

**Whitewater Township Board  
Minutes of Regular Meeting held March 13, 2018**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:01 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

The Pledge of Allegiance was recited by the board and others.

**Roll Call of Board Members**

Board Members present: Benak, Goss, Hubbell, Lawson, Popp

Board Members absent: None

Others present: Interim Fire Chief Tim Arbenowske and 10 others

**Set/Adjust Meeting Agenda**

**Motion by Goss to remove both of the Unfinished Business items from the agenda due to lack of documentation to support why they were placed on the agenda; second by Benak.**

There was no discussion. **On voice vote, all those present voted in favor, none opposed.**

**Motion carried.**

**Declaration of Conflict of Interest**

None

**Public Comment**

Martine Byrne, property on Topview, provided a correction to a previous statement and asked for clarification on the shed.

Judith Danford, Silver Lake Rd, Traverse City, property owner in Whitewater, renewed her opposition to proposed Ordinance 51.

Kim Mangus, Cerro Drive, asked the board to address proposed Ordinance 51 as a listed agenda item.

Mike Jacobson, Skegemog Point Road, renewed his opposition to proposed Ordinance 51.

Jacobson's comments were interrupted by an audible timer.

Popp allowed Jacobson to finish his comments, to which Jacobson responded that when people get some power, that shows you how it works; he took time out of his day to be here.

Goss directed Jacobson to ask Popp why Ordinance 51 is on the agenda, adding that none of the other board members know why it was placed on the agenda.

Popp stated it was put on the agenda because it was an unfinished item from the last meeting when it was a 2-2 vote. He stated if he had not put it on, "then it would have been snuck on at the last minute."

Benak stated that is not fair; Popp himself said it would not come back unless it came back in the normal channels, which means somebody requested to bring it back. Nobody requested to bring it back.

Goss added that no one is going to sneak an ordinance on the agenda.

Lawson made a point of order, stating it is public comment, they can say whatever they want.

Popp asked if anyone else would like to make public comment.

Mark Bak, Broomhead Road, renewed his opposition to proposed Ordinance 51.

Kim Mangus chastised the board for actions which she considers to be inappropriate and stated Goss has not disclosed that the shed that started all this is Goss's neighbor.

Steve Mangus, Cerro Drive, stated he has a copy of the township code enforcement policy and civil infraction ordinances vary from township to township.

Judith Danford made reference to the February 13 meeting minutes.

Rod Challender, Broomhead Road, renewed his opposition to proposed Ordinance 51.

Trustee Hubbell stated he is sorry he missed the last meeting and he is glad it is off the agenda tonight. He also resents some individuals forming opinions about how some board members are acting; he does not feel he was doing any of that. He stated he is sorry people showed up for something that shouldn't have been on the agenda.

#### **Public Hearing on Ordinance No. 52 – Whitewater Township Fire Department**

Popp opened the public hearing at 7:35 p.m. and asked those in attendance to sign in. He further noted that the legal notice of the hearing was posted in the kiosk and in the Traverse City Record-Eagle on 02/25/2018. One written comment was received, from Rod Kuncaitis.

The following persons appeared and made comments on the proposed ordinance:

- Tim Shaffer, 5309 Moore Road, stated he read through it a couple times, talked to some of the firemen. This document is designed to protect the township board with their management of the fire system. The main concern is Article 17. This is the fourth time in the last five years that members of the board have made suggestions to replace or drop the auxiliary. It is not going to happen. Regarding establishing or organizing a Whitewater Township firefighters association, he thought that was already taken care of with WESA. Other concerns are: Can firemen be on the auxiliary? Can a member of the township board be on the auxiliary? If the auxiliary has funds or something they want to provide for the fire department, why does it have to go through the township treasurer and the clerk? That part should be rewritten or re-thought out.
- Lois MacLean, 5919 Linderleaf Lane, stated she would urge the board to change the title of Section 17 to Firefighters Association; Donations, and then have Section C first, then

A, and then B. Section B addresses the Whitewater Emergency Services Auxiliary, which she is here representing as the treasurer/secretary. She stated WESA is a 501(c)(3) and it is their intention to keep working with the emergency services if they want them to. She stated Rural Fire was impressed with them and talked to them about helping other stations set up auxiliaries. She listed activities that WESA has conducted and items they have purchased. They will continue to work with the fire department if they want. She stated if the fire department wants to take it over themselves, most of them are not interested in being encumbered under the umbrella of the township. They are willing to work but not if it is going to be under the Whitewater Township Firefighters Association.

- Judith Danford, Silver Lake Road, Traverse City, thanked the auxiliary for all they do and encouraged the board to do what it takes in relationship to this, what is expedient and works.

There being no one else desiring to speak, Popp declared the public hearing closed at 7:46 p.m.

### **Reports/Presentations/Announcements/Comments**

**County Board of Commissioners Report** – No one is present from the County Board.

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

**Mobile Medical Response Report** – No one is present from Mobile Medical Response. Report is in the packet.

### **Planning Commission Report**

Lawson reported that he did not attend the last meeting and asked Mangus to give a brief overview.

Mangus stated they covered board input on proposed amendment 73 and how that intersects with amendment 74. They agreed to send it back to the board with amendment 74. They are working on the agricultural district and elected to have a second meeting this month. They have a public hearing on April 4.

Goss noted that it is highly unlikely she will have time to place the legal notice for the proposed April 4 public hearing due to other higher priority items her office has to get done this week, and stated it can be moved to the PC's May meeting.

Popp stated that his supervisor report was budget, in case you missed it.

### **Parks & Recreation Advisory Committee Report**

Goss reported there was a meeting of the committee last night, but she was not able to attend.

### **Grand Traverse Rural Fire Department**

Popp reported that there is a special meeting set for tomorrow at 2:00 p.m. Paradise has submitted an offer to purchase equipment. There is an e-mail from Fife Lake Township asking for the motion from last month's meeting for \$413,000 to stand. Popp stated the special meeting

will be whether or not to accept Paradise Township's offer and whatever Whitewater decides tonight.

Brief discussion followed.

### Consent Calendar

#### Receive and File

1. Supervisor's Report for March 2018 (not available)
2. Clerk/Park & Recreation Administrator's Report for February/March 2018
3. Zoning Administrator's Report for February 2018 (not available)
4. Mobile Medical Response February 2018 Activity Reports
5. Grand Traverse Rural Fire Chief's Report (no longer receiving)
6. Approved 11/08/2017 Historical Society Minutes
7. Approved 01/08/2018 Parks & Recreation Advisory Committee Minutes
8. Approved 02/07/2018 Planning Commission Minutes
9. Approved 02/21/2018 Planning Commission Special Meeting Minutes

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics for February 2018
2. Grand Traverse Rural Fire Board DRAFT 02/21/2018 Minutes
3. GTRFD Officers' Meeting Minutes (no longer receiving)
4. Notice of MDOT North Region Annual Rural Elected and Appointed Officials Meeting
5. Grand Traverse County Waiver of Right to Review Township Zoning Ordinances and Amendments
6. Letter 02/14/2018 Michigan DEQ re: Site-Specific Review for Large Quantity Water Withdrawal at Traverse Bay RV Park
7. Letter 02/24/2018 Dan Green re: Metal Detecting on Public Property
8. Letter 03/01/2018 Health Department of Northwest Michigan re: Grant Application
9. E-mail 03/02/2018 MaryLou Baggs re: Civil Infraction Ordinance

#### Minutes

1. Recommend approval of 02/06/2018 special meeting minutes, 02/13/2018 regular meeting minutes, 02/20/2018 special meeting minutes, 02/22/2018 special meeting minutes, and 02/27/2018 regular meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 42456 through 42526
2. Approval of First Community Bank Miami Beach vouchers # 1238
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Goss referred to the 02/21/2018 Draft Rural Fire minutes and posed two questions. Answers from Popp indicated proceeds from sale of the ladder truck cannot be donated. Also, the

\$99,766.25 revenue figure referenced on page 39 of the packet represents the first quarter 2018 assessments.

Popp asked that Judith Danford's e-mail submission be attached to the 02/13/2018 minutes.

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

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

### Unfinished Business

#### **Zoning Ordinance Amendment No. 73**

Removed from the agenda; see Set/Adjust Meeting Agenda.

#### **Ordinance No. 51 Municipal Civil Infraction Ordinance**

Removed from the agenda; see Set/Adjust Meeting Agenda.

### New Business

#### **Authorize Supervisor/Clerk to Purchase Fire Equipment as Outlined for \$413,000**

Popp explained the columns of numbers on documents he provided and stated there is between \$368,000 and \$431,000 worth of equipment verified in the Whitewater station, depending on which percentage is used.

Lengthy discussion followed.

The ladder truck and engine 6 will be surplus equipment. Projected money back to Whitewater is between \$224,000 and \$257,000, with zero values for engine 6 and ladder truck.

The numbers were discussed by the board, as well as the problems with Engine 6.

**Motion by Goss to pay \$370,000 for all of the apparatus and equipment as has been listed as belonging to Station 3, plus 1/3 of the surplus equipment located at Station 2; second by Benak.** There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.** Goss clarified that the \$370,000 would come out of Whitewater's 33% ownership of Rural Fire, that the township would not actually pay that amount in to Rural.

Discussion turned to the issue of transferring ownership of the vehicles.

**Motion by Popp to authorize the Supervisor and Clerk to execute all documents necessary to transfer ownership of Rural Fire equipment into Whitewater Township's name; second by Lawson.** There was no further discussion. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

#### **Discuss Possible Budget Amendment re: Purchase of Fire Equipment**

The township is going to purchase fire equipment, but no money is going to change hands. The township will receive some additional money back.

There was consensus to go with the previous \$180,000 figure (Rural Fire Dissolution Funds) in the current budget. A budget amendment will be made if the figure changes.

**Authorize Interim Fire Chief and Supervisor to Modify Central Dispatch Box Alarms Motion by Hubbell authorizing the Supervisor, Clerk, and the Interim Fire Chief and/or Fire Chief to execute any and all necessary documents, including payment of associated fees and/or expense, to have an operational volunteer fire department in Whitewater Township as of 04/01/2018; second by Goss.** There was brief discussion of what is meant by “associated fees;” Benak wants to be sure there is no loophole to pay the \$413,000. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Review/Approve Fire Department Insurance Proposal**

Timing of insurance coverage for personnel, equipment and liability for the new fire department was briefly discussed.

There was consensus that Olson will be asked to bind coverage for all insurances necessary for Whitewater Township Fire Department as of 12:00 a.m. on Friday, 03/30/2018.

**Apply for Fire Apparatus License Plates**

Goss will look at the form and see what information is needed and when application must be made in order to have the new plates by 4/1 or 4/2.

**Review/Approve Elk Rapids Township Mutual Aid Agreement**

**Motion by Hubbell to approve the Elk Rapids Township Mutual Aid Agreement as presented; second by Lawson.** There was no further discussion. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Adopt Whitewater Township Standard Mutual Aid Agreement Including Cost Recovery**

Popp stated he is proposing that the township adopt the Elk Rapids Mutual Aid Agreement just approved, including the cost recovery page, as Whitewater Township’s standard mutual aid agreement.

It was noted that the township’s Emergency Services Charges ordinance will need to be updated.

**Motion by Goss to adopt the Elk Rapids Mutual Aid Agreement as the township’s standard mutual aid agreement, including the cost recovery; second by Popp.** Discussion followed. It was agreed that the Elk Rapids vehicle numbers will be removed from the document. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Discuss/Approve Grand Traverse County Road Commission Brine Agreement**

**Motion by Hubbell to have the Grand Traverse County Road Commission brine three times; second by Lawson.** There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

**Adopt Ordinance No. 52 – Establishment of Whitewater Township Fire Department**

The board discussed the comments received during the public hearing. There is a request to include language referring to the Whitewater Emergency Services Auxiliary in Paragraph 17, Donations; Firefighters Association. Goss noted that she agrees with MacLean’s suggestion that the paragraphs in that section be reordered, i.e., moving C to the A position, then renumbering A to B and B to C. It was also agreed that the title of the paragraph will be changed to “Firefighters Association; Donations.” Additionally, there was consensus that the following verbiage will be added to renumbered paragraph C, “Whitewater Emergency Services Auxiliary (WESA) serves in this capacity as of the time of adoption of this ordinance.”

**Motion by Goss to adopt Ordinance 52, Establishment of Whitewater Township Fire Department, as amended; second by Lawson. There was no further discussion. Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

**Review/Approve Grand Traverse Metro Mutual Aid Agreement**

There was discussion of the version provided by the township’s attorney and the mutual aid charges.

**Motion by Popp to approve the Mutual Aid Agreement supplied by Metro Fire at the 02/13/2018 meeting; second by Hubbell.** Lengthy discussion followed, mainly concerning Metro’s fee schedule and reciprocal mutual aid. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Lawson, yes; Hubbell, yes. Motion carried.**

**Resolution #18-04 Intent to Issue WMDLS Special Assessment District Refunds**

Benak explained that it has taken a lot of work to get to this point. When she started, there were 12 items of questionable payments and balances, all of which had to be investigated, look through the audits and all the parcels involved in it, to make sure that the actual assessed amounts were distributed properly for the splits and the combinations before she could certify that the numbers are true and real. It took a lot of research and documentation, which is essential in case somebody wants to know how it was done. She explained the resolution, with the revised document showing the date of the final bond payment. The clerk has approximately 271 checks to issue.

**Motion by Popp to adopt Resolution #18-04 as amended; second by Lawson.** There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

**Tabled Items**

**Review Administrative Policy Section 5 (tabled 10/14/2014)**

This agenda item will remain tabled.

**Review Ordinance 22 Pension Plan (tabled 10/25/2016)**

This agenda item will remain tabled.

**Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)**

This agenda item will remain tabled.

**Board Comments/Discussion**

None

**Announcements**

1. March 15, 3:00 to 9:00 p.m., Board of Review protests.
2. March 20 at 7:00 p.m., budget public hearing.
3. March 27 at 7:00 p.m., township board regular meeting. Popp noted he will be absent 3/27.

**Public Comment**

Tim Shaffer, 5309 Moore Road, stated he does not think we will be providing much equipment to Metro because of the number of stations that they have. They can pull equipment from each of their stations. On Ordinance 52, there is nothing in there that says anything about a fire board. He believes we need a fire board between the township and the fire department to handle discussions. He knows there will be areas that there is not total agreement.

**Adjournment**

Motion by Lawson to adjourn; second by Popp. On voice vote, all those present voted in favor, none opposed. Meeting adjourned at 9:59 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk