

DRAFT
Road Committee
June 8, 2011
Meeting Minutes

Call to order by: Miller at 4:01 PM

Roll Call: Present: James Domagalski for Randy Stites, Meyers, Miller, Rogers, Harshfield, Halstead, and 4 members of the public.

Public Comment:

Steven Mangus -1214 Cerro Dr. Traverse City- objects to the March 28, 2011 minutes. Feels they were not reflective in the minutes, not complete minutes. Rick Wilson made several comments at the meeting that was not mentioned in the minutes.

Chuck Decker -5589 Millbrook Dr.-is concerned about money being generated from the proposed changes as well as the wording in grandfathering.

Business:

Meyers- it is very difficult to be a minutes taker and a participant, we try to generalize, it is not our intent to leave things out the minutes, and to please let us know what we missed in order to correct the previous minutes.

Mangus- the comments missed were regarding grandfathering, there were several comments with Stites pertaining to the access to water, as well as concerns about having enough space for two trucks to pass.

Chair: we will not approve these minutes until we amend them

Vaughn- the whitewater watch meeting was a very positive meeting, senses concern over the detail in grandfathering, people are having fears of huge costs if enacted. Some questions were: What drives the Township to rewrite the ordinance? What is liability to the township in rewriting the ordinance? Can we go with smaller fire trucks?

Domagalski: It is hard to get a small truck that carries enough water.

Vaughn: What procedure do we follow to make sure our road will be “grandfathered”? What if they want to pave later? Are they still grandfathered? Many concerns regarding easements. Private roads don’t want to be treated as county roads. Try to schedule meetings as 7:00pm so more people can attend. Make minutes more accurate. How many fire and EMS calls do we have? People are trying to equate the costs that go with the new draft ordinance. Do not see a difference between the ordinance written in 2003 and the one now?

Halstead: as a board we work for the people of this Township. Most people want to keep rural character. Where will private roads owners get the money for this? Keep private roads private. Buy equipment that fits the community not the casino. People want to be grandfathered in forever. If there is someone new who moves in, does the whole private road have to conform to the IFC, grandfathered or not?

Chair: Biggest concerns were grandfathering, Part F of Section 3, ability of the township to force someone go backward. Let's try to adopt the 7pm meetings. Good points were brought up. Agenda called on working on specifications. How does the old ordinance read?

Meyers: we need to come up with a definition of grandfathering. Example: If there are 8 lots on a private road you are grandfathered at 8, house or not. If you go to 9 or 10 then you are not grandfathered anymore. We need a private road ordinance because have nothing to come back to, except the counties road ordinance, defeating the rural character. We are missing the definition of driveway. Without a definition, it defaults to the IFC, which requires 20' driveway. We do not want to make everyone non-conforming. Mission was to make sure these things did not keep happening. Fighting to make the rules less strict. IFC is even stricter than the county.

Decker: Could we just say that this is limited to new construction?

Rogers: we found that any type structure requires following the IFC. Found a section that says you will live by the IFC, unless there are local ordinances that overrule it. If we did nothing, it would be up to the Fire Marshall to determine if you are in compliance. The road commission will not take any gravel roads. Residents need to understand their options, Whitewater Township private road ordinance or Grand Traverse County ordinances?

Meyers: read definition of driveway in the old ordinance. Without a definition of grandfathered, have to default back to the IFC.

Mangus: what authority does IFC have on white water?

Meyers: We adopted all of the IFC in the previous years.

Mangus: could we then un-adopt it? Does it rest on the Whitewater Township Board?

Meyers: Correct, but for a liability standpoint the our risk managers are happy with the IFC

Halstead: we need 12' minimum to get down the road; in the winter plows are not wide enough for your truck to get down there. Are we going to regulate how people plow the roads in the winter?

Harshfield: understands the equipment that needs to get down the roads. Many of the people at the Mill Creek School meeting that spoke are willing to risk the fire loss, rather than the expenses of upgrading. What is our liability as a township for writing the ordinance and then not enforcing it? We need to have the answers?

Chair: are people willing to assume that liability?

Domagalski: the township is providing a service, and whether or not somebody assumes that liability, I don't feel that it opens the township up for a lawsuit.

Leonard Boerma - 9313 Fairview: how close to the building do you need to get the truck? How close is access?

Domagalski: we carry 1500 ft of 5" hose. Many issues arise.

Vaughn: what are your limits? Longer hoses take up more water, which requires more water to be brought. Every fire is different.

Rogers: new ordinance does not eliminate the driveway. Driveway can be any length.

Meyers: it is unfair to call this the new ordinance, it is just a DRAFT, and we have the chance to correct the private roads

Chair: would it be possible to look at different form of fire pumper?

Vaughn: we have to write an ordinance for the best of the people, not individuals. It is important that this committee educates the people in order to make a fair decision.

Chair: move to work on sections 3 and 6, definitions for the next meeting

Rogers: easement and driveway need to be separate definitions

Meyers: the definition of an easement is too vague, and needs to elaborate more. Also, people would have the ability to be granted a variance. There were several questions on liability; we need to agree on the questions before we talk to the attorney.

Domagalski: our main goal is to make sure that we can get to you if you need rescue. Life safety issue with us, we don't want to open up the township to liability. If a citizen asks for an inspection on a driveway, we will be more than happy to do that.

Public Comment:

Magnus: feels there are major differences between the old and new Draft ordinance. Private roads are controlled by Whitewater Township. Mangus feels that variances are rarely granted. If we adopted the IFC, that means we can un-adopt it? When you get a building permit, you pay for it; they inspect it for health, safety, and welfare, and on the document it states that you cannot sue them. How are you going to regulate them in terms of inspection? We should get a legal opinion. We should drop the entire private road ordinance. We needed more communication with the people you represent. A debate should be said about this.

Chair: next meeting 19th of July, Tuesday 7:00pm

Meeting adjourned at 5:25 pm