

**Whitewater Township Board  
Minutes of Regular Meeting held July 9, 2019**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:04 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: Treasurer Benak, Clerk Goss, Trustee Hubbell, Trustee Lawson, and Popp

Board Members absent: None

Others present: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, and 14 others

**Set/Adjust Meeting Agenda**

Popp handed out a document regarding a conflict of interest with the current legal staff and a Michigan Tax Tribunal proceeding with DTE.

Added as New Business #10, Letter of Engagement.

Goss requested that the PRAC alternate appointment be moved to immediately after the Consent Calendar so the appointee does not have to stay so long.

Item moved to just ahead of Unfinished Business #1.

Goss requested that Judith Danford's e-mail of today's date be added to Correspondence under Consent Calendar.

Item added to Consent Calendar under Correspondence.

**Declaration of Conflict of Interest (10:46)**

None

**Public Comment (10:56)**

Tom Cosgrove, 10300 Miami Beach Drive, stated he is not going to be talking about the Miami Beach sewer system. He thought it was going to be on the agenda about the storage units being placed on the nonresidential property and stated he is in favor of that proposal.

**(13:00)**

Heidi Vollmuth, 8371 Winnie Lane, commented on a range of topics, i.e., hoping the clerk would apologize to some residents, hoping board members come this evening more prepared than she usually sees them, it is like a cult and nobody is standing up for the people because there is nothing on here about roads, you lost another firefighter and there is nothing about paying them more, we're spending money hiring people where we should be contracting people, and playground equipment that is screwed up.

**Public Hearing (14:43)**

None

**Reports/Presentations/Announcements/Comments (14:47)****County Board of Commissioners Report**

Gordie LaPointe gave the following report:

- It has been a slow month at the county commission. Regarding TIF 97, he made the same presentation to Acme and East Bay Townships. He was hoping the county board would have a meeting in July, but it was postponed. He is awaiting the joint meeting between the County and the DDA to discuss TIF 97 and their plans to extend it.
- They are just getting into the budget season. They will probably dive deeper into some of the numbers than has been done in the past. Regarding a couple millages, he is going to discuss about lowering the millage rates. Some of the functions have been overfunded. In his opinion, their fund balance is beyond what it should be and we should return that money to the taxpayers and fund them to the level they need to be funded.
- He is on the ad hoc committee that is looking at the governance model for the airport. The airport is owned jointly by Leelanau County and Grand Traverse County. The city used to be a partner, but they dropped out several years ago when the airport was losing money. In his view, right now, the airport is very well run. Revenues from various sources have put them in a very positive position. They are looking at some governance models and contrasted it being run by a commission versus an authority.

Discussion followed regarding TIF 97 and fund balances. LaPointe said the fund balances he is talking about are specific to millages.

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

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

**Fire Department Report (23:23)**

Fire Chief Brandon Flynn gave the following report:

- They were a little bit busier than usual in June, a lot more accidents on M-72.
- As of July 1, 2019, they are up 52% in call volume. It is 15 more than last year at the same time.
- They have a mountain bike race coming up on July 20 and other bike races later in the fall.
- They are plunking away at the equipment and gear. Everything is looking good.
- Machin Engineering is working on the asphalt paving project, pre-project information gathering. Flynn has been working with him. They will let the board know how it works out.
- The bay door broke for the ambulance. It took seven days to get someone there to fix it. All the trades are very busy and shorthanded.
- He contacted three painters to have some work done on the exterior of the fire station and only got one call back.

- They did lose a firefighter, Micaiah Foust. It was not for financial reasons. He has a young family. He chose a different position that was not going to work out with the fire department schedule. They are sad to see him go. Flynn said he handed out another application last night during their training session.
- Flynn reported on some concern with turnout times for MMR. He stated they are working with MMR IT staff down in Saginaw to get some of their software updated, and he thinks that is where some of the glitches are in some of the cases.

Discussion followed.

Goss will bring it up at tomorrow's MMR Advisory Board meeting.

#### **Planning Commission Report (34:04)**

Trustee Lawson gave the following report:

- The PC meeting date changed to tomorrow. Everybody is welcome to attend.

#### **Parks & Recreation Advisory Committee Report (34:48)**

Clerk Goss gave the following report:

- The committee met last night; all five members were present.
- Township resident Phil Knapp set forth a proposal whereby a boardwalk would be constructed over the muddy area on the Lossie Road Nature Trail, which he has measured at 220 feet long. He plans to pay for all materials needed to construct a 3' wide structure and procure volunteer laborers to complete the project. The committee discussed the proposal. It was agreed that the DEQ should be consulted since this may be considered a wetland. Goss will contact the DEQ to set up a meeting at the site to get their input.
- The committee discussed various projects and their stages:
  - Batting cage: Final inspection will be requested for Friday of this week. If final approval is given, Melton will coordinate volunteers to hang the net, likely on the weekend of 7/19 and 7/20. Batting cage rules and access were discussed. A keypad lock will be installed on the shed door. A sign will be posted at the pavilion advising how access can be gained.
  - Shed at batting cage: Even though it is only a 10x14 shed, it requires a building permit. The plans were received yesterday from Cedar Creek Storage Barns and the structure has been anchored. Goss will get the plans to the Construction Code office, have it added to the batting cage permit, and request a final inspection. Goss has requested a quote from Toplevel Electric to run power to the shed, but for now, power to the pitching machine will be via an extension cord plugged into the pavilion.
  - The playground inspections were discussed. To address clearances at the campground, it looks like the only component that will need to be moved is the merry-go-round. Brandon Hubbell feels this will be relatively easy to move. Various scenarios were discussed to address the clearances at Hi Pray. It was agreed that another playground consultant recommended by Daniel Carattini will be contacted for a second opinion and also to explain whether we are subject to the ADA requirements.

- Regarding trail upgrades, Melton and MacLean have walked the Whitewater Township Park trails and made notes. They will have a list at the next meeting of where signs and benches need to be placed.
- Regarding the dugouts at Hi Pray Park, the sealed plans submitted by Beacon Athletics did not meet the snow load requirement for Grand Traverse County. They are going to have their engineer redo the plans, but there is going to be some additional cost, which will have to go back in front of the board. The committee asked Goss to contact the other dugout manufacturer which Decker had gotten a quote on to inquire about their snow load specifications.
- The committee is looking forward to the appointment of an alternate but stated at one time they had two alternates, and they would like to have two alternates appointed.

Regarding the boardwalk, Popp asked if we should also take a look at ADA requirements there. Three feet might not be wide enough to accommodate a wheelchair.

Goss will look into it.

### **Consent Calendar (40:39)**

#### Receive and File

1. Supervisor's Report for June 2019
2. Clerk/Parks & Recreation Administrator's Report for June/July 2019
3. Zoning Administrator's Report for June 2019 (none)
4. Mobile Medical Response June 2019 Activity Reports
5. Fire Department June 2019 Report
6. Treasurer's May 2019 Bank Accounts and Cash Balance Reports
7. Approved 03/13/2019 Historical Society Minutes
8. Approved 05/01/2019 Planning Commission Minutes

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics for January/February/March/April/May/June 2019 (delayed due to technical issue at county)
2. Supervisor Comments re: Building and Grounds Position
3. Supervisor Comments re: Sexton Agreement
4. Judith Tank Comments re: Proposed Sale of Parcel 28-13-004-065-00
5. **E-mail/Memo 07/09/2019 Judith Danford re: Comment on Vinton Road for 07/09/2019 Meeting (added)**

#### Minutes

1. Recommend approval of 06/11/2019 regular meeting minutes.

#### Bills for Approval

1. Approval of Alden State Bank vouchers #44092 through 44227
2. Approval of First Community Bank Miami Beach voucher #1265
3. Approval of First Community Bank WMDLS vouchers # (none)

#### Budget Amendments (none)

Revenue & Expenditure Report (none)

Popp stated he has questions on the clerk's report and the 6/11 minutes:

- Suggested there may be ADA requirements for the additional sidewalk at the bathhouse, especially with the slope. (*Goss noted that the area is flat on the west side of the bathhouse.*)
- Regarding General Ordinance 32, the minutes reflect that Popp will get the repeal language generated, but the direction from the board did not appear in the minutes.

Benak asked if Popp wants it to reflect that the board directed Popp to do this.

Popp said that's right, yes, because there has been some assertions that somehow I have an allegiance with the Manguses, which I do not, and Ordinance 32 impedes them from their development.

Goss noted their development has already been approved.

Popp stated he can ask the question again: Does the board wish him to have the repeal language generated for Ordinance No. 32, the Private Road Ordinance?

Benak, Lawson, and Hubbell stated yes.

