

**Whitewater Township Board
Minutes of Regular Meeting held March 12, 2019**

Call to Order/Pledge of Allegiance

In the absence of the supervisor, Clerk Goss 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.

Motion by Benak to nominate Hubbell to chair the meeting; second by Lawson. There was no further discussion. **On voice vote, Benak, Goss, Hubbell, and Lawson voted in favor, none opposed, Popp absent. Motion carried.**

Roll Call of Board Members

Board Members present: Treasurer Benak, Goss, Trustee Hubbell, Trustee Lawson

Board Members absent: Supervisor Popp

Others present: Fire Chief Brandon Flynn, Zoning Administrator Lindsey Wolf, Ron Bachi (Deputy Supervisor), and approximately 18 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment (2:50)

Hubbell requested that Goss read the Public Comment rules.

The Public Comment rules were read aloud by Goss.

(4:12)

Ron Bachi, 6987 Cook Road, stated Ron Popp is away for medical reasons for about 30 days and he is doing his job in full force from where he is at. He stated Popp elected him as deputy supervisor. He cannot vote or moderate the meetings, but he can engage in courteous discussion with the board. He thanked Popp for trusting in him and said it is an honor to be able to represent the residents of Whitewater Township.

(5:30)

Tom Slopsema, 9693 Miami Beach Road, stated he has some items he wants to address the board on relative to their sewer system and asked for permission to mention them during Unfinished Business.

The board agreed to Slopsema's request.

(6:07)

Janet Bachi, 6987 Cook Road, stated she would like to send prayers to the township board

supervisor and his family and let's be thankful for the last-minute opportunity that came up for him. She stated it was agreed upon at the 01/08/2019 township board meeting that the supervisor and another board member would put together a survey for the residents of Whitewater Township. Residents have told the board many times that they wanted to be involved to make sure that the survey was unbiased, transparent and correct, with no hidden agendas. She went on to reference survey wording that she finds objectionable, and referred to the Webster Township vs Waitz case in the Court of Appeals wherein she says event barns were found to be commercial. She stated the survey does not mention the possibility of a building being a new structure or being called an event center. She stated she came to the township hall on February 13 to give input on a survey that was being prepared by the township supervisor. Due to conflict in time, the other board member could not attend. At the March 6 planning commission meeting, the zoning administrator commented that the survey was already written and sent to the board for approval. How does this happen; the supervisor has been gone six days. On March 7, the township posted an agenda for today's meeting and put event barns on it. She noted a letter from the supervisor requesting it be pulled from the agenda, and asked why that has not been done. She stated waiting for the supervisor to return will bear no burdens on anyone since no one is asking for an event barn right now. Bachi voiced other concerns with the proposed survey language and the method of distribution.

(12:35)

Dee Prabhaker, 6925 Cook Road, stated it was his understanding that the original intent of this concept was to provide a supplementary form of income for farmers with suitable property using existing structures. One of the concerns is commercial use in a location that would have a severe impact on the rural character of the community would be a huge negative to him and many residents. He is concerned about the validity of the survey and whether he is answering questions about existing structures on agricultural land, or answering questions to give shape and structure to what an event barn would look like without having any assurance where it is going to land. He would like to see more language to make sure it is clear we are talking about existing structures on agricultural land for farmers and some assurance that these things are going to be in the middle of nowhere.

(15:09)

Heidi Vollmuth, 8371 Winnie Lane, stated the board is moving forward on the event barns without proper attention or input from the public. She did not put this out on Facebook. The supervisor has asked for this item to be tabled. She questioned the board's transparency and whether the board is listening to the public. She stated there is major friction possibly between "our leadership members," and said we need to all come together and work as a team with our "leader" being down. She hopes the board will not disrespect their "leader." Vollmuth also commented on the deputy supervisor, as well as on compromise and solving problems.

Public Hearing (18:44)

None

Reports/Presentations/Announcements/Comments (18:48)**County Board of Commissioners Report**

Gordie LaPointe gave the following report:

Whitewater Township Board - Minutes of 03/12/2019

- They are working on the unfunded pension liability. There is a target of 2034 to be 100% funded on the \$50 million unfunded liability. They are aggressively looking at pulling it into 2030, with no bonding and no increase in taxes, just with existing funds they are finding in various places. They have asked MERS to lower the interest rate.
- The airport is owned jointly by Grand Traverse County and Leelanau County and is self-sufficient; no tax dollars go to support it. The counties are considering creating an airport authority, which would give them total authority and responsibility for the airport. The BOC is going to meet with them to discuss the pros and cons.
- The new commissioners took a tour of all the various departments within the county, including the jail. He stated it was eye-opening, and said he really thinks something has to be done in that regard, not necessarily in terms of more capacity. The layout is not efficient or conducive to the inmates or the guards.
- There is an ad hoc committee working on a new code of ethics, which some commissioners felt should be strengthened.
- They made some changes to the rules of order to streamline the process.
- The county currently spends around \$600,000 for the medical examiner function, which is performed downstate. He reported that about \$300,000 of the \$600,000 expense comes out of the general fund. They are looking at the feasibility of taking that function in-house and getting into a partnership with adjoining counties.
- He stated there are a lot of opportunities and he is confident they can get the finances in better order, with no increases in taxes or any bonding.

There was brief discussion of ownership of the airport.

County Road Commissioner Report (25:49)

Marc McKellar gave the following report:

- Weight restrictions go on March 16 for about 30 days. They will get them off as soon as they can.
- They are in pretty good financial health. They will do \$24 million of projects this coming year, the largest number they have ever had to work with. They appreciate the \$4 million that comes in on the millage. They have used that to double their income on matching funds from the state and federal government, and they use that for maintenance and improvements on existing road systems, as it was stated they would.
- They are moving forward nicely with their East-West Corridor Study. They should have some definitive information within the next couple months. They had over 200 people at their last public event. It is a mix of fixes, they think, and will all be vetted out through a public process. They are still open for surveys online.
- This winter was pretty hard. They went through a lot of labor, fuel, equipment wear and tear, a lot of sand and salt. He is not anticipating that they will have to pull any funds out of the summer projects. He stated there are going to be a lot of orange barrels and a lot of stuff going on on the roads this summer.
- There is a lot of smoke coming out of Lansing about raising taxes and increasing transportation funding or reallocation of money. He stated the governor and the legislature could allocate more funds to fix the roads, but the truth is that the road agencies around the state are maxed out on their labor. The subcontractors are maxed out

on their ability to recruit labor and bring more people on. The prices on raw product are going up. They are concerned that a huge raise on taxes in Lansing will make prices go up and they will have to spend a dollar to get 50% of productivity out of it.

Goss asked whether McKellar knows of any road projects in Whitewater Township this summer.

McKellar will forward the whole list to Goss. He added that they have 2018 projects that did not get done.

Mobile Medical Response Report (35:02)

No one is present from Mobile Medical Response. February reports were provided.

Fire Department Report (35:05)

Chief Flynn gave the following report:

- They had a busy month in February. Calls were holding steady, except for the 2/24 storm when they picked up three calls for trees down across the road.
- He ordered the extrication equipment. They chose the Hurst eDraulics. He did apply for a 2% grant through the tribe, which was awarded, and the Grand Traverse Band wrote the township a check for \$27,600 for new extrication equipment. The bundle they ordered came out to \$31,000; the net cost to the township is \$3,400. He thanked the township board for helping him through the process, and added it is a big plus to the township as it is a tool that is used quite often.
- He stated he did not include in his February report that the new fire engine specifications were approved and sent out to six manufacturers. One has called to say they are not interested in bidding. He will provide an updated February monthly report. The bids are due on April 2nd and he expects to have a public bid opening at the April 9th meeting.

Goss noted that a letter was received with the ISO rating (6/10) and asked the chief to briefly explain what it means.

Flynn says he has nothing to compare it to and has been calling around asking what rating Rural Fire had for our area. The scale is from 1 to 10, 10 being the worst. An ISO rule is that any area five miles or greater away from a fire station automatically gets a 10. The southern half of the township is scored a 10, which he believes was the same with Rural. The northern part of the township scored a 6, which he believes is a good score. Unfortunately, the higher the score, the higher the homeowner's insurance rates are. He stated he is still trying to track down some information and may call Chief Weber.

Hubbell thanked Flynn, on behalf of the board and the public, for all the work he did on the grant and that we are very happy to have him as our chief.

Planning Commission Report (42:22)

Lawson gave the following report:

- They had a meeting last Wednesday. Three members were absent.

- They had a public hearing on Zoning Ordinance Amendment 73, which passed with no one for or against. They also had a public hearing on Zoning Ordinance Amendment 74 and it went through with no one in favor or opposed. The meeting was short, 34 minutes.
- Things they plan to discuss are environmentally sensitive areas, the five-acre ordinance, and event barns. There was discussion of putting together a joint meeting with the board if people from the recodification companies are coming up to present. They would like to be involved in that.
- They asked Zoning Administrator Wolf to do some training for them. The PC is going to get a crash course on Robert's Rules.

Parks & Recreation Advisory Committee Report (44:07)

Goss gave the following report:

- The committee met last night; all five members were present. The committee still needs an alternate.
- The main topic was budgets. Goss talked to them about the projects budget for the Recreation Fund. The committee provided some assistance with that and talked about the scheduling of some projects.
- Goss stated she will be seeking approval on the 3/26 agenda to get the new dugouts ordered. Goss described the project components and costs. There is a 6-7 week lead time to get the dugouts.
- Goss stated she will also seek approval on 3/26 for the shower renovations at Whitewater Township Park in order to get a contractor lined up.
- The committee is very excited about the township hiring a handyman person to help with some of their projects.

Consent Calendar (48:00)

Receive and File

1. Supervisor's Report for February 2019
2. Clerk/Parks & Recreation Administrator's Report for February/March 2019
3. Zoning Administrator's February 2019 Report
4. Mobile Medical Response February 2019 Activity Reports
5. Fire Department February 2019 Report
6. Approved 01/21/2019 Parks & Recreation Advisory Committee Minutes
7. Approved 02/06/2019 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for January & February 2019 (delayed due to technical issue at county)
2. Fahey Schultz Burzych Rhodes February 2019 E-Letter - New and Improved Paid Medical Leave: Rules to Live and Work By
3. Cherry Capital Communications Newsletter February 2019
4. Letter 02/19/2019 ISO re: Public Protection Classification
5. Letter 02/27/2019 Paddle Antrim re: Whitewater Township Park Improvements
6. Letter 02/28/2019 Charter Communications re: New Channel Additions
7. E-mail 03/04/2019 Grand Traverse County Road Commission re: East-West Public Survey Deadline Extension to 03/18/2019

8. Memo 03/06/2019 Ron Popp re: No Reason to Rush Event Barn Survey

Minutes

1. Recommend approval of 02/05/2019 special meeting minutes, 02/12/2019 regular meeting minutes, 02/19/2019 special meeting minutes, and 02/26/2019 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 43704 through 43790
2. Approval of First Community Bank Miami Beach vouchers # 1250 and 1251
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report – January 2019 and February 2019

Hubbell noted that a fair amount of people have discussed Popp's memo, and asked if the board wants to discuss it.

Benak and Goss both indicated they had read it.

Motion by Lawson to approve Consent Calendar items as presented; second by Benak.

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

Unfinished Business (49:28)**Miami Beach Sewer System Update**

Goss noted there is nothing in the packet, but Slopsema and Nolan would like to speak. Goss mentioned that Attorney Patterson provided an e-mail that is a statement of all the issues, and has suggested that a letter of understanding be drawn up and that a conference call be held with the Miami Beach Road Association to fine tune the issues. Goss suggested Popp is going to want to be involved in the conference call. Goss stated the attorney is working on it, but no documents have been drawn up yet.

Tom Slopsema, 9693 Miami Beach, stated he wanted to go through a few points so the board will understand what Miami Beach is looking for before they do the conference call and spend more attorney money. He stated Miami Beach originally purchased the 5-acre drain field for \$25,000 back in 1996 and then assigned that to Whitewater Township for \$1. Other members donated the parcel of land for a lift station with a quit claim deed. In 2012, Acme Township transferred ownership of a common drain field system from their township back to Orchard Shores Association. It included all mechanicals, properties, easements, permits. Their transfer was primarily on a quit claim deed for a value of \$1. He stated Miami Beach would like to copy their process. What they anticipate the transfer agreement to include is one quit claim deed where the township grants the common drain field, mechanicals, piping, lift stations, etc., easements, system permits to Miami Beach. They would look for a purchase agreement and deed for the 5-acre drain field parcel, purchase agreement and deed for the lift station parcel,

transfer of receiving fund back to Miami Beach so they can pay operations and maintenance and fund escrows. They would include a release of liability statement for the township and statements condition as is. Regarding side issues, Slopsema stated he is sure the township wants to decline future responsibility for the system. He stated they have a verbal with the county DPW that they will contract with them for operation and maintenance. They will establish that contract at time of ownership transfer. He stated they are in process to get a right of use permit from the road commission and the proper indemnification and what escrow they want to meet their needs. Miami Beach has to notify the DEQ when the ownership transfers.

Slopsema outlined the specific next steps they believe they need. He is requesting the township board to concur on the property values for the drain field parcel, for the lift station parcel, and the system mechanicals. They anticipate, since they paid for that originally, that these values would be \$1 each. They also request the township board to provide a motorized Lossie Trail access easement, limited to service vehicles only, along the buried force main pipe and air release valve and up to the 5-acre drain field parcel. Then they would input these items into a tentative transfer agreement, along with their request for right of usage permit expenses and input from the county road commission, so they can compile a cost summary for their owners. To actually vote on this, they have to have all the dollar signs lined up.

He stated he can provide a request to the township in writing for these value and easement requests, if the board wants that, and he can draft up a proposed transfer agreement that we can also start working from, but they need those costs and easement things.

Goss stated she would like to have them submit a written request for those things to the township board because it can be sent to the attorney.

Slopsema urged that the property value be set first as he does not want attorneys to be arguing back and forth on property valuation. He stated they are concerned about doing a lot of attorney work before nailing down some dollar sign values.

Discussion followed.

Goss suggested the board set values at the 3/26 meeting.

John Nolan, 9933 Miami Beach, stated he is here to follow up in reference to the transfer of what they are calling a community drain field system. At the last meeting, he brought up one of the last items that was on the attorney's checklist was to contact the county road commission in reference to applying for a right to use the right of way on Cook Road. With the assistance of the road commission, they identified the application he should complete and suggested a joint application be submitted from Whitewater Township and the Miami Beach Road Association. Nolan stated he has drafted the application and a description of what they are applying for. He asked who in the township he could work with to finalize the verbiage, that it is acceptable, and that we could submit this then to the road commission. The purpose is so they are able to determine the requirements for the right of way, whether it is a bond, insurance, and what fees may be associated with having the right to use. That is what they are applying for.

Benak stated she would think the clerk would be the one Nolan would go to.

Goss stated she will take a look at it, and if there is something she is not comfortable with, she will bring it back to the board.

Discussion followed.

Goss suggested 2 p.m. tomorrow for Nolan to stop in.

Nolan also stated, for the benefit of the people here, the transfer that they are looking to do, this property is landlocked. It basically has no value other than what it is used for as a drainage field. For the record, it is not as if they are stealing some property from the township.

Emergency Services Building Driveway Project - Review Request for Sealed Bids (1:03:36)

Chief Flynn stated they contacted an engineering firm, who told them it would be April before they can get a good look at the driveway when the snow is gone and will probably want to do a core of the front apron to see what soils they are working with. He stated that he and Popp discussed seeking out a different engineering firm, but Flynn thinks they are all going to be in the same boat. Flynn said Popp's memo said March would be better, but Flynn said that is not going to happen. Flynn stated he thinks we are on hold until we get the engineering firm out here and go with their guidance.

Brief discussion followed.

It was agreed that this matter will be on the May agenda.

Proposed Pumper Tanker Purchase - Update from Chief Flynn (1:06:16)

There was brief discussion with Chief Flynn concerning this item. Specifications were approved by the board and sent out. Bids are coming to P.O. Box 159 and will be opened publicly at the April 9th meeting. Flynn will send over that information.

Goss noted that there is not enough money allocated in the Fire Capital Improvement Fund budget to cover the pumper tanker and the asphalt project, which will need to be discussed tomorrow night.

Additional .ORG E-mail Addresses (1:09:15)

There is no update.

New Business (1:09:23)

Set Date for Township Cleanup Day

Benak stated Area Waste was the provider last year and he automatically submitted this cleanup date and price at the end of last year's event. American Waste is still \$46 per cubic yard, which is not included in memo, but she has talked to them. She stated she was very happy with Area Waste last year. The two years previous, she was not impressed with what American Waste was doing.

Discussion followed.

There was consensus that June 8 will be the township cleanup day.

Motion by Goss to contract with Area Waste for the 2019 Township Cleanup Day at a cost of \$45 per compacted yard; second by Lawson. There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, absent; Benak, yes. Motion carried.**

Benak will fill out the form for the school and send it to them.

Goss will order a portable toilet.

Event Barn Survey (1:14:59)

Referring to the memo from Popp, Ron Bachi said it is pertinent to the situation that we are about to discuss. It says no reason for rush of the event barn survey. Bachi asked if it is possible to discuss that a little bit, because it does relate to the survey, maybe in the fact of how we got to the point where there seems to be a rush to work on the survey. Bachi stated that he believes, in a meeting not too long ago, we had a consensus with the board, and Benak was adamant about it as well, that Popp and Benak would work on the event barn survey. He does not believe in any other meeting was there ever a consensus of any other change, other than Benak and Popp working on the survey. He stated he is just bringing up that memo that we missed in correspondence because Popp is suggesting, since no one is requesting an event barn or an event center at this time, the survey should be tabled until he returns so that Benak and Popp can do what they agreed to do.

Benak stated the timeline shows in October 2017 this whole thing started, and we are just talking about going over a proposed survey. We are not talking about putting an ordinance in place. Benak stated she has heard people say they want to know what the public thinks, but then she hears, oh, don't do the survey. Benak stated she never agreed with Popp that on February 13 she was going to sit down and go through an event barn survey. She stated she would not have done that because February 14 is her last day to collect taxes and she was swamped both days. She stated they were supposed to go over e-mail addresses for the planning commission. That is what they were meeting on; it was going to take 10 minutes. Benak stated Popp continued to have a meeting with Janet Bachi for 3 hours on the survey. Popp told Benak when he walked out, because she was still here working at the time, that he will write this up and get this to you so you can see this. Benak stated she has not seen anything from Popp, not one word.

Benak explained the plan to send the survey out with the spring newsletter, and described the process of refining the initial survey drafted by the zoning administrator, including making it "as vanilla as possible so we are not leading the person taking the survey one way or another." She stated the process tonight is to sit down and see what the board thinks of the questions and if there should be anything changed. Benak stated she has heard over and over how those in attendance want the board to get the public involved, and stated this is the way to get the public involved, and no one should be trying to shut it down because a member of the board cannot be here. Benak acknowledged it is a rotten reason he cannot be here, but the township's business has to go on; it cannot stand still.

Goss noted that the zoning administrator went through planning commission and township board minutes and put together an event barn timeline. The first inkling of this issue was at a planning commission meeting on 10/04/2017, when the zoning administrator reported on the possibility of an application for an event barn. Goss described event barns as a legitimate use of a historic barn, a legitimate business much like a farming operation, as well as referred to the Right to Farm Act and legislation which Lawson found that would make it illegal to prohibit event barns. Goss offered that, with the chair's permission, the zoning administrator could speak briefly to what the zoning ordinance already says or might be used for to bring in an event barn. Goss also pointed out that while 170 petition signatures were received and are not being disregarded, there are close to 2,200 voters in the township who also should have a voice, not to mention landowners who do not vote here who will also get the survey. Additionally, on 08/14/2018, there was a motion to abandon Zoning Amendment No. 76, which was event barns, "until a survey is done on the topic." Goss stated there has been no rush, but the April newsletter is going out soon, which is an avenue for the survey to be sent out when it does not cost any more to send it out. Regarding public input on the survey, Goss also noted that the board would not ask people who have signed petitions against event barns to work on the survey, just as the board would not ask people who own historic agricultural barns to work on the survey.

Hubbell invited Zoning Administrator Wolf to come up.

Wolf stated that currently the ordinance speaks to these are a use permitted by special use permit in the commercial district. If somebody were to come in and want this type of facility, they would be required to submit materials to the planning commission for a public hearing and then the planning commission would make their recommendations and forward it to the township board for their determination. Another alternative is that someone may come in and apply for rezoning of a property to commercial. It must fit the fabric of the community, no spot zoning, and be consistent with the future land use map delineated in the 2015 Master Plan.

Wolf also stated something kind of unique to Whitewater Township is that they also allow use variances. When local zoning regulations do not clearly provide for such a use, an applicant may seek a use variance to permit the conversion of a barn of a farming operation to a commercial operation. Article 18 from the zoning board of appeals in the Whitewater Township Zoning Ordinance allows the zoning board of appeals to create use variances only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise prohibited in that district. If all of a farmer's crops catch fire or something devastating happens to them, unnecessary hardship, they could be warranted to come before the zoning board of appeals to grant a determination for such use variance. Wolf stated that is what the ordinance speaks to at this time.

Goss stated we are at the point that we need to find out what the entire community thinks and we need to finalize something very soon for the newsletter.

Hubbell agreed and stated we need to keep moving on this. There are no hidden agendas in the closets. There is no hurry on this, but we can save a fair amount of money to send this out in the newsletter. This might be one of the first, one of the many; maybe we will have another one, but we need to get a feeling. He stated it was very clear that Popp is doing his job and he will be

aware of it after it is critiqued tonight. Hubbell stated he does not see where the quote of saying there is a hurry or there is misconception out there; it is not quite right. Hubbell stated he takes quite concern to that because he has never been on this board to do that; he is here to serve the people and he thinks everybody here on this board is. He thinks a lot of people get their feathers ruffled and think the wrong thing, but that is not the case. He stated we need to carry on with business as usual and move forward with what we have before us here tonight.

Bachi said he thinks Hubbell misunderstood what he was saying. He merely said that that was a memo that had relevance to the survey, because he is our supervisor and his input is important. He is fulfilling his job 100% right now, other than he is not here. Bachi stated he does not believe it should be biased at all with the public as well. Maybe what was talked about in public was maybe public input just like town meeting style. He does not think it was like Janet Bachi or someone that is obviously adamant against them. He understands that is definitely no doubt biased. He just was bringing up a couple concerns. One of his concerns is the time of the year; it is the worst time of the year to send out a survey.

Benak noted people have forwarded mail.

Goss noted the newsletter will not go out until sometime in the first half of April, and the thought is that the township will allow 2 to 2-1/2 months for people to respond.

Benak noted anybody who is not here will be back.

Goss stated that with the medical marijuana survey it was at least 2 months that the survey was out, and reminders were put out to remind people to get their surveys in.

Discussion followed regarding the length of time the survey will be out, reminders that will be sent, the turnout for the medical marijuana survey, the cost of sending the survey out by itself, popularity of the spring newsletter.

Hubbell stated we have an opportunity to critique this and he thinks both Rons can have an opportunity to weigh in on this before it goes in the newsletter. Hubbell stated he is very sorry that Popp cannot be here, he feels terrible for Popp and his kids, and he thinks Popp would agree with him that we have to move on.

Benak stated that when she was not able to be here because of medical issues, she read her board packet and did a memo about things she wanted her opinions known on and submitted it to the clerk so the board knew what her concerns were about certain situations. She stated she thinks Popp can do the same thing.

Benak asked Bachi if Popp sent a list of questions for Bachi to bring up.

Bachi stated they had some discussions.

Benak asked Bachi if Popp is weighing in through Bachi tonight.

Bachi said absolutely; he is always weighing in.

Hubbell suggested we go through the survey one by one, especially since we have Wolf here to help us with it. He also stated he read the letter that was directed toward her and did not take too kindly to it. He thinks we have a very good zoning administrator. She was asked to do something, and he does not think that it was very kind, some of the words that were put in there directed toward her. He thinks she is doing what is asked of her. He stated he has been on the township board maybe too long, but he has seen a lot of zoning administrators come and go and he does not want to lose another one, especially a good one. He asked that everyone give the new zoning administrator a little bit of a break.

Benak added: And some respect, until she does something where she does not earn it.

(1:38:45)

The draft event barn survey was reviewed and discussed, with some public input allowed. The following changes were made to the survey:

Opening paragraph: No changes.

Question 1: No changes.

Question 2: Add g. Other.

Question 3: Add g. Other.

Question 4: No changes.

Question 5: No changes.

Question 6: Add f. None.

Question 7: No changes.

Question 8: No changes.

Question 9: Remove the "a" option.

Question 10: No changes.

Last paragraph: No changes. June 30 will be the deadline to have surveys returned.

There was discussion of allowing some time for Popp to weigh in on the survey. It was agreed that the survey will be brought back on the 3/26 agenda for comments from Popp. Other than that, there is consensus that, with the changes discussed, it is ready to be mailed out.

WMDLS Account - Final Reconciliation (2:32:18)

Benak read her memo and explained how the deficiency came to be. She stated that it was a lot of work and took months to put it all together. People bought sold, split, combined, which all affected their special assessment. There was a lot of research and time spent straightening out all the technical issues. Auditors told her they would charge \$150 an hour. If the township had paid someone to do the process, it would have cost more than the \$3,000. Benak admitted it was an error made in her office, but she is human.

Discussion followed.

Motion by Lawson to transfer \$3,228.16 from the Road Replacement Fund to the WMDLS Fund; second by Hubbell. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, absent; Benak, yes; Goss, yes. Motion carried.**

Planning Commission Request - Stand-Alone Storage Buildings/Temporary Uses (2:45:33)

There was discussion of whether a stand-alone storage building is different than an accessory structure, along with the attendant concerns of crime, people living in them, not allowed elsewhere in the county, creating problems for the zoning administrator.

Lawson said the PC was talking about considering it more in the recreation area, and a lot of times pole barns are for equipment to be stored in. Another one was off the lakes, people with properties that are adjoining or across the street being able to put something over there to put their boats in.

Benak stated people already do that; they come to the ZBA, and also stated she said no on recreation because if she cannot put up a house unless she's got five acres, she sure does not want them putting an accessory structure that they are going to call a storage barn.

Hubbell invited the zoning administrator to give her opinion.

Wolf stated she echoes the same sentiments as what is the difference between that and an accessory structure, and thinks maybe the definition would need to include some language such as structure such as a garage, shed or pole building used for storage on a parcel that does not have a residential unit already established, used for the storage of vehicles, equipment, boats, RVs, personal belongings. Building may not be used as a dwelling; that is hard to monitor. Perhaps there needs to be language that they cannot hook up to water or sewer, but after it is built, how are we in control of that without doing site inspections. Building shall not be used for profit; she agrees with that. She stated she is hesitant when we get to language in the R1, R2, and R3 districts. She would tread cautiously on that. As Benak mentioned, it is not allowed in other townships. From what she found on a quick Internet search, Blair, Acme, Garfield, East Bay, Peninsula are all no. Owners may have a concern that these types of structures as opposed to a single-family home may decrease their property values. She thinks there should be some language in there pertaining to exterior surfaces having a suitable finishing material so we do not have buildings pieced together. She has seen some pretty nice pole buildings and some really crappy ones. It talks about in the agricultural and the RC district shall not exceed 10% without a special use permit. She asked why limit the size in this district to 5,000 square feet and not the R1, R2, and R3. Parcels in agricultural and RC are often larger and might better support these types of structures. She said she does not agree with the special use because that is costly; it is engineered plans and a public hearing. She stated her suggestion would perhaps let the size of the lot determine the square footage of the building allowed, as opposed to having to have them come before the planning commission for a special use, because if this was allowed, it might be pretty popular and that might really bog down the planning commission and also the township board because special uses ultimately come to the board.

Discussion followed, including input from planning commission member Eric Render.

Goss stated the question right now is do we want the planning commission to continue to work on this, with the zoning administrator's assistance.

Hubbell agreed.

Benak is opposed, stating there is a reason it is not being done everywhere.

Lawson will take the board's comments to the planning commission.

Proposed Joint Meeting Township Board/Planning Commission re: Recodification Proposals (3:08:10)

The proposed joint meeting was discussed. It was agreed that the date of 4/9 is not suitable, mainly due to it being the board's only meeting date in April. It was suggested it be planned for a special meeting, with the date to be announced.

The possibility of a subcommittee consisting of one township board member and one planning commission member was briefly discussed.

Consensus was reached to add discussion of a possible joint meeting to the 4/9 agenda.

Tabled Items (3:15:49)

1. Review Administrative Policy Section 5 (tabled 10/14/2014)
2. Review Ordinance 22 Pension Plan (tabled 10/25/2016)
3. Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)

Tabled items will remain tabled.

Board Comments/Discussion (3:15:57)

Hubbell asked Goss to clarify what the board decided about number of days to get the agenda out.

Goss explained that board packets will go out five business days before a meeting, and the clerk and supervisor will finalize the agenda eight business days before a meeting.

Hubbell stated he asked about it for Ron Bachi's sake, as well as a reminder to Ron Popp.

Announcements (3:18:34)

1. Township Board special meeting on 3/13 at 6 p.m.
2. Township Board special meeting on 3/18 at 6 p.m.
3. Township Board regular meeting on 3/26 at 7 p.m., including 2019/2010 budget public hearing.

Public Comment (3:18:59)

Thomas Czerwinski, 7021 Cook Road, stated we have been going around and around with this. In his view, the word farmer has always been used, the word historic has always been used, but yet there is no definition of historic. Is it a five-year-old barn? Is it a hundred-year barn? He

stated that is what got all of them upset, is that the property on Cook Road had no barn and no agriculture, has not been farmed for 30 years, and an application goes through to put a structure on there, which has to be built.

Goss interrupted and said no application ever went through; they were asking the planning commission to come up with language to allow event barns; they did not make an application.

Hubbell reminded that we can take your comment; we cannot address it right now, but we can at the next meeting.

Czerwinski stated that is what has upset all of us; the words historic and farmer were used. Yet, the property is asking for an application. He can see from the survey that he would object to the “typically events are historic agricultural barns” language. What is the definition of an historic barn? He would think of a hundred-year-old barn, a hundred-year-old historic structure, and would make his basis on that. Yet it says “typically.” What is not typically? The property across from them is not typical. There is no barn there, no farming going on. Everyone is going to view this survey as the farmer who needs to convert this barn that is 100 years old to a thing, and they are going to fill out this survey according to that.

Heidi Vollmuth, 8371 Winne Lane, said she thinks we leave the age off the survey. It does not matter how old they are. She also stated the clerk made a comment be careful, we will tie our hands; she is curious what was meant by that. To the structure building, what are you going to do about the people who already have one? Are you going to grandfather that in? Because there are people who already have them in this township. If it is going to the planning commission, she would like to see something on grandfathering any structures that are already there.

Mark Hamilton, 1330 Hursh Road, regarding the stand-alone structure issue, asked the board to take the time to research it; he thinks it is a viable option.

Adjournment (3:24:57)

Motion by Lawson to adjourn; second by Benak. On voice vote, all those present voted in favor, none opposed, Popp absent. Meeting adjourned at 10:23 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk