DRAFT MINUTES

Whitewater Township Board
Minutes of Regular Meeting held December 10, 2019

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: Clerk Goss, Trustee Lawson, Popp
Board Members absent: Treasurer Benak, Trustee Hubbell
Others present: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, Planning Commission Chairperson Kim Mangus, Deputy Supervisor Ron Bachi, and 10 others

Set/Adjust Meeting Agenda
There were no adjustments.

Declaration of Conflict of Interest
None

Public Comment (6:16)
Tom Slopsema, 9693 Miami Beach Road, advised the board regarding the Miami Beach Sewer System Transfer that the Miami Beach board gave unanimous approval to the terms in the revised documents and recommended to the membership to proceed with the ownership transfer. They will advise the township board as soon as they have the membership votes tallied.

(7:25)
Dee Prabhaker, 6925 Cook Road, spoke against event barns in the community and urged the board to abandon the event barn ordinance.

(10:04)
Ron Bachi, 6987 Cook Road, provided his comments in writing and detailed his concerns about an event barn ordinance, including traffic safety, event center on agricultural land, speeding, alcohol, traffic jams, policing, petition against event barns, and urged the board to abandon an event barn ordinance. (See attachment.)

(15:19)
Kim Mangus, 1214 Cerro Drive and 5101 Brown Bear Lane, reported that the desk copy and zoning administrator copies of the zoning ordinance are not up to date and asked that it be corrected.

(18:39)
Heidi Vollmuth, 8371 Winnie Lane, leveled criticism against the clerk for going crazy with documents, but she's not documenting the right way apparently, and stated she can't even find what she needs when she goes to look for it online. She repeated her warning that piss poor planning predicts poor performance. Regarding event barns, she said you better go with your

survey because you started a process, and complained that event barns cannot be policed and should be put to rest.

(22:10)
Sue McCraven, 9435 Fairview Road, said that event barns are a nightmare for parking, traffic, noise, and is not anything the residents want.

Public Hearing (23:16)
None

Reports/Presentations/Announcements/Comments (23:18)
County Board of Commissioner Report
Gordie LaPointe gave the following report:

- The county has been discussing a new senior center for some time and a decision has been made to put it in its existing location. It will be about a 12,000 square foot facility, costing about $3.6 million. The question of how to fund it is being discussed at the city and county. A millage is being discussed. It is a city-owned facility on city land and there is a question can we have a county-wide millage to fund it. He said he has real concerns about that. There is a preponderance of city residents who use it. If there was a 1 mill levy, Whitewater Township taxpayers would kick in about $220,000 toward construction. He said he would welcome comments from the public or from the board to let him know their thoughts on funding so he can carry that message forward.
- The county's bond rating per S&P is AA Stable and per Moody is AA2. The county is in very good shape in all aspects. The only drain on the county remains the pension.
- The 2020 county budget was approved as originally proposed.
- The Pugsley proposal has fallen apart; they are now looking at manufacturing down in the Grand Rapids area. The county has pulled back on it.
- They had a presentation from Chris Barsheff, the head of the jail, on mental health issues in the jail. The county contracts with two full-time people to work with these inmates, at a cost of $163,000.
- A board-requested inventory of county properties produced a list of 46 county-owned properties worth $262,000,000. Most of it is the airport. They will look at whether there are any underperforming properties in terms of their asset value that the county could liquidate and use the proceeds better to service the community.
- The county passed a resolution saying that if a PAC gets involved in funding people running for local office, the county will not do business with them because it is a perceived potential conflict of interest.

Brief discussion followed.

County Road Commissioner Report (34:48)
No one is present from the Road Commission.

Mobile Medical Response Report (34:52)
No one is present from Mobile Medical Response. November activity reports were supplied.

Fire Department Report (34:58)
Brandon Flynn gave the following report:

- They had a busy month in November with calls and a couple extra trainings. A couple meetings were cancelled due to opening day.
- They participated in providing standby for the Iceman Cometh race. The VASA race is coming in February and they will be involved.
- Vehicles will be done with annual maintenance and DOTs tomorrow.
- The gutter was installed on the station today. The project will be completed once the heat tape is installed, which will hopefully solve the ice problem at the Emergency Services Building.
- They are on call number 99.

Planning Commission Report (37:14)
Lloyd Lawson gave the following report:

- There was a meeting last Wednesday. One of the topics was information points where we get ordinance, them all not lining up and being the same. Several members were quite upset about it. He seconded the Mangus request to get all information up to date and current in all access points.
- They are still going ahead with an open house at 6:00 p.m. on January 8th and a regular meeting at 7:00 p.m.
- They set a tentative goal to review the master plan in 6 to 9 months and are planning several extra work sessions. The zoning administrator recommended they read the first 10 pages before every meeting. They will be starting on organizing the maps. Hall will make contact with the GIS service to find out how to get them updated.
- They discussed communication between the board and the PC. Is there a backup plan (when Lawson is not there)? Do we need to copy/paste a portion of the minutes and send it to the chair?
- The survey questions and the mailing did not go out in the newsletter. A lot of those questions and the letter may not be used. The PC might do a full-blown survey with their own mailing and get that done. The questions in the packet might change or not be used.

There was brief discussion of GIS mapping.

Parks & Recreation Advisory Committee Report (41:26)
Cheryl Goss gave the following report:

- The committee met last night; 3 members were present; 3 were absent.
- Goss updated the committee on the status of the grant project at Whitewater Township Park.
- Trail signage was discussed. Goss will be getting a proof from Image 360 for trail signs at Whitewater Township Park.
- Linda Slopsema suggested a highway type sign before the entrance to BCNA on Skegemog Point Road as the entrance is difficult to find.
- Regarding dugouts, Linda Slopsema will make a couple contacts with people she knows who may be able to give the committee some guidance on less costly types of dugouts.
- Melissa Melton will do research on tennis backboards.

- The committee will work on batting cage rules in January.
- Nothing new on the proposed boardwalk over the wet area on Lossie Road Nature Trail.
- Some time was spent discussing the 2020 budget for the Recreation Fund.

Consent Calendar (43:16)

Receive and File

1. Supervisor's Report for November 2019
2. Clerk/Parks & Recreation Administrator's Report for November/December 2019
3. Zoning Administrator December 2019 Staff Report (not available)
4. Mobile Medical Response November 2019 Activity Reports
5. Fire Department November 2019 Report
6. Historical Society November 2019 Report
7. Approved 08/14/2019 Historical Society Minutes
8. Approved 10/02/2019 Planning Commission Open House Minutes
9. Approved 10/02/2019 Planning Commission Meeting Minutes

Correspondence

1. Grand Traverse County Sheriff Statistics for October/November 2019
2. Letter 11/07/2019 Karen Ferguson re: 5-Acre Lot Size in RC-1
3. E-mail 11/20/2019 Planning Commission Requests re: 01/08/2020 Open House
4. Letter 12/02/2019 Della Benak re: 5-Acre Minimum Lot Size in RC-1

Minutes

1. Recommend approval of 11/12/2019 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 44706 through 44787
2. Approval of First Community Bank Miami Beach voucher # 1261
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Referring to packet page 17, Popp questioned the date of 9/24/2019 (sic) shown at the bottom of the 10/2 planning commission special meeting minutes.

Motion by Popp to remove what he believes to be the minutes from the 10/2 special planning commission meeting.

Discussion followed, with Goss noting that it should be removed from the Consent Calendar, she will have MacLean correct it, and it will be in next month's Consent Calendar.

Goss noted a correction under Receive & File; the Zoning Administrator's report has been provided, so the "(not available)" wording should be stricken.

Discussion followed.

Motion by Goss to approve the Consent Calendar as amended; second by Lawson. Roll call vote: Benak, absent; Goss, yes; Hubbell, absent; Lawson, yes; Popp, no. Motion carried.

Unfinished Business (50:55)

Miami Beach Sewer System Transfer

There were no questions for Slopsema regarding his earlier status update.

Goss noted a couple minor housekeeping items that can be dealt with at the January meeting:

- On the Bill of Sale, Cook Road should be excluded at the end of the first paragraph.
- The Miami Beach representative is John Nolan, Treasurer.
- The quit claim deeds will be brought to the January meeting.
- The Miami Beach Road Association address needs to be changed on the deeds and in the Easement Agreement.

Update – Sale of Vinton Road Parcel 28-13-004-065-00 (54:08)

Popp provided a memo proposing to obtain proof that the parcel can be built on.

Discussion followed.

There was consensus of the board that the signs should be pulled and the topic will be revisited in April.

Final Review of Fleis & VandenBrink Professional Services Agreement (57:01)

David Capser is present from Fleis & VandenBrink.

Goss noted that the PSA went back and forth from the township attorney to Fleis & VandenBrink and we have an agreed-upon document. The final document starts on page 67 of the packet. The only change is a revised Owner Representative paragraph, drafted by Attorney Patterson, which names the Township Clerk as the owner representative but limits the clerk's authority.

Popp stated the following concerns:

- Project will unduly burden the clerk's office.
- Packet page 72, Scope of Service, they will attend one design refinement charrette with township board and park staff; this leaves no room for public input.
  - *Goss and Lawson noted that a charrette is a public meeting for public input.*
- Packet page 73, as an alternative, they are offering comprehensive single source design and construction approach, and said he wants to make sure we are not signing a construction agreement and that any construction will go through the bid process.
  - *Goss noted the document says it will go through the bid process, which is required also by the DNR, and noted that the next step for the PSA is to send it to the DNR for their approval.*

Goss also noted that there was a motion at the last meeting that the clerk and supervisor would sign the PSA agreed to between the attorney and Fleis and VandenBrink, which is the document being discussed. The owner representation paragraph has been modified. The attorney has agreed to this document, and bids will be going out.

Capser offered to clarify further that, no matter what, the construction will go out to bid. They offer sole sourcing in the sense that they would be the construction manager; they would own the contracts, so they would be soliciting the bids, instead of having a general contractor they would be working with during the construction admin process of this agreement. He said, no matter what, everything will go out to bid.

Lawson asked if they would be acting more like an agent for the township in order to facilitate the process of bidding.

Capser replied that if it goes to a general contractor, F&V would be administration. If F&V were the CM, they would own the contracts. But no matter what, it all goes out to bid. It is just a process that, if we get to that point, if you choose to do so, the DNR has already said that F&V has the ability to do that.

Discussion followed.

Goss noted that the agreement is no longer a redline agreement, so the (FSBR redline) notation has been taken out; it is a final document.

Motion by Goss to authorize the supervisor and clerk to sign the 2019.11.20 FV Professional Services Agreement (V2). Goss noted this is the final document that starts on page 67. **Second by Lawson. Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, no; Benak, absent. Motion carried.**

Goss noted she will send the minor typographical errors to Capser for correction. When the document is returned, it will be signed and sent off to the DNR.

Capser noted, on the prior agenda item, doing perc tests to see if the property is buildable or not, they offer those services as well through a feasibility study. The scope of services could entail anything that you wish to make sure the property is buildable.

Proposed Revision of Administrative Policy & Procedure Manual Section 2.6 Independent Contractor Agreement (1:07:51)
Popp asked if there are any questions or comments.

Discussion followed regarding addressing this issue at the next meeting when the whole board is present.

This agenda item will be brought back on the January 14 agenda.

New Business (1:09:34)
Proposed Amendment of General Ordinance No. 40 Fire Prevention Code

Chief Flynn is present.

Popp explained that there is a proposal to spend about $400 getting new code books, as well as updating the fire prevention ordinance from the 2006 International Fire Code to the 2015 International Fire Code, although the 2019 is out. Popp's understanding is that Grand Traverse County and most of the township's mutual aid partners are working in the 2015 code book.

Lawson asked if there was a downfall with going to 2019 or 2020.

Flynn said we could do that; his goal is there is a lot of language that references Rural Fire Department. He and Popp hope to clean up that language and bring it up to date to reflect Whitewater Township Fire Department, and at the same time bring it up to the current code. Flynn stated in a lot of other townships they adopt the current code and then the codes that follow, and suggested he would be comfortable with the township adopting the 2015 code and others thereafter, so we would always be current and would just need to keep the electronic copies current.

Goss noted that we will need two hard copies for the township hall, and suggested that the township attorney should be consulted as to how fire prevention ordinances are typically updated.

Discussion ensued concerning updating to the most recently adopted code and making a handful of changes specific to Whitewater Township.

Popp said he is looking for consensus of the board to update from 2006, update references to an outdated fire department, and update to 2015 or 2019, noting it is a 600+ page codebook and we are probably not going to have Attorney Patterson review all of it.

Goss confirmed that the code is huge, and the ordinance refers to that document, and said she is not sure how the township attorney would suggest we approach this and would not want to have a bunch of wasted time on anyone's part. Goss suggested again that somebody contact the township attorney and ask what steps townships go through to do this, and mention that there are things the township is not going to adopt.

Lawson asked if we go to the attorney first and then buy the books.

Popp said buying the books is probably six months down the road.

Lawson suggested sending it to the attorney and asking him what is our direction, and the chief can do some additional research and find out from his end the direction he would recommend.

Motion by Popp to authorize Fire Chief Brandon Flynn to begin the amendment process of Whitewater Township General Ordinance No. 40 referencing the International Code Council International Fire Code 2015 or 2019.

Lawson suggested adding inform the board of processes and procedures needed.

Goss noted the motion is very vague and asked: What is the beginning of the amendment process? Goss suggested that one of the board members going to the township attorney is the first step in the process.

Popp replied we are going to talk to the attorney, talk to our mutual aid departments, and noted they have already talked to Elk Rapids, who does not use the International Fire Code.

Flynn said the current ordinance adopted the 2006 International Fire Code with additions and subtractions, and stated he already has a list of additions and subtractions that he would like to see, which is pretty much identical to everybody else in Grand Traverse County, and offered that he and Popp can send that information to the attorney to kick start this project.

Popp asked if we have board approval to begin this process.

Goss noted that, once again, that is vague, and stated she has a **motion to refer Ordinance No. 40 to the attorney for revision and updating.**

Popp said not all 600 pages, not going to do that.

Goss noted that Ordinance 40 refers to the code. The code is not the ordinance. Goss further suggested bringing this back at another meeting and in the meantime talk to the attorney and see what his suggestions are.

Lawson said talk to the attorney and wait until we have everybody else here on the board.

Popp stated we will bring this back in January.

Letter of Support for Milton Township Grant Request (1:27:57)
Motion by Goss to authorize the clerk to sign the proposed letter of support for Milton Township's grant request; second by Lawson. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.

Seek Attorney Review of Zoning Ordinance Article 28 Site Condominium Standards (1:29:20)
Motion by Popp to send the planning commission's recommended amendment to Whitewater Township Zoning Ordinance Article 28 to legal counsel for a redline review; second by Lawson.

Goss noted this document does not track the changes made by the planning commission to (former zoning administrator) Lindsey Wolf's original document, and cited No. 2 Condominium Conversions which shows no original language, and noted we should also send the attorney her original document.

Mangus noted there is a very small amount of red in the document. There are two added paragraphs. One is the heading for Preliminary Review, 28.16(1), which she stated is an idiosyncrasy provided to the public in Whitewater Township's zoning ordinance, and 28.11

under 2. Condominium Conversions, where Wolf said "see attorney." There was no paragraph there, so they did not strike anything she contributed. The PC added it in and had every intention of the attorney reviewing this document. She said their hope is not to rewrite the ordinance but to tell us if there are any problems with what we have here. The reason you do not have an original copy and then altered is there is so little in our current condominium regulations, a large percentage of which is not valid, that it was not even worth having another color, and noted that Wolf prepared this one and took a few sentences from the original document. Mangus noted this is a fresh ordinance. Mangus does not think the attorney needs an extra six pages to review, noting this is the planning commission's submission to the board and asked the board to look at it in that way. Regardless of who wrote what text, does the attorney see any major structural issue or legal issue with the text they have provided.

Popp said it is self-explanatory to him and it does not matter to him if a previous zoning administrator wrote it or not.

Mangus stated she did a great job and it was wonderful having someone else prepare a draft for a change.

Popp re-stated his motion: **Motion to send the planning commission recommendation amendment to Whitewater Township Zoning Ordinance Article 28 to legal counsel for redline review; second by Lawson. Roll call vote: Hubbell, absent; Lawson, yes; Popp, yes; Benak, absent; Goss, yes. Motion carried.**

Popp volunteered to get the document off to legal review in the morning.

Event Barn Survey – Next Step (1:38:35)
Motion by Goss to move this agenda item to the January 14, 2020, meeting; second by Lawson. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.

Discussion/Approval of Planning Commission Survey Questions (1:39:45)
Lawson said some of the questions in the packet may be used and some may not, and indicated the planning commission is going to do a full-blown survey and publish it themselves with money in their budget.

Popp said the township board has discharged the planning commission with collecting information from the public; that is in the planning and zoning enabling act. He asked Lawson if survey questions have to come back before the board.

Lawson said good question.

Popp: Or can the PC just query, because you are really not making statements for the township.

Lawson responded they are asking questions; they are not changing or affecting policy.

Popp said you could be.

Lawson replied that the results could.

Popp said the PC is operating within the realm of the planning commission's legal authority bestowed by this board, unless we remove it, to write your survey questions. It might not be a bad idea to give it to us in correspondence or maybe in your report as you generate these things, and stated that is his feeling. We have asked you to do a job; do it.

Mangus said it has been making it difficult, and stated their one-paragraph invitation to the open house did not even make it in the newsletter.

Popp said that is ridiculous.

Goss said it was not received in time.

Mangus said it was received the night after their meeting.

Goss asked by who; she does not believe Benak got it.

Mangus said it was received by MacLean; Mangus sent it to her the morning after the meeting after she made a couple edits for typos, and Popp had it the week after that or a few days after that.

Popp said the obstruction is just ridiculous.

Mangus said it is possible it just got missed.

Goss stated she does not think we should be accusing anybody of something who is not here to defend themselves. Benak works tirelessly to put the newsletter together and it should have been sent directly to Benak's e-mail; that is where newsletter submissions go. Goss said we will find out the next time we see Benak whether she did get it or not.

Mangus said it is not an accusation; it is really just a plea for a clearer process so that they can actually publish, advertise, reach out to the public, which is their statutory requirement as planning commissioners.

Goss said she thinks Mangus can get anything she wants in the newsletter if she submits it in time. Certainly, the questions and the proposed paragraph were not received in time for the newsletter.

Popp asked how Goss knows this.

Goss replied because it was submitted on November 20th and Popp said he was going to have a special meeting the night before the newsletter was going to be finished up.

Popp said that was just the questions.

Mangus said the paragraph was approved at their meeting.

Goss reiterated that Benak does a lot to get the newsletter together. Mangus says she gave it to MacLean. Goss does not know what format Mangus gave it to MacLean in, and MacLean is not a full-time employee in this building. Benak will respond.

Popp said we are going to bring this back to the board.

Lawson said they talked about it in the planning commission about making a process and procedure in order to be effectively placed in the newsletter as a routine, a deadline date and everything else. They talked about amending that in their process and procedures in January.

Goss agreed that there has to be a set deadline.

Lawson also pointed out that he was out a few times, was not able to make the meetings, but the whole thing is getting back to a process and procedure that is consistent, that if he is not there, the message is still getting through to where it needs to go.

Popp noted that Mangus has bolstered her communication with Popp, making sure he gets informed of major decisions, if not the day after, the Friday after.

Lawson said they could probably streamline it to get down to a procedure and stick with it and it would work.

Popp asked if this board actually thinks the PC needs to come to us with survey question approvals.

Lawson said he does not think so. He thinks the PC just needs to do it.

Goss stated, as far as she is concerned, the PC can put out a survey, but if the questions are not worded correctly, they may not get the answers they want. If they want to take that risk, that's fine.

Popp said we want to be careful not to word surveys to get the response that we are looking for; that is what we had in the event barn survey.

Goss said we did not have that in the event barn survey. She stated Popp just did not agree with it because he did not want an event barn survey. Popp claimed he wanted public input, but when we actually went down the road of a survey, Popp and the other people who are against event barns did not want a survey. Goss also noted that the event barn survey does not have a preponderance of people against it, and stated the planning commission needs to go ahead and do their survey.

There was brief discussion of non-availability of planning commission minutes and video recordings of meetings and following policy.

Goss asked what action we need to take on this.

Popp said he thinks it is a consensus that the planning commission can write up their survey questions, get them out as they see fit, and do the job they are discharged to do under the zoning enabling act.

Mangus assured the board they have a very dire appreciation for the delicacy of this particular item. They want to dot their I's, cross their T's, and be able to track whatever decisions and conclusions come out of the process. They want to be able to demonstrate every point in the process and where their decisions came from. They will do their best.

Goss reminded the planning commission that if they are going to spend money, they need to request purchase orders for expenditures.

Mangus said they will probably be processing that through Zoning Administrator Hall.

Lawson confirmed that his report notes have been covered and that they are not going to use the survey questions in the packet; they are starting fresh. They might pull some stuff out of there and use them, but it is not going to be in the same format.

Appointments to Planning Commission and Zoning Board of Appeals (1:50:18)
Popp asked Sue McCraven to come to the podium and asked if the board has any questions for her.

Goss indicated that her questions are the standard questions she has for planning commission applicants, including: (answers in italics)

- Why does she want to participate on the planning commission? *Because she realized through her position on the ESLA (Elk-Skegemog Lakes Association) board and her work with The Watershed and several other organizations that important decisions are made at the township level. If she wants things to change, if she wants Whitewater Township to be an outstanding township in terms of foresight and planning, that she can't complain unless she gets involved.*
- When asked if she realizes the planning commission is a recommending body to the board, *she asked the clerk if she was a board member and if she was a voting member of the board. She stated she has never seen a clerk before, in any of her participations, that had such a big role on the board.*
- When she talks to family and friends who have not visited Whitewater Township, how does she describe the township to them? *She said she doesn't think she has ever described the township to family and friends. They come up and visit, but she has never taken it upon herself to change their opinion of what they see when they come up and visit and stay with them, adding that the beauty of our natural surroundings speaks for itself.*
- Does she have any education, training, or experience related to planning or zoning? *Yes, she was an engineer with a private engineering firm for the City of Novi and she was involved with the planning commission there, and with the County of Kalamazoo and Genesee County on planning commissions, so she has had experience with that. She also*

worked at the federal level with the Army Corps of Engineers, the state level, county level, city. This is her first diving into a township. She is an engineer; she has a degree in natural resource planning and hazardous waste management. She has a lot of technical information that she could bring to the planning commission should they need it.

- How does she envision Whitewater Township 10 years from now? *She envisions Whitewater Township being the leader in this area in everything, in natural resource protection, in having foresight in terms of ordinances and planning, with a focus on the future. What do we want to leave our children and grandchildren? What can we do to make everything sustainable for the future? She would like us to do even better than Milton Township is doing.*
- Has she read the master plan or the zoning ordinance? *Some of it. She was at a planning commission meeting. It is pretty long.*
- Has she attended any planning commission meetings, and what was the last one she went to? *Yes. She does not remember the date. She knows there was an attorney who spoke about event barns. There was another one she went to after that, but she does not remember the dates.*
- Was there a particular topic being discussed that prompted her to attend? *No, she just wanted to see what was going on. She does not live that far away, and her husband knows Popp and has worked with Popp on a couple of things. She also was involved in the swimmer's itch initiative on Elk Lake and Skegemog Lake, and they did trap and relocate common mergansers this year. She does not know if it will help; they will see, but she tries to get involved with things that she is interested in.*
- How would she define private property rights? *Private property rights should never infringe on the good of the general population or on the good of children and grandchildren, the people who are coming after. She does not think it can be something where the property owner says, well, I am going to cut down every 100-year-old tree on my property because I own this property. And say they are right on a lake, and that is not good for the lake for all that runoff to go into the lake. She thinks property rights are important, but they cannot infringe on the higher good of the general population and the future and sustainability. She said our lakes used to have such beautiful shorelines, all treed and beautiful, and now we have these scars where these huge monster homes are, and she finds that really ugly because she knows it is not good for the lake and that shoreline vegetation is important. She thinks people who do that, she does not know if they are educated about it or sometimes they just don't care. I'm going to do what I want to do; I don't care what effect it has on the water or the land or the people who come after, and she does not think that is right.*
- Does she understand that if she is selected to serve on the planning commission, she will be required to take an oath swearing or affirming that she will support the Constitution of the United States and the Constitution of this State? *She will have to read the one on the state because she knows we are the only state in the union that does not have anything to do with septic tanks, and stated we are really backward. Just to say it is a Michigan way of doing things does not necessarily make it right. We are the only one in the entire country that does not have anything about septic tank inspections. She thinks you can carry property rights a little too far or real estate people's interests a little too far. We*

have to look more to the future and what is important for our children and grandchildren and keeping this a beautiful natural area.

Goss thanked McCraven.

Motion by Popp to confirm the recommendation of the supervisor appointing Sue McCraven to a 3-year position on the Whitewater Township Planning Commission; the term will end on December 31, 2022.

Lawson asked who Popp is replacing.

Popp said Mickey Dean, and stated he has not offered to re-up.

Lawson asked if he has confirmed or denied it.

Popp replied that he is not even returning phone calls, and stated there is at least one other person up for reappointment and he has asked for another month before he makes his decision.

Popp said there is a motion to at least attempt to try and keep the planning commission a functioning body and he is asking that McCraven be appointed to a 3-year position.

After there was no second to the motion, Popp said we do have the opportunity to close the planning commission down.

Goss asked why are we even discussing that. There are three people up for appointment; that leaves a quorum. She said Popp has someone else he is recommending, and does not know why Popp is jumping to some kind of conclusion that the planning commission is not going to be functioning.

Popp said he thinks it is going to be harder and harder to keep people serving on that board, and it is because of the actions of this board.

Popp went on to say the second person that has volunteered to be appointed to the planning commission is Kim Mangus, and stated this is a new appointment, in his opinion.

Lawson asked Popp why it is a new appointment; she has been on the planning commission.

Popp replied because her previous appointment was not in conformance to Michigan Compiled Law 125.3815. Popp added that it was not made by the proper person of this board.

Lawson said it is not a new appointment.

Popp said it is a law.

Goss said Mangus served on the planning commission and it does not matter; she served the three years; it is not a new appointment.

Motion by Popp to appoint Kim Mangus to a 3-year position on the Whitewater Township Planning Commission; the term will end on December 31, 2022; second by Lawson. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.

Popp recommended Tim Shaffer for reappointment to an alternate position on the Zoning Board of Appeals.

Motion by Lawson to confirm the recommendation of the supervisor appointing Tim Shaffer to a 3-year alternate position on the Whitewater Township Zoning Board of Appeals; the term will end on December 31, 2022; there was no second. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.

Popp recommended Roberto Garza for an alternate position on the Zoning Board of Appeals.

Goss noted Garza has done a great job on the ZBA and stated that the letter submitted by Garza says he has "participated in one interview for the new ZBA supervisor," and asked Popp what that is about; there is no such thing as a ZBA supervisor, and what interview is he referring to.

Popp said he is not sure. The only thing Popp can say is that he was present during the board meeting in which they elected the chair of the ZBA, which would be held in the January meeting.

Goss added that it sounded like Garza was interviewing for the position, and that is not how their officers are chosen.

Motion by Goss to appoint Roberto Garza to the Zoning Board of Appeals, term to end 12/31/2022; second by Popp. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.

Popp recommended Therowin (Skip) Lake for a position on the Zoning Board of Appeals.

Motion by Goss to appoint Therowin (Skip) Lake to the ZBA, term to end 12/31/2022; second by Lawson. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Motion carried.

Tabled Items (2:08:10)
None

Board Comments/Discussion (2:08:15)
None

Announcements (2:08:20)
Next regular meeting of the board is January 14, 2020.

Public Comment (2:08:24)
Ron Bachi, 6987 Cook Road, directed comments to Sue McCraven regarding her qualifications.

Goss interjected that the speaker is supposed to direct his comments to the chair.

Popp repeated Goss's statement.

Bachi directed comments to Kim Mangus (at which point Popp directed Bachi to look at him), said she was illegally appointed originally and she knows it, but went on to praise the job she has done. Bachi said he fears for the township and thinks the township board is an absolute disaster, and went on to list problems of micromanagement, one person thinks they run the whole show and named Goss, too many 4 to 1 votes, and the event barn ordinance is board driven.

(2:12:50)
Sue McCraven said she felt she was being treated disrespectfully by Goss in the interview and she thinks she is eminently qualified to be on the planning board and said her animosity toward McCraven on the property rights issue is not fair minded and is not in the best interests of our county (sic) going forward and for the future of our children and grandchildren.

(2:13:28)
Heidi Vollmuth, 8371 Winnie Lane, directed comments to the audience about public comment rules, and went on to talk about documents she has printed, told Goss the fire chief knows the rules better than anybody in the room pertaining to that book, and says she knows about the book because she used to sit in meetings with fire chiefs and police chiefs because she was once an emergency manager, told Goss she has insulted person number six and still has not apologized to the rest of us, stated this is the first place she has ever lived where the clerk has had this much power because she is running the show, it is pretty obvious, if the votes are always 4 to 1. She also told Lawson to learn how to prep and said she is prepping better than Lawson.

(2:15:07)
Janet Bachi, 6987 Cook Road, spoke about the event barn survey and said the first question leads everybody to pick agricultural property, and most of the comments refer back to that opening statement, but the overwhelming thing is how many people put down commercial over residential property. People do not understand how it asks about the districts in which they live. The assessing district is different; there is zoning or assessing. Most of these people do not want these anywhere near a residence, but 93% is residential in Whitewater Township. There is no space to put a commercial event barn without damaging the residential area, and told Goss she has a closed mind and she is totally disregarding her whole community and she does not care, she thinks it is funny, when she is jeopardizing all of our living. 2020 is coming up and it is a good time to make changes on the board, and she believes Goss needs to be the first one to go.

(2:18:14)
Tom Packer, 212 Island View Drive, asked Goss and Lawson why they decided not to approve McCraven to the planning commission.

Popp said the protocol is that public comment is just public comment and we attempt to refrain from answering questions because we could potentially get into a debate, a discussion that would then violate the Open Meetings Act because it is not on our agenda.

(2:19:14)
Kim Mangus, 1214 Cerro Drive and 5101 Brown Bear, congratulated the board on getting through the agenda by 9:15 and encouraged the board to keep doing that.

Adjournment (2:21:04)
Motion by Lawson to adjourn; second by Popp. On voice vote, all those present voted in favor; none opposed; Benak and Hubbell absent. Meeting adjourned at 9:17 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk

12-10-2019

Ronald Bachi-6987 Cook Rd.
I would like my public comment recorded into the minutes, verbatim.

I would like to take a couple of minutes to talk about traffic safety in whitewater township, and how an Event Barn ordinance may effect that issue greatly. We all know where M72 is, its whitewater townships main commercial corridor. As it sits now, I'm guessing, most people that live in whitewater township, would agree, that it's a dangerous, fast moving, just plain scary road to travel on. One of the biggest problems we have, is just getting on or off M72 safely. Roads like, Elk Lake Rd, Williamsburg Rd, Cook Rd, Broom head Rd, Skegamog Pt. Rd, and many others, I'm not going to mention. I believe this is information that we can all agree upon.

Now, let's look into a possible future scenario, where an event barn ordinance has been passed. How does this affect everyone in whitewater township? The Event Barn ordinance would allow a commercial entity to operate and function within our agricultural and residential districts. Please let me clarify. It's being proposed that an Event center be allowed to be built, exist, and operate commercially, on agricultural land. In whitewater township our Agricultural land is not just farming land, it's also where our residence are located, heavily surrounded by residential districts.
Now, hypothetically speaking, let's put one of these event centers off Bates road, let's put two more somewhere off elk Lake road, and let's drop one on land somewhere between Cook rd. and Skegamog pt. rd.

Now, there is four commercial entities functioning full force, not on our commercial corridor, with all that fast moving traffic, but now within our agricultural and residential districts. Welcome to the new Blair Township. This Scenario is nothing short of horrific.
In this scenario, there could be up to 1000 people driving through our interior roads. Many will be late to the events being held next door.

Speeding, and for sure, many under the influence of alcohol. People out walking their dogs or out for an evening jog will be put in harms way. Our intersections will be saturated with alcohol infused traffic jams. The overall quality of our already suffering roads will diminish at a much faster rate. Nothing good can come from this.
Now, the question of the day. How do we police this problem?
The overwhelming, obvious answer is, we can't.

It's ok, all is not lost, this was just a scenario, that does not exist, yet. Tonight, there will be discussion over the event barn survey. My hope is, that all have read the survey, stats and the all, important comments. If not, then please read it as soon as you can. When I read through the Event Barn Survey, it was my goal to be nonbiased, as I could. I read through all the questions, looked at the charts, and read all the comments. I can honestly say, I felt an overwhelming amount of pushback, against the Event Barn ordinance. I'm curious to see how our board interprets the survey.

Over the past 18 months, I have seen real pushback.
I have seen multiple publications in the local papers speaking out against event barns. There was a petition with many signatures against the event barn ordinance. I have seen the planning commission meeting packed with people speaking out against event barns.
I have seen a steady flow of people show up. And now we have a survey. And now I ask you again, where are the people that are pushing for an Event Barn ordinance. Is this Board driven, or are you listening to the people that voted you in?
Do not send this board driven agenda, down to the planning commission to work on.
Abandon, any Event Ordinance in whitewater township, tonight.
Thank You.