

**Whitewater Township Board
Minutes of Regular Meeting held December 11, 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, Hubbell, Popp

Board Members absent: Lawson

Others present: County Commissioner Carol Crawford, Fire Chief Brandon Flynn, Tom Slopsema, John Nolan, Ernest and Nancy Keech, Ron and Janet Bachi, and 2 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment

Tom Slopsema, 9693 Miami Beach Road, stated that Miami Beach Road Association representatives are here again so they can understand and discuss possibilities, road blocks, legal issues, etc., of the township transferring the Miami Beach Association community drain field system back to Miami Beach Association ownership. He noted the drain field is one-third of a mile away from the waters of Elk Lake, providing a significantly lower risk of leaking effluent into Elk Lake waters than the original individual drain fields were. The community drain field does not discharge into any public water course or lake or drain or ditch. Miami Beach residents have their own private wells, private septic tanks, private pump tanks, and private effluent pumps. If they privatize the ownership, they plan to directly contract with Grand Traverse County for operation and maintenance of the system, and they have a verbal agreement with the county that they are willing to contract directly with the Miami Beach Association. This would unburden the township from writing new community drain field ordinance and from the budget, billing and payment work for the system. They also contacted MI Waters and were told that ownership transfers do occur all the time and that they will likely need to contact a compliance officer in Cadillac to document the change in responsibility and provide contact information. He stated at this point they are waiting to learn what legal advice and issues the township was directed to follow and what their next steps need to be.

Janet Bachi, 6987 Cook Road, stated there is probably a large amount of people in Whitewater Township that you do not know. If we are not in your circle or not even going to give us a chance for anyone new or maybe with different opinions than yours, you will just shut them down. She stated this is our feeling when we go to a planning board meeting. She said she sits back and listens very carefully to what is happening at every meeting she attends, and picks up on what may think are small things and searches to find facts. We the people elected you to protect our township for all of us and trust that you put together a planning commission that works to uphold the master plan of Whitewater Township, to listen to the people, do what is best

for the people, support the people, always welcome new people who have fresh views and want to be part of learning about the township and protecting the township. Making our residents want to come to a meeting and feel comfortable for what we say is important to them and that if it is not their way, it is the highway. She stated she believes a few of you have forgotten what your job descriptions are. She believes there are a few of you that see this, noting from some of the meeting comments over the years, a few not standing up and supporting their fellow board members. She stated no, she is not talking about differences in opinions regarding something like a fence location. She is talking about lack of respect for the rules that govern your township board, a lack of respect for each other's titles. She stated she is talking about abuse of power and for whom it belongs to. She stated months ago they asked whose job it was to recommend people for the planning commission board, what are the rules, what happens to plans adopted or amended by planning commission board when nonconforming to the rules by the Michigan Planning Enabling Act. She stated they still have not even been given an answer for this information they asked for. It has been brought up a few times by the supervisor only to find a few of you board members quickly pushing it under the rug and changing the conversation. The Michigan Planning Enabling Act, 125.3803b, chief elected official means the mayor of a city, the president of a village, the supervisor of a township, or subject to section 5, the chairperson of the county board of commissioners of a county. 125.3815 explains the planning commission members' appointments, terms, vacancies, qualifications, everything. Section 15-1, the chief elected official shall appoint members of the planning commission subject to approval by a majority vote of the members of the legislative body elected and serving. Under 2, if a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. Under 2, a member shall hold office until his or her successor is appointed. Whitewater Township Board minutes 12/13/2016. Fact, Ron Popp recommends Eric Render for planning commission. Fact, few on board have problems with this because they do not know him. One board member also has a problem because of the person that he will be replacing. Fact, after discussions were made, Goss took it upon herself to make a motion to reappoint Kim Mangus to planning commission for a three-year term, seconded by Lawson. In a review over what people have said during those times, there were problems with Mangus and that is part of the reason she was not being opted to be reelected to the board. Whitewater Township Board minutes of 12/12/2017. Fact, Popp recommended that Sue McCraven be appointed to the planning commission for a three-year position, term to end 12/13 (sic) 2020. No motion was made. Right after that, motion by Goss to appoint Glenn Savage to the planning commission for a three-year term, second by Lawson. Popp stated that he does not think that other folks besides the supervisor can make recommendations for planning commission. Discussion to follow. Then Goss noted she has a motion on the table; it has been seconded by Lawson. Fact, planning commission meeting last week, at the end of the meeting, Kim Mangus, going to Goss to keep whom she wants to keep on the planning commission because their time is up. Now, if you do not see the wrong going on here on your own board, picking and choosing people for it looks as if your own benefits, abuse of power, conflicts of interest, not looking out for the township residents that you are voted to do so for. What do you think that Whitewater residents are going to think when the factual meeting minutes are brought to everyone's attention, the State of Michigan that gave you rules to follow. Every one of you know what has been happening here. It is all in your meeting minutes, every little comment, jab at one another, teaming up, trying to make your own rules, not supporting your own supervisor nor the rules of his job, not protecting the township master plan or its residents. I say shame on

you. And I do, looking through the things, see great things that Paul has stated. He has stated things that he had seen, talks about the attitudes of the planning commission and the different people, knowing there is a problem. Same thing with you, Della. It does state in here there is problems, but no one is listening to you either. There was a really good point made in here by Paul, is that he made the comment about why is everybody trying to change something that has been working for so many years of just putting in new, changing it, new rules making it harder. He's right. If something has been working, why is everybody trying to change things so the power is out of the person's hand that is supposed to be doing the job.

Ronald Bachi, 6987 Cook Road, said he is proud of his wife. She does a lot of research and she really does look up to this township board. She just is striving to do what she can to help make the community better. And it takes a lot. It is very nerve wracking. He stated he gets nervous every time he speaks in front of the township board, and speaking is usually something he is very good at it. He stated every time he speaks in front of this board, he gets that. It is because it is a respect that he has for you. It is a respect he has for you because the community, the people have elected you, for the people, to serve the people, by the people. He stated he is going to cut out a couple subjects real quick, too, to shorten this up. Transparency, he stated he really thinks both boards need to strive for transparency. What transparency means to him is honesty, no hidden agenda. If you know something, you tell it. This world would be a lot better place if it was more transparent. He feels, he knows that in the planning commission level there is no transparency at all; there is a hidden agenda all the time. He is going to leave it at that. The whole event barn thing, here it is again. Once that happened, once that came down and the people became aware, and the community was just shocked. Shock and awe is what it was. After that happened, they all talked in the community and started communicating. The one thing that you guys had pointed out was how can we communicate better with our community; how can we inform them better. He stated they kind of took it upon themselves to try to start to do that by building a network, exchanging emails, exchanging phone numbers, communicating like that. It is a work in progress, but if the board has any questions about it, they can ask him at any time. It is getting bigger. It is getting stronger. Ultimately, he would like to see 3 to 5 people in every meeting, maybe alternating, maybe saying you go check it out this week and we'll go next month, that type of thing, so that we can get the people of our community, which is who you work for and who you serve, more involved. Hot topic number one, the appointment process. He stated he is going to simplify it. He is very impressed with his wife. She has done her research. The appointment process is pretty simple. The people of our community, they elect a township board, by the people, for the people. And then there is a planning commission. What do they do? They plan. They plan under the township board. How do they get their jobs? They get appointed by the elected officials. Where does that start? It starts with the supervisor. It always starts with the supervisor. He stated it is a burden that he would never want to have, because that is a responsible burden. You have got to bring people forward that the township board and the community can be proud of. And that is where it has got to start. That's not where it always starts. Bachi said he thinks he's got to appoint somebody by recommendation and he thinks that that person can come in front of the board and he thinks the board can shut it down and say no. He thinks they can vote on it and send that person away if they don't like them. But what you cannot do is bring somebody else to appoint that the supervisor -- his responsibilities are clear -- that the supervisor did not recommend. And at the end of somebody's term, what you cannot do is you cannot just say, well, I don't care if the supervisor says he doesn't recommend them to

continue on in their job. You cannot overlook that and just vote them through. It's pretty clear. It's pretty simple. The appointment process is not difficult. That's how it works. That's how it is. It's an unfair burden that our supervisor has, but it's his burden and that's the process. He stated he thinks we need to look into that process. If that process is true, Mangus and Savage are both appointed against the process. They were never recommended to be reappointed by the supervisor. That's clear in the minutes. Mangus said, at the last planning commission, she said somebody is coming up for appointment. I'm not going to say who, that's irrelevant; it's the process I'm talking about. Someone is coming up for appointment and she said we would love to have you back. You work well with the planning commission and we'd love to have you back here. It's coming up soon. We may or may not need the approval of our supervisor; I don't think we do. I'm pretty sure that if you want to come back, you just have your job. I mean, you record meetings, I'm sure. I'm not going to say something that is not true. It may not be verb for verb, noun for noun, but you get the gist. That sounds like self governing. That sounds a little controlling. That sounds totally disrespectful for our township board who is elected by the people, for the people, to serve the people. Hot topic number two, the event barn. That event barn is not going away. It's never going away. If we were truly transparent, we would have said that when they backed out of the deal, that it was still on the plate. Come on. I'd like to ask about the 170 signatures that I turned in. Where are they? Did you look at them? Did you happen to verify that they were accurate signatures? Are they sitting in some file collecting dust? Did you call any of the people and say I want to follow up on your signature; how do you feel? Because how our people feel is important. The planning commission seems to have a misunderstanding of how they got the improper information about the event barn. Simplified, and I didn't turn this in but I would like to give it to you, it's a huge old ordinance that your lawyers put together that horrified our public. This is what I gave to them. This is what we handed them. We didn't ask them to do anything. We asked them to read it, know about it, and tell how you feel. How they felt? They signed a petition that says abandon the ordinance; it's ridiculous. Mangus stated that it is going to happen. It doesn't matter what the people think. It doesn't matter what the boards think. It doesn't matter. In a court of law, it is going to happen. It's a runaway train and there is no way of stopping it. He stated that absolutely horrifies him, that our township board doesn't have any control over what goes on in our community? You got to be kidding me. If that's true, let's stop the elections right now. In desperation, he said what about the survey. Mangus said the survey doesn't count; that's a township board thing; that doesn't affect us in any way, shape or form. Well, the survey is about the people. It's about what the people in our community think. There is nothing more important. He said he had a big long spiel, but he is out of time. In his six-month experience, he goes to the planning commission meetings to see what they are doing wrong; he goes to the township board meetings to see what they are doing right. That's the bottom deal right there. He can talk about them. He can tattletale about how the planning commission is absolutely out of control. Control. That's all they want is control. They do not care about public opinion. Public hearings, it will be them showing up, being well educated on the situation, and them telling you what they want, not listening to what the community needs. He thanked the board and stated he appreciates it and he respects this township board and he appreciates them listening to him.

Bachi submitted a six-page document to the board and stated it is what was handed out for people to look at when they made a decision whether or not they wanted to sign the petition, and acknowledged it is a copy of the proposed ordinance for event barns.

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

Heidi Vollmuth, 8371 Winnie Lane, stated she has been at a planning commission meeting and you better be careful what you wish for because that is what they will tell you when you are there. She said if this is the process, they will keep following it, but now they are going to keep watching. If certain things do go through, the event barn or something that is going to cause massive noise, people are going to complain. She reminded the board that they lack the resources to visit those complaints. She said she will be careful what she wishes for, like somebody told her at a planning commission meeting, but she is going to watch, and remember, it is their safety first, not the client's.

Popp and Benak expressed a desire to listen to the recording of the planning commission meeting where event barns was discussed.

It was clarified that the meeting referred to is the 12/5 planning commission meeting.

Public Hearing

None

Reports/Presentations/Announcements/Comments**Commemoration of Years of Service – Ernest Keech, Cemetery Sexton**

Ernest and Nancy Keech are present.

Goss introduced Ernie and Nancy to those present and noted that Ernie has been the cemetery sexton in the township for 60+ years.

A walnut engraved plaque which reads, “Presented to Ernest Keech in Grateful Appreciation of Your 60+ Years of Outstanding Dedication and Service as Whitewater Township Cemetery Sexton, 2018, Thank You, Whitewater Township Board,” was presented to Ernie by Goss.

(Applause)

Goss noted that Ernie has done a beautiful job for the township and will be missed, and also presented a card and gift certificate from township board members to Ernie.

Ernie addressed those present and said he did the best he could to do the things that people would want done in that time of their loss for the loved ones, and sometimes he had to do some officiating for some of the people because somebody had to leave. He said he knew a lot of people over that length of time and said he is going to miss it, and thanked the board for the recognition.

Popp related a brief story about Ernie and thanked him.

County Board of Commissioners Report

Carol Crawford gave the following report:

- They are fully staffed at the top of their executive team as they finish out the year. The new Human Resources Director, Donna Kinsey, started in October. Starting soon will be

Chris Forsyth, who will be deputy administrator. She said she is very happy to be leaving the county in those good hands.

- A couple weeks ago they approved lots of union contracts, and a couple more may get approved next Wednesday. The contract for the courts has not been settled yet.
- They approved 3% raises for all the employees not covered by a union contract.
- They have a new contract with Northern Lakes Community Mental Health, who will be providing a full-time therapist and a full-time peer support specialist in the jail.
- All of their employees will be going to a health savings account insurance next year, saving the county \$1 million every year. It saves the employees, too, because the 20% premium they pay is a lot less. The county's 80% is a lot less. Some of the savings will be used to frontload those accounts. All single users will get \$1,000 into their HSA to start them off; families will get \$2,000.
- Five new commissioners will be sworn in on Friday morning.
- She stated it has been a pleasure and an honor to serve and she has enjoyed her time.

The board thanked Crawford for her work.

County Road Commissioner Report

Marc McKellar gave the following report:

- Their manager, Jim Cook, is retiring after 6 years. They received 30 applications for the position. They have narrowed it to 8 for phone interviews, and then will do at least two face-to-face interviews. Cook will be done at the end of the year. Their chair, finance director, chief engineer, and the board clerk will be a quasi-decision-making group for a month.
- He provided information about their 2019 plans for road maintenance.
- Regarding the East-West Corridor, they may be renaming it. A lot of people think it's the bypass, which is an MDOT concept. It's network enhancement. They should have the results from the engineering company this spring and they will be acting on those. He described a few options and obstacles under discussion. The road will not be designed to create commercial development.

Brief discussion followed.

Mobile Medical Response Report – No one is present from Mobile Medical Response. November activity reports were provided.

Fire Department Report

Brandon Flynn gave the following report:

- They had a busy month in November. The trend continues that 25-26% of their calls are car accident related.
- The engine did go in to CSI and get repaired; it is back now. It was a very stressful and aggravating time renting a fire engine and making all that happen. He thanked his guys for all the help and extra hours they put in related to this process. It was a hectic 10 days. Nonetheless, the engine is back in service and he believes most of the items were repaired on it. He contacted CSI today for followup on the invoice which has not been received yet.

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

- He put in a grant for two AEDs through MMR's corporate office. His idea is to get one here at the township office and one at the park. They were awarded one, with \$725 in matching funds. It will be installed at the township office and should be here shortly.
- He has had two applications come in for firefighters. They are brothers, fully trained, and are Elk Rapids firefighters. Their family is building a house on Williamsburg Road. He stated he needs to outfit these two firefighters with gear, so the board will see something coming in, maybe dipping into contingency funds, to outfit these firefighters.
- He reported that the county chiefs meet once a month and they are all running into the same issues, which is manpower. They are going to be pushing as a group for a hiring process, maybe doing some advertising and promoting of the area fire departments. He looks forward to doing that after the holidays.
- Assistant Chief Carpenter has informed him that we are out of radios. There is one radio left in the county.
- Regarding the rental fire engine, he requested a topic to be put on the agenda. (New Business #1.)

Planning Commission Report – Lloyd Lawson is not present.

Parks & Recreation Advisory Committee Report

Goss reported that, due to absence and illness, last night's meeting was cancelled.

Consent Calendar

Receive and File

1. Supervisor's Report for November 2018
2. Clerk/Park & Recreation Administrator's Report for November/December 2018
3. Zoning Administrator's Report for November 2018 (none)
4. Mobile Medical Response November 2018 Activity Reports
5. Whitewater Township Fire Department November 2018 Report
6. Treasurer's Cash Balance Report August 2018
7. Treasurer's Cash Balance Report September 2018
8. Treasurer's Cash Balance Report October 2018
9. Treasurer's Interest Reports April through October 2018
10. Approved 09/10/2018 Parks & Recreation Advisory Committee Minutes
11. Approved 09/27/2018 Zoning Board of Appeals Minutes
12. Approved 10/03/2018 Planning Commission Minutes
13. Approved 10/08/2018 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for November 2018
2. Grand Traverse Rural Fire Department 11/07/2018 Closing Statement
3. Letter 10/31/2018 Beckett & Raeder re: Acme Township Master Plan Update
4. Letter 11/02/2018 James Dustin (Miami Beach Association) re: Delegation of Authority
5. Letter 11/07/2018 MDNR re Notice of Purchase of Land
6. Letter 11/15/2018 Elk Rapids Village-Township Adoption of Collaborative Master Plan

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

7. Letter 11/15/2018 MDNR re: Invitation to Comment on Proposed Changes in Forest Road Status
8. Letter 11/19/2018 East Bay Township Notice of Public Comment Period on 2019-2023 Parks & Recreation Plan
9. MDEQ Public Notice 11/26/2018 re: Proposed Dredging of Ponds
10. E-mail 11/29/2018 Spectrum Business re: Network Upgrades
11. Letter 11/30/2018 Charter Communications re: Changes to Channel Lineup
12. Letter 12/01/2018 Ernest Keech Resignation as Cemetery Sexton
13. Michigan Railroads Association Fall 2018 Update
14. Memo 12/05/2018 Supervisor re: Attorney-Client Privileged Documents

Minutes

1. Recommend approval of 11/07/2018 special meeting minutes, 11/13/2018 regular meeting minutes, and 11/27/2018 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 43433 through 43532
2. Approval of First Community Bank Miami Beach voucher # 1247
3. Approval of First Community Bank WMDLS voucher # 1315

Budget Amendments

Revenue & Expenditure Report

In response to Goss's question, Popp stated that Chris Patterson is the source of the information in Popp's 12/5 memo regarding legal opinions. The information was given verbally and not in writing.

Brief discussion followed.

Motion by Hubbell, second by Benak, to approve Consent Calendar items as presented.

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

Unfinished Business**Discussion re: Elkwood Shores Community Drain Field Project**

The township attorney has provided a confidential legal opinion concerning the Elkwood Shores Drain Field.

Popp stated we were probably a little hasty when he made a motion on Elkwood Shores to not take responsibility. In Michigan, we are still responsible for it ultimately.

Discussion followed.

Popp suggested that, for the next Elkwood Shore question regarding whether the township wants responsibility or not, a policy should be set up which looks at it, these are the points considered,

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

and here is why we did or did not accept responsibility, instead of using a motion recorded in the minutes.

Benak agreed with coming up with findings of fact, much like is done at the ZBA and planning commission. With several bodies of water, the township may see more localized sewer systems popping up. Benak also suggested that annual reports be filed with the township.

Discussion followed concerning reporting to the township.

Goss noted that a copy of the letter which the supervisor was supposed to supply to Scott Jozwiak declining responsibility on the Elkwood Shores Drain Field has not been submitted to the clerk's office for the official file.

Popp stated he has not supplied the letter, pending this discussion.

There was consensus that it is still the board's opinion that the township declines responsibility for the Elkwood Shores Community Drain Field Project. (Lawson absent)

Discussion re: Miami Beach Sewer System

The township attorney has provided a confidential legal opinion regarding the Miami Beach Sewer System.

Goss said it is interesting that the opinion questions whether the township owns the system.

Popp said he has confirmed with the state that the original permit is to Whitewater Township.

It was agreed that a copy of the permit should be obtained.

Popp stated that the DEQ indicated they would have to put their stamp of approval on this transaction, but since it was designed and installed before the new rules existed, there is no legal way for the state to bind the Miami Beach Association to those safeguards that are set up in the new law. Popp stated that is not in the legal opinion.

Referring to the legal opinion, Benak noted the DEQ says the township is authorized to sell the sewer system to a nongovernmental third-party entity. Also, per the opinion, an environmental engineer from the NPDES permit section says a process is available for the transfer of the related permits. Benak stated it can happen and these are the two agencies we need to use.

Discussion followed.

Goss stated the legal opinion says that we have the general authority to do this, and that we also have to transfer the related discharge permit. It is not that the DEQ has to approve this. The township is putting the permit in the name of a legal entity.

Discussion followed regarding the function of the DEQ in this type of situation.

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

Goss noted that, per the legal opinion, the DEQ agrees that the township can sell the system, and that there is a process for doing so.

Benak stated the steps to be followed are laid out in the legal opinion.

Discussion of the legal entity status of Miami Beach Road Association was briefly discussed.

Goss confirmed, through a Business Entity search on the Department of Licensing and Regulatory Affairs website, that the Miami Beach Road Association, Inc., is a domestic nonprofit corporation.

John Nolan asked if he could get the list of steps.

Popp suggested he assemble a list, in his own words, of the steps and the document names.

Goss suggested that the township attorney draw up the transferor/transferee agreement.

Benak agreed with drawing up a list of the steps that can be given to the Miami Beach owners.

It was agreed that the legal fees associated with the transfer should come out of the Miami Beach Fund.

Discussion followed regarding the timing of transfer of the permit.

Motion by Popp, second by Benak, to have Chris generate the transfer agreement documents as he has written in his instructions.

Goss pointed out that the attorney said the township has to ensure that it receives proper compensation for the sale, so that it is not considered a donation to a private party.

It was reported by Slopsema that the \$25,000 paid for the 5-acre parcel came out of the bond money.

Discussion followed.

Popp made an additional motion that we have Chris generate a value for the system. Popp stated he does not know how that will be done, but Chris may say you need to have an engineering company come in and look. He said let's have Chris do it, from start to finish, have him establish the value first and then the value comes out. Maybe it is a dollar; maybe it isn't a dollar.

Benak asked if we are at the discussion point.

Popp said he is going to retract his motion statement. What happens if Chris says no, we have to sell it to them for \$2, and they say we don't think it's worth \$2?

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

Benak said she thinks it has to be reasonable in the court's eyes. According to what Patterson listed for court cases, if we sell it back to them for \$1, the court will uphold our decision, because it was all their funds that paid for the land, all their funds that paid for the maintenance, all their funds that paid for the construction. The township itself didn't pay for those items. She stated she thinks a court would uphold us selling it back to them for what they sold it to us.

Discussion followed as to whether the value is fair market value, as argued by Popp, or whether the value is what the township feels is a fair value, as argued by Benak.

Goss pointed out that the township has not owned it very long, only since the day the bonds were paid off, per the ordinance.

Benak noted the township has not put any funds into it since then.

Goss stated all of the risk and cash and capital that has gone into the system has been provided by the Miami Beach property owners. So, does it have any value to the township? Because it doesn't have any value to the rest of the taxpayers, because they are not and will not be hooked into it.

Popp stated it is still a township asset that has value.

Benak does not want to employ the attorney to set a value.

Goss agreed, because the attorney is not in the business of valuing property, and also, the board should set the value.

Hubbell agreed, stating it should be up to us what we want to sell it for.

Popp inquired of the board if we still want the attorney to start on the transfer agreement.

Benak and Popp agreed.

Popp said the first motion still stands and he wanted to make sure Benak is good with that.

Benak seconded the motion.

Goss re-read the motion: **Motion to have Chris generate the transfer agreement documents as he has written in his instructions.**

Popp added to the motion: **Between Whitewater Township and Miami Beach Road Association, Inc.**

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

Popp stated he will get that request out to him in the morning.

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

John Nolan stated that the county transferred the property at zero value to the township, as a point of interest to the board. It was to take place at the time the bond was paid off.

Brief discussion followed regarding transfer of the property and deeds.

Goss will get the deed from the Register of Deeds office.

Discussion turned back to creation of a list of items to be checked off. Popp feels it is still a good idea for both parties.

Benak agreed we need to make a list.

Popp will make a list.

Goss stated an additional item for the list is that we will have to accept or deny responsibility for the system, just as was done with Elkwood Shores.

New Business**Conceptual Introduction Pumper/Tanker Apparatus**

Chief Flynn provided a 1-page drawing of a pumper tanker vehicle and stated the fire department has been feverishly working on specifications for a new pumper tanker to replace the current tanker. The current tanker is a 2000 Chevrolet chassis which holds 1800 gallons and is a single purpose vehicle. It cannot do any pumping. His purpose is to bring this issue to the township board to get the discussion going on how we can go about purchasing this very large item.

He explained that there are commercial chassis and custom chassis fire trucks. Engine 3 is a custom chassis. On the drawing is a commercial chassis which can be purchased off the lot and then build the fire truck part of it on the back, which is a considerable savings. This vehicle is probably right around \$400,000 stocked. The advantage is that it also pumps. This vehicle will hold 1800 to 2000 gallons, depending on the axle size. They need a multipurpose vehicle, especially when it came to recently having to rent a fire engine. If Engine 3 goes out of service, do we have another vehicle with pumping and water carrying capabilities? NFPA 1901 determines what equipment each fire apparatus has to have. Their idea is to have a pumper/tanker, a fire engine with air packs, tools, more water, ladders, etc., to fill in if Engine 3 goes out of service.

The Chief provided the following answers to board questions:

- It will fit in the barn.
- It will have extrication equipment on it.
- Engine 3 will still be the primary response vehicle.
- He would like to sell the old tanker, with proceeds going to fund the pumper/tanker.
- He would like this to take place in January 2019 as the township does not have a backup pumper.

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

Goss noted that a 2% grant application has been submitted to the tribe requesting \$133,000 toward the \$400,000 cost. Also, funds received from Rural Fire could be earmarked for this.

Discussion followed regarding availability of funds in the Fire Capital Improvement Fund and the Fire Fund.

Other information gleaned from questions is:

- The \$400,000 price is for a ready-to-roll-down-the-road unit, everything included.
- The fire department is developing a specification booklet in order to seek bids from manufacturers.
- Approximately \$25-30,000 can be recouped from the old tanker.
- The next nearest pumper trunk is in Elk Rapids or Acme.
- Regarding vehicle make, Spartan is helping with the specifications. Chief Flynn has also been in communication with Pierce and E-ONE. The chassis may be determined by number of gallons of water. Flynn wants 2000 gallons, with at least a 1250 pump. Freightliner maybe; also looking at International. Both of them have an extensive cooperative of maintenance technicians in this area.

The board agreed there is a way to fund it. Various means were discussed.

In response to Goss's question, the Chief stated he has not heard back from the tribe about the mutual aid agreement but will send an e-mail tomorrow.

Brief discussion followed.

Emergency Services Building Asphalt Project

Goss provided written information from Kyle Richter wherein RCI is offering to enter into a construction management agreement for services relative to paving the north and south parking lots and east drive of the Emergency Services Building. This is work which some members of the fire department have expressed an interest in, particularly for the severely deteriorated asphalt on the north side. Under the proposed agreement, they “would coordinate the design/engineering documents, put the project out for public bid, make a recommendation of subcontractor bids, and oversee the construction phase of the project on a fee basis.”

Discussion followed.

Motion by Hubbell to enter into an agreement with RCI to pursue bids for the asphalt work at the Emergency Services Building; second by Goss.

Costs were discussed. There would be a 10% contingency, 3% bonds and insurance, and 15% general contractor markup, which may vary depending on factors present at the time of bidding.

The motion was re-read.

Further discussion took place, after which the motion was re-read a second time.

DRAFT MINUTES – FOR 01/08/2019 CONSENT CALENDAR

Discussion turned to who would take it on themselves to go out for bids for this if someone is not hired to do it, asking the “Elmer’s guy” to do it for free and give us an estimate, separating the work into two projects, as well as the necessity of sealed bids and the process.

Roll call vote: Goss, yes; Hubbell, yes; Lawson, absent; Popp, no; Benak, no. Motion failed.

Chief Flynn stated he will write the specs himself.

Appointments to Planning Commission, Zoning Board of Appeals, Parks & Recreation Advisory Committee, and Board of Review

Motion by Hubbell, second by Benak, to reappoint Michael Jacobson of 7031 Skegemog Point Road to a three-year position on the Whitewater Township Planning Commission. There was no further discussion. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Goss, second by Hubbell, to reappoint Kenneth Bowen of 10717 Elk Lake Road to a three-year term on the Zoning Board of Appeals. There was no further discussion. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Benak, second by Goss, to reappoint Kim Halstead of 7923 Cook Road, Williamsburg, to a three-year term on the Zoning Board of Appeals. There was no further discussion. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Hubbell, second by Benak, to reappoint Dennis Leach of 7178 Skegemog Point Road, Williamsburg, to a three-year position on the Whitewater Township Parks & Recreation Advisory Committee. Brief discussion followed. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Goss, second by Benak, to reappoint Fran Butler to a three-year term on the Parks & Recreation Advisory Committee. Brief discussion followed. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Benak, second by Hubbell, to appoint Connie Rountree of 5413 Glendenning Trail to a two-year term on the Whitewater Township Board of Review. Brief discussion followed. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Goss, second by Benak, to appoint Eric Sanborn of 7905 Cook Road, Williamsburg, to a two-year term on the Whitewater Township Board of Review. Brief discussion followed. On voice vote, all those present voted in favor, none opposed, Lawson absent. Motion carried.

Motion by Benak, second by Hubbell, to appoint Kim Halstead of 7923 Cook Road to a two-year term on the Whitewater Township Board of Review. Brief discussion followed.

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

Planning Commission Direction

Discussion took place as to what items of business the planning commission could be working on while the recodification process takes place.

Benak suggested the following:

- Planning for the future of the township, future use maps, which were not touched during the master plan process.
- Developing surveys for things the board has big questions on.
- Looking at developing a downtown authority.
- Plenty of other things that are taught in Citizen Planner that a planning commission does other than write or change ordinances.
- Event barn survey.

Goss stated there has been a request since the PC's last meeting that Proposed Zoning Ordinance Amendments 73 and 74 be prepared for public hearing.

The idea of the planning commission working on an event barn survey was discussed, possibly with the zoning administrator's guidance.

Popp said we have agreed they work on Article 11, which is lot sizes.

Brief discussion followed.

Regarding the survey, Hubbell said the board should keep an open mind with our new zoning administrator. She might be the nonbiased person to have do that. Let her fill out the whole thing, to get what the public wants.

Popp stated he and Benak signed on to do it but they haven't gotten together, but he would not mind inviting Wolf into the pool of thinking, and possibly turn it over to her.

Brief discussion followed, including a couple audience member comments.

There was agreement that the attorney will be asked to provide the documents for Proposed Zoning Ordinance Amendments 73 and 74 for public hearing.

In answer to Popp's question, Goss stated that she is currently working on contacting recodification companies, and when she gets that done, she will move on to Article 11.

It was pointed out that it is possible the planning commission may have to cancel an occasional meeting if they have nothing to work on.

Senate Bill 637 Small Cell Wireless

Popp stated he is bringing this to the board's attention, stating he does not understand the technology but thinks we are already seeing some of it be installed.

Discussion followed regarding the effect on cell tower lease payments and personal property tax.

Goss pointed out that the legislation is for 5G, but 4G is not going to go away immediately, and indicated that the bill has passed both the Michigan Senate and House and is on the Governor's desk for approval as of 12/5. Whitewater Township's representatives in Lansing, Schmidt and Inman, both voted for it.

Brief discussion followed.

Frost Laws Logging Truck Exemption

The Grand Traverse County Road Commission is urging local elected officials to consider adopting a resolution opposing Senate Bill 396.

The current status of Senate Bill 396 was discussed.

The pros and cons of allowing logging trucks to be exempt from weight and speed restrictions during frost laws was debated.

Goss stated she does not think a resolution by this township is going to change anything and it is probably a waste of time.

Hubbell agreed.

Popp stated he is for making a resolution.

Benak stated she does not want to do it, and thinks there are probably other townships who will jump on board and do it.

Goss suggested someone check with the Michigan Townships Association to see if they have taken a position.

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**Township Hall On-Demand Hot Water System**

Goss provided a quote from K&K Heating and Cooling to replace the 40-gallon water heater with an on-demand system. Township hall water needs are minimal. The hot water heater should be removed before the flooring is replaced.

Brief discussion followed.

Benak began to make a motion, but Goss stated she will approve it by purchase order and is simply bringing to the board's attention that K&K has been asked to do the work.

Referring to a notice from the Department of Natural Resources addressed to the township supervisor, Popp stated his mail gets interrupted at the clerk's office. It is opened and not all of it gets to him. He stated the document had timelines on it which are now passed. He wants to publicly let the board know that his mail gets stopped; the mail that is addressed to him with his name on it or the supervisor's office needs to come to the supervisor's office unopened to his mailbox.

Discussion followed, with Benak emphasizing that the mail received here is the township's mail, not personal mail.

Goss stated when the supervisor was first here, all of his mail was given to him unopened and there were numerous instances where the rest of the board never got the information. Information addressed to the supervisor or clerk or treasurer is information for the entire board. Goss stated she will continue to open the supervisor mail.

Popp suggested there may be copyrights or trademarks on the documents.

Goss replied that when the documents arrive in the post office mailbox, they become public documents and the public can ask for a copy of them.

Announcements

The next regular township board meeting date is January 8, 2019, at 7:00 p.m.

Public Comment

Ron Bachi thanked the board for working so hard for the community.

Hubbell stated there is a chance he will not be here on the 8th.

Adjournment

Motion by Hubbell, second by Popp, to adjourn. On voice vote, all those present voted in favor, none opposed, Lawson absent. Meeting adjourned at 10:38 p.m.

Respectfully submitted,
Cheryl A. Goss
Whitewater Township Clerk