Goss noted that Popp emphatically said on 5/29 that the ordinance had already been repealed, but acknowledged that Popp has a consensus of the majority of the board to get it.

Popp said he will do that as soon as these minutes are made available.

Regarding the supervisor's report, Goss stated there is a comment in there about a virus on the township website. This was reported two or three weekends ago and was investigated by Jim Sundberg. It turned out it was not a virus; it was an old link to the park reservation site that was using HTTP and not HTTPS. Sundberg updated the link. Goss read from Sundberg's e-mail explaining the situation and confirming that there was no virus on the township website.

**Motion by Lawson to approve Consent Calendar as adjusted; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

**Appointment of Linda Slopsema as PRAC Alternate (moved up) (49:09)**

Linda Slopsema is present.

Popp stated there were multiple overqualified people, but Slopsema stood out because of her recent access to all of the park assets and gave him an excellent vision from a user's point of view what needs to happen to make the trails better. He stated he was very impressed with her details and with her association with trails outside of the Grand Traverse area.

In answer to questions from Benak, Mrs. Slopsema said she would like to see downloadable trail maps. She does not have experience with grants.

**Motion by Goss to appoint Linda Slopsema as the Parks & Recreation Advisory Committee alternate for a 3-year term ending on 12/31/2021; second by Hubbell. On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Unfinished Business (55:20)**

**Miami Beach Sewer System - Update on Agreements / Slopsema 07/01/2019 Request**

Tom Slopsema and John Nolan are present.

Slopsema provided a document dealing with some concerns he had regarding language in the proposed documents.

After discussion, the following was agreed to:

Regarding responsibility for maintenance of the easement area, described in the Easement document, it was agreed that the MBRA should be allowed to access it for maintenance at their cost. MBRA will not be responsible for routine maintenance of the easement.

Regarding the Bill of Sale, item 5, “submersible grinder pumps” will be changed to “effluent pumps.”

Regarding the reference to “bypass pumping structure,” Slopsema said there is no bypass at all in the system.

Goss relayed that Attorney Patterson said if it does not exist, they have no problem taking it out.

After discussion, it was agreed that the reference to bypass pumping structure will be stricken.

Regarding decommissioning, item 7, wording utilizes general overall term “system.” MBRA requests wording clarification to define decommissioning on the Lossie Road portion of the system only.

Popp stated he couldn’t agree more, and questioned whether there are above-ground drain fields.

Slopsema stated the drain fields are in the ground, and asked that the reference to above-ground equipment drain fields be stricken.

Popp asked Slopsema if we are going to strike the above-ground stuff, or are we going to put in there just on the township asset.

Nolan said they are proposing just the portion of Lossie Trail would be decommissioned.

Popp asked where we put in the township asset verbiage. Under decommissioning plan A, B or C? Popp said it could fit in either A or B, in his opinion.

John said B.

Moving to 7C decommissioning, on the topic of MBRA decommissioning the system but not doing it to the township's standards, Slopsema proposes that, since the township has assessment authority, language could be put in to assess that cost back to Miami Beach, to protect the taxpayer.

Discussion followed concerning how an assessment would work, including comments from John Nolan and Juanita Pierce.

The number of units was discussed. There was one suggestion to use the number of parcels, another to go by the number of risers, a suggestion to use the term "active risers," and another suggestion to use the term "useable risers."

It was agreed that the term "active" will be used instead of a number.

Slopsema will supply wording for submission to the township attorney.

Goss asked Slopsema if the rest of the wording is something their attorney is agreeing with.

Slopsema said their attorney was out last week. Slopsema said he thinks we are very close. He will get the wording to the township and to their attorney but does not want to speak for him on something he has not seen yet.

Nolan added that they got an updated version of the redlines from the township attorney on 7/2. With the holiday, their attorney received it but has not had an opportunity to review it and give them any guidance; that is in process this week.

#### **Approval to Medically License Fire Department Vehicles (1:29:55)**

Popp stated this is still a work in progress.

#### **Repeal of Whitewater Township General Ordinance No. 32 Private Road Ordinance (1:30:29)**

Popp said he has now received direction from the board and that will be included in this month's minutes and then he will forward it to Patterson.

#### **Possible Sale of Vinton Road Parcel to Mike Conlan (1:30:54)**

Neither Judith Danford or Mike Conlan are present.

Popp said he did not read the e-mail from Danford today.

Benak and Lawson stated they did not see it either.

