

WHITEWATER TOWNSHIP BOARD
AGENDA REGULAR MEETING – MARCH 14, 2023
9:00 a.m. at the Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

At this time, the Board invites everyone to silence their electronic devices.

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Board Meeting

Time: Mar 14, 2023 09:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88102741202?pwd=bWxOb3ltTUdtR01KdTFNVVgwTWt0QT09>

Meeting ID: 881 0274 1202: Passcode: 030750

One tap mobile: +13092053325,,88102741202#,,, *030750# US

+13126266799,,88102741202#,,, *030750# US (Chicago)

Dial by your location: +1 309 205 3325 US: +1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York): +1 301 715 8592 US (Washington DC)

Find your local number: <https://us06web.zoom.us/j/88102741202?pwd=bWxOb3ltTUdtR01KdTFNVVgwTWt0QT09>

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon reasonable advance notice. Contact the Township Clerk at 231.267.5141 Ext. 24 at least 5 days in advance of the meeting.

- A. Call to Order
- B. Roll Call of Board Members
- C. Set/Adjust Meeting Agenda
- D. Declaration of Conflict of Interest
- E. Public Comment. Any person shall be permitted to address a meeting of the township board. Public comment shall be carried out in accordance with the following board rules and procedures:
 - 1. Comments shall be directed to the board, with questions directed to the chair.
 - 2. Any person wishing to address the board shall speak from the lectern and state his or her name and address.
 - 3. Persons may address the board on matters that are relevant to township government issues.
 - 4. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer board member's questions. The chair shall control the amount of time each person shall be allowed to speak, which shall not exceed five (5) minutes.
 - 5. In order to avoid unscheduled debates, the board generally will not comment or respond to public comment. Silence or non-response from the board should not be interpreted and disinterest by the board.

F. Public Hearing – Amendment No. 1 to General Ordinance #53 Floodplain Ordinance

G. Reports/Presentations/Announcements/Comments

1. County Board of Commissioners
2. Fire Department Report -
3. Planning Commission Report –
4. Parks & Recreation Advisory Committee Report
5. Brad Kluczynski & Jason Gilman Grand Traverse County Road Commission

H. **Consent Calendar**

Receive and File

1. Supervisor's Report for February 2023
2. Clerk's Report for February 2023 - None Provided
3. Treasurer Report February 2023 - None Provided
4. Trustee Vollmuth's February 2023 Report
5. Trustee Glenn's February 2023 Report
6. Zoning Administrator's Report for February 2023
7. Mobile Medical Response's February 2023 Activity Report
8. Fire Department February 2023 Report
9. Planning Commission February 2023 Report None - Provided
10. Historical Society February 2023 Report - None Provided
11. Approved PC Minutes 2023.01.04
12. PRAC Approved Minutes 2023.01.09

Correspondence

1. Kim Elliot – Request to read public comment
2. Grand Traverse County Sheriff Statistics
3. ###

Minutes for Approval

1. Whitewater Township Special Board Meeting Draft Minutes 2023.01.31
2. Whitewater Township Special Board Meeting Draft Minutes 2023.02.09.
3. Whitewater Township Regular Board Meeting Draft Minutes 2023.02.14.
4. Whitewater Township Special Board Meeting Draft Minutes 2023.02.16

Bills for Approval

1. No Documentation available from the Clerk's Office at time of publishing.

Budget Amendments None.

Revenue & Expenditure Report None

I. **Unfinished Business**

1. Business Item from 1.10.2023 - Minutes
2. Status Update on Credit Card for Township Purposes
3. Schedule Next Budget Session

J. New Business –

1. Appoint Deputy Supervisor
2. Review/Adopt Amendment No.1 to General Ordinance No. 53 Floodplain Ordinance.
3. Review/Adopt Resolution 23-03 Elk Rapids Schools Tax Collection
4. Review/Adopt Resolution 23-04 Traverse City Schools Tax Collection
5. Fire Millage Increase – Discussion
6. Proposed Whitewater Township Policy & Procedure Section 6.0
7. PRAC Request to declare Hi Pray Park Playground Open
8. Camping Park Question & Answer
9. Approve Advertising Banners at Hi Pray Park Ball Diamond
10. Removed/Relocated Website Information -
11. Planning Commission Request for Training Materials - Paperwork Issues.
12. Planning Commission Request – Zoning Ordinance Amendment No. 86.
13. Planning Commission Recommendations

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K. Tabled Items

1. None

L. Board Comments/Discussion

M. Announcements

1. Special Meeting March 21, 2023 Budget Public Hearing

N. Public Comment

O. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141.

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC:
Date: 2.27.2023
Re: Amendment No.1 to General Ordinance No. 53 Floodplain

Board Members,

To recap, Whitewater Township participates in the National Flood Insurance Program and to continue that participation for the handful of residents that need it, the Township is required to adopt new information as it is presented, which occurs about every five years. Proposed amendment No1. addresses this new information.

The proposed amendment No.1 to General Ordinance No. 53 has worked its way through the FEMA channels and has been returned from legal in the normal redline/clean copy we have become accustomed to.

I signed an intergovernmental agreement with Grand Traverse County in August of 2018 to enforce all elements of Floodplain Management as required by FEMA. This task is performed as a function of the Building Codes Department. Despite requests to the Clerk's Office for a fully executed copy of this agreement, one has not been supplied as of this writing leaving a question of compliance with the federal requirements.

Motion to adopt Amendment No.1 to General Ordinance No. 53 as written and provided below.

Respectfully,



Ron Popp
FOIA Coordinator,
Supervisor, Whitewater Township



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

December 6, 2022

VIA EMAIL

Ron Popp, Supervisor
Whitewater Township
P.O. Box 159
Williamsburg, Michigan 49690

Dear Supervisor Popp:

SUBJECT: New Flood Insurance Rate Maps (FIRMs) for Grand Traverse County

The Federal Emergency Management Agency (FEMA) has completed new FIRMs for Grand Traverse County. The FIRMs are scheduled to go into effect on April 19, 2023. Your community should have recently received an official FEMA letter of notice that this is the case.

Your community currently participates in the National Flood Insurance Program (NFIP). As a member of the NFIP, your community must adopt the new maps by revising its current floodplain ordinance or adopting a new floodplain ordinance, prior to the effective FIRM date of April 19, 2023.

There is a sample ordinance included in this packet and available online at: www.mi.gov/floodplainmanagement then select "NFIP Map Modernization."

Note that federal NFIP minimum requirements and the Michigan Construction Codes with Appendix G, regulate all development within the floodplain. Development is defined as any man-made change, and includes activities such as filling, grading, septic systems, and agricultural buildings. If your community needs additional information on the requirements or training, please contact me.

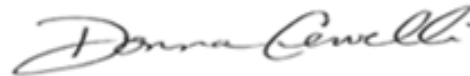
The completed ordinance or ordinance amendment documents should be submitted to my attention. After our office has reviewed them, I will send them to FEMA for final approval. If the documents are not effective prior to April 19, 2023, or have not been approved by FEMA prior to the effective date of the FIRM, your community will be suspended from the NFIP. Suspension will result in flood insurance no longer being available in the community. This means for federally backed mortgages in the floodplain, the lenders will require people to seek private insurance (through Lloyds of London for example) at extremely high rates. Some forms of Federal disaster assistance are also not available in suspended communities.

I can review draft documents before they are voted on or approved by community officials to assure they will meet FEMA's requirements. It is preferred that documents are emailed to me at cervellid@Michigan.gov; The following needs to be listed in your ordinance: The Flood Insurance Study for Grand Traverse County, all Jurisdictions, effective April 19, 2023, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) included on index panel, 26055CIND0B, effective April 19, 2023.

Please allow time for any required publications in your local papers. It is also advised to update any intergovernmental agreement with the county building officials, if applicable, so they are aware of the upcoming changes. Both sample the ordinance and the intergovernmental agreement can be found at the link above.

If you have questions, please contact me at cervellid@Michigan.gov; 517-243-6951, or Environment, Great Lakes, and Energy (EGLE), WRD, P.O Box 30458, Lansing Michigan 48909.

Sincerely,



Donna Cervelli, PE
Floodplain Engineer
Water Resources Division

Attachment

cc: Robert Hall, Zoning Administrator, Whitewater Township
Cheryl A. Goss, Clerk, Whitewater Township
Brian Killien, FEMA Region V, Chicago
Susan Conradson, EGLE

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ORDINANCE AMENDMENT ADDRESSING FLOODPLAIN MANAGEMENT
PROVISIONS OF THE STATE CONSTRUCTION CODE**

AMENDMENT NO. 1 to ORDINANCE NO. 53

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan on _____, 2023, at ____:____ a.m., Township Board Member _____ moved the following Amendment No.1 to Ordinance 53 for adoption, which motion was seconded by Township Board Member _____:

Amendment No.1 to Ordinance 53 adopts revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand Traverse County. ~~The FIRMs are scheduled to go into effect on April 19, 2023. As a member of the National Flood Insurance Program (NFIP), Whitewater Township must adopt the new maps by revising its current floodplain ordinance prior to the effective FIRM date of April 19, 2023.~~

~~THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS TO AMEND THE FOLLOWING SECTION OF ORDINANCE 53 FLOODPLAIN MANAGEMENT:~~
THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN ORDAINS:

SECTION 1: AMENDMENT TO SECTIONS 3 AND 4 OF ORDINANCE 53: Sections 3 and 4 of Ordinance 53 shall be amended to read as follows:

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Section 3. FLOODPLAIN MANAGEMENT PROVISIONS ENFORCED TO READ:

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Pursuant to the provisions of the State Construction Code, and in accordance with Section 2 of this Ordinance, the Grand Traverse County Construction Office, acting as the enforcing agency within the jurisdiction of Whitewater Township, shall administer, apply, and enforce the State Construction Code, supplemented with the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G – Flood Resistant Construction of the Michigan Building Code) regarding floodplain management criteria for flood prone areas complying with the regulations set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, Floodplain Management Criteria for Flood-Prone Areas.

Section 4. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Flood Insurance Study of Grand Traverse County (All Jurisdictions) ~~26055CV000B and~~ dated April 19, 2023 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers ~~included on index panel, 26055CIND0B, effective date April 19, 2023, of 26055CO131D, 26055CO150D, 26055CV000B, dated April 19, 2023 together with unrevised panels 26055CO175C, 26055CO275C, and 26055CO300C dated August 28, 2018~~ are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of Section 1612.3 Establishment of Flood Hazard Areas, of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) Climatic and Geographic Design Criteria of the Michigan Residential Code.

Section ~~27~~. EFFECTIVE DATE

Amendment No.1 to Ordinance 53 shall be effective 30 days after publication.

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of Amendment No.1 to Ordinance 53 adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2023, pursuant to the required statutory procedures.
2. The complete text of Amendment No.1 to Ordinance 53 was posted at the Township Clerk's office on _____, 2023.
3. The attached Notice of Adoption was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2023, within not more than seven (7) days after the adoption of the Ordinance.
4. Within seven (7) days after publication, I recorded the above Amendment No.1 to Ordinance 53 in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
5. ~~I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2023. (According to discussion 12.13.2022, this task is not a common practice in Grand Traverse County and should be deleted)~~

ATTESTED:

Cheryl A. Goss, Township Clerk
Whitewater Township

**NOTICE OF ADOPTION
AMENDMENT NO.1 TO ORDINANCE 53
WHITEWATER TOWNSHIP ORDINANCE ADDRESSING FLOODPLAIN
MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE
Whitewater Township
Grand Traverse County, Michigan**

Please take notice at a regular meeting on _____, 2023, the Township Board of Whitewater Township adopted Amendment No.1 to Ordinance No. 53.

Amend Section 3 to read: Pursuant to the provisions of the State Construction Code, and in accordance with Section 2 of this Ordinance, the Grand Traverse County Construction Office, acting as the enforcing agency within the jurisdiction of Whitewater Township, shall administer, apply, and enforce the State Construction Code, supplemented with the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G – Flood Resistant Construction of the Michigan Building Code) regarding floodplain management criteria for flood prone areas complying with the regulations set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, Floodplain Management Criteria for Flood-Prone Areas.

Amend Section 4 to read: The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Flood Insurance Study of Grand Traverse County (All Jurisdictions) 26055CV000B and dated April 19, 2023 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers [included on index panel, 26055CIND0B, Effective April 19, 2023 of 26055CO131D, 26055CO150D, 26055CV000B, dated April 19, 2023 together with unrevised panels 26055CO175C, 26055CO275C, and 26055CO300C dated August 28, 2018](#) are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of Section 1612.3 Establishment of Flood Hazard Areas, of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) Climatic and Geographic Design Criteria of the Michigan Residential Code.

Amendment No.1 to Ordinance 53 shall become effective 30 days after the date of publication

Published by Order of the Township Board
Whitewater Township, Grand Traverse County, Michigan
Cheryl A. Goss, Township Clerk
(231) 267-5141

Publication Date: _____, 2023

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ORDINANCE AMENDMENT ADDRESSING FLOODPLAIN MANAGEMENT
PROVISIONS OF THE STATE CONSTRUCTION CODE**

AMENDMENT NO. 1 to ORDINANCE NO. 53

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan on _____, 2023, at __:___ a.m., Township Board Member _____ moved the following Amendment No.1 to Ordinance 53 for adoption, which motion was seconded by Township Board Member _____:

*Amendment No.1 to Ordinance 53 adopts revised Federal Emergency
Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand
Traverse County.*

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:

SECTION 1: AMENDMENT TO SECTIONS 3 AND 4 OF ORDINANCE 53: Sections 3 and 4 of Ordinance 53 shall be amended to read as follows:

**Section 3. FLOODPLAIN MANAGEMENT PROVISIONS ENFORCED TO
READ:**

Pursuant to the provisions of the State Construction Code, and in accordance with Section 2 of this Ordinance, the Grand Traverse County Construction Office, acting as the enforcing agency within the jurisdiction of Whitewater Township, shall administer, apply, and enforce the State Construction Code, supplemented with the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G – Flood Resistant Construction of the Michigan Building Code) regarding floodplain management criteria for flood prone areas complying with the regulations set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, Floodplain Management Criteria for Flood-Prone Areas.

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The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Flood Insurance Study of Grand Traverse County (All Jurisdictions) dated April 19, 2023 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers included on index panel, 26055CIND0B, effective date April 19, 2023. are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of Section 1612.3 Establishment of Flood Hazard Areas, of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) Climatic and Geographic Design Criteria of the Michigan Residential Code.

Section 2. EFFECTIVE DATE

Amendment No.1 to Ordinance 53 shall be effective 30 days after publication.

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of Amendment No.1 to Ordinance 53 adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2023, pursuant to the required statutory procedures.
2. The complete text of Amendment No.1 to Ordinance 53 was posted at the Township Clerk's office on _____, 2023.
3. The attached Notice of Adoption was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2023, within not more than seven (7) days after the adoption of the Ordinance.
4. Within seven (7) days after publication, I recorded the above Amendment No.1 to Ordinance 53 in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
5. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2023.

ATTESTED:

Cheryl A. Goss, Township Clerk
Whitewater Township

**NOTICE OF ADOPTION
AMENDMENT NO.1 TO ORDINANCE 53
WHITEWATER TOWNSHIP ORDINANCE ADDRESSING FLOODPLAIN
MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE
Whitewater Township
Grand Traverse County, Michigan**

On _____ 2023, the Whitewater Township Board adopted Ordinance No. 53, which adopts revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand Traverse County. Copies of the complete text of the Ordinance were posted at the Whitewater Township Hall at 5777 Vinton Road, Williamsburg, MI 49690.

The Ordinance contains the following sections and catch lines: Section 1: Amendment to Sections 3 and 4 of Ordinance 53; Section 2: Effective date, which is 30 days after this publication.

Published by Order of the Township Board
Cheryl A. Goss
Whitewater Township Clerk
(231) 267-5141 ext 24

Publication Date: _____, 2023.

NOTICE OF ADOPTION
AMENDMENT NO.1 TO ORDINANCE 53
WHITEWATER TOWNSHIP ORDINANCE ADDRESSING FLOODPLAIN
MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE
Whitewater Township
Grand Traverse County, Michigan

On _____ 2023, the Whitewater Township Board adopted Ordinance No. 53, which adopts revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand Traverse County. Copies of the complete text of the Ordinance were posted at the Whitewater Township Hall at 5777 Vinton Road, Williamsburg, MI 49690.

The Ordinance contains the following sections and catch lines: Section 1: Amendment to Sections 3 and 4 of Ordinance 53; Section 2: Effective date, which is 30 days after this publication.

Published by Order of the Township Board
Cheryl A. Goss
Whitewater Township Clerk
(231) 267-5141 ext 24

Publication Date: _____, 2023.

**WHITEWATER TOWNSHIP AND GRAND TRAVERSE COUNTY
INTERGOVERNMENTAL AGREEMENT TO MANAGE FLOODPLAIN
DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

This Agreement is entered into on the dates set forth below between the Township of Whitewater (the "Township"), a Michigan municipality whose address is 5777 Vinton Road, Williamsburg, Michigan, 49690, and Grand Traverse County (the "County", a Michigan municipality whose address is 2650 LaFranier Road, Traverse City, Michigan 49686 (collectively, "the Parties").

WHEREAS, the Township currently participates in the Federal Emergency Management Agency's ("FEMA") National Flood Insurance Program ("NFIP") by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the Township desires to satisfy its requirements to comply with the minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations ("44 CFR"), Section 60.3 to assure the Township's compliance participation in NFIP, and

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, ("State Construction Code"), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G) contains floodplain development and management regulations that comply with 44 CFR 60.3, and

WHEREAS, Grand Traverse County, acting through the Grand Traverse County Construction Code Office, is designated as the enforcing agency to discharge the responsibilities under the State Construction Code within the County, including the Township's jurisdiction, and

THEREFORE, to maintain the Township's eligibility and continued participation in the NFIP, the Parties agree to be bound by the following mutual promises and expressions of cooperation:

Section 1. Definitions

The NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this Agreement:

1. Enforcing Agency means the County of Grand Traverse, Michigan, through the Grand Traverse County Construction Code Office, designated with the authority by the Township to enforce the flood management regulations for areas within the Township's jurisdiction.
2. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2)

the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudslide(s) (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and

- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (1)(a) of this clause.
3. Flood Hazard Boundary Map (FHBM) means an official map of the Township, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
4. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding as defined in paragraph (1)(a) of this clause).
5. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
6. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
7. Structure means a walled and roofed building that is principally above ground, including a gas or liquid storage facility, as well as a mobile home or manufactured unit.

Section 2. Designated Enforcing Agency

The Parties agree that the County of Grand Traverse, Michigan will officially be designated as the enforcing agency to discharge the Township's responsibility of administering, applying, and enforcing the floodplain regulations of the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, ("State Construction Code") within the Township's boundaries.

Section 3. Services to be Performed

The Parties agree that the County's officially designated enforcing agency for the State Construction Code, the Grand Traverse County Construction Code Office, be directed to administer, apply, and enforce on the Township's behalf the floodplain management regulations as contained in the State Construction Code and to be consistent with those regulations, by:

1. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from FEMA to identify the flood hazard area, and areas with potential flooding, and
2. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
3. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the Grand Traverse County Construction Code Office shall implement the following applicable codes according to their terms:
 - a. All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - b. All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - c. Appendix G of the current Michigan Building Code.
 - d. All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
4. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
5. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
6. Advising FEMA of any changes in the Township's boundaries, including appropriate maps, and
7. Maintaining records of new structures and substantially improved structures concerning any certificates of flood proofing, lowest floor elevation, basements, flood proofing, and elevation to which structures have been flood proofed.

Section 4. Compliance with 44 CFR 60.3

The Township and the County assure the Federal Insurance Administrator ("Administrator") that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps ("FIRMs") and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure the Township's compliant participation in the program.

Section 5. Adoption of FIS, FHBM, and/or FIRMs

The Township further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study ("FIS"), FHBM, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

Section 6. Term of Agreement

This Agreement shall commence on August 1, 2018 and shall expire on July 31, 2028. The term of this Agreement may be extended by written amendment, if mutually agreed to by the parties.

Section 7. Non-employee Status

The County staff implementing the terms of this Agreement shall at all times remain employees of the County, except that the Township will be considered to have designated an enforcing agency by this Agreement for purposes of complying with the Township's obligation to implement floodplain development and management regulations that comply with 44 CFR 60. Neither party shall be an employee, agent or partner of the other. The County shall remain responsible for all workers' compensation and other insurance, income tax, social security and other withholding, and all other compensation or benefits for County employees involved in providing the agreed services. At no time shall any County employee involved in providing services be considered or claimed to be an employee or agent of the Township, and the Township shall not in any manner attempt to control, supervise or direct County employees involved in providing the agreed services.

Section 8. Termination of Agreement

Either party may terminate this Agreement without cause upon sixty (60) days written notice to the other party at any time prior to the stated date of termination. Thirty days after the receipt of such notice, this Agreement shall automatically terminate without further obligation of either party. After the expiration or termination of this Agreement, neither party shall have any further obligations under this Agreement except as set forth in paragraph 10.

Section 9. Cooperation Covenant

The County agrees that after termination of this agreement, it will cooperate with the Township's reasonable request for information and assistance relating to any civil litigation or investigative matter related in whole or in part to the County's services provided under the terms of this Agreement.

Section 10. Insurance and Indemnification

To the extent permitted by law, each party agrees to defend, indemnify and hold the other harmless from any and all liability arising out of or directly related to the services performed during the term of the Agreement.

Section 11. Assignment of Rights and Duties

Neither of the Parties shall assign nor transfer this Agreement or any portion thereof without receiving written approval from the other party.

Section 12. Governing Law

This Agreement has been executed and delivered in and shall be interpreted, construed and enforced pursuant to and in accordance with the laws of the State of Michigan. All duties and obligations of the parties created hereunder are performable in Grand Traverse County, Michigan, and Grand Traverse County, Michigan shall be the venue for any mediation or arbitration between the parties that may be brought in connection with or arise out of or by reason of this Agreement.

Section 13. Notice

Service of any notices given hereunder will be complete upon personal delivery or if sent by certified mail to the Township, or to the County, at the addresses set forth above, addressed respectively to the Township Supervisor and County Administrator; further, service of any notice served by mail shall be effective upon the date on which such notice is deposited in a receptacle of the United States Postal Service properly addressed and with adequate postage fully prepaid.

Section 14. Severability

If any provision of this Agreement is invalid or unenforceable, it shall be ineffective only to the extent of such invalidity without invalidating the remainder of such provision or the remaining provisions of this Agreement, and the other provisions hereof shall be liberally construed to effectuate the purpose and intent of this Agreement.

Section 15. Waiver of Breach

The waiver by either party of a breach or violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provision hereof.

Section 16. Counterparts

This Agreement may be executed in any number of counterparts and each such counterpart shall be considered a valid original.

Section 17. Captions and Headings

The captions, headings, and titles in this Agreement are a convenience and not intended to have any substantive meaning or be interpreted as part of this Agreement.

Section 18. Compliance with Law

The County's performance of services set forth in this Agreement shall comply with all applicable federal and State laws, rules, and regulations.

Section 19. Complete Agreement

The Agreement contains the entire agreement between the Township and the County with respect to the services provided by the County to the Township and it supersedes any prior oral or written understandings or agreements. It is further understood and agreed

that the terms and conditions of this Agreement are not mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter of this Agreement, except as expressly stated in this Agreement.

Section 20. Prior Agreements between the Parties

After this Agreement becomes effective, all prior agreements between the Parties that relate to the County providing to the Township the services of the Grand Traverse County Construction Code Office to administer, apply, or enforce the floodplain regulations of the State Construction Code within the Township's boundaries are declared null and void.

WHEREFORE, the Parties have executed this agreement on the dates set forth below.

TOWNSHIP OF WHITEWATER

GRAND TRAVERSE COUNTY

By:  _____

Ron Popp, Township Supervisor

Date: August 17, 2018

By: _____

Nate Alger, County Administrator

Date: August __, 2018

By: _____

Cheryl A. Goss, Township Clerk

Date: August __, 2018

By: _____

Bonnie Scheele, County Clerk

Date: August __, 2018



WHITEWATER TOWNSHIP FIRE DEPARTMENT

8380 OLD M-72 ♦ PO Box 9 ♦ WILLIAMSBURG, MICHIGAN 49690 ♦ 231.267.5969 ♦ FIRECHIEF@WHITEWATERTOWNSHIP.ORG

February 2023 Monthly Report Fire Chief Brandon Flynn

Alarms: The fire department responded to 9 calls in February.

- 3 EMS Assist
- 3 Vehicle Crash
- Commercial Fire Alarm
- CO Detector Activation
- Lockdown Drill at Woodland School

YTD: 2023 = 19, 2022 = 22

Training: 4 training sessions were held in February.

- Monthly vehicle & SCBA maintenance
- Target Solutions, NFPA 1500 – Respiratory Protection
- SCBA mask Fit Testing
- Courage to be Safe, online training class

Meetings/Other:

- Regional Training Center, February 2
- Township Board Meeting, February 14
- County Chief's, February 15
- LEPC, Cancelled
- 911 BOD, Cancelled
- EMPT, February 27

General:

All of the fire departments SCBA air packs were flow tested this month. A technician from Municipal Emergency Services (MES) performed the flow testing out of his van at the station on February 1.

AFP conducted the annual fire suppression test at the fire station on Feb. 7.

Chief Flynn and Supervisor Popp attended the Grand Traverse Band 2% grant Media Event on Friday, February 10. The Whitewater Township Fire Department was the



Committed to proudly serving the community with professionalism and integrity.

recipient of \$4300.00 for the purchase of replacement rescue air bags. The current set of Holmatro rescue air bags are 25-years-old and we recently discovered from the manufacturer that the rubber air bags expire at 20 years. The Fire Department will purchase a new Hurst, Vetter Rescue Air Bag set to be placed on the Fire Engine.

Chief Flynn met with CSI to begin assembling new fire engine specifications. Chief Daryl Case from Green Lake Township Fire Department was also present with the thought of saving money by ordering two identical trucks from Spartan Manufacturing. This preliminary meeting revealed that ordering two trucks would in fact result in a savings and Chief Gilstorff from Peninsula Fire Department may join in this cooperative purchase to further increase the savings. We all have scheduled a meeting on March 13, 2023 to discuss the numbers.

The 2023 North American VASA Race that was scheduled for February 11 & 12 was reduced to a small course around Timber Ridge Resort on Saturday only because of unseasonably warm temperatures. This resulted in no services needed from Whitewater Township Fire Department.

2 Fire Department employees attended a Medical Control Authority (MCA) orientation on February 14. This is a requirement when working for an EMS agency in our MCA which covers 9 counties.

A fire inspection was conducted at both Ginop Sales buildings in February.

Chief Flynn attended a full scale exercise at the Emergency Operations Center (EOC) on February 21. The mock disaster of a weather event with a plane crash activated the EOC. In attendance were local fire, law enforcement and EMS agencies as well as MSP, USCG and TVC personnel. The MSP EOC in Lansing also participated via Zoom.

Memo

To: Whitewater Township Board
From: Don Glenn, Trustee
Date: March 1, 2023
Subject: Liaison report for PRAC meeting February 21, 2023

Attached to this memo is the agenda and meeting packet for the above subject for your reference. I have listed my summary points that may be of interest for board discussion and / or questions.

1. The agenda was adjusted to delete New Business item 9(c) at my request as this item was not requested by me to be put on the agenda nor is it to be mistaken as a board approved process. The correspondence included in the packet was a 1v1 exchange of ideas with a member of the PRAC and was not intended for widespread distribution.
2. I would encourage anyone interested in the list of grants and / or projects being tracked by the PRAC go to the following link as a Google spreadsheet has been created by the PRAC chairperson (Melissa Melton) and is available for review. The link is:
<https://docs.google.com/spreadsheets/d/1Z-s62J-AOq0hWf1JiR9a39dUdwPG8bIUUqwD3AvHeQg/edit#gid=634347005>
3. The PRAC passed a motion to reopen the Hi Pray Park playground and that new business item can be found later in the March 14th board agenda-packet for discussion.
4. Next regular meeting: Tuesday, March 21, 2023 @ 7:00 pm.

WHITEWATER TOWNSHIP
PARKS AND RECREATION ADVISORY COMMITTEE
AGENDA FOR REGULAR MEETING
Tuesday, February 21, 2023, 7 p.m.
Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690

Join Zoom Meeting

<https://us06web.zoom.us/j/84990012650?pwd=aTBLWHM3Q1RXYjhiY2Y0cWs0dnM3QT09>

Meeting ID: 849 9001 2650 Passcode: 600197

One tap mobile +13092053325,,84990012650#,,,,*600197# US Dial by your location +1 309 205 3325 US

1. Roll Call of Committee Members
2. Set/Adjust Meeting Agenda
3. Declaration of Conflict of Interest
4. **Public Comment:** Any person shall be permitted to address a meeting of the committee. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Committee, with questions directed to the Chair.
 - b. Any person wishing to address the Committee shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township Parks and recreation issues.
 - d. No person shall be allowed to speak more than once on the same matter.
 - e. Public comment shall be limited to 3 minutes excluding the time needed to answer Committee members' questions.
5. Approval of January 9, 2023, meetings minutes
6. Correspondence: Peninsula Township Park flyer and Playground equipment email with link
7. Reports/Presentations/Announcements/Comments:
Reference for Grants: <https://docs.google.com/spreadsheets/d/1Z-s62J-AOq0hWf1JiR9a39dUdwPG8blUUqwD3AvHeQg/edit#gid=634347005>
8. Unfinished Business:
 - a. BCNA tree removal – on hold
 - b. Lossie Trail wetland and improvements:
 1. EGLE preconstruction walk thru-scheduling
 2. Landscape Architect walkdown
 3. Subcommittee thoughts
 - c. Hi Pray Park request Board approval to reopen playground
 - d. Lossie/BCNA trail signage – on hold
 - e. SPARKS grant for BCNA trail upgrades not successful on first round
9. New Business:
 - a. New PRAC binders to be assembled
 - b. PRAC Bylaws review, update and discuss Annual Report
 - c. Capital Project Process – drafted by Don Glenn
10. Next Meeting Tuesday, March 21, 2023
11. Public Comment
12. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at 231-267-5141 x23.

**Whitewater Township
Parks and Recreation Advisory Committee
Minutes for Regular Meeting
January 9, 2023**

Call to order 7:00 p.m.

Roll Call: Butler, Cosgrove, Melton, Voice, