

**Whitewater Township Board**  
**Minutes of Regular Meeting held June 14, 2011**

**Call to Order**

Supervisor Lake called the meeting to order at 7:01 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

**Roll Call**

Board members present: Benak, Boyd, Hockin, Hubbell and Lake

Board members absent: None

Others present: Planning/Zoning Administrator Meyers, County Commissioner Inman & 45 others

**Set/Adjust Meeting Agenda**

The agenda was approved as amended adding:

New Business:

1. Discussion of Fire Chief as part of Rural Fire (Boyd)
2. Separate Fire and Ambulance Management (Boyd)
  - Renumber items 1 thru 7 as 3 through 9
  - Moved 10 to 11
  - Add 10. Township Hall Parking Lot (Hockin)

**Declaration of Conflict of Interest**

None

**Public Hearing**

None

**Public Comment**

None

**Reports/Presentations/Announcement/Comments**

**County Board of Commissioners**

Commissioner Inman updated the board on the following items:

- Presented requested information on the airport to Boyd who gave it to the clerk for filing.
- Grand Traverse County Commission turned down fireworks funding request.
- Redistricting of County Commissioners is finalized; cut Board of Commissioners from 9 to 7 members.
- Mapping out 2012 budget process.
- Interviewing non-profits requesting 2% allocation grants from Grand Traverse Band of Ottawa & Chippewa Indians.
- Septage Plant loan agreement has been drafted. Bonds are callable in 2013.

Lake asked about the fireworks request coming from a non-profit tourist related business.

## **Consent Calendar**

Moved by Boyd, supported by Hubbell to approve the consent calendar items as follows:

Receive and File

1. Planning Commission approved minutes of 04/06/11 regular, 04/20/11 special and 05/04/11 regular meetings
2. Supervisor's report for May 2011
3. Clerk's report for May 2011
4. Planning/Zoning Administrator's report for May 2011
5. Battalion #3 Fire Chief May 2011 Activity Report

Correspondence

1. Grand Traverse County Sheriff Department Service Statistics for May 2011
2. Grand Traverse Rural Fire Department minutes of 05/18/11 regular meeting
3. Recycle Smart 05/26/11 news release re: Proper disposal of Mercury, Medications, Pesticides
4. MTA Legislative Dept 05/26/11 e-mail re: State Police Post Closures
5. Grand Traverse County Resource Recovery Request for Consideration
6. MI Dept of Licensing & Regulatory Affairs, copy of liquor license for Swanny's Market

Minutes:

1. Approval of regular meeting minutes, 05/10/11 & 05/24/11 regular & 05/26/11 special meetings.

Bills for Approval

1. Approval of Alden State Bank vouchers #34117-34261
2. Approval of Alden State Bank Miami Beach voucher #1107

Fund Transfer

1. Approval of fund transfer of \$26,500 from General Fund to Ambulance Fund as budgeted.

Roll call vote: Boyd, yes; Hockin, yes; Hubbell, absent; Lake, yes; Benak, yes. **Motion approved.**

## **Unfinished Business**

### **Park Capital Expenditure #1**

Hockin presented an updated proposal in the amount of \$4,700 from Steuer Excavating for improvements to the campground interior roads that include diversions and settling areas. This item was budgeted as a capital expenditure for the current fiscal year.

Moved by Hubbell, supported by Benak to approve the proposal of \$4,700 from Steuer Excavating for improvements to the campground interior roads. Roll call vote: Hockin, yes; Hubbell, yes; Lake, yes; Benak, yes; Boyd, yes. **Motion approved.**

### **Resolution #11-17, Grand Traverse County Solid Waste Plan Amendment 2011-1**

Grand Traverse County Commissioner Wheelock was present to explain the amendment and answer any questions. Wheelock explained that a second amendment would be coming later in the year, this amendment just allows for the American Waste MRF.

Moved by Hubbell, seconded by Boyd to approve Resolution #11-17, Grand Traverse County Solid Waste Plan Amendment 2011-1. Roll call vote: Hubbell, yes; Lake, yes; Benak, yes; Boyd, yes; Hockin, yes. **Motion approved and resolution declared adopted.**

A true and complete copy of said resolution is attached to the minutes.

## **New Business**

### **Discussion of Fire Chief Position**

Boyd recommends the Fire Chief position be eliminated at the Township level and be put back to Rural Fire.

Lake presented reasons why he feels there should be a Township Fire Chief.

Boyd stated we need a fire chief to operate and manager to run the fire department. Current fire chief is not doing a good job now. Eliminate the chief vehicle. We pay chief and Rural tells him what to do. Stated this is a financial move.

Lake stated he feels this would be a premature move. The value of a full time chief outweighs the cost. Stites' management skills have improved greatly.

Boyd wants to have a clean slate.

Hubbell sees where Boyd is going, but suggests it be discussed at the June 28<sup>th</sup> meeting.

Benak stated we need to go back to a volunteer state.

Boyd stated the Advisory Committee needs to have free rein to go where they need to go. Current fire chief is good in the field, not in management to move to a new department.

Lake does not agree with Boyd regarding the management skills.

### **Separate Fire and Ambulance Management**

Boyd asks that consideration be given to a new ambulance service manager. Separate fire and ambulance. Would like to present a name for consideration for ambulance service manager.

Hubbell, don't make the same mistakes again.

### **Slalom Ski Course Proposal**

Planning/Zoning Administrator presented information regarding a request to the Planning Commission from Noah Moothart for a "Letter of No Objection" to his permit application for a slalom ski course in the area of the Battle Creek Natural Area.

Sarah Pierson, teacher at Elk Rapids Middle School involved in the International Baccalaureate Program introduced Noah Moothart, an eighth grader and stated he had been assigned a project and encouraged to dream. Active life long learners evolve from projects like these. Noah has learned a lot.

Moothart, 9815 Miami Beach Rd gave his presentation and stated he needs a "Letter of No Objection" from the Township to forward with his application. Some of the points in his presentation were:

- No cost to the township.
- Needs the course to gain experience; wants to become a professional water skier, possibly .
- Course would be available to residents.
- Additional recreational opportunities for the Township.
- Makes better use of the water.
- No increase in boat traffic.
- Simply more buoys.

- Feels letter of objection sent to the township are not valid.
- Skis only when it is calm.
- Won't interfere with fisherman.
- No more disturbance than a North wind.
- Common misunderstanding of a slalom course.
- Ski boats do not have big wakes.
- Shared information on boats that are used.

Lake stated letters of objection to the project have been received from:

- Dennis and Barbara Emery, 9436 Larsen Rd
- Robert Kingon, President , Elk-Skegemog Lakes Association
- Edward and Dorothy Board, 9576 Elk Lake Trail
- Patrick Pierce, 9500 Larsen Rd
- Sara Thomson, property owner on Elk Lake, 3741 Crystal Waters Ln NE, Grand Rapids
- Frank & Nancy Letherby, 10037 Miami Beach Rd
- James Dustin, 9991 Miami Beach Rd
- Ronald & Judith Jeszke, 9833 Miami Beach Rd
- Glory & Rudy Wiltjer, 8109 Skegemog Pt. Rd
- Harry & June Janis, 9219 Fairview Ave
- Louis H Sanford, 4411 Meguzee Pt Rd, on behalf of the Hildreth Foundation
- Jim & Shelly Rybarsyk, 9543 Palaestrum Rd.
- Tom Cosgrove, Miami Beach Rd
- Jerry & John Nolan, 9933 Miami Beach Rd
- Grand Traverse Regional Land Conservancy
- Mike & Laura Peterson, 9797 Miami Beach Rd
- Ralph Brozzo, 10113 Miami Beach Rd
- Gerald & Mary DeGrazia, 9537 Palaestrum Rd

Hubbell

- Denny Hoxsie called him and stated slalom ski courses are in several lakes in the area.
- Good for Park & Recreation

Benak

- State she is a ZBA member and understand the letters from the residents.
- Cannot consider personal feelings.
- DNR makes the final decision.

Boyd

- Finding of Fact: Recreational sport
- What kind of a wake is created? Less than inboard/outboard motors.
- Sympathizes with people living on Miami Beach and Elk Lake.
- Appreciates the solitude at the south end of the Lake.
- DNR only gives a 1 year project.
- Commended Moothart for taking on a tremendous project. Needs to polish the presentation.

Lake

- Stated this is a project well done. Show dedication of teachers who devote time to their students.

- Enthusiasm was good, but with benefit of years you will understand my position.
- Worked to get BCNA, would like to maintain quiet serene area.

Hockin

- Committee worked very hard on the management plan for BCNA and were adamant about maintaining the area as a natural area.
- Follow the Battle Creek Natural Area (BCNA) management plan that states “quiet enjoyment”.

Public Comment:

Bob Kingon, President Elk Skegemog Lake Association (ESLA) representing the ESLA membership

- Complimented Moothart on presentation of the project.
- Stated he is a skier as are his children & grandchildren.
- Voiced concern regarding the location of the proposed slalom course.
- Concern re: pair of loons in the BCNA.
- Board members are adamant that the area be protected.

Hubbell asked if there are other areas where the course could be developed.

Kingon continued:

- Palaestra, Samels Farm, Elk Rapids Golf Course

Moothart

- We love the loons too, and the wildlife, and are very respectful of them

Boyd

- Does DNR allow buoy to mark the loon nesting area?

Kingon

- May be too early to place buoy; once nesting is established then the DNR will be contacted.

Boyd

- Would it be appropriate to contact the DNR re:buoy?

Moothart

- Would not increase the boat traffic that is already there.

Glenn Savage, 8733 Pineneedle Ln

- What prevents boaters from beaching their boats and having a picnic there on the beach. That would be far worse than a few buoys.

John Lehr, 9911 Miami Beach Rd

- Noah was skiing last night at 10:10 p.m.
- Violating before the permit is issued.

Frank Letherby, 10037 Miami Beach Rd

- DNR protocol is vague at best.
- Suggests deferring decision until protocol is defined.

John Noland, 9933 Miami Beach Rd

- Well prepared presentation and well delivered.
- Lacking in the project is communication with the 37 Miami Beach landowners.
- Township has no authority to issue permit, governing body is the DNR. DNR has not received an application as of today. Once an application is received a compliance officer will visit the area and talk to people.
- Voiced concern re: habitat, the swan, turtles.
- Should have given landowners a list of other people who are interested.
- Doing this for his own benefit.
- Any professional athlete needs long hours of enduring practice.
- Go to Whitewater Township Park for this event, there is a

Hockin

- Swim buoys at Whitewater Township Park are permitted by the DNR, but there is a problem with boaters not complying with the regulations for the buoys.

Mary Anne Rivers-Friese, 7943 Skegemog Point Rd

- Served on BCNA committee; feels overly protective of the BCNA.
- It was the dream for the area to remain natural and quiet.
- Not against the slalom ski course, just question the location.

Jon Moothart, 9815 Miami Beach Rd (Noah's dad)

- Has skied on the lake for 20 years
- Loves lake and wildlife.
- Skis on lake 11 months of the year.
- Need to define how it affects the wild life.
- Slalom course does not change uses.
- We ski when it is safe, calm and legal.
- Skiers will ski when the lake conditions are appropriate.
- Does not feel the BCNA management plan means that there can be no skiing.

John Lehr, 9911 Miami Beach Rd

- It was too late to take pictures when they were on the lake last night.

Nancy Moothart, 7811 Cook Rd (Noah's mother)

- Stated on the previous night they started skiing at 9:00 and quit at 10:09; sunset was 9:30. She checked the times because she knew people would complain tonight.
- Calmest water of the day is before and after sunset. The law allows skiing 1 hour before and 1 hour after sunrise and sunset.
- Related an occasion when an eagle was spotted watching the skiers.
- Township Park has increased boat traffic on Elk Lake more than slalom ski course will.
- Permit requires a "Letter of No Objection" accompany the application to the DNR.
- We will maintain the buoys.
- Asking to use water in front of BCNA because the water is calmer there.
- Chose BCNA because no homes are located there.

Cliff Boyd, 10021 Miami Beach Rd

- A wake is created when the skier is dropped.
- Regardless of the length of the course, the problem is getting to and from the course.

Moved by Boyd, seconded by Hubbell to approve a “Letter of No Objection” be forwarded to the DNR. Roll call vote: Hubbell, yes; Lake, no; Benak, yes; Boyd, yes; Hockin, no. **Motion approved 3-2.**

The meeting was recessed at 9:03 p.m.

The meeting was reconvened at 9:09 p.m.

### **Amendment #64 to Zoning Ordinance No. 6**

Meyers presented the proposed amendment, recommendation from the Planning Commission and comments from the Grand Traverse County Planning Commission. The amendment includes the following:

- Definition of outdoor wood furnace.
- Deletes 6.10D and 6.10E
- Adds new 6.10D
- Renumbers 6.10F to 6.10 E, 6.10G to 6.10F
- Adds 6.14 - 3
- Adds 37.20 Raising and Keeping of Animals
- Adds 37.30 Dog Kennels

Meyers answered questions from the board members.

Moved by Hubbell, seconded by Boyd to approve Amendment #64 to Zoning Ordinance No. 6 as recommended by the Planning Commission. Roll call vote: Benak, yes; Boyd, yes; Hockin, yes; Hubbell, yes; Lake, yes. **Motion approved.**

### **Fireworks Display Support**

A request from the Traverse City Convention and Visitor Bureau for financial support of the 4<sup>th</sup> of July fireworks was presented by Lake and discussed.

Moved by Hockin, seconded by Benak to deny the request for fireworks support from the Traverse City Convention and Visitors Bureau.

### **Emergency Services Advisory Committee**

Lake presented the following names for membership on the Emergency Services Advisory Committee: Glenn Savage, Patrick Miller, Michael Conlan, Rod Kuncaitis and Frances Butler.

Moved by Hubbell, seconded by Boyd to approve Supervisor Lake’s recommendation of Glenn Savage, Patrick Miller, Michael Conlan, Rod Kuncaitis and Frances Butler for membership on the Emergency Services Advisory Committee. **Motion approved.**

An alternate on this committee was discussed.

### **Road Projects for 2011**

A communication from Mary Gillis, Manager of the Grand Traverse County Road Commission regarding participation in gravel/sealcoat projects was presented. Road Commission would provide labor and equipment with the Township being responsible for providing the materials

It was the consensus of board members that the Township should not participate in the projects.

Concerns were voiced regarding the recent brining of the roads in the township.

### **Fire Fund Capital Expenditure**

On behalf of Chief Stites, Hockin presented a quote from Rescue Equipment Sales & Service in the amount of \$8,057.93 for the upgrade to the extrication equipment as budgeted in the 2011/2012 budget.

Moved by Hubbell, seconded by Boyd to accept the quote from Rescue Equipment Sales & Service in the amount of \$8,057.93 for the upgrade to extrication equipment as budgeted. Roll call vote: Boyd, yes; Hockin, yes; Hubbell, yes; Lake, yes; Benak, yes. **Motion approved.**

### **Park Capital Expenditure #2**

Hockin presented two proposals for sealing & striping of the boat launch parking lot at Whitewater Township Park. Great Lakes Striping & Sealing, \$5,084.00 and Blackmore Property Maintenance, \$6,950.

Moved by Hubbell, seconded by Boyd, to accept the proposal from Great Lakes Striping & Sealing in the amount of \$5,084.00 for striping & sealing the boat launch parking lot as a Park Fund capital expenditure as budgeted. Roll call vote: Hockin, yes; Hubbell, yes; Lake, yes; Benak, yes; Boyd, yes. **Motion approved.**

### **Township Hall Parking Lot Sealing & Striping**

Hockin presented proposals from Blackmore Property Maintenance and Great Lakes Striping & Sealing for sealing & striping of the boat launch parking lot. She stated that since there is such a difference in the proposals that she would like to get additional information before making any decision.

Moved by Boyd, seconded by Hubbell to go into closed session to discuss property proposal. Roll call vote: Hubbell, yes; Lake, yes; Benak, yes; Boyd, yes; Hockin, yes. **Motion approved.**

Meeting was recessed at 9:37 p.m. to go into closed session.

Meeting was reconvened at 9:55 p.m.

Moved by Boyd, seconded by Benak to proceed as discussed in closed session. **Motion approved.**

### **Public Comment**

None.



**Announcements**

Rod Kuncaitis announced that the first meeting of the Emergency Services Committee will be held on Monday, June 20<sup>th</sup> at 6 p.m.

Next regular meeting of the Township Board is scheduled for Tuesday, June 28<sup>th</sup> at 7 p.m.

**Adjournment**

The meeting was adjourned at 9:56 p.m.

Respectfully submitted,  
Carol Hockin, clerk