Popp said he made contact with Mill Creek. A year ago, there has been discussion about this parcel. There was a lot of different people back then. Since the change in membership of the Elk Rapids Schools, this has taken a back seat. What he got from Jessica is that they would

prefer to focus on the pond behind the Mill Creek building and probably would not go off site. Popp stated he has completed review of 1983 and 1984 minutes, there are a couple notations about the parcel, and he hopes to have it ready for the board in August.

Popp said he has relayed to Danford that the school is likely not going to use it.

Goss will make sure that Danford's e-mail gets sent out to the board members.

**Consideration of Purchase of 1-Acre Parcel on Skegemog Point Road (1:33:52)**

Popp stated Assessor Dawn indicates between \$17,000 and \$22,500 is the assessed value of a buildable lot in Whitewater Township, depending on location.

Goss reported there could be a budget amendment to take it out of the General Fund.

There was discussion about asking the Conservancy if they want to purchase it, use of Public Improvement Fund monies, use of the parcel for parking on the east end of Lossie Road Nature Trail, development of the 66-foot easement for parking, width of driving surface, negotiations to lower the price, and additional expense to improve an area for parking.

Goss suggested she could take it back to the Parks & Recreation Advisory Committee and see what they think about using the 66-foot easement for parking.

There was consensus that there is no hurry on a purchase and using the 66-foot wide easement for angle parking should be investigated.

**Fire Department - Proposed Dry Hydrant Lease Baggs Landing (1:43:28)**

Popp said no final decision has been made; we will keep this on the agenda and update the board as more information comes along.

Discussion ensued as follows:

- Maintenance and repair of the dry hydrant would be the township's responsibility.
- Chief Flynn has not been able to find a contractor to give him a price; all three dry hydrants are broken and are not being used.
- The township would have to go through the DEQ's process to dredge to bury the pipe.
- It would be a lot less money to buy another TurboDraft. Lawson recommended abandoning the dry hydrants and getting another piece of equipment and maybe an inflatable water tank.
- GPM volume of a TurboDraft and dry hydrant were estimated.
- The township already owns two TurboDrafts.

Hubbell stated he votes to abandon these. Lawson seconded.

Flynn stated they would only use the dry hydrant as a tanker fill, and pretty much the TurboDraft, too. He also stated the fire department's analysis of the pros and cons of the dry hydrants revealed that there were a lot of cons, and listed a few of them.

**Motion by Hubbell to abandon these dry hydrants; second by Lawson.**

Flynn also stated he talked with the Clearwater Chief and they did not seem too concerned about it; he said he has not used it and he realizes it is not functioning.

There was brief discussion about ways to decommission the township's hydrants.

Goss re-read the motion: **Motion by Hubbell to abandon these dry hydrants; second by Lawson.**

There was discussion of adding the locations of the hydrants to the motion. The locations were listed as Baggs Landing boat launch, north road end of Skegemog Point Road, and Whitewater Township Park.

Other possible locations at M-72 at Williamsburg Creek and Angell Road were mentioned.

Tim Shaffer, 5309 Moore Road, suggested we say "abandoned dry hydrants."

Flynn noted some in a creek may still be functioning. The ones in the lake extend out approximately 50 feet.

Goss read the modified motion: **Motion by Hubbell to abandon these dry hydrants, i.e., Baggs Landing, north road end of Skegemog Point Road, and Whitewater Township Park.**

**Hubbell agreed with the modified motion.**

**On voice vote, all those present voted in favor, none opposed. Motion carried.**

**New Business (1:58:03)****Parks & Recreation Advisory Committee - Recommendation for Appointment**

See Page 3452 of these minutes.

**Review Zoning Administrator Applications (1:58:14)**

Board members discussed various applicants.

There was consensus that Kendzicky, Baird, and Hall will be offered interviews.

Turning to scheduling, it was agreed that zoning administrator interviews will be conducted at a special meeting on July 23 at 3:00 p.m., 5:00 p.m., and 7:00 p.m.

Popp will call the candidates to see about getting them scheduled.

Goss will prepare the special meeting notice.

**Review/Modify Proposed Lawn Care Maintenance Specification (2:14:50)**

There was no objection to Popp's offer to move this agenda item to next month.

There was board consensus that Popp will contact tree contractors regarding getting tree limbs off the township hall roof.

**Review RC-1 Five-Acre Minimum Research (2:16:37)**

**Motion by Popp to request a legal opinion from the township attorney regarding the legality of the 5-acre minimum lot sizes in the Whitewater Township Zoning Ordinance and provide possible solutions for moving forward.**

Discussion followed.

Benak stated that she is one of those who had rights taken away, and said naturally she wants it reversed; she is in that district.

Popp suggested other people on the board have property in that district as well; he does not.

Goss stated she does not either.

Lawson stated he does not, but has always been opposed to it.

Board comments followed regarding the 5-acre minimum:

- It is a huge waste of land.
- The best place to build a home would be in the areas that are being restricted by the 5 acres.
- Young people starting out cannot afford to buy 5 acres.
- Benak cannot split her 13 acres and give land to her 4 children to build a home on.
- It needs to go back to what it was before they changed it to 5 acres in the dead of night when nobody was in the audience.
- Planning commission and township board both held public hearings with no notices.
- There was a lot of encouragement from two lawyers who sat at every meeting who forced it on everybody.
- An exhaustive search was made of the Traverse City Record-Eagle for all of November and December 1988; no public hearing notice was anywhere to be found for either the planning commission or the township board.
- It was suggested that there were two newspapers in town in that day, another one named Knorr (sp?) Publishing, Inc., per Popp.
- The minutes say the notices were published in the Record-Eagle.
- The notice of adoption of Amendment No. 15 does not mention Article 11. Other notices of adoption from that time list the articles and sections amended.

Popp stated his motion is basically the same as Goss's except he added the word "lot sizes" after "5-acre minimum," and has asked for solutions to this problem moving forward.

**Motion seconded by Lawson.**

Benak asked if we should direct the attorney to give us both scenarios; if we wish to keep it, what do we have to do; if we wish to abandon it or get rid of it, what do we have to do.

After brief discussion of Benak's suggestion, **Popp amended his motion to read: Provide solutions for keeping or removing the 5-acre minimum lot size.**

**Lawson confirmed his second of the amended motion.**

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

Goss will provide Patterson with the materials in the packet and the motion.

**Planning Commission - Begin 5-Year Review of Master Plan (2:30:09)**

Since the board has been giving recommendations for the planning commission to work on certain things and Zoning Administrator Wolf has indicated the Master Plan should be put on the schedule, Popp is asking for board approval for the planning commission to do that.

**Motion by Benak to authorize the planning commission chair to place upon the commission's agenda the required 5-year review of the Whitewater Township Master Plan.**

Goss suggested Zoning Administrator Wolf be used as a consultant to guide the planning commission during the review process.

Benak added that it might make the process go faster and be less painful.

**Second by Hubbell.**

**On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Waterways Grant Award - Resolution #19-12 / Boating Access Site Construction Agreement (2:33:02)**

Popp congratulated Goss on the grant and stated his only concern is this is \$200,000 worth of township expenditures and we have had very little public input and that input has been mixed at best.

Goss stated it has been said all along that there is going to be more public input, including from campers and boaters at the park, and noted that we cannot really get public input on a design until we accept the grant, get an RFP put out for a professional services agreement with an engineering/construction management firm, and get a design. The initial design is a conceptual plan and was never intended to be the final plan. We have to start with a plan that is closer to what the public input has been so far and then refine it from there.

Upon questions from Benak, it was clarified that the grant is for phase one as outlined on the preliminary cost estimate, entry drive and boat launch improvements, including dump station/boat wash, electrical service to ranger station and boat wash.

Discussion followed concerning items listed on the preliminary cost estimate and the drawing.

Regarding funding, the agreement requires the township to immediately appropriate \$200,000. Goss proposes that \$150,000 come from the Park Fund and the other \$50,000 come from either the Public Improvement Fund or the General Fund. Goss indicated there are also other grant sources. With the project being phased over two fiscal periods, Goss hopes to not use any General Fund money. If it does occur, the Park Fund would pay it back to the General Fund.

Hubbell, Popp, and Benak indicated their agreement with the concept.

**Motion by Hubbell to adopt Resolution #19-12 authorizing execution of the Waterways Grant Agreement, Boating Access Site Construction, by the supervisor or clerk; second by Lawson.**

Popp stated before we execute the agreement it should go to legal counsel for review, noting there are some scary clauses in there, i.e., page 251, paragraph B, “construct the facilities to the satisfaction of the department; there shall be no deviation from the plans and specifications without express written consent of park and recreation.” Popp wants to make sure it is reviewed by someone competent to review an agreement.

Discussion followed regarding:

- Is this a standard contract that the state uses; the state may not be in agreement with changes.
- If there is a deviation to the plan, how hard is it to get their approval for changes.

Troy Molby from Fleis & VandenBrink commented that what you have before you is just a beautiful picture; it is not a plan. You would have to engineer a plan that would go to the Waterways Commission for review. That would be plans and specifications that they would review, including the contract documents from the contractor. It is not this plan that is before you. It would be a plan that you approve also.

Goss noted that the state does have to see the plan. There are several places in the agreement where they are checking what we are doing and have to be in agreement with it.

Popp said his point is that we are aware of any pitfalls in the agreement.

It was noted that the resolution authorizes execution of the agreement.

Popp stated he put together an **alternate motion to forward the waterway grant and construction agreement to legal counsel for review and bring back at a different meeting pending suitable construction plan.** Popp acknowledged that is too much because we have been informed the plan is not what is in front of us; it is to be generated yet, which will take months and public input and all that. His concern is that none of us know what CFR 45 1185 is.

Goss noted that these are the state’s funds and they are not going to give us their funds unless we agree to this agreement, and said it is a standard agreement and there are various places in it

where they are checking what we are doing so that we are not making any mistakes or the engineers are not making any mistakes.

Benak said she does not see any reason to hold up doing this, because we are still going to send it to the attorney and the attorney is going to give us --

Lawson said he does not think this is a contract; he thinks it is more of an agreement of how the process is going to happen, and he thinks our accepting it is we are accepting the process and we will go through the next stage where we will get the attorney in there; we will get a plan.

Molby said it is more of your acceptance of the money, because if you don't accept it, they are going to give it to someone else. You will have two to three years to develop and build the project.

Popp said along with the money are several strings and we should know where the strings are at.

Goss stated she thinks the strings are set out in the agreement, and asked why we would have the agreement reviewed if we cannot change it.

Popp replied so we understand exactly the liabilities that we are signing on for, and maybe we choose that this is not worth \$200,000, and stated this would not be the first \$200,000 gift that we have rejected as a township.

Lawson asked if there was a motion on the table still, which Goss read: **Motion by Hubbell to adopt Resolution #19-12 authorizing execution of the Waterways Grant Agreement, Boating Access Site Construction, by the supervisor or clerk; second by Lawson.**

There was no further discussion.

**Roll call vote: Hubbell, yes; Lawson, yes; Popp, no; Benak, yes; Goss, yes. Motion carried.**

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

**Planning Commission - Proposed Zoning Ordinance Changes to Articles 27 and 37 (2:50:35)**

Popp stated there is a **sample motion to approve for legal review the planning commission's recommended changes to Whitewater Township Zoning Ordinance Article 3, 27, and 37 as written.**

Goss stated she does not have a problem with getting rid of Article 27 since it is not enforced but listed several concerns regarding stand-alone storage buildings:

- 37.12D talks about traditional building materials, but this term is not defined anywhere.
- 37.12E talks about a storage shed that does not require a building permit. The size of unit that does not require a building permit should be stated.
- 37.12F talks about a second building. Goss stated she is not in favor of anyone putting up a second stand-alone storage building on a piece of property.

- Table 37.12A, Goss agrees with the 600 square foot size, but the 2500, 4000, and 5000 square foot buildings are huge buildings and are way too big for stand-alone storage, ostensibly personal storage.
- Another concern: How will the prohibition listed in the text on using a stand-alone storage building as a dwelling be enforced? How is the zoning administrator going to enforce that? It will be impossible to do that.

Popp stated it is not the purview of the zoning administrator to support that or to police that; that is the purview of the construction code office.

Goss replied if it is going in our zoning ordinance, we are supposed to be enforcing it. Otherwise it should not be in there.

Benak stated she would like to break up this motion into two separate motions to separate 27 and 37.

**Motion by Benak to approve for legal review the planning commission's recommended changes to Whitewater Township Zoning Ordinance Article 3 and 27 only.** She stated she does not agree to send 37. Popp noted that 3 is part of 37. **Benak said just 27 then. Second by Popp. On voice vote, all those present voted in favor, none opposed. Motion carried.**

Popp asked Goss to supply a list of her concerns regarding Article 3 and 37 to the entire board, and asked Benak for her concerns.

Benak responded as follows:

- She challenged the statement under General Rationale that “storage buildings are one of the most common topics before the ZBA, thus indicating a need to adjust or clarify the ordinance.” She stated she has been on the ZBA for over 9 years, has every one of her packets, and the only request for an accessory structure has been on lakefronts where the lot is directly across the street from the house and there is a private road separating it. There has not been one case where somebody out on Bunker Hill that has no home out there has said I want to put up an accessory structure. She said she could not find it when she went through her book, and she has the prior treasurer's ZBA packets also. She stated that is misleading and she has a problem with that.
- Regarding the language “the ability to build these structures without or before a primary dwelling is one of the most frequent requests,” she stated we already have an avenue for that. If they are pulling a land use permit to build a home and the accessory structure, they can build that accessory structure before the home. A land use permit just has to be pulled for the home.

Popp cited an instance where someone wanted to remove a modular home, said they would remove the garage too, but the garage still exists. He stated we have to have a performance bond if that is allowed in the future.

Benak agreed.

Popp asked Benak to submit a list of her concerns on Article 37 to Popp and Mangus.

Benak and Goss agreed to submit their lists within 10 days.

Mangus commented that it's already been through the board once; they made every effort to address all of the issues that the board came up with at the previous meeting. She said there are very quick answers for most of the questions and they do feel this is a need. Stating it is the most common request is per our last three zoning administrators. The comment about the ZBA frequency came from Denny when they developed the first draft of this. She asked for specificity and said there are multiple issues they are trying to dial in on the ordinance to clarify, because your rights regarding accessory structures with or without a house vary radically based on who happens to be sitting in the chair in the back of the building right now.

Goss asked if we had this language before.

Mangus said there was a version previously provided of this ordinance. Based on feedback from the board the last time you discussed it, which she believes was at the March meeting, they went through and adjusted the ordinance to try to address each of the line items that had come out of the meeting minutes, feedback from Lawson and others that were in attendance at that meeting. She stated they have made every attempt to give the rationale of why each line is there and also adjust the concerns that were presented to them. She stated this was also worked through with Wolf; she felt this was a fully enforceable ordinance that would give her clarification versus what we currently have in effect.

Benak asked: How many townships allow stand-alone storage buildings?

Mangus said initially Wolf had a lot of trouble finding them because every township calls them something else. They are not accessory buildings. They are non-farm storage structures, personal storage buildings. Every township is calling them something different, but there are adjacent townships, quite a few of them, that do actually have some form of this in effect. They are called non-farm personal storage structures in Kalkaska. There was also a derivative in Clearwater, several up north.

Lawson reported she even went outside of Grand Traverse County and started finding them once she realized they were called different things.

Further discussion concerned the number of buildings on the tax rolls that fit this criteria, agricultural land, agricultural use, an acreage standard for building size, and the fact that it is currently legal to have living space in a pole barn.

It was reiterated that Benak and Goss are going to supply their lists of concerns within 10 days, and Popp is going to forward them to the PC.

**Paddle Antrim - Water Trail Signage Agreement / Request for Funds / Request to Support Road End Access (3:14:55)**

Deana Jerdee from Paddle Antrim is present.

Goss stated her memo sets forth three items that Paddle Antrim is looking for:

- Execute the Chain of Lakes Water Trail Signage Agreement.
- Asking for some monetary contribution.
- Asking for a letter of support that the road ends at Angell Road and Carns Road can be used as emergency exits for paddlers.

Jerdee listed the range of monetary contributions that they have been given.

Popp asked Jerdee to explain the pushback in Milton.

Jerdee said Milton Township has seen the sign agreement. They wanted more time to talk about it. In order to pay for the signs, one of the kiosk panels will have a name that will help pay for the sign. They are concerned with one sign that has someone's name who is helping contribute to make sure the sign stays maintained.

Popp stated our signs would be similar and there would be a sponsor name on the sign, and stated he does not know of any township rule or policy that stops us from --

Jerdee said it has not been a concern for anyone but Milton.

**Motion by Benak to authorize the supervisor or clerk to execute the Chain of Lakes Water Trail Signage Agreement; second by Goss.**

Popp said it needs to go in front of the attorney for review, as with all agreements. We are not necessarily looking to change the document; we are looking to learn for any pitfalls, and it is a relatively simple agreement, so it should not take much for review.

