

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

**Whitewater Township Board
Minutes of Regular Meeting held August 14, 2018**

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: Benak, Goss, Lawson, Popp

Board Members absent: Hubbell

Others present: 18

Set/Adjust Meeting Agenda

Goss requested the addition of approval of a quote from Precision Landscaping.

Added as New Business #7.

Declaration of Conflict of Interest

None

Public Comment

Popp stated Ron Bachi has supplied him with 23 pages of petition signatures.

The petition pages were given to the clerk.

Ron Bachi read the petition. The signatories are calling upon the planning commission to abandon the ordinance that would allow event barns as a special use within the agricultural and recreational districts.

Bachi, 6987 Cook Road, stated his concerns about event barns and the August 1 planning commission meeting.

John Moothart, 9815 Miami Beach Road, stated his concerns about the appointment of two planning commissioners.

Public Hearing

None

Reports/Presentations/Announcements/Comments

County Board of Commissioners Report – Carol Crawford is not present.

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

Mobile Medical Response Report – No one is present from Mobile Medical Response; July reports are in the board packet.

Fire Department Report

Chief Flynn gave the following report:

- July was uneventful with only 3 emergency calls. There were 3 training sessions.
- Firefighter gear is being cleaned, repaired, and relabeled.
- Work on the apparatus bay lights will be starting this week.
- Parts have been ordered for the rescue boat.
- He attended two monthly meetings, the 911 Committee meeting and the County Fire Chiefs' meeting. He has been included on the list for the local planning team meeting.
- They have three AEDs which were in disrepair after the separation from Rural, but they are now fully functional.
- The DOT and NFPA compliant chevrons for the back of the fire apparatus is complete.
- Engine 3 needs repairs. He is working out some of the details. When he has more financial information, he will present it to the township board. Since the department does not have a spare engine, an engine will need to be rented. They are not serious repairs. As it stands, the engine is fully functional and ready to respond.
- He would like to present a new firefighter to the board.

Popp inquired about water points which were abandoned.

Chief Flynn responded that the water points are in disrepair, and stated he is not sure if the department will keep them up or completely abandon them. They are there as a last resort. They did spend most of their training at the cisterns, which are fully functioning and topped off with water. Flynn stated the department does have two TurboDraft devices. They have trained with other departments recently on the TurboDraft. He stated they will probably continue with that type of training versus spending time on the water points.

Chief Flynn introduced Alex Johnson as a new firefighter. He stated Johnson is new to the industry and will be sent to Firefighter I and II this fall. Johnson works for USIC, which is MISS DIG. His territory is basically the M-72 corridor, so he will be nighttime help and hopefully some daytime help. He thanked Johnson for coming aboard.

(Applause)

Planning Commission Report

Lloyd Lawson stated he does not have a report as he was not able to attend the PC meeting last week.

Parks & Recreation Advisory Committee Report

Cheryl Goss gave the following report:

- The August Parks & Recreation Advisory Committee meeting was held last night; Goss attended. All members were present except Dennis Leach.
- The engineered drawing for the batting cage roof was received yesterday and the committee looked it over. Once approved by the township board and a sealed drawing has been obtained, a licensed builder, Lynn Peterson, will get the construction permit. The committee anticipates the second week in October for putting the structure up.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

- A finish grade was put on the playground area at the campground this past weekend. Two stumps need to be removed, which Josh Tress will take care of. The committee has set a work bee date of Saturday, August 25th, from 9 a.m. to 2 p.m. to get the swing set and monkey bars installed. The merry-go-round will be installed at a later date. The committee asked if it would be possible to pay “day laborers” to help with installation. Goss posed the question to the township’s auditors, who said you either have employees or independent contractors or volunteers. Independent contractors could invoice the township but would need to provide their own insurance. Otherwise, they would be an unpaid volunteer who would need to sign the hold harmless agreement.
- Success on being awarded 2% grant funds was discussed. The various improvements to be funded with the money were discussed. A man by the name of Anthony Rupard, who works for the Land Conservancy, has offered to help with getting these projects done. Melton will give him a call. It was reported that Phil Knapp has also offered to help with the trails.
- Goss reported that she sought and received a quote from Avery Excavating to grade and/or gravel the Hi Pray parking lot. The quote was very reasonable, either \$600 for just grading or \$1,000 for 20 yards of gravel and grading. Kyle Riegle did say the parking lot is in pretty good shape.
- Goss reported that, due to requests to stripe the second tennis court for pickle ball, she sought and received a quote from a local company by the name of Hentco. The owner said the striping will not stick without cleaning the courts, and he has provided a quote for \$1,995 for cleaning both courts and striping one. This will be brought to the board later.
- At their September meeting, the committee will discuss locations for the new trail signs and the tennis backboard and dugouts for Hi Pray Park which are to be purchased with the 2% funds.

Brief discussion followed regarding tennis court cleaning.

Consent Calendar

Receive and File

1. Supervisor’s Report for July 2018
2. Clerk/Park & Recreation Administrator’s Report for July/August 2018
3. Zoning Administrator’s Report for July 2018
4. Mobile Medical Response July 2018 Activity Reports
5. Whitewater Township Fire Department July 2018 Report
6. Treasurer Reports June and July 2018
7. Approved 06/06/2018 Planning Commission Minutes
8. Approved 06/11/2018 Parks & Recreation Advisory Committee Minutes
9. Approved 06/13/2018 Historical Society Minutes
10. Approved 07/11/2018 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for July 2018

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

2. Letter 07/24/2018 FEMA re: National Flood Insurance Program Final Notice
3. Deepak Prabhaker Event Center Comments
4. Babcock Event Barn Comments
5. Request for Event Barns as Special Use in Agricultural Zoning District
6. Letter 07/31/2018 Carol/David Williams re: Withdrawal of Request for Event Barn Ordinance
7. Rental Fire Engine from Blair Township

Minutes

1. Recommend approval of 07/10/2018 and 07/24/2018 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank voucher #s 42914 through 43068
2. Approval of First Community Bank Miami Beach voucher # 1243
3. Approval of First Community Bank WMDLS voucher # 1314

Budget Amendments (none)

Revenue & Expenditure Report (none)

Regarding the June 6 meeting of the planning commission, under the chair's report, Popp questioned the statement that says the board heard from a lot of people that ADUs are okay, but rentals are not. Popp stated he is pretty sure we heard that ADUs were not okay.

Benak stated it is her opinion that the planning commission chair would like to see ADUs and that is where the statement came from. Benak agrees that that is not what the public told us.

Lawson said that is contrary to what we have all heard.

Goss noted that five members of the planning commission were here that night (when numerous members of the public turned out against ADUs).

Referencing the Parks & Recreation Advisory Committee minutes of June 11, Popp questions a statement by Melton about investigating with the school to have the property at BCNA given to the township, which could be used for parking. Popp does not believe the school owns any property around BCNA.

Goss stated it was represented by Dennis Leach that the school does own a small parcel south of the entrance to Lossie Road Nature Trail off Skegemog Point Road. The thought was that it would be nice to acquire the parcel for parking.

Popp stated it should be Lossie Road in the minutes, not BCNA. His search did not show up a parcel on Skegemog Point Road owned by Elk Rapids Schools.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

Referring to a statement in the supervisor's report, Goss asked how soon the rest of the board can be provided with the condition assessment for the Miami Beach sewer system. Goss confirmed that she has not received it from John Divozzo.

Popp stated he will forward it tomorrow.

Motion by Lawson to approve the Consent Calendar as presented; second by Benak. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.**

Unfinished Business**Review/Approve Batting Cage Plan**

Goss noted that the engineered drawing for the batting cage roof was received yesterday. Goss stated the name of the park is incorrectly shown and there are a couple spelling errors, which she will bring to Pressell's attention for correction. Goss asked that the drawing be approved.

Popp asked why it has to be covered; it looks pretty ugly.

Discussion followed.

Motion by Benak to approve the drawing for the batting cage roof; second by Goss. There was no further discussion. **Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, no; Benak, yes. Motion carried.**

Review Proposed Event Barn Ordinance Drafted by Attorney Chris Patterson

The planning commission's draft event barn ordinance and the attorney's proposed event barn ordinance are in the board packet.

Goss stated she does not know where all of the public who has shown up at township board and planning commission meetings got the idea that there was ever going to be an event barn entrance on Cook Road, and stated she never understood that was being proposed and doubts it would have been approved, although both versions of the ordinance say they can be located on any county-maintained road.

Goss also stated, for the public present, that no one from the township knew about the activity going on on Cook Road, the township did not give permission for that to happen, and it does not have anything to do with an event barn, that we know of. Goss noted that the condition of Cook Road is horrendous and, as a board member, she would never have approved any commercial establishment, event barn or otherwise, having an entrance off Cook Road. Goss reiterated that there was never any contemplation that there was going to be anything to do with event barns on Cook Road.

Popp commented that he does not think allowing a commercial activity in an agricultural or residential or a recreational zoned area fits at all. Commercial needs to stay commercial.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

Goss related her recent conversation with local planner Roger Williams regarding what was being proposed at the former Webster property. On questioning, Williams said it is a “gray area” as to whether event barns are considered to be commercial uses.

Benak stated that agricultural is considered a commercial venture.

Goss stated that, before any ordinance was drafted, she would have liked to have this issue brought to the board so that the board could explore with the township attorney what this proposed use would be considered and if there is any case law on the commercial versus agritourism issue. Goss stated there are things in the ordinance about which she has questions for the attorney, namely:

- 2B, the setback of event barns shall be “500 feet from neighboring residences.” Should it say “500 feet from the property line?”
- 2I, what is “the structure.”
- 2K, no dumpster on the property.

Noting that there may be places in the township where it may be appropriate to have an event barn, Goss stated she does not agree with totally banning event barns in the township.

Lawson stated we may not be able to stop event barns, but we can regulate where they go.

Benak stated the event barn phenomenon that is going on around our state is happening for a reason; there is a need for it. It’s a trend; people want to get married in barns. It’s also giving the farmer an opportunity for income, especially in lean times, so that he won’t sell the farm land and turn it into something else. If it’s not a farm, you are losing some rural character. She agreed that it does not belong in neighborhoods or right next to a neighborhood, even if it is agricultural land. She went on to say that 20 acres is not a lot when it comes to noise. Maybe we need to do a survey to the rest of the township to find out how they feel about event barns and then put restrictions on it to protect the neighbors, whether it is commercial, recreational, or residential.

There was discussion of “the use of existing structures of recognized agricultural heritage” and the number of parcels in the township that might fit this description.

Benak stated she is not objecting to event barns; she would like to see them in the township but in the appropriate setting, not next to a subdivision.

Popp stated the ordinance says all events shall take place principally in barns, and commented on the proposed language regarding noise. What is “reasonable?” What is “excessively annoys?”

Discussion followed.

Benak reiterated her call for a survey of township residents regarding event barns.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

Popp referred to subparagraph S, “Additional consideration shall be given to facilities that incorporate the preservation or use of existing agricultural structures,” and stated this appears to be contradictory to what it says in the beginning.

Motion by Popp that we abandon the addition of event barns as a special use in the agricultural and the RC district until such time we have a petition from the public to review it.

At Popp’s request, the motion was re-read by Goss.

Motion failed for lack of a second.

Motion by Benak that we abandon until we do a survey on the topic; if the public comes back and say that they want event barns, then we would continue. Second by Lawson.

Discussion followed concerning the wording of the motion, i.e., the word “abandon” and other suggested substitutes, such as held in abeyance, tabled, pause consideration of, and also whether there needs to be a petitioner before a zoning ordinance amendment can be considered.

Benak stated she is going to leave her motion the way it is; it does cover her intent, which is to revisit it once the survey is done.

Benak’s motion was re-read by Goss.

On voice vote, Benak, Lawson and Popp voted aye, Goss opposed, Hubbell absent. Motion carried.

Park Road Rebuilding

A proposal has been presented from Team Elmer’s regarding work on the township-owned portion of Park Road. Popp explained his reasoning for requesting the proposal. Adding the road commission’s estimate to the Elmer’s bid, it would cost \$170,000 to fix the last quarter mile of Park Road.

Goss stated it is a ridiculous proposal and is unnecessary. Goss stated she travels the road up to four times a week, every week, and it is in the best shape this year that it has been in six years. Furthermore, Goss is unsure where the funds would come from. Neither the Park Fund, Road Fund, or the General Fund have the monies for this proposal.

After discussion, there was consensus to take the proposal off the agenda as not needed.

Review Whitewater Township General Ordinance No. 49

Since not all members of the board are present, this matter will be brought back on the 8/28 meeting agenda.

*DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR***National Flood Insurance Program**

Popp stated he heard from Chris Patterson that FEMA has made a couple changes to the proposed ordinance.

Goss stated it is set for public hearing on 8/28 and changes can be made on that date. There are two resolutions that should also be on the 8/28 agenda.

Discussion followed regarding the length of the township's participation in the program, the giving of authority to the county construction code office to enforce floodplain management provisions of the state construction code, no complaints from residents that it has not been administered correctly, updated maps, and FEMA's request for an updated resolution and an ordinance.

Discussion turned to whether those people who currently have flood insurance under this program would lose it or suffer other adverse consequences if the township did not continue to participate.

There were no questions from the board about the proposed ordinance.

Popp will forward the changes from Chris Patterson.

New Business**Fire Department – Indoor Tanker Fill**

A proposal has been provided by AFP Specialties to install a new water fill location inside the Emergency Services Building for the purpose of filling fire apparatus.

Motion by Popp to accept AFP Specialties' proposal of \$1,375 to install the interior tanker fill line; second by Goss.

Benak reminded the board that when they fill at the hydrant, they don't pay for it. When they fill inside, we will be paying for the water.

Discussion followed regarding whether the fill water will be going through the water meter. Popp claimed it will not.

Goss re-read the motion.

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

Zoning Administrator Request for Direction re: PC Meetings

Popp stated the zoning administrator cannot make the planning commission meetings on a regular basis and wants direction. Mangus would like to have written input from the ZA on any issues before the PC. The PC has looked at changing their meeting dates so he can attend.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

It was noted that there are 10 months remaining in the zoning administrator's obligation which conflicts with the PC meeting date.

Discussion followed.

Habedank has stated he would like to get the packets sooner so he is better able to respond. Popp stated he will make that recommendation to the PC chair.

There was consensus that the planning commission regular meeting date will not be changed.

Review/Approve Appointment of Abandoned Buildings Hearing Officer

Popp is recommending the appointment of Ryan Stibbs to the position of abandoned buildings hearing officer. The term will end on 12/31/2019.

Ryan Stibbs, 9675 Old M-72, stated he has lived in Williamsburg for the last 15 years and has had his contractor's license since 2006 and is a partner in an electrical business. He stated he has a well-rounded background in the building trades and would like to use his skills to help the township.

In answer to questions from Goss, Stibbs stated he was provided with a copy of the Abandoned Buildings Ordinance and has read it. He stated he has some questions about it and would definitely have to work with the board to make sure he is interpreting things correctly.

Goss noted that Stibbs would be working closely with the zoning administrator and would be required to write reports.

Stibbs stated his background as far as structural integrity of buildings is as a general contractor, pretty much the whole package from building from the ground up. He has been asked to rebuild houses that have burned down five years after they were constructed and already require new code updates and more framing. He believes he also has great practical knowledge as to what is going to stay up and what is going to cause damage or harm to others. He stated he has questions about the paperwork requirements. There is nothing specifying what form may need to be filled out.

Benak noted Stibbs' youthful appearance and pointed out that dealing with somebody being told they have to take care of an abandoned or dangerous building may not be a pleasant experience, and asked Stibbs if he is sure he is up to this.

Stibbs stated he hopes to bring to the table the logic and reasoning behind any decision, and noted that building has a lot of building codes and regulations to help us.

Benak pointed out that the person in this job may not always be liked and it is difficult to deal with homeowners who are looking at spending money or they don't have the ability to be able to fix or remove damaged dangerous buildings. She wants Stibbs to be aware that it is not going to be as easy as writing a letter and they are going to comply.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

Stibbs responded that he has had experience with pleasant and unpleasant customers.

Benak then disclosed that she does know Stibbs; he was the best man at her daughter's wedding, but noted that it gives him no favoritism.

Motion by Lawson to confirm the recommendation of the supervisor appointing Ryan Stibbs to a 2-year position as Whitewater Township Abandoned Buildings Hearing officer; the term will end 12/31/2019; second by Benak. There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, no; Hubbell, absent. Motion carried.**

Request from Planning Commission for Direction re: Event Barns

Popp stated this was a separate request from Mangus, and opened up a discussion as to whether Article 19 of the zoning ordinance limits the board to only changing the zoning ordinance when there is a "petitioner."

Various discussion followed, including suggestions of doing surveys, using social media, webpage postings, monthly newsletters.

Popp stated this will be an ongoing discussion of how we communicate with the public.

Request from Planning Commission re: Amendment Naming

Popp stated he failed to e-mail documents for this agenda item to the clerk, and noted it was a request from the planning commission on how to name amendments.

Discussion followed as to confusion created when there are multiple articles being revised in one amendment number and when entire amendments are not adopted.

Discussion followed.

Benak suggested a set of procedures and instructions be created for the planning commission.

The suggestion was briefly discussed. Lawson will take the suggestion back to the PC.

There was board consensus that the planning commission will do their due diligence, and when it is forwarded to the board, that is when a proposed amendment number will be put on it.

Approval of Wages for New Park Ranger Robert Daniels

Motion by Popp to approve \$11 per hour starting park ranger wage for Robert Daniels; second by Benak. There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes. Motion carried.**

Approval of Quote from Precision Landscaping

Goss presented a quote for bringing in stone to fix a washed out area on the north side of the playground area caused by a road drain. A couple stumps will also be removed. Goss proposed to take the expenditure out of Facility Repairs & Maintenance or Capital Expenditure.

DRAFT MINUTES – FOR 09/11/2018 CONSENT CALENDAR

Motion by Benak to approve expenditure of \$3,500 to Precision Landscaping for the retention pond runoff ditch and the playground leveling in the park; second by Goss. There was no further discussion. Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, no. 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 township board meeting date is Tuesday, August 28, 2018, at 7:00 p.m.

Public Comment

John Moothart (who also spoke earlier) voiced his concerns about the noise regulations in the proposed ordinance amendment for event barns. He also reiterated his concern about appointments to the planning commission that he says may not be valid.

Thomas Czerwienski, 7021 Cook Road, stated he has to give the board credit that they are addressing the problem of communication. He looked at the planning commission public hearing; it lasted two minutes; no one showed up. He suggested the website might be a good venue for doing this, and that the subject of amendments be listed, as opposed to article numbers. He also commented that the ordinance is going to affect every single parcel in the township.

Adjournment

Motion by Lawson to adjourn; second by Benak. There was no further discussion. Meeting adjourned at 9:58 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk