

D R A F T
Whitewater Township Planning Commission
Minutes of 11/4/09 Regular Meeting

Call to Order

Chairperson Zakrajsek called the meeting to order at 7:00 p.m.

Roll Call

Members Present: Boyd, Courtade, Lyons, Mangus, Miller, Savage, Zakrajsek

Members Absent: None

Also Attending: Planning/Zoning Administrator Meyers,
Recording Secretary MacLean plus seven others.

Set/Adjust Agenda

Adjust agenda, moving Rural Fire Informational Presentation from New Business to the first item in Reports.

Mangus requests an add to the agenda to New Business (#5) a discussion regarding signs, specifically political signs.

Approval of 9-2-09 Regular Meeting and 9-14-09 Special Meeting Minutes

Comment by MacLean to add the date to the motion by Boyd to schedule a public hearing for the Site Plan Review section of the Zoning Ordinance-Article 25. Add "for October 7, 2009, 7pm " page 3, paragraph 3.

Courtade motioned for approval, seconded by Savage, to approve the 9/2/09 Regular Meeting Minutes and the 9-14-09 Special Meeting minutes. **Motion Approved 7-0.**

Conflict of Interest:

Savage, with a conflict of interest, will remove himself from the table during the discussion and vote on New Business, Extension request for Renee's House of Quilting.

Public Comment:

None

Public Hearing

Opened at 7:06 pm on Site Plan Review – Article 25 of the Zoning Ordinance.

Meyers stated that the Public Hearing was posted in the Elk Rapids News on September 17, 2009. Because of the cancelled meeting in October it was reposted in the Elk Rapids News on October 15, 2009.

Meyers gave a brief explanation, for those in the audience, of the changes made in the Zoning Ordinance, Article 25.

No public comment on Site Plan Review. Closed Public Hearing at 7:09 pm.

Reports:

Rural Fire Information Update/Presentation by Fire Chief Randall Stites and Township Supervisor Larry Lake.

Stites handed out and covered a brief history of the Grand Traverse County / Whitewater Township Battalion #3 Fire Department based on minutes.

Lake handed out and discussed three pages of statistics and nice to know information. Fire and safety has improved a lot, with better building and fire codes. We are doing pretty well with fire safety and fire calls. We do have an aging population in the township but that has more to do with the ambulance runs.

Comments and questions:

Whitewater Township Fire Department is part of a group of regional fire departments called Rural Fire. In GT County there is also Metro Fire and several fire departments are independent.

Fire and ambulance are completely separate in our township. Rural Fire does not do anything with ambulance service – they are not interested in that at this time.

Is there a charge to our citizens for a fire run? Homeowner's insurance is billed, when applicable.

There is a new contract for reimbursement for inspection services, specifically, with the GT Band at the casino.

In medical emergencies, when is it determined that North Flight also be called on? Who determines? What is the difference between Whitewater Township ambulance/EMT and the North Flight/paramedics? WWT ambulance is more basic. North Flight can do prescription meds. North Flight is called out depending on the nature of the call, as determined by dispatch but they are called off when WWT ambulance determines their assistance is not needed. 99% of our personnel are EMT's, all are Michigan First Response licensed. EMT's receive more training (240 hours) plus an additional 30 hours of annual training to maintain the license. North Flight's paramedics receive two more full years of training. Recruiting is up in our township.

Is there any speculation or discussion on combining with other close by units? Are there cost benefits to combining? Is operating as an independent department, not under the Rural Fire umbrella, more financially practical? These are ideas that are looked at and evaluated periodically by Stites and Lake. Intercepts are a more financially advantageous way to work with other ambulance and fire departments. An intercept is where the (our) local fire or ambulance personnel would be called on from another unit to help, using their equipment, etc. Based on number of runs, total township SEV and population, we currently are assessed approximately \$100,000 to be part of Rural Fire. For that we receive training, they maintain the trucks, we are on a rotating basis for new trucks and they take care of insurance.

Community/Public education, especially in the schools, is something that has not been happening in our township. Public education is an area that could be financially practical for the township. Someone would have to be trained, which is free of charge. Then the services could be used in our community and contracted out to other communities that do not have any public education people on staff.

Correspondence: None

Zoning Administrator: Attached are the August and September updates from the Road Plan Sub-Committee and Disaster Plan Sub-Committee.

Earlier in the spring the township adopted a Disaster Mitigation Plan written on behalf of the county. In order to receive disaster mitigation funds after a federally declared disaster you must have this plan or you are not eligible for the funding. The plan as it came from the county was very generic in nature. The township board directed Randy Stites and Leslie Meyers to put together a committee to do a disaster mitigation plan, specifically for Whitewater. Matt Lyons volunteered on behalf of the Planning Commission. First meeting was held on October 27, 2009. The seven committee members are going through training on what it is that is to be accomplished and disaster terminology.

The Road Sub-Committee also met on October 27, 2009. There are seven members on this committee also. The county is considering a county wide millage, next August on roads. They sent a list to each township for us to rate the roads. The committee will be making a report to them on how they should rate the roads and prioritize funding. The biggest hurdle is that they have divided them into Primary Roads and Local Roads with primary roads receiving 25% of the funds and local roads receiving 75%. The next road sub-committee meeting will be Monday, November 9, at 5 p.m.

Both committee's meetings, minutes, agendas and what they are up to are available on the township website.

TC-TALUS: Meyers: September meeting cancelled. October meetings, one dealing with traffic modeling plan and one about the final socio-economic report.

Leelanau County rejected the Grand Vision plan.

Township Board Representative, Boyd: Eagerly awaiting survey results.

Chair: None

Old Business:

1. ZBA – Article 18 Meyers: Met with attorney Turkelson on August 26, reviewing ZBA, Article 18. He gave it his stamp of approval. GT County approved at the September 15, planning meeting, with two recommendations. Consider adding language from the zoning enabling act in order to address any questions about voting the member

of the ZBA who is also a member of the PC or township board shall not participate in a public hearing or vote on the same matter that they voted on as a member of the PC or township board. The member may vote on other issues related to the same property. It can be put into the ordinance or into the by-laws.

Boyd would prefer to see it in the ordinance as it is more difficult to change and is not so subject to the winds of political change.

Mangus would prefer to see it in both the by-laws and in the ordinance.

Meyers stated that the by-laws can be changed to include such language when the by-laws come back through in March or April.

Motion by Boyd, seconded by Savage to recommend to the township board Article 18 – ZBA for approval, with addition of proposed language in the ordinance to separate 18.30 (B) into two parts: (B)1 would utilize existing language and (B)2 would incorporate the suggested GTCPC language restricting dual representative voting.

Roll Call vote:

Courtade-yes; Lyons-yes; Mangus-no, with explanation that it should be both Ordinance and Bylaws; Miller-yes; Savage-yes; Zakrajsek-yes; Boyd-yes. Motion carries 6-1.

2. Definitions – Article 2 Meyers: GT County reviewed changes/amendments to Article 2, Definitions. Two recommendations provided (1) change multiple dwelling to multiple family dwelling and (2) moving residential standards of fences to another location within the ordinance.

Recommendation 1 is appropriate. Recommendation 2, the PC previously discussed this and determined that the changes would be made when a Supplementary Provisions section was added to the Zoning Ordinance therefore a delay in recommendation 2 is appropriate at this time.

Meyers indicates that definition changes can be made easily once this Article is approved.

Motion by Boyd, seconded by Mangus, to forward Article 2, Definitions, with the change being made to Multiple Family housing to the board for approval. Motion carries, 7-0.

3. Site Plan Review Zoning Ordinance – Article 25 Meyers: It includes the requested changes. It is more easily understood. With a recommendation by the Planning Commission it will officially go to the County for review before it goes to the Township Board for consideration. Motion by Savage, seconded by Lyons, recommending approval of Article 25, Site Plan Review Zoning Ordinance to the Township Board. Motion carries, 7-0.

4. Survey Design Team Update Meyers: At last count we had over 560 survey returns, almost 50%, which puts us at a 99% accuracy. That will all be discussed Monday at the

joint meeting with the PC and Township Board. There are 289 written comments submitted. This survey will be the basis for other sub-committees for starting on the new Master Plan. Monday will be the final report.

New Business

1. Rural Fire Information, moved ahead in the agenda to Reports.

2. Extension Request for Renee's House of Quilting, Glenn Savage removed himself from discussion and vote due to conflict. Renee Savage presents information that with the national economic situation last fall they decided to postpone the building expansion. They did complete the porch enclosure for additional classroom. Therefore, requesting a one year extension to the original site plan addition.

Zakrajsek states that this is an up and running business and is increasing volume every year.

Meyers states that it is important to note that a brand new site plan is on file that meets all current standards in place today and that she was before the PC twice last year, once for an addition of about 864 sq. ft. and once for the enclosure of the porch. The enclosure has been done and is complete. She is moving forward on the projects.

Motion by Boyd, seconded by Miller, to extend to December 31, 2010, the request for the original site plan addition. Motion carries, 7-0.

3. Disaster Mitigation Plan Committee Creation previously discussed in Zoning Administrator report.

4. Extension Request for Sheer's Salon Jim Snider states that even though there have been a few extensions in the past, the project still meets and exceeds the local Master Plan and ordinance requirements and local code requirements. To his knowledge there have not been any ordinance changes that would restrict the scope of this project. It is a remodel of an existing building so there has not been excavating, it has an existing parking area, so there hasn't been any changes construction wise, just remodeling the inside of the building. Benefits to continuing the extension to the special use permit: more incentive to keep the project in a forward motion; it does a beneficial improvement to the community and services to the community. If denied, it would inflict financial hardship since monies have already been paid. This does not affect the PC.

Comments by commission members indicated that the last time there was an extension it was clearly understood that it would be the last extension granted on a project that has been ongoing since 1995 and had the special use permit granted in 2006. Also questioned whether current county standards for septic, soil erosion, handicap accessibility are being met; whether there is an active building permit; what permits and inspections need to be done. Other comments are that land use permits are usually good for one year but is there a stated time limitation? Meyer's indicates that with inspections the county will usually extend their permits. If denied by the PC, there was a discussion

of possible waiving of the land use and special use permits when/if Sheer's Salon were to re-apply for such. It could be all of this conversation is moot if there are not active permits with the county.

Motion by Boyd, seconded by Zakrajsek to deny extension request.
Motion withdrawn after further discussion.

Motion by Boyd, seconded by Savage to table the extension request for Sheer's Salon for one month until the next PC meeting, pending further current documentation: Jim Snider to supply PC with active building permit, septic documentation of approval, note stating whether soil erosion status is needed or not, other current inspections, etc.

Roll Call vote:

Lyons-yes; Mangus-yes; Miller-yes; Savage-yes; Zakrajsek-yes; Boyd-yes; Courtade-yes.
Motion carries 7-0.

5. Signs Mangus: Specifically political signs. Signs for the November 2, 2009, vote were removed by township people and destroyed. Mangus is concerned that this may be considered tampering with freedom of speech. We need to address and clean up the sign ordinance, clarification is needed.

Meyers: We can have discussion at the next meeting with examples of sign ordinance language to address this issue.

Boyd: Signs can be removed if no identification is on them.

Mangus: Township has no business removing signs in the road right of way.

Boyd asked Meyers if the Township has the ability to supersede state law?

Meyers: There is something referred to as co-join.

Ordinance clarification and sign identification information will be on the agenda, New Business, at the next PC meeting.

Public Comment: Jim Snider commented that some roads are owned by the land owners with easements and some roads are owned by the county or state with public right of way.

Continuing Education

Postponed due to lateness of meeting

Motion to adjourn at 9:36 pm by Courtade, seconded by Boyd. Motion carries 7-0.
Meeting adjourned.

Respectfully Submitted,
Recording Secretary, Lois MacLean