

**Whitewater Township Board
Minutes of Regular Meeting held June 11, 2019**

Call to Order/Pledge of Allegiance

Supervisor 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: Clerk Goss, Trustee Hubbell, Trustee Lawson, Popp

Board Members absent: Treasurer Benak

Others present: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, Deputy Supervisor Ron Bachi, and 7 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment (7:19)

Janet Bachi, 6987 Cook Road, asked several questions about the handyman position.

(8:36)

Ron Bachi, 6987 Cook Road, spoke against event barns and read aloud a recent letter to the editor by Dee Prabhaker on the same topic.

(10:54)

Heidi Vollmuth, 8371 Winnie Lane, complained that the board is not following the direction of the chair when he tells them how to vote.

(12:05)

Ron Popp, 6237 Elk View Drive, criticized several sections of the building and grounds worker job description approved by the board on 05/14/2019 and also leveled criticism at the clerk.

Public Hearing (17:39)

None

Reports/Presentations/Announcements/Comments (17:46)**County Board of Commissioners Report**

Gordie LaPointe gave the following report:

- He reminded everyone that he represents all of Acme, all of Whitewater, and half of East Bay, and invited residents to contact him if they feel there is something going on in the Whitewater community that is impacted by the county.
- He explained how tax increment financing works and described a 30-year TIF that was created in downtown Traverse City in 1997 which froze the baseline property values for the length of the TIF. The county is receiving today what they received in 1997. The

TIF may be extended at the city's prerogative, and they are talking about extending it for up to 20 years. LaPointe reported that, at the end of the TIF in 2027, the county alone will have foregone \$12 million in revenue, the present value of which is about \$23 million. The county would like to convince the city to let the TIF come to a conclusion. He asked for Whitewater's support for the county's position.

Brief discussion followed.

(28:49)

County Road Commissioner Report - No one is present from the Road Commission.

(28:54)

Mobile Medical Response Report - No one is present from Mobile Medical Response. May activity reports were provided.

(28:59)

Paul Olson - Municipal Underwriters of West Michigan - Annual Report

- He has been insuring Whitewater Township for 35 years.
- He supplied the Summary of Coverages. The insuring company is the Michigan Township Participating Plan. They insure over 1,350 public entities in Michigan.
- He reviewed the general liability coverages, fleet liability coverage and possible changes next year in the no fault plan, fleet property coverage, inland marine, ancillary fire equipment. Buildings are listed and are written on a blanket basis with no coinsurance; he tries to keep most of his properties at a true replacement cost. Other coverages are crime coverage, public official bonds, employee blanket bond, business electronic equipment. Total premium this year is \$25,450, with a dividend of \$397.62.

Brief discussion followed.

Fire Department Report (42:00)

Chief Flynn gave the following report:

- There were 5 calls in the month of May.
- They did some collaborative training with Elk Rapids Fire Department at the new Tom Emerson Training Center. They may be doing some water rescue training with them.
- New extrication equipment was delivered on May 6 and is in service on Air 3. They have used it already.
- Firefighter Johnson completed the academy in early May and has a couple training sessions to complete.
- Micaiah Foust has resigned effective immediately due to a new job which will take him out of the area.
- An overhead door at the station is still not repaired. If he does not hear from Overhead Door tomorrow, he will look for a new door company. One bay is not useable.
- After spending the last year going through all of the personal protective equipment and the vehicles, he has started working on some of the small equipment. Two 4-gas monitors have been calibrated and repaired. He is going through all of the small engines.

He found that the Kubota has not been serviced since 2012 and has it scheduled for service through Ginop Sales.

- He has been working with the clerk and treasurer to sign up for an auction website to dispose of older equipment around the station.
- Self-inspection forms are trickling in. His main goal with the self-inspection forms is to complete a pre-incident survey for all businesses. He is working with the local businesses to get their keys updated. It is going well but is slow and tedious.
- Today, Machin Engineering was at the station and did their drone flyover. The engineering aspect of the (asphalt) project is well under way.

Popp reported that he received a comment that the driveway wasn't in that bad of shape, ice is the issue, and maybe we should be looking at gutters and insulation and ventilation as part of the solution.

Planning Commission Report (49:00)

Lawson reported that he was out of town and not able to attend the planning commission meeting.

Parks & Recreation Advisory Committee Report (49:27)

Goss reported that the June meeting scheduled for last night was unable to be held due to lack of a quorum.

Consent Calendar (50:00)

Receive and File

1. Supervisor's Report for May 2019
2. Clerk/Park & Recreation Administrator's Report for May/June 2019
3. Zoning Administrator's May 2019 Report
4. Mobile Medical Response May 2019 Activity Reports
5. Fire Department May 2019 Report
6. Approved 04/08/2019 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for January/February/March/April/May 2019 (delayed due to technical issue at county; issue still exists as of 05/03/2019)
2. E-mail 05/19/2019 Mike Conlan re: Handyman Position
3. Letter 05/23/2019 Charter Communications re: Pro Rata Credits
4. Letter to the Editor 05/24/2019 Dee Prabhaker re: Event Barn Survey
5. E-mail 05/28/2019 Chris Patterson re: Following Public Hearing Policy
6. E-mail 05/29/2019 Ron Popp re: Request for Park Ranger Applications

Minutes

1. Recommend approval of 05/14/2019 regular meeting minutes and 05/29/2019 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank voucher #s 43976 through 44091
2. Approval of First Community Bank Miami Beach voucher # 1255
3. Approval of First Community Bank WMDLS voucher #s 1320 through 1321

Budget Amendments (none)

Revenue & Expenditure Report (none)

Popp stated he would like to remove the 5/14 minutes, the 5/29 minutes, the bills for approval, and the clerk/parks and recreation administrator report.

Popp commented on the following:

- Page 5 of the packet, regarding Miami Beach legal documents, he is again recommending an attorney opinion on the sale of property.
- Inquired of the clerk about the playground inspections, and asked for a copy of the rules followed by the inspector.
- Page 6, Popp stated he does not agree with the township providing perpetual maintenance of the ball fields, and suggested the clerk should find her own millage for that, not general township money.
- Recommends additional research on the nesting habits of osprey be done before the nest is removed, and stated he will provide it.
- In the 5/14 minutes on electronic page 25, suggested the deputy supervisor name be added to the roll call of board members, and also protested the fact that Trustee Lawson was asked to sign a resolution when the deputy supervisor was present.
- Inquired what walking sticks will be used for.
- Inquired who Matthew Marciniak is and the details of his work at the park.
- Inquired about the artistic rendering of the Chain of Lakes by Starving Artist Promotion.
- Page 60, asked why there are two park accounts splitting up the lawn maintenance, one for \$700, one for \$800.
- Asked who Robert Daniels is.

Motion by Lawson to accept the Consent Calendar as is; second by Hubbell. Roll call vote: Benak, absent; Goss, yes; Hubbell, yes; Lawson, yes; Popp, no. Motion carried.

Unfinished Business (1:16:07)

Miami Beach Sewer System

John Nolan and Tom Slopsema are present in the audience. No discussion was held nor action taken on this agenda item.

Approval to Medically License Fire Department Vehicles (1:16:14)

Popp stated he does not think this would be in competition with the Mobile Medical Response agreement.

Chief Flynn stated he thinks it is a good idea to medically license fire vehicles, especially in light of a recent incident where there were no ambulances available. He does not believe it is a

conflict of interest since the fire department does not have any transporting capabilities. He stated Metro Fire works under the same program where they have non-transporting medical units that assist the private ambulance contractor. MMR will still be the prehospital primary care provider for the township. However, with the increase in call volume that they have had and the assistance that the fire department provides to them, he thinks it would probably be in the best interests of the township residents.

Motion by Popp to authorize Fire Chief Brandon Flynn to execute to the highest order medically licensing the necessary Whitewater Township Fire Department vehicles.

There was no second.

Popp stated to the fire chief: I guess you don't roll when the call comes in.

Chief Flynn replied that if dispatch calls them, they have to go; it is their duty to respond.

Goss stated the board has looked at this issue before, and she has talked to Elk Rapids Township about it. She reported that they do not license a vehicle; it is very expensive to do that; there are numerous licensing requirements. Goss noted that we do not have that many ambulance calls here, 20 in the last month, so the instance that it is going to be used is not that much. Goss stated the firemen can have their EMR or EMT licenses and they can use those skills, but they do not need a medically licensed vehicle to do that. Goss also pointed out that there was no information in the packet about how this would impact the budget and the board would need that information ahead of time on exactly how this is going to affect personnel costs and supply costs and everything that it would affect in the budget. Goss stated her personal opinion is that, nothing against the firefighters; they do a spectacular job, but when the ambulance company is going on that few calls, she does not think the taxpayers should have to bear the burden of licensing another vehicle.

Flynn stated the medical first responder license is no charge at the state level. He stated the engine was MFR licensed when it was with Rural Fire and all the equipment is still on there. There would be a slight impact on the financial part of it for training. Eight of the 10 staff are licensed for MFR to EMT basic; Flynn is a paramedic, but that cost would be very little as well. Chief Flynn admitted that the call volume would be very low and it is correct that there will be a small financial burden on the fire department, but everything is basically already in place except for the registration with the state.

Popp said we will work on a budget and bring it back.

Set Public Hearing Date for Repeal of General Ordinance #32 - Private Road Ordinance

Popp asked if everyone read the zoning administrator's comments and asked if we still want to move forward with the repeal.

Goss stated that the status of this is very much in question and pointed to the fact that Popp stated emphatically on 5/29 that it had been repealed and would not entertain the proposed motion granting the developer a variance from the ordinance. Now that Popp is bringing this

repeal effort, it looks like quid pro quo for the planning commission chair on 5/29 because now, 13 days later, Popp says it has to be repealed. Goss stated she believes the record has been sufficiently muddled that the attorney's assistance will be needed to figure this out.

Goss also reminded the board of the attorney's opinion of 05/05/2017 raising multiple issues to be considered, but since Popp claims it already has been repealed, we should find out from the attorney the exact status of it.

Popp asked Goss to provide the attorney's opinion.

Goss said it can be found in everyone's e-mail by searching for mail from Attorney Patterson.

Discussion followed.

Popp said he will ask Patterson to generate the repeal language.

Possible Sale of Vinton Road Parcel - Mike Conlan (1:29:54)

Judith Danford and Mike Conlan are present.

Popp noted that Goss has supplied a quit claim deed for this parcel from Ormond and Madge Danford, and there is a recollection that the property was deeded to the township for school use in 1983 and meant to be a biological research area.

Judith Danford, 1139 NW Silver Lake Road, Traverse City, thanked the board for offering her family the opportunity to address the board on this matter and it is good to meet Mike. She provided a memo to the board with copies of the deed and a note that was provided to Goss on 01/09/2018. She is a co-owner of Glenawldyn Farm in Whitewater Township and a surviving heir and daughter of Ormond and Madge Danford. She read aloud her memo to the board and offered to answer questions.

Mike Conlan said he is interested in the parcel, and with the history of the parcel, we need to do our due diligence. The reason he wants the parcel is because he bought the sliver parallel to M-72 and would like access to that parcel. He stated he thinks he is on hold until we do some homework.

Discussion ensued touching on the following:

- Whether to engage in a lot of due diligence or just say the property is not for sale.
- According to Popp, the sale price is between \$10,000 and \$15,000.
- Let the school know they have use of the land and find out if they actually want to use it.
- If the township keeps it, will the township have to treat it like a park and cover basic things like a trail, handrails; what is our responsibility if we keep it and the school wants to use it.
- There is a pond at Mill Creek. No transportation is required and no worry about the kids with the roads.
- Should the township pay for a title search to find out covenants or restrictions?
- Another option is to gift it back to the family.

Conlan suggested that if Mill Creek is not interested, maybe we could check with the Grand Traverse Land Conservancy and see if they have a use for it.

Popp will contact Jessica Ziecina regarding this matter, and will attempt to keep Conlan and Danford in the loop of what the school says.

New Business (1:52:58)

Fire Department - Proposed DNR Lease for Dry Hydrant

Chief Flynn said he has not had a chance to speak with our representative from the DNR. This issue arose when a letter was sent from Grand Traverse Metro Fire Department to the clerk's office and it was addressed to Fire Chief, Grand Traverse Fire Department. Flynn stated he sent Mrs. Lori Ruff at the DNR updated information on the new department. She sent the lease agreement. There are no fees associated with it. It is a legal document that says they have a dry hydrant located on state property at the Lake Skegemog boat access site. Chief Flynn stated there is a lot of language in there that makes him nervous, i.e., that we are responsible for upkeep, maintenance and repair. He said the department has not used it because it is damaged. The supply pipe is very shallow and boats keep hitting it. It is broken about 100 feet out. They have not used it because their pump could be damaged. The department can use another device they have for drawing water out of the lake. He stated he needs to get more information on this before we sign it. The lease expires in August of next year. Flynn suggested we put it off a little bit longer and he will talk with the DNR to find out what the township's obligation is to keep it maintained and operational.

Discussion followed.

Popp said he and Chief Flynn will talk before the July 9 information deadline submittal. It may be on the July agenda; if not, it will be moved to August.

Resolution #19-11 Rates for Cemetery Services (1:59:09)

Popp asked the clerk to supply the math for reserve funds for cemetery maintenance and acquisition, per the resolution.

Goss said she is simply setting out what the cemetery ordinance language is; she is not saying we are setting aside any funds for cemetery maintenance or acquisition.

Popp continued to suggest that the resolution should address needed reserve funds and cemetery maintenance costs.

Goss noted that the resolution only has to do with the rates for burials.

Motion by Lawson to adopt Resolution #19-11, second by Hubbell. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, no; Benak, absent. Motion carried.

A true and complete copy of said resolution is attached to the minutes.

Tobin & Co. Engagement Letter re: 03/31/2019 FYE Audit (2:03:56)**Motion by Popp to authorize the supervisor to sign the engagement letter as addressed.**

There was no second.

Popp noted the letter is addressed to the supervisor and township board.

Motion by Goss to authorize the clerk to sign the engagement letter for the 03/31/2019 FYE audit; second by Lawson. Roll call vote: Hubbell, yes; Lawson, yes; Popp, no; Benak, absent; Goss, yes. Motion carried.**Set Public Hearing Date for Zoning Ordinance Amendment Nos. 73 and 74 (2:06:02)**

Popp asked if the board wants to have a public hearing at the July meeting.

Goss stated the board is not required to have another public hearing on these zoning ordinance amendments. They went to public hearing on 03/06/2019. No one spoke against or in favor of. Goss stated she does not see any point in wasting taxpayer money on another public hearing.

Brief discussion followed.

Popp stated we will set it on the July agenda for adoption.

Motion by Goss to adopt Zoning Ordinance Amendment Nos. 73 and 74; second by Lawson. Popp stated we have seen both of these articles several times, and asked if they look familiar. **Roll call vote: Lawson, yes; Popp, yes; Benak, absent; Goss, yes; Hubbell, yes. Motion carried.****Approval of Additional 2019 Park Rangers (2:09:26)****Motion by Goss to approve Taylor Findley and Trenton Kooistra as 2019 park rangers, to be compensated according to the 2019/2020 Graded Wage Scale; second by Hubbell.**

Popp raised two personnel matters and said the clerk/parks and recreation administrator needs some oversight on items like this. He recommends township policy be followed. Referring to Goss's statement on page 126 that Popp has not attended other park ranger interviews for the last four years, he stated this is a joke; except as noted, all park interviews have been held in secret as part of Goss's obstruction campaign against the supervisor's office.

On voice vote, Goss, Hubbell, and Lawson voted aye; Popp voted nay; Benak absent. Motion carried.**Consideration of Purchase of 1-Acre Parcel on Skegemog Point Road (continued from 05/14/2019) (2:13:42)**

Goss reported that Dennis Leach, a member of the Parks & Recreation Advisory Committee (PRAC), has known about this parcel for a long time and that it was owned by Elk Rapids Schools, and had previously urged Goss to contact the superintendent to find out if the school would be interested in letting the township use it or purchase it. The parcel was recently listed

for sale. PRAC would like to see it used as a parking area for 8 to 10 vehicles, and asked Goss to bring it to the board.

Goss noted that the board has not planned to purchase any property in this budget. The listing price is \$29,000. According to the realtor, the owner is “motivated.” Goss also noted that, while the west end of Lossie Road Nature Trail has a parking area, there is no parking at the east end.

Discussion ensued on the following points:

- It is the minimum building size lot.
- Value of a building lot was discussed.
- Popp and Lawson are interested in it as a parking spot for the trail.
- It will cost money to put in a parking lot.
- A possible value of \$20,000 was discussed.

Popp will contact the assessor.

Goss will look at the budget for possible sources of the funds.

This matter may be brought back on 07/09/2019.

Tabled Items (2:23:06)

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 were not discussed.

Board Comments/Discussion (2:23:07)

Goss reported that a person by the name of Ethan Jones has requested permission to metal-detect at the township hall. Goss told him she would ask the board if they would like to give him permission to do that or not.

Discussion followed.

There was no consensus to grant permission. Goss will tell him no.

Announcements (2:24:37)

Next regular meeting date is 07/09/2019 at 7:00 p.m.

Public Comment (2:24:41)

Judith Danford, 1139 NW Silver Lake Road, Traverse City, stated \$29,000 is too much for the 1-acre parcel, and encouraged the board to have a policy in place regarding the disposal or acquisition of land.

(2:26:45)

Tim Shaffer, 5309 Moore Road, urged the board to strongly consider licensing fire equipment and said he will talk to the chief in regard to dry hydrants. Regarding the parcels on Vinton Road and Skegemog Point Road, he urged that a guideline be put in place.

(2:29:26)

John Nolan, 9933 Miami Beach Road, commented that he went to Cleanup Day at Mill Creek and was very impressed with how professionally it was organized, the volunteers, how it was managed and ran. The presence of the engines, the people, the kids, was very beneficial. He plans to share it with his neighbors in the future.

(2:30:59)

Heidi Vollmuth, 8371 Winnie Lane, said the board has \$50,000 in a "beautification fund," stated the video camera is not working, and suggested the township hire a fireman so the fire chief, who goes to everything by himself, has a buddy.

(2:32:52)

Ron Bachi, 6987 Cook Road, said a camera in the room provides transparency and accountability; he would love to take it to the level of a live feed so everybody can be involved and be at a meeting.

(2:35:25)

Goss said there is misinformation about the camera; it is on 24/7.

Brief discussion followed.

(2:36:57)

Ron Popp, 6237 Elk View Drive, commented on the sexton agreement, missing packet information regarding the fire department driveway, and the zoning administrator position.

Adjournment (2:40:07)

Motion by Hubbell to adjourn, second by Lawson. On voice vote, all those present voted in favor, none opposed. Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk