 or 5 land divisions or lot line adjustments this year in Whitewater. Milton has had 2 or 3 so far this year. There are a lot of homes being built right now in Milton.

Popp stated he has had an opportunity to work with Chris, see his interactions with people, hear his interactions on the telephone, seen some of his reactions to certain articles in our zoning ordinance, and thinks he is a good fit and has no questions.

Hubbell stated he has known Chris his whole life and went to the same training with him in 2000. He has no other questions.

At 4:53 p.m., the interview concluded.

General discussion followed.

### **Zoning Administrator Interview - Kevin McElyea**

At 5:28 p.m., the McElyea interview began. Numerous questions were directed to Mr. McElyea.

He stated he would have no problem whatsoever submitting himself to the required driver record check, criminal background check, and physical exam, all done at the township’s expense.

He would like to attend the MSU Land Use Institute program to become a certified zoning administrator, the cost of which is \$1,000, which he intends to pay for himself. There is a prerequisite that you attend or pass some planning and development classes. Transcripts from his licensed landscape architect education will satisfy that prerequisite. He further stated that Linda Forwerck, supervisor in Fife Lake Township, would like to send him to an MTA training

school. He stated he will do whatever Whitewater Township wants and pay whatever it takes. Forwerck expressed interest in cost sharing.

When asked to explain what he means in his letter when he says “government agencies should be a place where public employees take pride in their stewardship of the natural and built environments,” he stated he has lived here since 1980; in Northern Michigan people are very passionate about their property rights; he respects that. On the flip side, people are very passionate about the resources that make the quality of life up here. So you can’t be overzealous in one or the other; it is a real balancing act. That is what he is trying to sum up in that statement, that they can be stewards and passionate about balancing that.

He stated he understands that a lot of people struggle with what they see as overregulation, but on the flip side, if we did not have zoning, then you have incompatible uses and lower property values. What he has enjoyed in his years in this field is helping people get through the myriad of regulations, using his various abilities.

He was recently hired by Fife Lake Township as their zoning administrator. His weekly commitment of hours there is flexible. He is in the office right now Monday and Wednesday from 9:00 to 1:00. He operates remotely from his home office as well, answering questions via cell phone and e-mail.

He is still the Grand Traverse County Drain Commissioner until January 1. Due to the season, permits are pretty much done and call volume is way down. The weekly commitment there is very minimal now. He will finish attending the once-per-month meetings of the Board of Public Works and the Parks & Rec Commission. He maintains the water levels on Silver Lake and Duck Lake, and those are good to go.

He lives in Peninsula Township.

He has noticed that zoning administrators seem to move around a lot, but he is not currently looking for other employment. Without asking him first, he has discovered that Lisa Leedy has recommended him to be the Fife Lake Village zoning administrator. If he did Fife Lake Township, Whitewater Township, and Fife Lake Village, that would take him to 40 hours a week.

His job as Grand Traverse County Drain Commissioner is full-time. What he likes most about that job is helping people solve their flooding problems. The political nature of the job was an eye-opener.

He does not believe he has any scheduling conflicts with the first Wednesday of the month (Planning Commission meeting date) or with the fourth Thursday of the month (Zoning Board of Appeals meeting date).

He understands, if he were selected to fill this position, that it would be up to him, perhaps with the assistance of the township attorney, to interpret the Whitewater Township Zoning Ordinance,

and that it is not the function of township board members to interpret the zoning ordinance on a day-to-day basis.

With regard to making it more affordable to live in Whitewater Township, especially for young families, and McElyea's experience with the types of regulations or lack of regulations which could affect that issue, he stated the first thing that comes to mind is dwelling sizes. In Fife Lake, they have a minimum 1,000 (square feet). Some people would like to reduce that to 750 or so. There is a movement on tiny homes. He noticed that the township is looking at its fee schedules, probably to make the office self-sufficient, but yet you don't want to charge those fees to your citizens. He thinks those two levels would help in that regard.

He understands that the zoning ordinance must be applied equally to all residents and taxpayers in the township regardless of their socio-economic status.

Goss briefly supplied information to McElyea about the 2015 Master Plan revision and the current state of the zoning ordinance.

In response to the question "what would you do if any member of the township board asked you to deviate from the zoning ordinance or show some type of favoritism toward any of their property or property owned by their family or friends," he said there would be immediately a red flag. Unless it is justifiable and defensible and it has precedence in the past or something, it could be costly to the township in lawsuits. That is why he wants the ZA certification. It can be expensive if your zoning administrator makes a mistake and you end up in court.

He applied for Whitewater Township zoning administrator because he likes the rural community; the drive out here is immediately blood-pressure lowering; the folks in the rural communities are a wonderful kind of people, along with his original mission statement of helping people get through the myriad of regulations and change their opinion with government. He stated he has heard loud and clear about property rights and property values and sees that the township is struggling with a rental ordinance and understands he may have to dive into that.

There was brief discussion of the township's noise ordinance, as well as soil erosion and storm water ordinances.

Benak stated she is looking for somebody who will be here long-term. McElyea is working with Fife Lake now as a first-time zoning administrator. His strength is really in drain commission and landscape architecture.

McElyea says he graduated from MSU school of urban planning and landscape architecture. A lot of his work was in Saudi Arabia doing town planning, Fleis & VandenBrink doing streetscaping. He stated he has mostly focused on large projects.

He believes his minor in urban planning will be a strength to the ZA office. Regarding long-term, he stated he is not going anywhere. He is happy where he is at in Peninsula Township; he does not want to move; he loves this community.

He has done a lot of site visits for his drain commissioner work.

Hubbell and Lawson had no questions.

Popp stated we like the rural community and it is something we kind of want to keep. Our last community-wide survey was a very long time ago. Keeping the rural character was high on the priority list. How do we do that? How do you strike the balance?

McElyea stated he noticed the township outlawed chain-link fences in the commercial district in the front yard setback. That really maintains the rural character. His philosophy when he was dealing with storm water issues was to promote green infrastructure, underground storage, rain gardens, permeable pavement. His bottom line would be how can we incentivize and promote low impact development versus regulatory urban character. He stated he does not have a solution as to how to maintain the rural character except he thinks it is best to incentivize it somehow.

He stated he was awarded a \$100,000 SAW grant. One component was to go around to all the townships and advocate for low impact development.

He has experience with lake levels and dams.

In answer to McElyea's question regarding what qualities the board sees in a successful zoning administrator, board members responded with ability to handle people well, good communication skills, good organizational skills, length of service.

McElyea asked why the board thinks zoning administrators have been moving through here so much lately.

Popp replied that there is a lot of work here, issues that have not been dealt with in a timely fashion. The zoning ordinance was thought of as being airtight, bulletproof, and it is not, because of the discrepancies that are in there. The amount of work is frustrating.

Benak described the reasons that Meyers, Habedank, and Vey left the township.

McElyea stated he is detail oriented, hates cutting corners, and does things pretty much 100%, even though it can slow you down.

At 6:23 p.m., the interview concluded.

The board discussed the two candidates. It was agreed that a decision will be made at the next regular meeting on 12/13/2016.

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

None

**Public Comment**

None

**Adjournment**

Motion by Lawson, second by Hubbell, to adjourn. Meeting adjourned at 6:44 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk