

**Whitewater Township Board
Minutes of Regular Meeting held August 22, 2017**

Call to Order

Popp called the meeting to order at 7:00 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: Planning Commission Chair Kim Mangus and 9 others

Set/Adjust Meeting Agenda

Goss requested the following agenda changes:

1. Move Ordinance 32 Private Road to the September 12th agenda.
2. Add Greg Nash Proposal for Exterior Cleaning of Township Hall (New Business #3)
3. Add Alpers Excavating Bid for Broken Sewer Pipe at Park (New Business #4)
4. Add Zoning Administrator Deleted Files (New Business #5)

Popp noted that Judge Elsenheimer is not here for the 13th Circuit Court presentation and suggested the Girdwood interview be moved to Reports/Presentations.

Declaration of Conflict of Interest

None

Public Comment

None

Correspondence

1. Letter 08/10/2017 from Disability Network Northern Michigan re: Whitewater Township Campground
2. Letter 08/17/2017 to Disability Network Northern Michigan re: Whitewater Township Campground
3. Northwest Michigan Housing Summit Information

Correspondence was not discussed.

Public Hearing

None

Reports/Presentations

13th Circuit Court Report - Honorable Kevin A. Elsenheimer is not present.

Zoning Administrator Interview – Thomas Girdwood

Through questions from board members, Mr. Girdwood provided the following information:

- Agreed to submit himself to the required driver record and criminal background checks, as well as the township's physical exam protocol.
- Graduated from MSU's Urban Planning program in 2016. He was a nontraditional student and paid his own way. He was part time and also took some time off. It took him about eight years to finish it.
- Went to Dansville High School.
- Understands the township is looking for a zoning administrator at this time, not a planner.
- Holds the Site Plan Reviewer certification. It was a 3-day course through MSU.
- Has attended Citizen Planner.
- Was a zoning intern in two different municipalities in 2015 but as of this time has not worked as a zoning administrator.
- Lives in Petoskey but does not foresee any problems committing to the required number of hours.
- Does not have any scheduling conflicts with the Planning Commission or Zoning Board of Appeals regularly scheduled meeting dates.
- Understands it would be up to him, perhaps with the assistance of the township attorney, to interpret the Whitewater Township Zoning Ordinance and it would be improper for township board members to interpret it for him.
- Understands that he might be making decisions that could cost taxpayers and/or residents a lot of money.
- Did not have any particular experience in his internships with the types of regulations or lack of regulations that would entice young families to a small community like Whitewater Township.
- Understands that the zoning ordinance must be applied equally to all residents and taxpayers in the township regardless of their socioeconomic status.
- Stated he would explain to any township board member who asked him to show favoritism to their property or that of their family or friends that he cannot make exceptions for anyone; they would have to go through the same process that anyone else would.
- Salary requirements were stated in Mr. Girdwood's letter.
- He is interested in working in Whitewater Township because he has been keeping his eye open for something in his field. He stated he spent a lot of time and it was a significant investment to go to school. His goals have changed in life and he wants to make an impact on the world and be able to put his stamp on something, and he thinks that he has an opportunity to do that here. Urban planning is what he wants to do. He wants to stay in Northern Michigan if he can.
- In his internship in the City of Mason, he helped them draft new language for their ordinance regarding medical marijuana. Not in an official capacity but as a citizen, he recently helped Emmet County with their sign ordinance.
- His substitute teaching occurred three times a week.
- While interning in Watertown Township, he digitized their records. While interning in the City of Mason, he worked on their medical marijuana ordinance. In Emmet County, he helped them with their capital improvement plan. He solicited input from all

department heads and produced a very generic, useable capital improvement plan, which is going to be used to get the ball rolling on planning.

- As to challenges he faced, lack of communication can be a problem, and he will do his best to facilitate communication.
- Regarding enforcement of the zoning ordinance and dealing with conflict, he stated there is a book with rules, you follow the rules. He would explain the rules. If people are not happy with that, there are processes to appeal. Back in the day, he was a park ranger for a county park and had to enforce the dog rule, regardless of the type of dog. It is like being a cop sometimes, but he is happy to do the job.
- When asked to describe what a zoning administrator does for a township, he stated they can wear a lot of hats, but for the most part it is enforcing the zoning ordinance and being aware of all the laws so the public can understand what the zoning ordinance is all about, why they have a zoning ordinance, why they have to follow those rules and what the rules are trying to accomplish. It is a very administrative position. There is a list outside of the zoning ordinance as well that is slightly different.

Mr. Girdwood had several questions for the board:

- Will there be periodic performance reviews? If so, how can he ensure that he meets all of the township's expectations? *Answer: Yes, at 30, 60, 90 days and then about every six months after that.*
- Is there upward mobility as far as assisting with planning? *Answer: Right now, we are trying to get the zoning ordinance useable, enforceable, legal in some cases. Planning is probably a little ways in the future, but we do have to plan, especially to get young families here.*
- What kind of GIS software is used? *Answer: We have ArcSoft GIS, but the program has not been maintained over the last three years. The county is able to generate maps economically.*
- What are some of the items you would most like to see a new zoning administrator take care of right away? *Answer: We are looking for some continuity; we would like to establish a long-term relationship and have input about how other zoning or planning departments are set up.*
- What brought you all to Whitewater Township? *Benak: Husband and I built a home on family land. Hubbell: Third generation fruit farmer, born and raised here. Popp: From the Lake Ann area; in 1974, they moved to the south end of Elk Lake. Goss: Lived in Whitewater Township since 1985, originally from St. Johns, MI. Lawson: Finished high school at Glen Lake in Leelanau County, left for about 20 years, returned to raise children here.*
- Girdwood stated that he moved to Florida after graduating from high school and worked with his brother managing restaurants but returned to attend Lansing Community College.
- When would you like your zoning administrator to start? *Answer: We are looking to be very proactive, but we would be happy to work with you if you need time to get arrangements together.*
- Mr. Girdwood supplied a reference letter, with copies to each board member.

At about 7:40 p.m., the interview concluded and Mr. Girdwood left the building.

Popp suggested the Miami Beach agenda item be moved to No. 1 under Unfinished Business.

There was no objection to the agenda adjustment.

Unfinished Business (No. 3 moved to No. 1 to accommodate interested audience members)

Resolution #17-12 Intent to Issue Refunds Miami Beach Special Assessment District

Popp noted there may be some questions from the audience and asked them to come to the lectern and state their name and address.

There were no questions on the resolution.

Benak stated the Schedule of Refunds comes directly from BS&A, the computerized system that logged all the payments and shows the current ownership of the parcels, which represent the risers.

Motion by Popp to adopt Resolution #17-12, Intent to Issue Refunds for the Miami Beach Special Assessment District; second by Lawson. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Resolution is adopted.**

Popp reported that the maintenance logs have been forwarded to the DPW engineering staff. They are currently not working on formulating the assessment plan. We are hopeful for a late fall discussion about the ordinance and how we will move forward with the ordinance. Popp stated he is staying in touch with Ron Bertul with respect to communication with everyone. We are probably 30 to 60 days away from understanding the health of the system. The daily engineering GPD was around 10,000 gallons, and we are sitting about 7,500 gallons of effluent a day, about 75% of the design capacity.

Discussion followed.

Emergency Services Building Renovation/Addition Project

Goss stated she provided an update and an addendum which outline several issues that the board needs to vote on, the first of which is the post and beam in place of the south hallway wall (RFI No. 1).

Firefighter Dave Tilley is present and, when asked if he had a preference on whether the wall should stay or go, he responded that he did not hear anybody say anything on it.

Motion by Hubbell to take the wall out and put a beam in; second by Lawson. There was discussion that the price is virtually the same for either option. **Roll call vote: Goss, yes; Lawson, yes; Popp, yes; Benak, yes; Hubbell, yes. Motion carried.**

Goss noted that it has been offered that standard washer and dryer connections could be added in the northwest corner of the dayroom (RFI No. 2).

Motion by Lawson to provide washer and dryer service connections; second by Popp. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

Goss stated the third item is to approve the expenditure of \$613.47 to replace insulation along the south and west walls where there was damage due to mold and fungal growth and rodents (RFI No. 3).

Motion by Popp to approve the insulation materials at \$613.47, second by Hubbell. There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

Goss noted that there will be a progress meeting at the building on August 31 at 10:00 a.m. Engineer Mark Pressell will be in attendance. Authority is needed for the supervisor and clerk to sign the engineer agreement.

Motion by Hubbell to authorize the supervisor and clerk to sign the engineer agreement; second by Lawson. There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

Brief discussion followed.

Update on Junk Complaint

Goss noted she is getting a lot of complaints about Jim Snider.

Interim Zoning Administrator Habedank provided a 23-page memo dated 08/18/2017 regarding junk complaints.

Discussion followed. No action was taken.

Ordinance 32 – Private Road Ordinance

This agenda item was moved to the 09/12/2017 township board agenda.

New Business (No. 2 moved to No. 1 due to 8:15 p.m. scheduling of candidate)

Zoning Administrator Interview - Dennis Habedank

Through questions from board members, Mr. Habedank provided the following information:

- Is willing to undergo the township-required driver record check, criminal background check, and physical examination, if the board would like those repeated. (He worked for the township previously.)
- Goss noted for the record that Habedank has extensive experience as a zoning administrator and a lot of training related to the position of zoning administrator.
- Confirmed that the Dr. Wayne Hill mentioned in his letter of application is the same Wayne Hill who lives in Whitewater Township. Habedank stated he took a number of classes from Hill and worked with him pretty extensively dealing with people with abnormal psychology and learned a lot from Hill about defusing conflict.

- Is able to attend the regularly scheduled PC and ZBA meetings and an occasional township board meeting when requested.
- Understands it would be up to him, perhaps with the assistance of the township attorney, to interpret the Whitewater Township Zoning Ordinance and it would be improper for township board members to interpret it for him.
- Understands that sometimes the decisions the ZA makes can cost people money and they may not be happy about it.
- Understands that the zoning ordinance must be applied equally to all residents and taxpayers regardless of their socioeconomic status.
- In answer to the question of what level of hourly wage or salary he would require, he stated he is currently at about \$46,000. To come here, he would be giving up healthcare, 401(k), vacation time and sick time. He would like to work 32 hours a week, if possible, but would like a higher wage, \$28 to \$30/hour, which would somewhat cover the cost of insurance, etc.
- Would like to work at least another 5 to 7 years, is not looking at jumping ship in a couple years.
- Stated he thinks one of the most important things for Whitewater Township right now is problems with junk in the township. Another area that he can see is lacking is the zoning ordinance, particularly with respect to junk. He thinks those are the two things that he wants to concentrate on for a while here to get things back in shape. He stated because of the loss of the zoning administrator, people coming and going, you have residents who are angry about longstanding complaints which have not been corrected. He wants to work closely with the Planning Commission. There are a lot of issues the township board is going to have to address in the near future, one being marijuana. Seasonal rentals are another hot topic right now. He stated we need to spruce up the zoning ordinance so we are all up to speed on that, which the township is doing right now, but we need to concentrate on the junk.
- He wrote a proposed blight ordinance for Green Lake Township, which has not been adopted yet. He found it online; it covers a lot of problems existing in the township here.
- He is looking to make a change to Whitewater Township and leave Green Lake Township. He stated he left here previously because he was working seven different jobs and the opportunity came to reduce those seven into one. He stated he likes Whitewater Township. For him, it is like coming back home. He grew up on a cherry farm. Whitewater Township is reminiscent of his younger days. This is where he wants to end his working career.

Benak pointed out the very nice letter from Robert Stillman and stated it is nice to have people appreciate the zoning administrator. Just wanted to say nice job.

Habedank stated he knows he has the duty to, in certain cases, say no, and sometimes we have to say no because there just is not another answer. However, he looks at zoning as more of a helping type situation. We still enforce the ordinance; maybe we can't do something one way, but we can do it another way. Instead of just saying no, let's talk about it and let's see if we can help.

Benak stated she had an opportunity to see Habedank in action with a difficult person, a very irate individual, using very foul language, and Habedank defused the situation and talked the guy off the ledge. He can handle difficult people without an issue.

Habedank stated he is here to serve the board. If he is chosen, he is here to serve the taxpayers of Whitewater Township and do the best job he can. That doesn't always mean they get everything they want. He stated zoning is a touchy situation because you have people that own property that want to do things on their property and they have to understand that you do not have exclusive use of your property. You have a reasonable use, according to the courts.

Habedank had no questions for the board. If he is offered the position, he would like to give Green Lake at least 4 weeks' notice.

At about 8:34 p.m., the interview concluded and Mr. Habedank left the building.

Thereupon, the board discussed and deliberated on the candidates for zoning administrator.

Motion by Hubbell that we accept Dennis Habedank at \$28/hour, 32 hours a week; second by Lawson. After discussion, Hubbell amended the motion to add that no benefits are being offered at this time; second by Lawson.

There was further discussion regarding wages paid under both planning and zoning, other tasks that might fall under planning.

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

Popp will notify Habedank and Girdwood tomorrow.

Proposed Zoning Ordinance Amendment No. 71 – Article 8 Commercial/Village Districts, Article 9 Industrial District

Kim Mangus, Planning Commission Chairperson, is present.

Regarding proposed Article VIII, Commercial C and Village V, Popp directed a number of questions to Mangus, which were answered.

Discussion followed, primarily regarding fences.

Regarding proposed Article IX, Industrial N, Popp directed a couple questions to Mangus, which were answered.

Mangus noted that the PC has developed a standardized format for all districts, i.e., the same item will appear at the same number in each district through the entire ordinance. They also standardized the wording, i.e., agreeing to the same wording (title) for sections in each district.

Mangus also pointed out that under letter I or letter H under General Standards in all three districts, there is a similar line beginning with “Permitted Uses . . .” The Planning Commission agreed to change “Permitted Uses” to “Uses” (striking the word Permitted). This change was discussed only for the Commercial District, but it was implied that it would apply to all three districts. It would need to be board action to strike that word in Village and Industrial.

Discussion followed.

Motion by Popp to adopt proposed Zoning Ordinance Amendment No. 71, with the word “permitted” stricken from 8.02I (sic) and the same word stricken from 8.52I and 9.02H; second by Goss. There was no further discussion. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Popp thanked Mangus and Lawson for the good planning commission work.

Greg Nash Proposal for Exterior Cleaning of Township Hall (added)

Goss explained the proposal from Greg Nash, adding that he has reduced his quote by \$100 (to \$1400) for handwashing of the building, windows, and screens. Bay Spray Enterprises provided a \$600 quote in August 2015 for the same services. Bay Spray also provided a \$550 quote in October 2016 for basically the same services (except windows and screens not mentioned). Goss did not get a new quote this year from Bay Spray. One thousand dollars was budgeted.

Discussion followed. It was agreed that another quote should be sought from Bay Spray and, comparing apples to apples, give the clerk authority to get it done.

Motion by Lawson to authorize the clerk to follow through on the building cleaning, whichever is the best value; second by Hubbell. There was no further discussion. Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.

As a side note, Benak stated she took pictures of the railings, sent them to Wheelock & Sons and CRM. Both will send us a quote for sandblasting, powder coating, removal and delivery.

Goss asked what should be done about a temporary railing.

Discussion followed.

Park ranger Cobb will be asked about installing a temporary railing.

Benak also noted that we are getting a new urinal for the men’s bathroom.

Alpers Excavating Bid to Repair Sewer Line at Whitewater Township Park (added)

Goss reported that, as a result of routine sewer line cleanout, a broken sewer pipe was discovered. Three quotes have been requested but only one received, from Alpers Excavating for \$2,100.

Discussion followed.

Motion by Hubbell to accept the Alpers Excavating bid to repair the broken sewer pipe; second by Lawson. There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

Zoning Administrator Deleted Files (added)

On 08/19/2017, Interim Zoning Administrator Dennis Habedank provided an e-mail to the township board detailing the deletion of numerous files which he created and saved during his previous stint as Whitewater Township Zoning Administrator in 2013 and 2014. Deletion dates coincide with Popp's stint as zoning administrator in early 2015.

Popp stated this is certainly a misunderstanding. Popp stated back in these days Denny's computer was used as an open source for scanning, so everybody had Denny's ID so they could use the scanner.

Benak stated she never used it.

Popp stated a lot of people had the password for Denny's computer.

Goss stated no, that is not true.

Benak stated she never got on Denny's computer; she would have no reason to get on Denny's computer.

Popp stated, long story short, he created another user account and password, so anything that got deleted out of Denny's should have been moved over to Josh's or what would have become Josh's. He stated he is certain he can help Denny locate those files; he is certain that none of them are "gone." They are just moved positions. He stated he will assist him with that; he is sure they are there.

Benak said the e-mail says he found them; they were in the recycle bin.

Popp stated, oh, sure, because once he moved them away from Denny's – we have come to understand that if you have a file in two different places that is either similarly named or identically named, that the information – we don't know which one is current information. It happened in our own zoning ordinance.

Popp agreed that he moved it from the file named Denny to something else but does not know what Josh's ultimate user name and password became after Josh started, but he is certain that is where it would have gone to.

Goss pointed out that this happened before Josh started.

Popp stated it happened as soon as Denny left, because he was trying to move away from what he thinks is an open source. It is strictly file maintenance.

Benak questioned, since Popp said it was an open source, whether Popp trusts her or Dawn Kuhns, the only other people with access.

Popp stated no, it has nothing to do with that. He stated he thinks we should change our administrative password, too. It is good to change your passwords from time to time. Popp said this opens up a much larger discussion. We are getting to the point where we should be using BS&A, and we should be using it at a server level. All of these computer issues that we have had – “all” is an overstatement – would likely go away because we don’t write the administrative rules for BS&A; they are there.

Benak stated BS&A is not going to solve the problem of a deleted file, because anybody that has her password can get into her tax program and delete her tax program files.

Popp stated nobody should have Benak’s password.

Benak said that is what she is saying to Popp; BS&A would not fix that.

Popp said sure, because every user would be assigned their own user name and password. Even though we would go on to a terminal that looks like Benak’s and is located identically in the same desk space as hers, we would still use our own unique user name and password.

Lawson pointed out that we can do that at every computer now.

Popp stated that is what he was trying to do here, is that you can have the other users that were using that computer still have access, as they always have, and Josh would have access to it as well if he needed to go back and refer to something, or whatever the case might be. Popp stated all he is saying is at least allow him to show Denny what he thinks he did, and whatever files that Denny thinks he wants, Popp is certain that we can find them; he is certain they are there.

Benak stated right now we have two users and duplicate files and nonduplicate files. If Popp had not created another user, it would have all been in one location.

Goss questioned why the Josh Vey user name was ever created. Popp created it before Josh got here. About a month after Josh got here, he asked Goss what is the other zoning user name and said he did not have the password to it. Popp created the Josh Vey user name and set up Outlook in there and various things.

Goss also described discovering that 40 to 50 Microsoft Outlook rules were diverting incoming mail directly into various subfolders before they had been seen or read. Goss stated that, last Friday, when Denny was having an issue, she and Denny unchecked about 40 rules and moved e-mail from the subfolders to the Inbox, because they had not been seen yet.

Goss stated the deleted files were deleted while Popp was the zoning administrator and they bear deletion dates on days when Popp logged hours as the zoning administrator. Popp was the only zoning administrator during that time, no one else was here, and no one else was accessing that computer but Popp.

Popp stated he makes no bones about deleting files, but what he is saying is that they were copied over to a different area.

Goss asked why they were copied over to a different area; why were they not where Denny had left them.

Popp stated because he felt that whoever was going to follow Denny in should have a clean slate.

Goss stated whoever is going to follow anybody in needs to have access to all of the information. Goss said she is going to call an IT person to have them transfer all of the files into one user and combine all the emails, and Popp is not going to be on the zoning computer ever again.

Popp said he is fine with that.

Goss stated Popp is also going to stay out of the zoning office and the zoning files and leave the zoning to the people who are qualified to do it.

Popp stated he is certainly going to have access to the parcel ID files.

On questioning as to why he needs access to those files, Popp did not articulate a reason.

Goss stated locks will be put on them and Popp is not going to have access. Goss also stated Popp has given out misinformation, he has cost people money, he has had people in his office trying to pretend he is the zoning administrator or the assessor, then never turning paperwork over to the proper people.

Benak said it makes it difficult for the zoning administrator to do his job in a timely manner. Benak told Popp that she would like to see Popp not deal with the public on zoning issues, lot line adjustments, divisions of land. That kind of stuff is what we are paying a zoning administrator for. She stated she would like Popp to stop inviting people into his office and sitting down and talking to them about it. Refer them to the person that actually does the job.

Popp stated he does.

Benak stated, no, you do not, because she is sitting in her office and she hears Popp; that is not a true statement.

Popp stated you have to have a certain amount of conversation with them and he is certain that he tells people here is the person you need to go see and he forwards voicemails. So, point taken; not a problem. It relieves him of things he does not really want to do anyway.

Goss stated Popp has no authority to act as those people; he cannot sign a land use permit. Tell them when the person will be in that they need to talk to.

Popp stated we should have someone clean up the zoning computer, and have them do the same thing with the old one that sits in his office.

Goss stated everything on the old computer should be on the current zoning computer.

Benak asked Popp if he still has the zoning administrator Passport drive.

Popp stated he thinks he does.

Benak asked Popp if he could turn it over to Cheryl or Denny, because there might be important information on there that he needs.

Popp replied that he would.

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.

Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)

This agenda item will remain tabled.

Board Comments/Discussion

None

Announcements

Next regular meeting is Tuesday, September 12, 2017.

Public Comment

Kim Mangus, 1214 Cerro. Thank you all for squeezing the zoning amendment into your schedule. They have two more approved to take to public hearing and she anticipates the next public hearing will be in October. Regarding the last discussion, she suggested, while the IT guy is here, the old computer should be double checked to make sure you got everything and then dispose of the parts that are not needed.

Additionally, Mangus relayed that, during a recent property purchase, it was very unnerving to her that our township really has a problem with our perception in the public, because her realtor kindly informed them that they had to come in here and talk to Popp to find out what they could do with it. It has been a long time since Popp has been the zoning administrator, but the perception was still that Popp was the person that had to give answers. That may not be reality; Popp may be passing things on, but the public perception you have a problem with.

Adjournment

Motion by Hubbell to adjourn; second by Lawson. Meeting adjourned at 9:51 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk