

**Whitewater Township Board**  
**Minutes of Regular Meeting held February 14, 2017**

**Call to Order/Pledge of Allegiance**

Popp called the meeting to order at 7:07 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 Carol Crawford, MMR Director of Northern Operations Nick Bernelis, Tim Shaffer

**Set/Adjust Meeting Agenda**

Popp asked to remove New Business item 3 from tonight's agenda, stating they must have been inadvertently added, the two documents are contradictory to one another and do not follow the ZBA's current actions, nor did he see where discussion took place about zoning ordinance #18 and how these documents pertain. He recommended a legal review of Article 18 and the two documents be performed before board review, and further stated that the clerk has once again assumed authority beyond her elected position and, in at least one case, in conflict with state statute by adding items to the agenda and making it appear that he has placed them there.

Goss noted that the Administrative Policies and Procedures manual states explicitly that at least six days before the meeting, the clerk and supervisor will finalize the agenda. Goss stated she sent this new business item to the supervisor well before the meeting, 10 or 12 days before, and Popp wrote back with a nonsensical reason why he did not think it should be on the agenda. Goss noted it is a very short matter that needs to be handled, and Goss does not think we need a legal review of Article 18; this is simply housekeeping.

Brief discussion followed.

The motion died for lack of a second.

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

**Declaration of Conflict of Interest**

None

**Public Comment**

None

**Public Hearing**

None

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

### **County Board of Commissioners Report**

Carol Crawford gave the following report:

- A couple weeks ago, the BOC had their strategic planning. They came up with 10 things they would like to focus on in the next few months or years, i.e., the need for an HR director; to be fiscally sustainable; to maintain and invest in infrastructure, specifically technology; to protect our vulnerable populations; support economic development; foster collaborative partnerships; maintain public safety; demonstrate accountability and transparency; and branding Grand Traverse County as a good place to live and work. Administration and the department heads will come up with strategies to attain those goals and bring them back to the board in April. Hopefully, before budgeting starts, they will have a definite strategic plan to go by.
- They will also be hiring a new administrator, hopefully in early fall. They have an ad hoc committee to seek out firms to do a nationwide search. This will all be done by the commissioners, not administration.
- Last week, they had a study session regarding Commission on Aging. They were going to discuss whether or not they wanted to subcontract some of the COA responsibilities out to Comfort Keepers, but at the last minute they withdrew their offer of a management agreement. BOC decided they will hire the appropriate staff themselves and upgrade the technology at COA.
- Tomorrow, the BOC will be considering the previous board's move to roll back the COA millage, giving back about \$750,000 to the taxpayers. Crawford stated it is apparent that COA needs that money for the necessary upgrades. The BOC will be considering rescinding that resolution tomorrow evening.
- They will also reconsider a resolution done last April that required 11 employees not covered by union contracts to contribute 10% of their pay into the pension. They all have defined benefit instead of defined contribution plans. They have asked that the BOC reconsider. Crawford stated she did not vote for it at the time and believes it is overly punitive because they have never contributed, but they have given other concessions through the years in order to keep their defined benefit without contribution. Administration has given the BOC several options.

There was brief discussion of the Comfort Keepers' decision.

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

### **Mobile Medical Response Report**

Nick Bernelis gave the following report:

- In January, there were 18 calls, pretty busy for the time of year. Bernelis listed the nature of the calls.
- Response times were good. The 14:00 to 14:59 response time was a delay due to distance. For the 20:00 to 24:59 call, they were the second unit on scene. For the 30:00 to 44:59 call, Bernelis explained that new navigators have been installed. The maps are not 100% accurate and the crews were told not to rely on them. However, in this instance, they followed the navigator and it took them the wrong way. It was crew error.

Bernelis stated the crews are encouraged to drive the roads to familiarize themselves with the area.

Brief discussion followed.

The question of MMR's representation on the County 911 board and dispatch software was briefly discussed.

### **Planning Commission Report**

Lloyd Lawson gave the following report:

- The PC has had two meetings in February, 2/1 and 2/6. At the 2/1 regular meeting, they discussed the current ordinance. It is being reviewed by the clerk. The PC asked for an update on that process.
- The PC also asked about putting the actual zoning we use now on the website, even adding a disclaimer to it that it is under review.
- They did a minor update on the RFP, it is ready to go out, but they will hold onto it until they look at the clerk's work. The updates included the way they asked for two quotes, one with just the zoning and one with the (general) ordinance on it.
- Renee's House of Quilting has petitioned for a zoning ordinance amendment. The PC discussed it at their special meeting (2/6). They decided the 25' setbacks are a little bit extreme in comparison to surrounding communities, who are averaging 10' setbacks. Another aspect to it forced it into a PUD, which required a berm and vegetation. PUD is usually a request by a developer. It is not something that is forced upon them as a commercial district. The proposed amendment would take that line out. The 25' would be stricken from another line as well. Everything will say 10 foot setbacks on sidelines.
- The PC briefly looked over the budget. Lawson asked about a contingency line for the PC. Is that something we can add?
- Next meeting is March 1. They will be having a public hearing on the zoning changes.
- For their next agendas, they plan to look at front and rear setbacks on commercial lots. Also, it has come to light that we have nothing in our zoning about oil and gas zoning; we need to look at that.
- Lawson asked Popp for copies of the marijuana materials for the PC. The PC wants to put that on their agenda, too, and would like some information for the PC to start reviewing.
- The PC would like to receive the notices from other municipalities regarding master plan and zoning ordinance changes.

Popp stated he is interested why only certain paragraphs were eliminated from the landscapes, from Article 32 or 33.

Goss explained that there is nothing being eliminated in Article 32 or 33. It is proposed that language be removed from Article 8.13 which refers to Article 32.

Brief discussion followed.

Goss explained the issues she has found with verification of the zoning ordinance.

Discussion followed.

Goss stated the clerk is responsible for certifying the zoning ordinance. It is going to take a certain amount of time to get it done, no matter which angle it is attacked from.

There was brief discussion concerning one designated person who is responsible to update the ordinance. It will be the clerk.

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

Cheryl Goss gave the following report:

- The PRAC met last night. Since the 2% grant request was not successful, the committee would like the issue of purchase of playground equipment for Hi Pray Park back on the board's agenda. Goss asked that it be put on the board's 2/28 agenda so that a decision can be made before the PRAC's 3/13 meeting, at which point they can decide exactly what equipment they want to purchase. Further details regarding items not included in the quoted price were provided.
- The PRAC would like to construct a viewing platform at BCNA this year. Brandon Hubbell provided one estimate and asked for a couple others.
- The PRAC would like to replace the dugouts at the upper ball field. Goss suggested they check into a Major League Baseball grant.
- The PRAC would like to erect some informational signs on the trails at the Battle Creek Natural Area. They may want to apply for a tribal grant for that.
- The PRAC adopted their regular meeting schedule for the 2017/2018 fiscal year.
- They re-elected Melissa Melton as the chair, Brandon Hubbell as the vice chair, and Dennis Leach as the secretary.
- Brandon Hubbell suggested that AEDs be installed at Whitewater Township Park and Hi Pray Park. The PRAC will look into pricing.

### **Consent Calendar**

Receive and File

1. Supervisor's Report for January 2017
2. Clerk/Parks & Recreation Administrator's Report for January/February 2017
3. Zoning Administrator's Report for January 2017 (none)
4. Mobile Medical Response January 2017 Activity Reports
5. Grand Traverse Rural Fire Chief's Reports - January 2017 and February 2017
6. Approved 06/23/2016 Zoning Board of Appeals Minutes
7. Approved 11/09/2016 Historical Society Minutes
8. Approved 12/12/2016 Parks & Recreation Advisory Committee Minutes
9. Approved 01/04/2017 Planning Commission Minutes
10. Approved 01/18/2017 Historical Society Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for YTD 2016 and January 2017
2. Grand Traverse Rural Fire Board Minutes of 12/21/2016, 01/09/2017, 01/18/2017, and 01/31/2017

3. GTRFD Officers' Meeting Minutes of 01/04/2017 and 02/01/2017
4. Kalkaska County Planning & Zoning – 12/22/2016 Notice of Master Plan Distribution
5. The Charter Communicator - December 2016
6. East Bay Township – 01/16/2017 Notice of Adoption of East Bay Charter Township Future Land Use Map Amendment
7. Letter 01/20/2017 Charter Communications re: Pricing Adjustments
8. Thank You Note 01/23/2017 to MMR Ambulance Crew
9. Letter 01/30/2017 Paddle Antrim re: Chain of Lakes Water Trail Plan
10. Kalkaska County Planning Commission 02/01/2017 Public Notice of Proposed Master Plan Update

#### Minutes

1. Recommend approval of 01/10/2017 and 01/24/2017 regular meeting minutes and 02/07/2017 special meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 41386 through 41459
2. Approval of First Community Bank Miami Beach vouchers # 1185
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Referring to the letter from Paddle Antrim, Popp asked if the board wants additional information on this item.

Discussion followed.

There was consensus that this item will be put on a future agenda, with the hope that Deana Jerdee may be available to speak.

Questions regarding the Fahey and Excel Site Rental invoices were answered.

**Motion by Lawson, second by Goss, 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 carried.**

#### Unfinished Business

##### **Review Emergency Services Building Renovations**

A fire protection quote was received showing various cost options based on the amount of space sprinkled. Two of the options require a larger water main.

Discussion followed.

Consensus that the 20 x 10 addition to the south will be incorporated into the drawing, as well as a new rear entrance, and option 3 for fire suppression.

Popp will communicate this decision to Direct Designs.

(See continuation of this agenda item below.)

### **Review Whitewater Township Planning & Zoning Fees**

Changes are still in progress.

### **Ordinance 28 Miami Beach Sewer Project**

Goss reported that the book has been totally disassembled, she has begun copying it, and it can be put on the agenda for the first meeting in March.

### **Review Emergency Services Building Renovations (continued)**

Regarding the construction bid document, Goss stated the paragraph dealing with scope of the project will need to be revised once the plans are finalized.

### **Baggs Road 2017 Construction Project Update**

The Grand Traverse County Road Commission is now considering making improvements to their portion of Baggs Road and Lakeside Trail.

Benak stated she does not understand why the money they are planning to spend on Lakeside Trail is not being put toward the reconstruction of Baggs Road itself. They should be contributing the Lakeside Trail money to the road that is in desperate need.

Brief discussion followed.

### **Rural Fire Station Lease**

Grand Traverse Rural Fire Department is threatening to withhold lease payments to member townships who do not have a current lease agreement with them.

Benak stated they are using a tactic to get the few people who own buildings in the organization to knuckle under and do the lease, when the township has no idea why they really want this lease. Maybe it has something to do with keeping MMR out.

Popp stated the township is the one who requested the lease a number of years ago, when both ambulances were in the building and one was moved out by the fire department.

Benak stated the agreement with Rural Fire says there is supposed to be a rental agreement. They have never done it since day one, but they have paid rent. That sets the precedent.

Discussion followed.

**Motion by Lawson, second by Benak, that we modify the MMR lease to apply to Rural Fire, and to include payment of half the utilities.**

Brief discussion followed, including term of the lease, termination clause, to be updated when the construction is done, and shared space.

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

Goss will modify the document for final approval at the 2/28 meeting.

### **New Business**

#### **Board/Commission/Committee Appointment Application/Process Discussion**

Popp stated he attempted to put together a job description entitled “Boards and Commissions Explained.” He still has some questions. On some committees, you have to be registered to vote. He was not sure if he should reference the MCL or call out the criteria. The statutes referred to are the Planning Enabling Act and the Zoning Enabling Act. Board of Review has special requirements.

Popp also supplied a proposed application form.

Various revisions to the application form were discussed.

Popp stated he is recommending some possible modifications to the Policies and Procedures manual. Section 3.10 contains the instructions for appointees. Popp stated information on the MTA website gave him the opinion that board members who are not elected also need to have some behavioral guidance set forth, including sexual harassment policies. Do we subject appointees to the same criteria that you would an employee?

Discussion followed.

Popp stated he would like some help from Attorney Chris Patterson to make sure we do not violate any of their rights and are still providing equal opportunities.

Benak questioned where this comes into play, because there are certain reasons for removing somebody from a board. All of the boards and commissions have bylaws. There are only a few reasons listed to remove someone. Are we not covering those things in the bylaws?

Further discussion followed.

Popp will ask Patterson what his opinion is on it and bring this back maybe at the next meeting with the changes the board has indicated. If Patterson is not able to comment before the next meeting, it will be on the agenda of the first meeting in March.

Other paragraphs of the proposed revision to section 3.10 were discussed.

Regarding the supervisor screening submitted applications or resumes, Goss stated she would like to see all applications submitted.

Popp stated that is not the appointment process; the power to appoint is with the supervisor.

Goss stated the power to recommend is with the supervisor. The board actually makes the appointment.

Lawson agreed that all applications should come to the whole board.

The proposed changes to Section 3.10 will be brought back to the board.

**Baggs Road Draft Agreement as Presented by Grand Traverse County Road Commission**

Following brief discussion, it was agreed that this document will be submitted to the township's attorney for review.

**Review/Approval of Revised Zoning Board of Appeals Bylaws and Rules of Procedure**

Popp again protested the way this agenda item was added. Popp stated he is the one who sets the agenda that goes out. At the beginning of a meeting, any board member is welcome to bring something to be added, as long as the board approves its addition.

Discussion followed.

**Motion by Lawson, second by Goss, to approve revisions to the Zoning Board of Appeals Bylaws as discussed in November 2012, February 2013, July 2015, and January 2017.**

There was no further discussion. **Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, no; Benak, yes. Motion carried.**

**Motion by Goss, second by Lawson, to approve revisions to the Zoning Board of Appeals Rules of Procedure as discussed in January 2017.** There was no further discussion. **Roll call vote: Lawson, yes; Popp, no; Benak, yes; Goss, yes; Hubbell, absent. Motion carried.**

**Tabled Items**

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

This agenda item will remain tabled.

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

This agenda item will remain tabled.

**Board Comments/Discussion**

None

**Announcements**

Next meeting is February 16th at 6:00 p.m. Next regular meeting is February 28th.

**Public Comment**

None

**Adjournment**

**Motion by Lawson, second by Goss, to adjourn. On voice vote, all those present voted in favor, none opposed.** Meeting adjourned at 9:58 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk