

D R A F T
Whitewater Township Planning Commission
Minutes of 7/7/10 Regular Meeting

Call to Order

Chairperson, Zakrajsek, called the meeting to order at 7:01 p.m.

Roll Call

Members Present: Savage, Mangus, Lyons, Boyd and Zakrajsek

Members Absent: Courtade – excused, Miller - excused

Also Attending: Zoning Administrator Meyers, ZA Intern Akers, Recording Secretary MacLean and 3 members of the public.

Set/Adjust Agenda

No changes.

Approval of 6/2/10 Regular Meeting Minutes

Motion by Boyd to accept minutes, seconded by Savage.

Motion carried 5-0

Conflict of Interest: None declared

Public Comment: Steven Mangus, 1214 Cerro, Traverse City, had the chance to look at what has been created so far but would like to see an outline on what is going to be covered in the document, the Master Plan. Imploring the Commission to define what rights the people have to their property before any goals of the township are made; one person's goals may be one person's property rights. Also, it says in several places that the Master Plan is going to be the end all, as to what the zoning is going to be in the township. In Acme it was the Master Plan that was referred to and not the Zoning Ordinance. Some people say the Zoning Ordinance is the end all not the Master Plan. That statement gives a lot of authority to the Master Plan, that you can make it anything you want it to be. It seems very open ended. That is a concern. Would like a document that is as very "black and white" as possible. Back to the outline, again, figure out how far you are going to go and get an outline so we can know what you guys are thinking.

Cheryl Walton, 8423 Crisp Rd., Williamsburg. Would like the census figures that are mentioned in the document, where they were obtained from. The county clerk did not have the information. Verification of the census figures. (Meyers stated that the figures stated are actually population projections, sent out once a year.) With the census just being completed we don't need to use projections, we can use actual information when it is completed. What I see so far with the Master Plan is that there is no mention of the U.S. Constitution or the Michigan Constitution and the language in there that relates to property rights. That information absolutely needs to be front and center in this Master Plan. We need to have that language in there word for word because the foremost thing that needs to be recognized is the property rights that have been there forever. One more point, I will be very aggressively opposing any Master Plan that doesn't have that language in it. We are not going to approve a Master Plan that does not have the language of the Constitution in it. Also, in putting things in the Master Plan that are laws or regulations in the Master Plan, it needs to state clearly from where in the Constitution you derived the power to enact that law. So things won't just get thrown in there because it came from somewhere else and it sounds good. I expect to see the recitation in the document of the U.S. Constitution and the Michigan Constitution and any time there is a stating of a law that we need to indicate where the Constitutions give us the power to enact them.

Steven Mangus: It is important to be constitutional but above and beyond that it is important to be moral. You can exceed what the law says. MSU Extension states that the government can take 93% of a persons property value and not have it be considered a taking. Is that moral for the courts to do? Three years ago the predecessor to Ms. Meyers sat here and said you can take 80% of a person's property value. The Fifth Amendment says that no property can be taken without just compensation. Something to consider as you are going through this. It is important to be moral.

Public Hearing – None

Reports:

Correspondence: None

Zoning Administrator: Mangus requested the information on the upcoming legislation regarding Seniors and the Master Plan. Senate Bill 1331, is legislation that will not affect Whitewater Township because we are below the 20,000 in population but it is timely and part of the discussions we've had previously.

Road Committee: Requested to hold off on meetings until September.

Disaster Plan Committee: Requested to hold off on meetings until September.

ZBA: Miller: Absent

TC TALUS: They are plugging along on their issues. They are working on the transportation / road aspect and are battling amongst themselves. There is a packet of information from The Grand Vision, Land Use & Transportation Strategy, Public Involvement Committee

Township Board Representative, Boyd: The township bought a new ambulance, should be delivered in the next couple of weeks.

Chair, Zakrajsek: We need to work together on the signs issue, set guidelines.

Meyers: 45% of our population is over 45 (2000 census data). We should have full census information and numbers by October.

Old Business:

Master Plan

1. Master Plan

a. Review Introduction and Background Information

Discussion: We will be posting updates of the draft of the Master Plan on the Township website. Use a time date stamp and a "ghost image" of Draft. Drafts will have been gone over at least once before posting to web as a draft for public comment. We have cross communication, need to move forward and we cannot open and reopen and reopen every can over and over. Let people know the month before or a couple months ahead what will be covered in upcoming meetings.

1. Content to Table of Contents (this is the outline)
 2. Combine Acknowledgements and Boards, Commissions and Administration
 3. Introduction to Introduction to the Master Plan. Change verbiage to remove "only official" from paragraph 1 under What is Planning. Include a definition of a Master Plan and how it relates to Zoning.
 4. Remove "how is the plan organized paragraph" on the current page 4.
 5. Change Background Studies to Township Information. Will be using actual 2010 Census information when it is available. Have a chart that shows projections and a separate chart that shows the actual numbers. Meyers will change the verbiage.
- Point: if the recording secretary wants to make a comment as a member of the community, it will have to be at the podium

b. Review Maps

Discussion:

Maps: Elevations, property ownership, soil types, natural features, simple road map, Whitewater Township in the Tri-County area, soil data/building suitability, school and major watersheds. All maps are color coded with reference keys. Build out maps will be parcel by parcel. These will be tri-fold maps in the Master Plan.

c. Public Participation Strategies: Tabled until the next meeting.

New Business:

Township Wide Fire Emergency Service / Emergency Water Services:

Underground storage tanks in the township, only one is really useable by the fire department.

Township has no maintenance fund for the storage tanks. Is there a better way to deal with these?

An enterprise fund? Land Use Permit to include additional fee? Can we determine where they go and deal with the maintenance? Fire Department should be able to have a maintenance easement and plan. Possible special assessment district where needed?

Public Comment: Steve Mangus, on the water system it is a situation for the developer to deal with it. Maps – there are actually three watersheds. Soil types – varies. Are residential homes permitted in a commercial zone? Public participation strategy: one on one, door to door.

Cheryl Walton, have to consider all demographics, not just seniors. Township needs to prioritize.

Continuing Education – none

Motion to adjourn at 9:20 pm by Mangus, seconded by Boyd. **Motion carried 5-0.**

Meeting adjourned.

Respectfully Submitted,

Lois MacLean
Recording Secretary