Goss replied that she honestly thinks it is so straightforward, we are wasting taxpayer money having something this simple reviewed; we are just talking about some signs.

More discussion took place about sign placement and maintenance of signs.

Goss re-read the motion: **Motion by Benak to authorize the supervisor or clerk to execute the Chain of Lakes Water Trail Signage Agreement; second by Goss.**

**On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Motion by Popp to support Paddle Antrim's signage project in the amount of \$250.**

There was discussion and consensus that the \$250 will come out of the Promotional Expenses line item in the General Fund.

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

**Motion by Popp to provide a letter to the Grand Traverse County Road Commission stating that Whitewater Township supports the use of the road ends at Angell Road and Carns Road as emergency exits for paddlers; second by Goss. On voice vote, all those present voted in favor, none opposed. Motion carried.**

Popp stated he will draft the letter and ask Goss to review it.

**Disposal of Playground Equipment (3:26:57)**

Goss provided a memo with suggested methods of disposing of the beach playground equipment.

**Motion by Benak to permit Brandon Hubbell to remove all remaining components of the beach playground equipment in exchange for receiving all of the slide components and executing a hold harmless agreement indemnifying the township against any liability with respect to the slide; second by Goss.** Popp asked if this is all of the playground equipment that was bought from East Bay. Goss replied that it is none of that; this is the beach playground equipment. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

Goss explained the second motion.

**Motion by Lawson to dispose of the swing set and tire swing/slide components by requesting that Erickson Salvage remove them from Whitewater Township Park; second by Hubbell. On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Letter of Engagement (added) (3:29:07)**

Popp explained that there is a conflict of interest with Patterson's firm and DTE, and said he forwarded all of the correspondence back and forth between Fahey Schultz, Dawn Kuhns. It is only for this one tribunal matter.

There was further explanation of the timing of receipt and notification to the township attorney, the fact that Kuhns responded to the initial questions, and the small amount of revenue that will be lost compared to the costs of litigation.

Popp stated he needs approval to sign the engagement letter for Racine to represent us at the Michigan Tax Tribunal.

**Motion by Hubbell to authorize the supervisor to sign the Sondee Racine and Doren letter of engagement dated 07/05/2019 covering Michigan Tax Tribunal Docket # 19-002014 involving DTE; second by Lawson. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

**Tabled Items (3:34:01)**

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)

Popp said tabled items will remain tabled.

**Board Comments/Discussion (3:34:03)**

None

**Announcements**

Next regular township board meeting is 08/13/2019 at 7:00 p.m.

**Public Comment (3:34:10)**

Heidi Vollmuth, 8371 Winnie Lane, said CFR 49 1185 is about drug free facility. Regarding the Waterways grant, she offered advice on avoiding errors, complying with requirements, have a nice town hall meeting and a nice party for the taxpayers and keep them informed. Regarding changing the 5 acres to 1 acre, she thinks we need to move into the 20th century personally but get the public involved. Five acres is too much because you have no housing here for firemen or policemen. She criticized Goss's minutes. She suggested the pipe at the boat launch should be added to one of the grants for removal if the DNR does not want to pay the bill because it is a hazard. She thinks everybody in the community would like to see the road paved, and said her husband won't go to the park because he doesn't want to get dirt on his truck. She would like to see it go back to 1 acre, maybe 2 at most, because maybe we can build some more affordable housing, give us better demographics and get us some more stuff.

**(3:37:35)**

Kim Mangus, 1214 Cerro Drive, said the PC already started discussions on the master plan review back in April, but it has been sidetracked by the zoning administrator resignation. She cautioned the board against hiring a zoning administrator with a resumé like Wolf's because they likely won't stay long. She sat through the interviews last time; Hall sounded like he was competent; the big issue was his assistant would be backup to him. She suggested the board ask him to bring his assistant with him to answer questions. She also suggested retaining Wolf on an hourly basis as a consultant on the master plan. Mangus referred to Goss's comments about her at the last board meeting and said it is inexcusable for Goss to accuse her of a felony offense. She stated Goss knows that she has not provided anyone with personal, financial, or political favors. She stated Goss has responsibilities to back up and support the things that she says and what Goss said was inexcusable.

**(3:42:17)**

Tim Shaffer, 5309 Moore Road, stated whoever you hire for a zoning administrator, have a contract with them for a period of time.

**Adjournment (3:42:36)**

Motion by Lawson to adjourn; second by Popp. Meeting adjourned at 10:39 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk