

**Whitewater Township Board
Minutes of Regular Meeting held June 26, 2018**

Call to Order

Supervisor Popp called the meeting to order at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board members present: Goss, Lawson, Popp

Board members absent: Benak, Hubbell

Others present: Zoning Administrator Dennis Habedank, Steve Mangus, Kim Mangus

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment

None

Correspondence

None

Public Hearing

None

Reports/Presentations

None

Unfinished Business

Whitewater Township Fire Department

a: Clearwater Mutual Aid Agreement: It was agreed that the document will be referred to Chief Flynn for his input and will be placed on the 7/10 agenda.

Whitewater Pines Site Condo Review

There was discussion as to the course of action agreed on the last time this issue was on the township board's agenda.

Kim Mangus stated she is looking for a township board approved list of what they have to complete, as well as approval of the road names.

Popp stated he disagrees with Habedank's list, but he is willing to make a motion to accept Habedank's list as a partial list, road names to be included as additional, and stated he is fine with the 28 lots. A variance on roads is a white elephant in the room, but they seem to line up relatively well.

Kim Mangus stated the only thing that does not meet the private road ordinance is the entry road coming in has a 50' easement instead of a 66' easement, from Broomhead to the first intersection. Everything else meets the ordinance.

Goss read from the minutes of the 5/22 meeting, i.e., there was consensus to have the Manguses meet with Habedank and provide the documents that are talked about in General Ordinance 16 and that Habedank will create a checklist using Ordinance 16 to come up with documents and information that the developers need to provide to the township board. Goss noted that it is false that the board was ever planning to approve the list.

Habedank stated the (Ordinance 16) document he created is what he feels the Manguses need to come up with. He stated the township attorney has suggested that this be taken to the Zoning Board of Appeals and ask for a ruling that the subdivision control ordinance does not apply in this situation, but that would be a month off. The attorney also indicated that the entire section needs to be rewritten because the subdivision control ordinance does not apply to site condominiums. He stated the information he provided to the board is the information needed under the site condominium section of the ordinance.

It was noted that things that may not be required on the Ordinance 16 list do become required as other applicable ordinances are reviewed.

Habedank pointed out that the subdivision ordinance does not apply because there is not a division of land in a condominium.

Discussion turned to road names.

Motion by Popp to approve the preliminary drawing of 28 lots as depicted on job drawing 272017 dated December 2017.

Discussion followed.

Kim Mangus commented that there was board consensus that Habedank would provide a list to the Manguses based on Ordinance 16 of what they needed to do. The issue is that Habedank gave them a list based on the Condominium Act. The board has not voted to accept Habedank's list. She said they need the board to not be giving them two separate lists, or give them Habedank's list and put additions on it, so they know what it is they are providing.

Popp noted that there is a motion made and asked if there is a second.

Second by Lawson.

Goss asked when the board will get the engineered drawing required by the Condominium Act.

Habedank stated he thinks there is confusion from the standpoint that we are not approving the final documents right now. All the Manguses are looking for is some direction from the board to

say this list, whether it is the Condominium Act or the subdivision control list or whatever, is what we want to see. He stated they will not get their other approvals if they do not have an engineered set of drawings with topographics on them. He stated everything he put on the list are the things that are commonly needed for a site condominium project. All they are looking for is a go-ahead from the board and then they can go do their work. He stated right now they are kind of caught in the middle, as the township is also due to the state of the ordinance.

Popp noted this is a preliminary drawing where the number of lots are laid out, the shape of the roads, with unit sizes and common areas.

Discussion followed regarding topographical information, whether the board or planning commission will review site condominiums, and the unique situation here.

Kim Mangus stated they are requesting two variances, one to accept the roads as they exist, and to consider a topographical variance because the drainage and roads are done.

Goss noted that the drainage will have to be reviewed again.

Steve Mangus said they can provide the topographical map; it is not a big deal. He just needs to have the list. He explained how the drainage is calculated and said they have been in contact with everyone, the road commission, Steve Largent, the sanitarian. They just need the list. He stated that before anything is finalized, whatever is in the Condominium Act, the board will have whatever the law requires.

Habedank stated the list he provided, which Kim has, is what he would look for, by ordinance, as the zoning administrator. The engineered plan and the other items he listed are things that he needs and the board needs to approve. He stated after the preliminary go-ahead, the next time he sees them, he would hope they would have the entire engineered set of plans for Whitewater Pines, nothing to do with Hidden Pines at all. It is a metes and bounds piece of property with roads and underground utilities. Anything that had anything to do with Hidden Pines does not make a difference; it is gone. The drain commissioner is going to want to see Whitewater Pines, here's the plan. That's why we need the topographics on there. Every other agency is going to want to see the same thing; this is the site plan that we are going to approve for Whitewater Pines.

Kim Mangus stated they are more than happy to provide everything on the condo list. They just need a list from the board of anything additional that they want on top of Habedank's list.

In answer to a question from Steve Mangus, Habedank stated once they start the process of bringing the plan in, he will review it, he will let them know if he sees something that is not correct, and he will send it back and tell them they need to look at it. Once that is done, and once they have their drain commissioner and have made notification to the other units of government, on the list that Kim has, he thinks at that point it can be submitted back to the board.

Habedank confirmed that road names are on the list.

Kim Mangus said it would be helpful to them if the board approved the road names.

Goss noted that the county has to verify that there are no other roads in the county with those names.

Discussion followed.

Goss asked that the zoning administrator, with complete specificity, tell us what the list is or where the list or lists can be found.

Habedank stated that the list that he provided to Kim Mangus was created on June 25, 2018, and it was created from Public Act 59, the Condominium Act of 1978. He created the other requirements from Article 25 of the Whitewater Township Zoning Ordinance. Other information he provided was the checklist he created from the subdivision control act, which does not apply to this and was not on the memo.

Popp asked that that be submitted to the clerk.

Goss asked whether there are requirements from the Ordinance 16 list that the developers have to meet.

Habedank stated the list he created from the subdivision control act mirrors the requirements of the zoning ordinance.

Goss re-read "the list."

It was clarified that the list from Ordinance 16 mirrors both the requirements of the zoning ordinance and Section 66 of Act 59.

It was re-stated that the developers have to meet all of the requirements set forth in the June 25th e-mail from the zoning administrator to Kim Mangus. The board was copied on this e-mail.

Discussion turned to when the requirements have to be met. It was agreed that the requirements of the June 25th memo have to be met before final approval by the board.

The topic of road names was brought up again. Popp asked Habedank to get the list of names he provided to Kim Mangus.

Kim Mangus stated the names are not off that list because the Historical Society only had five names and they had locations specified where the names were to be used. Through Kim's research, Hamilton is the original settler of the property and owned it up until Maitlands. Seeley was the adjacent property owner. Chaney was also the name of an early settler, per the research.

Popp stated he was going to amend his motion to include the road names but will not do so until we verify what the process is to name roads in the township.

Goss re-read the motion as follows: **Motion by Popp to approve the preliminary drawing of 28 lots as depicted on job drawing 272017 dated December 2017.**

The road name list will be included for final approval.

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

Popp stated he will look for a process for road names.

Review/Approve Proposal for MDOT Parcel Phase II Environmental Assessment

Popp referred to a back-and-forth e-mail from Attorney Chris Patterson.

Lawson stated it is looking like it is going to get expensive. Goss agreed.

Discussion followed.

Consensus was that this matter will be brought back on 7/10, when hopefully all board members are present.

New Business

Approval of Batting Cage Plan

The engineered drawing is not yet available. Goss asked that it be moved to the 7/10 agenda.

Review/Approve Proposed National Flood Insurance Program (NFIP) Ordinance, Resolution, and Intergovernmental Agreement

Popp stated he would like to get the board's comments. He stated he found out how to correctly identify the panels in the resolution. He has read a couple things in Appendix G that have to do with fill of land in the flood plain. The rules are getting a little tighter, but he does not think we can not belong to the program. He stated we will have to review our land use permit rules. He stated he is looking for board consensus to get this out to Matt Occhipinti, who has offered to review what Popp has set forth. Popp stated he will put the panel labels in and refer by reference to the FIS, Flood Insurance Study, in the proposed ordinance. He asked for the board's consensus to make those changes and send it off to Matt Occhipinti to make sure it meets DEQ requirements and then send it off to Chris Patterson for his blessing.

Discussion followed.

Lawson stated he does not like any of it. There are a huge amount of restrictions that come along with all of it, a lot more than what our zoning is. He stated he is opposed to it.

Goss stated the whole board should be here before any decision is made.

Discussion followed.

Consensus is to wait until all board members are present to make a decision. This matter will be moved to the 7/10 meeting agenda.

**Approval of Tobin & Co. Scope of Work and Fees re: FYE 03/31/2018 Audit
Motion by Popp to hire a different auditing firm or at least get a competitive proposal from a different auditing firm.**

Discussion followed.

Motion failed for lack of a second.

Motion by Goss to authorize the clerk to sign the April 23, 2018, letter of understanding from Tobin & Company; second by Lawson. There was no further discussion. Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, no; Benak, absent. 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

Next regular meeting is Tuesday, July 10, 2018, at 7:00 p.m.

Public Comment

Steve Mangus, 1214 Cerro Drive, thanked the zoning administrator for working with them and commented on the need for changes in the zoning ordinance, as well as commented on the flood insurance program.

Adjournment

Motion by Lawson to adjourn; second by Popp. On voice vote, all those present voted in favor, none opposed. Meeting adjourned at 8:22 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk