

**Whitewater Township Board
Minutes of Regular Meeting held August 28, 2018**

Call to Order

Supervisor 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: Assessor Dawn Kuhns and 11 others

Set/Adjust Meeting Agenda

Popp stated he would like to move New Business 1 and 2 up to in front of G, Public Hearing.

There was no objection to the adjustment.

Declaration of Conflict of Interest

None

Public Comment

Tom Slopsema, 9693 Miami Beach Road, stated he wants to comment on the proposed ordinance for Miami Beach Sewage Disposal System. In section 5B, changing of effluent filter socks annually and private tanks pumped no less than every 3 years, he said he agrees with the filter socks being changed on an annual basis. He hopes they can get consideration to only require the private tanks to be pumped as indicated by their annual evaluations. There was a professional system evaluation done on the entire system over the past year. The chart showed peak usage was up to 4,000 gallons a day, against a system designed for 10,000 gallons a day. Most of the evaluation of the components is anticipated that it should last 50 years. Some minor things add up to less than \$3,000.

Heidi Vollmuth, 8371 Winnie Lane, stated she attended the planning commission meeting; turned out to be a town hall meeting. For some reason, Ordinance 75 (sic) has been abandoned. The planning commission treated it like a little kid that got spanked, even though they knew there was some verbiage in there that the party who claimed to want the ordinance withdrew from the table. The majority of the people in the room wanted a good ordinance written; they did not want it thrown out because there is no protection for the agricultural community if you throw out the ordinance. We need something to protect the homeowner and the quality of life. An event barn is a commercial piece of property. They need to put it somewhere where it is commercial. She would rather see the survey money spent on new life vests for the rescue boat. She stated 160+ signatures were brought to the table, out of a population of 2,600. Vollmuth also suggested that anything about an amendment or an ordinance or a vote be put in the Elk Rapids paper. She stated she read 3 years of planning commission notes; it is apparent there is a big problem; there is a lot of friction. She said that commission works for us; if they have a problem with remembering that, go to their bylaws and read what a planning commissioner is

supposed to do. She stated she did not like that she was told be careful what she wishes for; it was unprofessional.

Ron Bachi, 6987 Cook Road, asked if the survey was sent out. If so, how was it worded? If it has not been sent out, could the public be part of that process? He stated he does not understand how we got to the point of sending out a survey. He stated he has not seen one applicant for event barns at any of the meetings he has attended. He questioned why it is an issue if there are no applicants. He stated he is a contractor who has to follow codes, licensing, and answer to the state. He asked if something is done illegal or unethical in the planning commission or the township board, who does the board answer to; who is the board's governing body. Moothart mentioned the possibility of two planning commissioners who were illegally appointed. What direction do we go to actually investigate that? Who is it that the board has to answer to? What is the procedure, hypothetically speaking. He stated the votes of the people on the planning commission and the township board are powerful and control the residents' quality of life either positively or negatively.

Bachi presented an application for appointment to the planning commission to Popp.

Review AD Assessing Proposed 3-Year Contract (moved up on agenda)

Assessor Dawn Kuhns is present and stated September 30 is the end of their contract. October 1 would be the renewal. They took the existing contract and added a 3% per year increase. Everything else remains the same. She offered to answer any questions.

Goss reminded Kuhns that there also needs to be renewal of the Employment Contract, which can be done at the next meeting.

Kuhns stated there will be no changes to that document, just the dates. She will update it and send it to Goss.

Brief discussion followed, including praise of the job that Kuhns is doing.

Motion by Goss to approve the new 3-year contract with AD Assessing; second by Lawson. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Kuhns provided two copies of the new contract to the supervisor and asked that a fully executed copy be returned to her.

Review/Approve Resolution in Opposition to HB 6049 and SB 1025 (moved up on agenda)
Popp stated these bills attempt to remove local assessing from our authority.

Assessor Kuhns reported that she attended a forum a couple weeks ago in Gaylord which Senator Stamas put on. The state treasurer and the executive director of the State Tax Commission are the ones pushing this legislation. It is a move to take assessing out of the hands of townships. She stated there were a lot of great comments and she felt Senator Stamas listened. She explained some of the proposed changes.

Popp stated he received the resolution after the meeting in Gaylord, and the township has an opportunity to comment via the resolution in opposition.

Kuhns recommended opposing the bill.

Goss noted that, due to numerous errors, the resolution is not in a format that can be adopted this evening. She suggested it be put on the 9/11 agenda and will make the revisions.

There was agreement that the resolution will be brought back on 9/11.

Correspondence

Board of Canvassers – Canvass of Votes re: Ambulance Millage

Goss noted the overwhelming support of the ambulance millage and thanked the community for their support.

Public Hearing

Ordinance No. 53 – Whitewater Township Floodplain Management Ordinance

Popp opened the public hearing at 7:28 p.m., reminded everyone that, if they plan to comment, there is a sign-in sheet for names and addresses, and stated the legal notice was published in the Traverse City Record-Eagle on Saturday, 08/11/2018.

No written comments were received.

There were no public comments.

Popp closed the public hearing at 7:29 p.m.

Reports/Presentations

None

Unfinished Business

Board Discussion/Vote re: Ordinance No. 53 – Whitewater Township Floodplain Management Ordinance

Motion by Popp to adopt Ordinance No. 53, Whitewater Township Floodplain Management Ordinance; second by Benak. There was no further discussion. Roll call vote: Goss, yes; Hubbell, yes; Lawson, no; Popp, yes; Benak, yes. Motion carried.

Goss noted that the attorney made one change to the ordinance in Section 4, a slight rewording due to a FEMA requirement.

Popp signed the ordinance.

Resolution #18-15 to Adopt Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program

Motion by Popp to adopt Resolution #18-15; second by Benak. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, no; Popp, yes; Benak, yes; Goss, yes.**
Motion carried.

County of Grand Traverse Resolution to Adopt Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program

Goss explained that this is not a resolution the township adopts. It has been sent to Chris Cramer at Grand Traverse County for their 9/5 meeting agenda.

Review of Whitewater Township General Ordinance No. 49

Popp stated he is recommending legal counsel review the ordinance to make sure that it still pertains to what we are attempting to do.

Discussion followed regarding:

- The fact that the penalty for violating the ordinance is a civil infraction.
- It has no direction on the appointment process, i.e., length of appointment, oath of office.
- Employees are not eligible to be appointed as the hearing officer.
- In B, it should state who the report is being filed with.
- In D, how does the hearing officer inform them, i.e., certified mail or other.
- It should state that the fines would be determined by the schedule of fees of the county magistrate.

There was agreement to send the ordinance to legal counsel to address clarifications.

Benak will send her notes to Popp, who will forward the ordinance to the attorney.

New Business

Review AD Assessing Proposed 3-Year Contract

See Page 3201 of these minutes.

Review/Approve Resolution In Opposition to HB 6049 and SB 1025

See Page 3201 of these minutes.

Review Proposed Ordinance for Miami Beach Sewer System

Popp stated he met with the Miami Beach group at one of their annual meetings in July. He has spoken to John Divozzo several times about different ordinances and different township systems that he runs. This is a first blush; we are not adopting anything tonight. There will be plenty of time for the public to read the ordinance, ask questions, and have input. Popp noted there is no financial information in the ordinance, but it is not needed as there will be a different document that will be adopted along with this ordinance.

Popp admitted that he drafted the document and described two major departures. One is that the ordinance defines what the township owns, and two, the rates will be referenced by resolution, which will be done annually from now on. Popp stated he is in the beginning stages of the financial and the budget.

Referring to Section 3, Benak stated it feels like Popp wants Whitewater Township to do the billing and collection, because Grand Traverse County Board of Public Works is taken out.

Popp said partially yes, partially no. The users may want to have some flexibility; they may decide to go out and hire a third party or recommend to the township board to hire a third party to run the organization.

Board discussion followed.

Linda Slopsema, 9693 Miami Beach Road, commented on Section 3 and the flexibility that was built in. She thinks it is a great idea to have flexibility regarding privatizing something because it keeps people on their toes. She agrees we should not specifically name Grand Traverse County. Generally, there are no concerns that she knows of regarding their responsiveness to take care of issues. The concern she has is the inaccurate information that Mr. Divozzo spreads around about pump costs and how much we have been using the system. His people that do the work are great, but she is not impressed with his grasp of the system and what it costs.

John Vert, 9675 Miami Beach Road, said he would like to see the engineering studies that were supposedly done. He did systems for Ford Motor Company that were much more dangerous than human fluids; he would like to read some of this information. The DPW has done a very good job for them, but apparently there is bad information out there. They were told the usage was way more than it is. He does not understand why we are allowing these kinds of numbers to circulate when we know they are wrong. He would rather see them (the residents) run the thing and not have the township involved. He thinks they should be sent some of the information that was generated.

Goss asked Vert if he had the condition assessment.

Popp said the condition assessment was sent to Ralph Brozzo, who said he would distribute it to the organization.

Goss suggested copies be printed for those who wish to have one.

Noting a couple Miami Beach residents do not want the Grand Traverse County DPW involved, Goss asked if they want someone else involved if it is a lot more expensive.

Vert reiterated that they think the BPW has done a fine job. They are just not happy with the information that is being circulated.

Popp stated at the meeting where Divozzo was here, he thought it was close to 10,000 gallons a day, and Popp made a mistake about the pump replacements, stating \$77,000 instead of \$7,700 for pump and labor.

Goss stated that if there is a thought that we would go with someone other than the County DPW, a request for proposal should be put out and get bids for annual maintenance and operation of the system.

Lawson stated he thinks they are trying to leave it open so if they ever chose to change, they could. He does not think they are eliminating DPW now. He does not think the ordinance needs to say who is going to do the job, just that the job needs to be done.

Board discussion followed.

Juanita Pierce, 9747 Miami Beach Road, stated they have been very happy with DPW; they have done a good job for them. She would be very sad if the board appointed someone who doesn't know anything about their sewer system to administer it.

Popp said the only thing he can think of that would be better than the DPW is Mr. Kotesky, who is very familiar with the system, but Popp does not think his company does that type of administration, nor does he think he is interested.

There were no other comments from Miami Beach residents.

Popp stated he wants to hear from other Miami Beach board members and make sure everybody gets a copy of the condition assessment. He asked those present to talk to their neighbors to see who doesn't have a copy and rectify it as promptly as we can.

Goss questioned whether there would be adoption of the proposed rate resolution and renewal of the operation/maintenance contract at the same time the revised ordinance is adopted.

Popp answered probably not because we do not currently budget for this.

Brief discussion regarding how the 590 Miami Beach fund works and that the residents do not currently pay the township directly; they are billed by the county.

Public Communication – Passive or Active

Popp summarized prior discussion about possible methods of communication with the public, i.e., social media, newspaper, timeline, e-mail blast.

Lengthy discussion followed, including comments from residents Heidi Vollmuth and Janet Bachi.

There was consensus that if the board is going to review an ordinance, a notification will be sent out to Benak's e-mail list. Popp will draft it.

After further discussion, Popp stated he is asking for permission to notify the public via the e-mail blast that we are going to discuss an ordinance at the board meeting. It may not be at the next board meeting; it may be at the following one.

After more lengthy discussion, there was consensus that anytime there is going to be discussion of an ordinance at the board level, an e-mail will be kicked out. The e-mail will list the date the discussion is to take place.

Benak asked if this should be used for the planning commission.

Popp preferred to see how this works out first.

It was agreed that this topic can be taken off the agenda for a while until we see how the process works.

Discuss Appointment Process

Popp asked: What do we do?

Benak stated the policy and procedure that governs this should have been in the packet, and then look at which ordinances have appointments to be done, i.e., planning commission, zoning board of appeals, parks and rec, and any special committees that would be formed. She suggested those policies and procedures be reviewed and standardized.

Popp stated we will bring that back.

Brief discussion follow.

Goss will forward the planning commission ordinance to all board members.

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

The next regular township board meeting is September 11, 2018, at 7:00 p.m. A moment of silence will be observed for the victims of 9/11.

Public Comment

Heidi Vollmuth (who spoke earlier) stated the planning commission says the pledge every meeting. She thinks we need to follow a better practice. She suggested a proclamation for 9/11.

Ron Bachi (who spoke earlier) apologized for speaking out of turn; he felt like he was being responded to directly. He added that information and getting it out and people being informed is one of the biggest, most important things the board can do. There is no absolute answer, but

common sense has to fall into play. He stated he has heard that the township board and planning commission don't want them to know; they want to just do what they want to do without us knowing. This is what he has heard from most people.

There was brief discussion between board members and Bachi on several topics, i.e., event barns, communication, policy and procedure, and the appointment of Ryan Stibbs.

Janet Bachi, 6987 Cook Road, stated they would like to be involved in the ordinance when it comes to event barns.

Adjournment

Motion by Hubbell to adjourn; second by Lawson. On voice vote, all those present voted in favor, none opposed. Meeting adjourned at 9:28 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk