

**WEST TRAVERSE TOWNSHIP
REGULAR BOARD MEETING
OCTOBER 13, 2020**

Supervisor Sandford called the meeting to order at 6:00 p.m.

Roll Call: Baker, Lauer, Hollingsworth, Baiardi, Sandford.

Visitors: Neil Ahrens, Dawson Moore, Dave Green, Carolyn Whittle, Jim Bartlett, Annie Mooradian, John Riggs, Sue Matsko.

The Pledge of Allegiance was recited by all.

Approve Agenda and Additional Items: The agenda was approved by consensus.

Public Comments: Dawson Moore asked to have the following letter included in these minutes:

" October 13, 2020

West Traverse Township Board,

As a member of the West Traverse Planning Commission, I have been using our township's subscription to the MTA Online Learning Center to take classes to help me better serve the township. In the class, "Roles & Functions of the Zoning Board of Appeals," it explains that any actionable vote requires not just a majority of a quorum, but a majority of the members of the full ZBA membership. I checked our zoning ordinance to see if this was the case for our own ZBA. Sure enough, as is required by the Michigan Zoning Enabling Act, section 803:3 of our ordinance confirms what I had learned in the class. It states specifically that, "The concurring vote of a majority is calculated on full ZBA membership not on those ZBA members that are present at a meeting."

I also learned about the differences between the ZBA's duties of interpretation and appeal. Interpretations are to be narrow, considering only a specific property rather than the zoning ordinance more generally. Interpretations do not set a precedent or rewrite the zoning ordinance. Interpretations do not involve any sort of final determination of approval. Appeals, on the other hand, are used to address zoning determinations that have already been made.

In response to recent public comments at the September meetings of both the township board and planning commission, I have been reviewing past minutes relevant to the property at 7580 S. State Rd. I wanted to understand more of the context surrounding that property and thought it could be a valuable learning exercise for my role on the planning commission.

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While reviewing the minutes from the ZBA meeting on June 15, 2015, I noticed that the final vote to uphold the determination of the Zoning Administrator was passed in a 2-1 decision. My understanding, based on section 803:3 of our zoning ordinance, is that any decisions made by our ZBA require 3 concurring votes. Furthermore, the phrasing of the motion to “uphold the determination of the Zoning Administrator” seems to fall outside the purview of the request for *interpretation* brought by the planning commission. It sounds like a motion that would be applied to an *appeal* to the ZBA, not an *interpretation*. And finally, when the motion goes on to say “storage buildings are a permitted use in the C-1”, it is referring to the zoning ordinance generally rather than to the specific property in question. Again, if I’m understanding the educational material provided by the MTA, this would be an improper way to approach an interpretation.

It seems that would have been a substantial error leading to large and long-term substantive and precedent setting effects on our township. Could the board give an explanation of concrete actions it will take to ensure that township business is conducted in a fair way that abides by the rules of procedure outlined in the zoning ordinance?

-Dawson Moore"

Approve Minutes: **Baiardi made a motion to approve the meeting minutes of September 8, 2020 as presented. Lauer seconded the motion.**

Vote: All yes.

Correspondence: Correspondence was reviewed.

Thorne Swift Report: John Riggs presented his written report.

Thorne Swift Seasonal Worker Compensation: **Sandford made a motion to authorize John Riggs to staff Thorne Swift as necessary to handle the volume of visitors through November 15, 2020, increasing the budget for seasonal employees by \$2,000 for 2020. Baker seconded the motion.**

Roll Call Vote: Hollingsworth – yes, Baker – yes, Lauer – yes, Baiardi -yes, Sandford – yes.

Water Service at 4280 Pine Hill Drive: The Whittle family is currently constructing a new house at 4280 Pine Hill Drive. When they wanted to hook up to the city water system, they were notified that there was no water tap on the main. It is unknown why there was no tap for their property. Carolyn Whittle reviewed the process they have gone through to get hooked up to the water system. She asked the Board to waive the water tap in fee because of the extra expense they have encountered. Sandford explained that the tap in fee is paid to the Township in order to defer the cost of construction and repair of the Township water system. He stated that he did not

see how this problem would be the Township's responsibility. Baker said that he felt that the Whittles had a justified expectation that there would be a tap. It is not the Township's responsibility to maintain the tap, but because the Township owns the water system, he feels that there is some obligation to say that there is a tap. Lauer agreed with Baker. She said that the Township purchased the water system and they should take some responsibility for it. She thinks that the Board should take some responsibility. Hollingsworth said that she agreed with Sandford and the Township attorney to some extent, but she also agrees with Baker and Lauer. She does not think that the Board should be responsible for the whole extra cost. She pointed out that before you purchase property, you should ask the questions such as the ones about water. Hollingsworth said that she would not be willing to waive the tap in fee, but she might be willing to share in part of the expense they incurred with Tri County Excavating, maybe the labor. She stated that the Township did not build the water system, but it was purchased from the City of Harbor Springs. Baiardi stated that she did not think that it is a Township responsibility, so she would not waive the fee. She said that these things happen when things are not researched properly. Sandford said that in looking at the invoice from Tri County Excavating, there are certain things that are specific to doing the tap on the water main. The excavator or the mobilization were not solely related to the tap. Baker would waive all or part of the tap in fee. Hollingsworth said that she would be willing to help with the cost of the labor and maybe the materials, totaling \$1208. She would certainly take up the mobilization and the excavator with the excavating company. She stated that she would be willing to help with the labor and materials, but she would not be willing to waive the tap in fee. Sandford said that he did not think it would be appropriate to waive the tap in fee because it is not related to the tap. He said that it would be a bad precedent to waive that and then have someone else come in and say that the Board had waived that fee. Lauer said that she would agree with the \$1208, but not the tap in fee.

Hollingsworth made a motion that West Traverse Township pays the Whittle family (4280 Pine Hill Drive) for the labor of \$708 and the material of \$500 as re-imbusement for the cost of Tri County Excavating, invoice #2370 dated 10-9-20. Lauer seconded the motion. Roll Call Vote: Lauer – yes, Hollingsworth – yes, Baiardi – no, Baker – no, Sandford – no.

Baker made a motion that West Traverse Township pays the Whittle family (4280 Pine Hill Drive) \$2,000 towards the Tri County Excavating invoice #2370, dated 10-9-20. Lauer seconded the motion.

Hollingsworth asked if the tapping machine is necessary to tap into the water main. Sandford stated that he had discussed this with Lucas at the Water Department and was told that the City has its own tapping machine. If the City had done the tap, which is how they usually do it, they would not have charged for the tapping machine. He said that if the City had done the tap, they would probably have charged two hours of labor from the Water Department. West Traverse Township will probably be billed for two hours of labor from the City because they

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had to have their employees there to make sure Tri County was doing it correctly.

Roll Call Vote: Baker – yes, Lauer – yes, Baiardi – no, Hollingsworth – yes, Sandford – no.

Sandford asked Baiardi to send a check to Whittles for \$2,000. He wanted to make very clear that this re-imbusement is not part of the tap in fee. The tap in fee remains as it is at \$4,000.

Horses on Township 80 Park Trails: Baker stated that there has been erosion control done on some of the trails on the Township 80 acres and it is working pretty well. He would like to propose permanently keeping horses off the three steepest trails because they are very sandy and steep. The erosion will be persistent if the horses keep using them. He would also like to require that the riders clean the manure off the trails on a regular basis and while they are doing that, they could level out the hoof prints. Sandford asked who would be enforcing this and Baker stated that it would be difficult. Sandford asked who was riding the horses on the trails and Baker stated that they were coming from Brek-N-Ridge farm.

Baker made a motion to ban horses from the three steepest trails on the Township 80 acres. Lauer seconded the motion.

Roll Call Vote: Lauer – yes, Baker – yes, Hollingsworth – no, Baiardi – yes, Sandford – yes.

Hollingsworth made a motion that the remaining trails where horses are allowed to use them on the Township 80 acres, they should be required to clean up the manure. Lauer seconded the motion.

Roll Call Vote: Lauer – yes, Baker – yes, Hollingsworth - yes, Baiardi – yes, Sandford – yes.

Snow Removal: **Baker made a motion to approve the snow removal proposal from Lauer Pest Control for the 2020-2021 season. Baiardi seconded the motion.**

Vote: All yes.

Asset Management Plan for Water & Sewer Systems: The Township contracted with Benchmark Engineering to provide an Asset Management Plan for the projection of future costs of the water and sanitary sewer systems for West Traverse Township. Sandford provided the written report.

Clerk's Report: Baiardi presented her report.

Treasurer's Report: Hollingsworth presented her report.

Planning Commission: The Planning Commission will be reviewing two Site Plans tomorrow.

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Zoning Administrator's Report: David White had presented his written report.

Recreation/Thorne Swift Committee: No report.

LTBBOI Litigation: No report.

Supervisor's Report: No report.

Payables and Payroll: **Baker made a motion to approve the payables and payroll as presented. Lauer seconded the motion.**

Vote: All yes.

Public Comments: Dave Green introduced himself as a candidate for Township Trustee. He had some comments regarding the water tap and horse discussions. Neil Ahrens asked if anyone had any questions regarding the County.

Board Comments: Lauer stated that she had received a complaint about the road surface on Lightfoot Road which is starting to crack and also where the new culvert was installed on Quick Rd. between Lightfoot and State is starting to sink. She also received a complaint about blight on the property at State and Quick.

Hollingsworth responded to Dawson Moore's letter to the Board. Dawson pointed out that the Rules and Regulations are one page long.

Bartlett had some comments regarding Dawson Moore's letter.

Adjourn: The meeting was adjourned at 7:13 p.m.

The next regularly scheduled meeting will be November 10, 2020 at 6:00 p.m.

Respectfully Submitted by:

Cindy Baiardi, Clerk

Transcribed by:
Susan Matsko
Township Secretary

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