

**Whitewater Township Board
Minutes of Special Meeting held May 31, 2017**

Call to Order

Supervisor Popp called the meeting to order at 5:02 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: Kim Mangus

Set/Adjust Meeting Agenda

No adjustments were made.

Declaration of Conflict of Interest

None

Public Comment

None

Agenda Items as Listed in Special Meeting Notice

Zoning Administrator Interview – Kevin McElyea

McElyea provided the following answers to questions from the board:

- He tried to elaborate on his resume this time, trying to give some knowledge, skills, and abilities based on various jobs he has done over the years. What is not in the resume is that he has been a glazier, a locksmith, a jack of all trades. He moved out of home when he was 18, started working, paying rent.
- What is included in the resume are his latest professional endeavors relative to this job.
- He had an eye-opening experience seeing Kim lead the last Planning Commission meeting he attended. He saw the whole team working hard, going through the zoning ordinance. On the back side, there are a lot of special land use permits, variances, nonconforming properties. The biggest thing is working on the zoning ordinance. Why so many zoning administrators recently? Because there is a lot of work to be done, seeing the rest of the iceberg underneath the water.
- He is available to be in the zoning office a minimum of 12 hours per week, 16 on average, and maybe even go as high as 24. Some work can be done remotely.
- His current commitment to Fife Lake is 1 day a week face to face time, about 10 hours a week.
- He lives in Traverse City.
- He is able to attend PC and ZBA meetings in the evenings.
- Regarding the zoning administrator's responsibility to the PC, the zoning administrator will bring special land use permits, zoning variances, things that the ordinance says are Planning Commission decisions. Zoning administrator must do legal and engineering work to prepare and present a staff report to the PC. There are extracurricular activities, such as writing ordinances.

- He is not working anywhere other than at Fife Lake and has no constraints that would prevent him from working 16 to 24 hours a week during the busy season.
- He noted in Chris's reports that there is a backlog, with junk complaints that have lagged. He stated he has good legal skills to try to figure things out, without spending township attorney wages.
- He said he would strive for voluntary resolution of conflict. You do your due diligence, your homework, and therefore you become real confident in what you are authorized to do. You also research precedents, what was done in the past. He would want to avoid selective enforcement. You look at the alternatives and you try to come up with some options yourself, too. Citizens are human beings. You have to be an engineer, a lawyer, and a psychologist. There are different personality types and how you deal with them. As a last resort, you have to stop selective enforcement and you have to legal up, lawyer up, issue a citation. Sometimes you can kind of shame them by bringing them in front of the Planning Commission. Sometimes having them in front of their peers makes them cooperate, too. That is a last-ditch resort before issuing a citation and going to court.
- He enjoys the zoning administrator work in Fife Lake Township and states he is good at it. He explained you have a very conservative rural community; they are very strong about their property rights, trying to minimize regulations. He stated he does not have a lot of conflict with people. His experience as drain commissioner was 12 years of administering the storm water and the soil erosion ordinances. That was a lot of experience in dealing with people who do not like regulations, but yet, in order to have the neighbors get along with one another, the law has served to level the playing field for all of us.
- He would be able to start "the day before yesterday." He is committed to Thursdays in Fife Lake Township.
- He understands there are no benefits associated with this position.

After brief discussion with the candidate, the interview concluded at 5:39 p.m.

Board Comments/Discussion

Hubbell stated he has concerns and does not think it is right that we go with just one candidate, even though the other one has backed out. We should put it out for notice again.

Lawson said we should have a couple more to interview, at least; he has concerns as well.

Benak stated she does not have as many concerns; she does not have the background that Hubbell has with him.

When asked to share it, Hubbell stated it is private from another matter, from his (McElyea's) other job, that he does not want to share, legal stuff.

Referring to past newspaper articles, Benak stated the only concern she had is the employee complaint, but how much stress was he under, because they were eliminating his job during that time.

Lawson stated the stuff he read on it, it was going to almost prosecution because of his stepping out beyond his authority and creating his own rules in excess of what he was responsible for as a drain commissioner. Lawson stated he has concerns about his enforcement.

Popp said that Linda at Fife Lake had good things to say about him but stated he is only down there 8 hours a week.

Discussion ensued concerning the possibility of temporary help from Dennis Habedank, former ZA for Whitewater Township.

The number of hours per week of in-office time for the zoning administrator position was discussed, as well as expectations of the public. Minimum time frames for issuance of land use permits and setting of ZBA hearings should be posted.

There was brief discussion of checking with other townships to see if their zoning administrator could assist temporarily.

The issue of pay and whether it should be a salaried position were touched on.

The job will be posted with the Michigan Association of Planning and the MTA.

Popp proposed calling Weinzapfel to see if he can come back in, as well as East Bay and Acme.

Discussion followed.

Popp will inform McElyea that there was board consensus not to make an offer at this time.

Popp will contact surrounding townships and put Habedank on notice that we may be reaching out to him, have him plan for a week from this Friday.

Public Comment

Kim Mangus spoke in favor of the board's decision. She also encouraged the board to seriously look at Habedank due to his prior knowledge of the zoning ordinance. She does not think Weinzapfel will agree to be available. In the ongoing search, she suggested seriously considering recent grads, maybe even contacting the local schools.

There was brief discussion of someone Dawn Kuhns knows who was a previous appraiser for Kalkaska Equalization and who may be interested.

Adjournment

Motion to adjourn by Hubbell, second by Lawson. Meeting adjourned at 6:13 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk