

**Whitewater Township Board
Minutes of Regular Meeting held December 12, 2017**

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, Lawson, Popp

Board Members absent: Hubbell

Others present: County Commissioner Carol Crawford, Mobile Medical Response

Representative Steve Myers, County Road Commissioner Marc McKellar, Glenn and Renee Savage, Planning Commission Chairperson Kim Mangus, and 1 other

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment

Glenn Savage, 9833 Pineneedle Lane, stated Renee's House of Quilting decided to donate 9 baby quilts for emergency services here in Whitewater Township, on the ambulances or the fire trucks. They understand that names cannot be divulged, but they would like the township to keep some type of record to make sure they are going where they are supposed to be going. There are 4 for young boys and 5 for young girls.

Popp thanked the Savages for their donation.

Public Hearing

None

Reports/Presentations/Announcements/Comments

County Board of Commissioners Report

Carol Crawford gave the following report:

- They have a balanced budget as of November.
- Former finance director Dean Bott will be rejoining the county on January 3rd.
- They approved the brownfield project called Envision 8th at the end of Boardman.
- There is a special study session tomorrow evening to get input on what to do with the huge piece of property on LaFranier where the health department and DPW are located. Northern Lakes Community Mental Health wants to know if they can build there. They will talk about their vision for that spot. They will also have an update from TART Trail about the Boardman Lake loop trail and Medalie Park improvements. They will also talk about changing their meeting structure to avoid lengthy meetings and may adopt a code of conduct.

There were no questions for Commissioner Crawford.

County Road Commissioner Report

Marc McKellar gave the following report:

- He extended the road commission's gratitude to township residents and the board to get Baggs Road to the condition it is today.
- The east-west corridor is back on the agenda. They have engaged an engineering firm to deal with public relations, assessment of the environmental impact, community engagement, and engineering. They will have to do their due diligence and study the entire area to find out what is the best option. McKellar mentioned various options.
- They have a puck system for keeping traffic flow through lights that they expect to be functional this summer. They have an asset management plan in place for the road system. They are measuring what they are doing and can report back to people on that. They may do that on the gravel road system. They are working on an asset management plan for culverts. They are the first road commission in the state to have an asset management plan for their equipment.
- Mr. Bott is leaving the road commission; it is a good thing for the county as a whole.
- Details were provided regarding the state of their OPEB and pension funding.

Brief discussion followed.

Mobile Medical Response Report

Steve Myers gave the following report:

- He had an opportunity to visit the renovated fire station. It is beautiful. Thank you for those quarters. The staff loves it.
- For the organization, their volumes in the first half of the fiscal year, which started July 1, seem to be pretty much as projected. About 68% of their volume is reimbursed or is Medicare or Medicaid. They continue to be financially strong.
- Beginning January 1, their health insurance plan changed to Blue Cross/Blue Shield. That includes dental and short-term disability. They were able to do that at no increase in premiums to staff as long as they participate in MMR's health program.
- Industry-wise, they are seeing a lot of consolidation of health systems, hospitals especially, a little bit with EMS.
- There were 22 responses in November, 19 transports.

Goss noted that Myers confirmed that the two lengthy responses were due to the crew not calling on scene. The corrected report is on page 10 of the packet.

Myers explained the three ways they can validate times.

Planning Commission Report

Lloyd Lawson gave the following report:

- The PC met on 12/6. Habedank gave a report about the zoning ordinance lacking in regard to enforcement. He said there has been some information sent to the attorney. Lawson would like to see that so he can pass it along to the Planning Commission.

- Habedank also mentioned the construction on the new building on the end of Old M-72 and new 72 near the water tower. The wrong permit was issued. A special use permit should have been issued; may have been the fault of the previous ZA. Planning Commission discussed it and felt there was nothing they could do at this time since it has already been issued.
- They reviewed Article 6, some more of the definitions, also discussed churches and use by right of churches. A restriction of up to 5,000 square feet if a church was to go in an R1 district was discussed. There was quite a bit of discussion on fencing.
- Habedank mentioned the inaccuracy with the zoning map. This was discussed. The ZA recommends getting a current map which shows the zoning boundaries a little more realistically.
- In January, they have some things ready for public hearing. The next meeting is 1/3 with election of officers.

Parks & Recreation Advisory Committee Report

Cheryl Goss gave the following report:

- The committee met last night. Much discussion was had concerning a recent complaint from two Fairview residents about ORV damage to the west end of Lossie Road Nature Trail, lack of signs prohibiting motorized vehicles, as well as “littering” of the view on the trail with the abundance of No Hunting and No Trespassing signs, apparently put up by an adjacent property owner.
- Goss noted there is not much the township can do about signs posted on private property. Also, some signage will be installed. Popp knows who the ORV is owned by but has not passed that information along to Goss. Goss would like to contact them to make sure they are not hunting on the trail with an ORV.
- The committee also focused on trying to get together budget figures for projects they would like to do.

Grand Traverse Rural Fire Department

Ron Popp gave the following report:

- They had a special meeting on 12/4 to discuss a letter sent to the Rural Board by Green Lake claiming there was collusion between all the Rural Board members to cheat them out of their money. Green Lake had asked that Rural Fire dissolve in 2016.
- Next meeting is 12/20.

Consent Calendar

Receive and File

1. Supervisor’s Report for November 2017
2. Clerk/Parks & Recreation Administrator’s Report for November/December 2017
3. Zoning Administrator’s Report for November 2017
4. Mobile Medical Response November 2017 Activity Reports
5. Grand Traverse Rural Fire Chief’s Report December 2017 (not available)
6. Approved 10/09/2017 Parks & Recreation Advisory Committee Minutes
7. Approved 11/01/2017 Planning Commission Minutes
8. Approved 11/15/2017 Fire Department Subcommittee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for November 2017
2. Grand Traverse Rural Fire Board DRAFT Minutes of 11/09/2017 Regular Meeting (not available)
3. Grand Traverse Rural Fire Board DRAFT Minutes of 12/04/2017 Special Meeting (not available)
4. GTRFD Officers' Meeting Minutes for November 2017 (not available)
5. Memorandum 11/15/2017 Zoning Administrator Dennis Habedank re: ArcGIS Desktop Single Use License
6. Thank You from Whitewater Township Emergency Services Auxiliary re: Halloween Party
7. Letter 11/29/2017 Kuhn Rogers re: Rural Fire Asset Distribution
8. Letter 12/01/2017 Kuhn Rogers re: Rural Fire Asset Distribution

Minutes

1. Recommend approval of 11/14/2017 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 42232 through 42300
2. Approval of First Community Bank Miami Beach voucher # 1236
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Goss noted that Popp reported in his supervisor report that there have been three meetings of the Fire Department Subcommittee. There have only been two meetings so far.

Goss stated she thinks we need to act on the memo from Dennis Habedank and get the ArcGIS software to create the zoning map. The clerk has to certify the zoning ordinance, which includes the map. The current map has no date and may not be accurate.

Discussion followed. The township already has the software. Popp thinks it would be more economical to have the county GIS office do it. Benak would like to see how much the upgrade will be. Goss will check on it.

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

Unfinished Business**Emergency Services Building Renovation/Addition Project**

Goss provided an update memo with supporting documents. The portable trailer has been removed. The heater on the EVR (sic) unit was installed Monday. RCI has installed hand towel dispensers in the bathrooms. The only thing not completed is the rear parking lot. Goss noted

there is an electrical pole in the middle of the proposed parking area which likely should be moved in the spring. The fire department will be moving in soon.

Brief discussion followed.

Whitewater Township Fire Department

The subcommittee has met twice. Popp missed the last meeting.

Goss noted that the ordinance review has been completed; it should be on the board's agenda for the first meeting in January. The fire chief job description should also be on the January agenda. The next meeting is tomorrow (12/13) at 3:00 p.m.

Private Road Ordinance

Motion by Lawson to repeal the Private Road Ordinance; second by Benak. Goss commented that she would like to see it (the revised version) go to public hearing. There was discussion that an ordinance will have to be drawn up (to repeal), which will have to be set for public hearing. **Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, no; Benak, yes. Motion carried.**

Goss will draft the repeal ordinance and present it to the attorney.

Zoning Ordinance Amendment No. 72

Review of the amendment picks up with Fence, Residential Standards, in Article 3.

Planning Commission Chairperson Mangus commented that Fences has been prepped and approved to go to public hearing in January at the PC level to move it from Article 3 to Article 37.

Discussion followed. The original language of Fences, Residential Standards will be retained.

Changes to other definitions were as follows:

- The word "mean" will be changed to "average" in all definitions where it means "average."
- "Pre" will be removed from the word "Pre-Manufactured."
- Anywhere that the word "means" is used at the beginning of a definition, it will be removed.
- The definition heading "Modular Housing Unit or Pre-Manufactured Home" will be separated. The text of the definition will be put under "Manufactured Home," with the words "single-family" removed in the last line. The definition for "Modular Housing Unit" will say "See Manufactured Home."
- Under the heading "Nonconforming Use," the word "effective" will be uncapitalized.
- A definition of "nonconforming lot" will be added at another time.
- Under the heading "Nuisance," in the second line, the word "affect" will be changed to "effect."
- Under the heading "Plot Plan," in the third line, "principle" will be changed to "principal."

- The heading “Recreational Units” will be changed to “Recreational Unit.”
- Under the heading “Sign,” the words “trade marks” should be one word.
- Under the heading “Site Condominium Subdivision,” the words “of 1967” after “Subdivision Control Act” will be eliminated. Also, a comma should be inserted after the word “amended.” Lastly, “and is subject to . . .” will be changed to “but is subject to . . .”
- Under the heading “Special Use Permit,” the words “public hearing” will be uncapitalized.

This completes the review of Article 3, Definitions. Review of Articles 17 and 19 will be brought back at the first meeting in January.

New Business

Fire Department Equipment List (items desired for Whitewater station)

Popp stated that on 12/20 the Rural Fire Board will discuss how and where the assets of the different stations are going. Each member township is supposed to turn in an inventory list of what they want to keep. Popp provided an inventory list of station tools and an inventory list of the apparatus. The highlighted items on the list of station tools is what the township purchased and does not belong to Rural Fire.

Referring to the list of station tools, various items were discussed. Numerous questions came up that would best be answered by one of the firefighters, but none are present.

Audience member Tim Shaffer suggested a meeting be set up with one of the firemen to go over this.

Popp noted that we are in a time crunch. Administrative paperwork needs to take place.

Goss stated the problem is that we do not have enough information to make a decision on this. Also, we need to talk about the letter from Ward Kuhn, as well as get our attorney involved in the asset distribution and the letter from Ward Kuhn. Goss stated Popp has put forth a Property Distribution Waiver, but she is leery of signing it and having it have some legal effect before our attorney has looked at any of this. Goss also stated we have not been given the overall picture of how the Rural Fire Board is intending this asset division to take place. We do not have the minutes of the last two Rural Fire meetings. They are not on Rural’s website; no one has provided them via e-mail. Goss stated she would like an overall explanation of how the Rural Fire Board thinks the asset division is going to go, because she does not understand what Popp is proposing.

Benak questioned the value of the 2500-watt Kubota generator.

Popp stated both Carpenter and Arbenowske have had the appraisals for as long as we have. They have been asked to comment on what they wanted. None of them have had an issue with what the values were. They have commented with respect to what the township purchased and what Rural purchased. Popp stated he is taking them at their word that these values are in fact reasonable.

Benak would like to know what year the generator was purchased.

Popp stated we can mathematically answer what part Whitewater has contributed to the budget. That number works out to be around 33%. Over the last two or three years, Whitewater Township has put enough money in to equal about a third of the fire department's expenditures. According to the 1996 agreement, that is what we get returned to us, a third of the assets. Everything is good as long as you take a number from an appraisal and each township agrees that they are going to buy the equipment for that number. If a township does not want any of their equipment and they want to buy all new, then this actual cash value goes out the window. It becomes whatever you can sell it for before March 31st.

Benak stated when we look at the \$676,554 for our main apparatus that we are going to be using, and we see that Green Lake Township and Long Lake Township walked out with 33 cents on the dollar, and we are being asked to pay the full boat so it can be split, that does not seem right. The stations that have equipment should have the same out deal that Green Lake and Long Lake got. Then that money goes into the pot and it gets split a third, a third, a third, or however it is going back three years. Benak said she does not know who came up with the idea that we were going to have to come up with this money, all these townships, because Fife Lake, she believes, has already said they cannot do that. She asked Popp if the whole board came up with the idea to do it that way.

Popp replied yes.

Goss asked who the money would be paid to.

Popp stated you have to have a commitment to buy the asset before you can answer that question. That is the reason why we have to turn our list in early, what do we want to buy.

Various scenarios were then discussed.

Popp admitted that the math is going to be done on paper; Whitewater Township will not physically send any money to Rural Fire, unless the worst-case scenario happens, which is that no township except one, let's say Whitewater, wants to buy their equipment.

Benak stated it seems a lot more straightforward if we got the same deal Green Lake and Long Lake did and we paid our money in respectively and then you split the pot. That seems a lot simpler.

Popp pointed out that Green Lake and the other departing townships did not split the cash.

Benak and Goss pointed out that those townships left Rural.

Lawson stated they still bought their equipment at a reduced price. That's where everybody else should be buying their equipment at.

Benak stated the precedent has already been set for selling equipment to leaving townships, and asked why couldn't we just follow that precedent and then do as the agreement says for splitting up the assets.

Discussion followed.

Goss reiterated that we need to get the attorney involved because they likely know someone who has handled a dissolution like this before and has a good idea of exactly how you do this. The attorney needs to be advised about the Green Lake letter right away.

Motion by Lawson to involve the township attorney in the dissolution process along with asset division, and also for advice on the letters from Green Lake Township; second by Goss. Brief discussion followed. Roll call vote: Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.

The board continued to discuss needing more information about the items and values on the appraisal lists, needing advice regarding the process for entities dissolving, fairness of the process, whether Whitewater should get the same deal that Green Lake and Long Lake got, precedent already set regarding value of equipment, distribution of all assets by March 31, the possibility of another appraisal, and what documents will be given to the attorney.

Goss will provide the documents to Attorney Chris Patterson with a request for advice regarding the threat letter and the asset division.

Benak asked that her thoughts on getting the same deal as Green Lake and Long Lake and everybody pays in and then the pot is split be conveyed to the Rural Fire Board at their next meeting on 12/20.

Goss agreed that all the townships with equipment should be given the same deal that Long Lake and Green Lake got, subject to the advice of an expert who has dealt with dissolutions.

Discussion followed regarding the equipment.

Popp stated that Arbenowske recommended to keep all of the equipment listed on the appraisals that is in Station 3 (apparatus and station tools). They would also like to have one of the ATVs that Fife Lake has (Arbenowske believes it is a DNR asset) and the ladder truck.

Discussion followed regarding how Rural Fire acquired the ladder truck.

Popp stated there appears to be no documentation of the ladder truck being first titled to Whitewater, then to Rural Fire. Popp is under the impression that it was given directly to Rural Fire on paper.

The issue of lack of a building in Whitewater Township to house the ladder truck was discussed, as well as its age, value, and maintenance costs.

Lawson related his experience with a commercial business liquidation. He has never seen it done as a “silent auction.”

Brief discussion followed.

Grand Traverse Fire Department – Rural Division – Property Distribution Waiver

Popp explained that the waiver is to verify that the items highlighted on the sheet the township actually bought and does not contain any Rural Fire money. He said it is our opportunity to go through and say the appraiser made a mistake; he was actually looking at township assets and accidentally put it on the sheet. Captain Arbenowske highlighted the items.

Discussion ensued as follows:

- The township bought the television.
- Maintenance on the copier is paid for by the township.
- Benak stated the turnout rack should be highlighted.
- The 2500-watt generator was built anywhere from 1988 to 1991, according to www.usedprice.com, and was likely bought before Rural Fire existed.
- We cannot sign the waiver until our attorney looks at it.
- The wording of the waiver form was questioned by Goss.
- Rural’s attorney, Jim Young, lives in Portland, Oregon. He drew up the Property Distribution Waiver. He does not represent Whitewater Township.
- The ACV of the turnout rack, \$1700, is excessive. Is it a separate item from what is nailed to the wall?
- Manual allotment and shelf assemblies were briefly discussed.

Final consensus was as follows:

- Whitewater Township/all townships with equipment should get the same deal as Long Lake and Green Lake.
- Regarding equipment the township owns, more research is needed. No firemen were present to answer questions.
- The waiver cannot be signed until the township attorney looks at it.

Appointments to Planning Commission and Parks & Recreation Advisory Committee

Popp recommended that Ted Hooper be reappointed to the Planning Commission for a 3-year position.

Motion by Lawson to reappoint Ted Hooper to the Planning Commission, term to end 12/31/2020; second by Benak. There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Hubbell absent. Motion carried.**

Popp recommended that Sue McCraven be appointed to the Planning Commission for a 3-year position, term to end 12/31/2020.

There was no motion.

Motion by Goss to appoint Glenn Savage to the Planning Commission for a 3-year term; second by Lawson.

Popp stated he does not think that other folks besides the supervisor can make recommendations for planning commission.

Discussion ensued as follows:

- Lawson said a motion can be made.
- Goss noted the application is in the packet.
- Popp acknowledged it is, because that is what the board required of him.
- Benak pointed out that Savage turned his application in two months ago, and he has been a member of the PC in the past so he does know his way around the township and our ordinance. He would be a value-added member.
- Popp stated McCraven would be new blood.
- Goss stated she thought new appointees were supposed to be at the meeting. Goss does not know McCraven; she incompletely filled out her application; Goss has questions for her.
- Lawson and Benak stated they do not know her.
- Goss stated McCraven has not shown up at this meeting, so she has doubts whether McCraven really does want to serve.

Goss suggested that Popp could make a recommendation to appoint Savage right now and the board could act on it.

Savage's interaction with the planning commission and the township was discussed, as well as his desire to serve.

Popp stated we can put McCraven back on the January agenda and make sure she understands she should be at the meeting.

Goss inquired of Popp what his hesitation is in bringing Glenn Savage forward.

Popp stated he has no hesitation whatsoever; he felt that new blood is where we want to be. Savage has already served his time. Not that he isn't a valued person in the township.

Benak pointed out that, come January, we will be one planning commission member short because Link's term is up and he is not coming back.

Goss noted she has a motion on the table. It has been seconded by Lawson.

The motion was restated: Motion to appoint Glenn Savage to the Planning Commission for a 3-year term. There was no further discussion. Roll call vote: Lawson, yes; Popp, no; Benak, yes; Goss, yes; Hubbell, absent. Motion carried.

Popp stated he wants each board member to read what the law is, as listed in his motion.

Popp recommended that Thomas Cosgrove be reappointed to the Parks & Recreation Advisory Committee.

Motion by Goss to reappoint Thomas Cosgrove to the Parks & Recreation Advisory Committee; second by Lawson. (A 3-year term ending on 12/31/2020 was recommended.) There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Hubbell absent. Motion carried.**

Popp recommended Brandon Hubbell be reappointed to the Parks & Recreation Advisory Committee for a 3-year term.

Motion by Lawson to reappoint Brandon Hubbell to the Parks & Recreation Advisory Committee for a 3-year term; second by Goss. Popp noted this application is not completely filled out; is that a prerequisite. Goss replied that it is a reappointment. There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Hubbell absent. Motion carried.**

Popp recommended Melissa Melton be reappointed to a 3-year position with the Parks & Recreation Advisory Committee, term ending 12/31/2020.

Motion by Benak to reappoint Melissa Melton to the Parks & Recreation Advisory Committee, term ending 12/31/2020; second by Lawson. Popp pointed out that the application is not completely filled out. There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Hubbell absent. Motion carried.**

Sale of Land

Understanding that the sale of land is not a valid reason to go into closed session, Popp asked the board how they would like to proceed.

Goss stated she has located the warranty deed for the property. The township paid \$97,000 for the property. It then appraised in August or September of 2006 for \$109,200. The township acknowledged a donation/gift of \$12,200. Goss stated she was unable to determine if the money came from the Fire Fund or the General Fund.

Benak suggested that budget records, the township asset list, or Tobin & Company may be other places to determine the source of funds to purchase the property.

There was consensus of Benak and Lawson that the parcel should be sold. Goss stated she does not see the township building a fire station there.

Discussion followed.

There was consensus that Assessor Kuhns will be contacted to see if she is able to place a value on it. Popp will do this. If she does not wish to comment, an appraisal will be done. Popp will call Brett Baldwin at Riverside Title to find out who he would recommend.

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 township board meeting date is January 9, 2018, at 7:00 p.m.

Public Comment

Renee Savage, 9833 Pineneedle Lane, stated she is here to speak for Glenn; he had to leave early. This will be a good thing for the board and planning commission. He has a level head; he was in law enforcement for 32 years. He was born and raised here. They have lived in this township for 44 years. He knows that we need growth and he knows where we do not need growth. She thinks he would be a really good asset to the team.

Kim Mangus, 1214 Cerro Drive, commented that the cost of maintaining the ladder truck probably is not practical for us to have in our rural fire department. The list with the yellow lines of things we already own versus the things we are going to pay to buy is critical. Anything we already own is something we don't have to pay for. She agreed with Benak that there is a letter out there stating the intent of the tribe for the ladder truck to be in Whitewater, not to Rural. She encouraged the board to look for the letter.

Popp responded that the tribe has answered the question through Chuck Stewart that it went to Rural, that it was signed over to Rural.

Goss suggested that a title search be done with the vehicle identification number to see if it was ever titled in Whitewater Township's name.

Popp will ask for a VIN number.

Adjournment

Motion by Lawson to adjourn; second by Goss. On voice vote, all those present voted in favor, none opposed, Hubbell absent. Meeting adjourned at 10:46 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk