

**Whitewater Township Board
Minutes of Regular Meeting held December 13, 2016**

Call to Order/Pledge of Allegiance

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, Hubbell, Lawson, Popp

Board Members absent: None

Others present: County Commissioner Carol Crawford and 12 others

Set/Adjust Meeting Agenda

Under Emergency Services Building Renovations, Goss would like to spend a little bit of time talking about drain field placement and bid documents. Goss would like to add to the agenda appointment of Kim Mangus to the Planning Commission.

With consent of the board, appointment of Kim Mangus to the Planning Commission was added as New Business #6.

Declaration of Conflict of Interest

None

Public Comment

Tim Shaffer, 5309 Moore Road, asked that we have one minute of silence for Matt Lyons' passing.

Popp announced the passing of Planning Commission member Matthew Lyons.

A minute of silence was observed.

Thoughts and prayers to Matt's immediate family, Tim and Grace.

Public Hearing

None

Reports/Presentations/Announcements/Comments

County Board of Commissioners Report

Carol Crawford gave the following report:

- They have a budget. It is balanced and conservative. It includes full employment. They are forecasted to have a bit of surplus in 2016. Things are looking better than they were. Hopefully, they will pass a balanced budget tomorrow.
- The current District Court administrator is retiring at the end of the year. That is a very difficult person to replace. They have agreed, along with Leelanau County and Antrim

County, to allow her to continue on for 11 months, on the Leelanau County payroll, to give District Court time to get someone trained to do the job.

- They voted to restructure the Commission on Aging down to a 4-person advisory board, and also to roll back the COA millage to alleviate about \$750,000 of their fund balance.

There were no questions for Commissioner Crawford.

County Road Commissioner Report – No one is present from the Road Commission.

Mobile Medical Response Report – Goss reported that Bernelis will not be here this evening.

Planning Commission Report

Lloyd Lawson gave the following report:

- There was a meeting last Wednesday. The main thing discussed was moving forward with recodification. The PC recommends moving forward with it and also recommended that general ordinances be included. The PC would like to write the RFP and submit it to the board for approval. If we have an RFP example to send to the PC, that would be great. A lot of the PC feels it will be money well spent. Once it has been reorganized through recodification, they will be able to move through it a lot cleaner and faster.
- Regarding agendas, Lawson inquired how the board would feel about paying someone, like the recording secretary, to assemble the agenda and put the packet together, to take that load off the chairperson. The PC could go back to setting their agenda at the end of every meeting for the following meeting.

Discussion followed.

Popp stated we can take that up at budgeting time. We may have a decision on zoning administrator tonight and the situation may rectify itself.

Lawson inquired if there is anything the board would like to send back to the PC.

Popp noted that recodification is on the agenda and we will try to give Lawson an answer on that issue.

Parks & Recreation Advisory Committee Report

Cheryl Goss gave the following report:

- The PRAC met last night. Most of their focus is on getting some things together for the township board's budget process.
- There is a dangerous situation at the dam at Battle Creek Natural Area, i.e., an opening that someone could fall into. Dennis Leach got prices from Actron Steel to have two grates made. He is willing to install them. Those will be ordered.
- A sign will also be ordered warning people to stay off the ice on the pond at BCNA due to flowing water under the ice.
- The PRAC would like to purchase a couple pieces of playground equipment for Hi Pray Park out of the current fiscal year budget. There are some funds left over in the capital expenditure account of the Recreation Fund. This information will be brought to the

board on the first January meeting agenda. They would like to have the purchases approved and ordered but not have them shipped until spring.

- The PRAC also wanted to confirm that the playground equipment proposal for Whitewater Township Park (submitted previously) will be included in the upcoming 2% grant application. (Benak confirmed that it will.)
- They plan to work up a budget request for a viewing platform for the Battle Creek Natural Area. This is part of the BCNA management plan.

Consent Calendar

Popp stated he would like to discuss a couple things on Rural Fire and drew the board's attention to page 24 of the packet. Fire extinguisher checks are supposed to be done monthly. Rural will only be responsible for extinguishers on the fire trucks, not in the buildings.

Discussion followed.

Popp will supply the NFPA standards to the board.

Lawson agreed to contact MI-OSHA to verify the requirement.

On the same page, referring to language under Water Points/Turbo Draft Training/Maintenance, Popp stated our cisterns are not being checked. Popp stated he will try to get those inspections reinstated here in Whitewater.

On page 25 of the packet, under Apparatus/Air Packs, it is noted that the software (Firehouse) purchased 24 months ago or less is not compatible with Windows 10.

Also on page 25, "Whitewater Township asked that box alarms be reviewed." Popp stated at the Rural Board they were told that all box alarms had been completed.

Brief discussion followed.

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

Unfinished Business

Review Emergency Services Building Renovations

Popp stated he will begin negotiations on the potential purchase of property tomorrow.

Regarding Grand Traverse County (GTC) Construction Code Plan Review, Popp stated a lot of the items are small and incremental. The big thing is that GTC requires fire sprinkler throughout the entire building if there is any residential use inside the building. This is something the engineer hoped to get around by installing fire walls or compartmentalizing the residential use and the corridor. They are currently trying to work that out. Popp stated he tried to reach Pressel today to see if there was any progress made or if he is going to resubmit plans and have the

county offer their decision. Pressel thought that an extinguishing system throughout the building would add maybe \$150,000 to the program.

Popp stated another concern of his is items 4, 6, 9, 10, and 38. These impact the mezzanine area. Today, the mezzanine has to have a minimum headroom of 6'8" before mechanical or electrical equipment can be placed in that room. There also has to be a 3' clear area around the electrical panels and the mechanical equipment. The hot water heater, furnace for the administration area of the building, main fuse box, and transfer switch for the generator are located in the mezzanine area.

Discussion followed.

Popp stated since the work in the mezzanine area is minimized, hopefully, we can get a buy-in from the county that we are not changing the area.

Regarding placement of the temporary living quarters, Popp believes building code says buildings have to be separated by 10 feet.

Discussion followed.

Goss noted the trailer can be moved to the south to allow for 10 feet of clearance from the building.

Popp stated he got a second bid from a local electrical firm (H&M Electric) for the temporary power. Goss obtained another bid as well (from Alpine Electric).

Motion by Popp that we use H&M Electric LLC for the installation.

Goss stated she also investigated Berg Electric's suggestion that Consumers Energy set a temporary pole. This would have been much less expensive. However, Consumers is currently backed up on permanent pole placement and is not setting any more temporary poles this year.

Goss verified with H&M Electric and Chris Kuhns today that both of them can start on the project next week.

Discussion followed concerning the H&M Electric and Kuhns Electric bids.

Goss seconded the motion.

H&M reported they could start a week from now. Kuhns said he can be out there Monday.

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

Popp stated he will call H&M Electric tomorrow.

Popp will also call Construction Code re: distance of trailer from building.

Popp raised the issue of the length of term of the temporary building.

There was no concern expressed by other board members.

Regarding sprinkling the entire building, Popp asked if the board is prepared to go another \$150,000 in cost.

Hubbell stated there is nothing for sale right now and we have a commitment; we are not throwing money away; the building will always be used for something for the township; if we have to do it, we have to do it.

Benak stated we need to see where it is going to go with Construction Code, if it will just be required in the addition or make us do it throughout, and we need to get realistic pricing on what it is going to cost.

Lawson suggested that it may not cost that much more to sprinkle the entire building as opposed to just the new addition.

Popp summarized by stating that we will continue with placement of the temporary structure, moving it back a few feet if required; if not, leave it on the east side of the building, and the electrical will be installed next Monday.

Goss brought up the issue of drain field placement. Eric Burt from the Health Department approved a 15' x 50' field running east-west, with a reserve area of the same size, in the option B area. This may limit access behind the building. Dan Rudy suggested the drain field be reconfigured to a 12' x 62' shape and turned to a north-south orientation, hugging the cell tower fence. This leaves a lot more room for access behind the building and parking. Goss sent Eric Burt an email with Rudy's updated drawing but has not heard back.

Brief discussion followed.

Popp stated Eric Burt was concerned about using the area behind the post office, but we know that the post office system is not back there because they physically dug that area up and there are no pipes which leave the post office property.

Goss stated Burt was also concerned about isolation from the post office well.

Discussion followed.

Goss stated we need to follow up with Burt to see if he will modify the configuration in option B or go back to option A.

Goss also said she contacted Attorney Chris Patterson regarding modifying the construction agreement. Goss has made all the modifications to the document, except the contractor's name.

This agreement would be signed by the successful bidder. It calls for them to be the construction manager and principal contractor.

Goss also spoke to Patterson about other documents that would be needed.

- A contract with the engineer should be drawn up.
- A proposed legal notice has been prepared by Goss.
- A performance bond should be required.
- Documents to be included in the bid package would be a cover letter describing the project, the sealed plans, and the construction agreement.

Brief discussion followed.

There was consensus that Goss will share the documents she has worked on with the board and Attorney Patterson.

Review Whitewater Township Planning & Zoning Fees

Popp stated this item will await the new administrator and declined to move it to Tabled Items.

Rural Fire Update

Popp stated there were about 115 pages of the consultant's draft report. Popp asked the board to pay special attention to the data pages showing the times of dispatch, times of turnout, and times on scene. The consultant says those need work.

Discussion followed.

Popp would like to bring this item back on another agenda, maybe the second one in January.

Goss inquired what is the point of reviewing those times; they need work; what is the proposed fix.

Popp replied that is outside of the scope of Rural Fire; the proposed fix belongs at Central Dispatch.

There were no questions for the consultant at this time.

There was brief discussion of Green Lake Township's withdrawal.

Ordinance 28 Miami Beach Sewer Project

This agenda item was not discussed.

Selection of Zoning Administrator

Motion by Popp, second by Benak, for Christopher Weinzapfel to become the Whitewater Township Zoning Administrator. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

Popp will call Weinzapfel in the morning, and also talk to McElyea.

New Business

Baggs Road 2017 Project Commitment

Popp referred to the scientific report done on the road. All 10 soil borings showed clay underneath the road. Bituminous asphalt was present in depths ranging from 1" to over 8".

Popp described the Grand Traverse County road engineer's proposed fix. Grand Traverse County Road Commission (GTCRC) is recommending that they give a one-time contribution to a project like this, provided that Kalkaska County Road Commission (KCRC) maintains it in proper condition.

Popp asked the board to commit to a 2017 project for Baggs Road in the amount of an equal partnership or up to \$100,000, whichever is less.

Popp stated John Rogers, Kalkaska County Road Commission manager, would like to take option 2 detailed in the packet, which takes the existing asphalt, grinds it up, uses it for aggregate, which there is no aggregate currently, and then 3" of new hot asphalt over the top.

Benak noted that we will match Clearwater Township and the counties are paying less, and asked how that is equal.

Discussion followed.

Mark McKellar from the Grand Traverse County Road Commission explained the situation with Baggs Road being a county line road and stressed that Kalkaska County Road Commission is the project leader. He described the problem with clay. If the road was fixed the proper way with removal of the clay, putting the proper material in and putting the proper surface on, engineering estimates are showing \$1 million. Even though it is not a GTCRC road, they feel some responsibility. They approved \$150,000 in their budget based on a proper fix. Clearwater and Whitewater each have \$100,000. Kalkaska came back with \$75,000.

The repair amounts discussed are engineer estimates. They could change in the live bid process. He stated Grand Traverse County Road Commission is not going to do the engineering, site inspections, or material inspections. Kalkaska County is doing the whole project 100%. If you have questions about anything, ask the KCRC engineer or manager.

McKellar stated the GTCRC engineer and manager want to do some work on the road after it swings to the left concurrently with the Baggs Road project.

Questions and remarks were directed by audience members to Mr. McKellar.

McKellar stated GTCRC was willing to put \$150,000 in if the fix was going to be a fix that they would invest in, like what they would do. In this case, they are a partner, but they have no authority whatsoever. Now they are looking at it and saying that if this is the way they (KCRC) are going to do it, then they will match. He does not know what they are going to match. McKellar will push for \$100,000.

Board members also directed questions to Mr. McKellar.

Popp stated Rogers' timeline is to put the project out for actual bids right after the first of the year. His goal is to have this be the first project of 2017.

There was further board discussion concerning:

- The need for a contract between Whitewater Township and the Kalkaska County Road Commission.
- The WMDLS residents paid for their paving on their own. That is the reason we started the road fund, so we could hopefully alleviate some of the burdens from the taxpayers.
- Benak feels there are only two options. One, take the money from the four contributors and do what you can with it, or, two, take the money that the four contributors are willing to put in and do a special assessment for the rest of it with the residents. That choice should be left up to the residents on the road.

General discussion followed.

Popp recommends that we match Clearwater Township, which is now around \$114,000 to \$115,000 based on this year's tax role. That might get us another \$10,000 or \$15,000 from Grand Traverse County Road Commission. We still keep the 25% of the project, whichever is less.

Hubbell stated McKellar has done a great job for us.

(Applause)

Motion by Popp to approve the repair of Baggs Road as outlined in the GFA document dated 10/20/2016 and addressed to John Rogers, manager of the Kalkaska County Road Commission, estimated cost of \$304,099, of which Whitewater will pay up to \$114,000, or 25% of the actual cost, whichever is less.

Goss stated the need for a written agreement needs to be part of the motion.

Hubbell seconded the motion.

Discussion followed.

The following changes will be made to the motion:

- **“As outlined in a contract document signed by Whitewater Township and the Kalkaska County Road Commission” will be added to the motion.**
- **“Estimated cost of \$304,099” will be removed from the motion.**

Goss re-read the motion as follows: **Motion by Popp to approve the repair for Baggs Road as outlined in the Gourdie-Fraser Associates document dated 10/20/2016 and addressed to John Rogers, manager of the Kalkaska County Road Commission, of which Whitewater**

will pay up to \$114,000, or 25% of the actual cost, whichever is less, as outlined in a contract document signed by Whitewater Township and the Kalkaska County Road Commission.

There was no further discussion.

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

McKellar noted the next Grand Traverse County Road Commission meeting is December 22 at 7:00 p.m.

Planning Commission Request for RFP re: Recodification

Lawson stated the PC wants to make a request for a quote on what they want to have done, send it to the recodification companies, and bring the cost estimates back to the board, with recommendations on what companies the PC thinks would do best for them.

Discussion followed.

Motion by Goss, second by Popp, that the Planning Commission go forward with developing an RFP for recodification services.

Goss stated she would like to add to the motion that the PC actually go out for those bids.

Popp stated the RFP needs to come back to the board for approval.

Discussion followed.

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

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

Popp recommends Mickey Dean for the Planning Commission.

Motion by Lawson, second by Hubbell, to confirm the recommendation of the supervisor appointing Mickey Dean to a 3-year position on the Whitewater Township Planning Commission, term ending 12/31/2019. There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

Popp recommends Eric Render for the Planning Commission.

Goss would like this person to appear so the board can find out what he is all about, because zero information was supplied about this candidate. Goss stated she also has an issue with this person taking Kim Mangus's place.

Benak stated Lake (former supervisor) always included letters of interest in the board packets. It gives insight on who the people are. Benak stated she does not know who this person is, has never met him, has not had a conversation with him, and does not know what his qualifications are.

Discussion followed regarding what types of information should be provided for new appointees.

Hubbell stated, in the past, it was very informational for board members to be able to read some credentials about a person applying for one of these positions.

There was board consensus that new appointees should submit a short bio of information about themselves and attend the appointment meeting for introduction and questions.

Popp stated he will have the new appointees put together a short bio and have them appear in front of the board for their first appointment.

Discussion followed regarding whether that procedure should be followed for subsequent appointments and whether the requirements should be added to the by-laws of each board or commission.

There was board consensus that these recommendations go back to all boards and commissions and apply to new appointees only, for inclusion in their by-laws.

Popp recommends Therowin (Skip) Lake to the Zoning Board of Appeals.

Motion by Benak, second by Goss, to confirm the recommendation of the supervisor appointing Therowin (Skip) Lake to a 3-year position on the Whitewater Township Zoning Board of Appeals, term ending 12/31/2019. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Popp stated we cannot act on Tim Shaffer's appointment to the ZBA as he is a new appointee.

Popp recommends Kim Halstead to the Board of Review.

Motion by Lawson, second by Popp, to confirm the recommendation of the supervisor appointing Kim Halstead to a 2-year position on the Whitewater Township Board of Review, term ending 12/31/2018. There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.**

Popp recommends Connie Rountree to the Board of Review.

Motion by Hubbell, second by Lawson, to confirm the recommendation of the supervisor appointing Connie Rountree to a 2-year position on the Whitewater Township Board of Review, term ending 12/31/2018. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

Popp recommends Eric Sanborn move from alternate to member of the Board of Review.

Motion by Goss, second by Benak, to confirm the recommendation of the supervisor appointing Eric Sanborn to a 2-year position on the Whitewater Township Board of Review, term ending 12/31/2018. There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

Popp noted we cannot act on the appointment of Tim Shaffer as a Board of Review alternate.

Popp recommends Dennis Leach to the Parks & Recreation Advisory Committee for two years.

Discussion of two- and three-year terms for the PRAC.

Motion by Goss, second by Lawson, to confirm the recommendation of the supervisor appointing Dennis Leach to a 2-year position on the Whitewater Township Parks & Recreation Advisory Committee, term ending 12/31/2018. There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

Popp recommends Frances Butler to the Parks & Recreation Advisory Committee, two-year term.

Motion by Benak, second by Goss, to confirm the recommendation of the supervisor appointing Frances Butler to a 2-year position on the Whitewater Township Parks & Recreation Advisory Committee, term ending 12/31/2018. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Planning Commission Recommendation to Rescind General Ordinance 32

Per action at their 10/05/2016 meeting, the Planning Commission voted to recommend that the township board rescind General Ordinance 32, the private road ordinance.

Lawson stated that the consensus of the PC is that we do not need a private road ordinance, that there is enough regulation in the subdivision act and the state statutes to provide what we need in the township. Road maintenance agreements can be requested but not mandated. Property owners with narrow easements may not be able to acquire enough land to meet the private road standards.

Goss noted that an ordinance can only be repealed with passage of another ordinance.

Goss also noted that PC chairperson Link previously submitted questions to the township attorney regarding the private road ordinance, and despite Goss's request on September 13th that those communications be provided, they have not been forthcoming. Additionally, according to the 10/04/2016 attorney billing, the township was charged \$1,200 for a draft opinion regarding private roads. So, an opinion has been issued, but no one has seen it.

Lawson stated the opinion was not provided to the Planning Commission either.

Benak asked who the opinion was provided to from the attorney's office.

Popp replied that he and Link got it. Link asked Popp for permission to go to the attorney. There were two questions the PC had developed. Popp stated he got a response later from Chris Patterson that his draft review was ready for review. Popp stated he never reviewed it because it was going to Link, it was a PC thing, but he is sure he has a copy of it.

Lawson stated he asked Link for a copy of the opinion before the 10/5 meeting of the PC, and then asked Popp for it again in the board meeting which took place after the PC meeting, and never received it.

Popp stated it was an oversight that he did not forward the email.

Goss reiterated her request that she would like to see the questions that were sent to the attorney, the answers that came back from the attorney, and the attorney's opinion re: private roads.

Discussion turned to the usefulness of the private road ordinance.

Benak suggested that if we are not going to regulate this, the township can put recommendations on a form; the property owner signs that they understand. Anything under that is their liability. It is now not our responsibility. The zoning administrator can also emphasize it and educate the public about it.

Popp stated, moving forward, he will be claiming a conflict of interest on this. He stated he is not in support of removing Ordinance 32. He stated he is in support of modifying what we have and including it in the zoning ordinance. His conflict of interest is that he owns property, two parcels, that will directly benefit from the elimination of this ordinance.

There was brief discussion regarding whether Popp's stated conflict of interest is valid. The board will be provided with the questions and answers to and from the township attorney on this topic, as well as the attorney's opinion, and the matter will be placed on another agenda.

Review/Approve Boat Launch/Pavilion Bathroom Facility Design

Goss provided information from Arrow Homes depicting a proposed flush toilet building to replace the pit toilet facility at Whitewater Township Park. It provides for two handicap-accessible bathrooms and a mechanical room.

Goss stated the Parks & Recreation Advisory Committee has reviewed the design. They made the following recommendations:

- Eliminate the urinals.
- Add baby-changing stations in each bathroom.
- Utilize under-sink hot water units and eliminate the hot water heater. This recommendation has since been modified to utilize a 5-gallon hot water heater, with no under-sink units.

- Add an outside drinking fountain and a faucet.

Goss would like the board's input on this drawing so she can proceed with getting building cost estimates in prefab and concrete, as well as other quotes for supplying water and electricity to the building, demolition of the existing building. The thought is that this would continue to be a holding tank system that would occasionally be pumped through an outside access.

The proposed facility is slightly bigger than what is there now. Also, a ramp should be installed to replace the existing asphalt pathway and steps into the building.

Discussion followed and recommendations were made, including:

- Have a men's and women's bathroom, with a urinal in the men's bathroom.
- Dress up the design a little bit, i.e., break up the roof, different pitch, add a cupola, some vents, a larger overhang with maybe tapered or rectangle type columns, covered porch, different siding material, maybe take the roof to an 8/12 pitch and add a cupola or a cottage roof on the end. The columns would be more decorative than structural.

There was board consensus that Goss should continue with the process.

Appointment of Kim Mangus to Planning Commission (added)

Popp stated he specifically did not make this reappointment because of the admission that Mangus is using obstruction tactics at the PC anytime she doesn't get what she wants. He stated he is not looking for our boards and committees to feel like they have to obstruct the process to get a good quality product. He is looking for people who are willing to speak their mind, set forth their good ideas, and if they get support or traction, then so be it. He stated those are not the qualities he sees with this proposed candidate. There is a reason it took 8 years or longer to have a 5-year review of the Master Plan.

Benak stated she does not think it is fair to lay that at Mangus's door.

Popp stated he is not, but his point is that each board has to have different members at some point in time. Otherwise, you have a misalignment. That is why he did not make the reappointment. He stated we do have two additional openings and he is asking for time to allow the board to review new people, and not the reappointment of Mangus.

Lawson stated he completely disagrees with Popp. Mangus is very motivated, wants to help, and is extremely knowledgeable on the zoning ordinances. She doesn't always argue with people; she will argue with Link but not with everybody else. She talks well with almost everybody else on the PC. Link is the only problem. He stated he does not believe any of what Popp said and completely supports her being nominated to the PC, stating she is an asset.

Benak stated that, in reading the meeting minutes and attending a few of the meetings, and listening to the other PC members - and she has not talked to Mangus about this - if you are going to base not appointing somebody on the fact that you feel like maybe they are obstructionist because they keep bringing items back, then you are going to have to not reappoint the chair, because he has a very bad habit, when you read the meeting minutes, of continuously

bringing things back and want to discuss it and monopolize the whole meeting when they thought they have already put it to rest. If it is not what he believes it should be, he brings it back, and that has caused a great source of contention and frustration on PC members' parts. They are a little bit to blame because they do not make a motion to stop the conversation or to say we have already voted on this and move along.

Popp stated we have talked about these very same things and Link's appointment is not up until next year. Popp said he cannot say that he disagrees with Benak on that. He stated we have to take a look at how the board is actually functioning and that is his goal.

Lawson noted Mangus has been attacked many times and responded in response to that.

Popp noted there have been lots of attacks back and forth.

Addressing Mangus, Popp stated he is sorry, but he feels it is a time for change on that commission; that is all there is to it. Is it the only change? No, absolutely not.

Goss asked if she can be heard, because she is the one who asked to put this on and she has not been allowed to speak yet. She stated when she got the board packet and saw that Mangus had not been recommended for reappointment, she was very disappointed because when Mangus went on the PC she was the third woman on the PC. Annie Hill was the chair and Julie Courtade was on the PC. So, at one time, there were three women on the Planning Commission. Goss noted that this township is 50% women and we deserve to have at least two women on the PC.

Goss further noted that there are two women on the township board, Benak is the board rep to the ZBA, we have Connie Rountree on the Board of Review, and we have Melissa Melton and Fran Butler on the Parks & Recreation Advisory Committee.

Goss stated she finds Popp's reasoning to be totally faulty and does not think he has been listening and has not been attending all of the Planning Commission meetings. Goss stated she has been to some of the PC meetings and does read their minutes and also talks to PC members about how things went at PC meetings, and she knows there has been extreme frustration with Link and his obstructionist tactics because he does not want to listen. Goss stated she has even had citizens who have been at PC meetings call her up the next day and want her to do something about Link not listening to the other PC members. When you have a majority of the other PC members who are stating what they believe and why they believe it, and Link keeps telling them they just don't understand, and he keeps trying to say it a different way. He thinks if he keeps repeating himself long enough, people will take his position.

Goss stated it is wrong to dismiss Mangus from the Planning Commission. We need a female on the PC, and we need more than one, so Goss expects there to be another woman brought back as a recommendation to appoint to the PC. Right now, we have only appointed one person, Mickey Dean, so that leaves three spots on the PC that are open. Pat Miller is not coming back, Mangus is up, and Matt Lyons has just, unfortunately, passed away. We can certainly fill one of those positions with Kim Mangus.

Goss further stated that she believes the lack of reappointment is in direct retaliation to Mangus and the whole incident that went on with the PC several months ago where Link got out of control and was slamming the gavel around and waving it at Mangus because he was frustrated with her. Link does not like it when he cannot control people, so he gets mad. Goss stated that she believes Link has conspired with Popp and the two of them have colluded together, and it is obvious that Popp has been meddling in the PC's business and that Link has asked Popp not to reappoint Mangus.

Motion by Goss that Kim Mangus be reappointed to the Planning Commission for a 3-year term. Second by Lawson.

Popp stated that was very entertaining, especially the conspiring part.

Goss stated Popp knows it is true.

Hubbell stated the only thing he is going to add, and he has said this before when this got brought up, he has not been to many PC meetings; he used to. He talked to a couple people when they were on it and the only thing they asked is the attitudes of everybody, not just Mangus, need to change to make a more productive meeting. Hubbell stated he is not pointing fingers at anybody, but he thinks we all know what he is talking about.

Lawson added that this nomination would allow us to have a PC meeting the first of January.

Popp stated they still serve until their appointment or replacement has been confirmed. There is still a quorum anyway, even if we took no action.

Goss also stated that she believes Mangus knows the zoning ordinance better than probably everybody else on the PC, and she knows that some of the PC members have actually consulted her about the zoning ordinance and her knowledge on the PC. With all the zoning ordinance work coming up for the PC, this is a very poor time to not be reappointing someone who has as much knowledge as she does. Also, Mangus is the only one that Goss knows of who actually has done some draft documents and brought them to the PC. Many times, they have been totally rebuffed by Link, who apparently does not like ideas if they are not his ideas. The PC finally got something done at the October meeting, after spinning their wheels for months and months, and that is after Link cancelled four meetings this year. There was no meeting in March, April, July or November. Goss stated she questions Link's leadership on the PC, but that is a subject for another day.

Benak stated she also feels we need a woman on the PC. Kim represents a section of our township. She does not live here. She owns property and wants to build a home here. But she does own rental units, so she does have – as does Popp – her finger on the pulse of what is needed in our township for more housing. She does know our zoning ordinance. Sometimes she is a little overzealous and needs to dial it back.

Benak also pointed out that in the latest newsletter there were 2016 highlights. Benak went through all the meeting minutes for the last year and it reminded her of how many times Lawson

did a report from the PC and said things about Link and how bad it was. She encouraged the board to go back and re-read those minutes, because it was not registering to Benak that Lawson had come to the board many meetings in a row saying something needs to be done.

Lawson stated that he also complimented Link when they had a good meeting, too.

Popp stated he is not saying that is the only change.

Benak stated we are having a conversation about Mangus, with her sitting in the audience, but maybe Link needs to also have a conversation because he is part of the problem with not being able to get anything done in the PC.

Popp noted that Link has been the chair now for a year. The no-direction quagmire really has only been his leadership for that length of time. Before that, it was Dean.

Lawson noted that Link has been the chair for two years.

Benak stated that Dean also had support staff. For a large majority of his chairmanship, he had Leslie Meyers doing board packets, putting together information.

Lawson replied that Meyers was not here during Dean's chairmanship.

Popp stated he was doing that when Dean was the chair, and has offered the same support.

Lawson stated that is why he brought up paying the recording secretary to do it.

With no further discussion, Popp called for a roll call vote.

Mangus asked if she could make a quick comment.

Popp stated he already called for the vote, but public comment is coming up.

Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, no; Benak, yes. Motion carried.

Tabled Items

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

This agenda item will remain tabled.

Rural Fire Station Lease (tabled 08/11/2015)

This agenda item will remain tabled.

Review Ordinance 22 Pension Plan (tabled 10/25/2016)

This agenda item will remain tabled.

Board Comments/Discussion

Hubbell wished everyone a Merry Christmas.

Announcements

Next meeting is January 10, 2017, at 7 p.m.

Public Comment

Kim Mangus, 1214 Cerro Drive, Traverse City, stated she appreciated the votes. Last year, when she brought an issue with Link before this board, it was really out of what she felt was a responsibility to at least make the board aware of what was going on, and also that that is a work environment for Lois. Watching her reaction, that really bothered Mangus and she felt like she needed to bring it up.

Mangus noted that Hubbell made a comment during that meeting that Mangus's tone was probably not conducive to the PC getting as much done as they could. She stated she just wanted to let Hubbell know that she did not take that lightly and did not dismiss it. He would have to ask Lawson or one of the other members whether or not she has been successful, but she has diligently worked to try to let the conversation die and lag enough that someone can get around to calling for a vote so that we move on with things, and be sensitive to that. She stated she thinks if the board members look over the minutes over the course of that period of time, they would find that she has not been the primary participant in discussion. She just wanted to let Hubbell know she heard him when he said that and she did take action on it.

Hubbell thanked Mangus for not taking it personally; he was just being a messenger.

Tim Shaffer, 5309 Moore Road, asked what he needs to do to get on the ZBA and the Board of Review.

Brief discussion followed concerning the process for new appointees.

Popp stated he and Shaffer will review the letter previously provided by Shaffer.

Adjournment

Motion by Lawson, second by Hubbell, to adjourn. Meeting adjourned at 10:37 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk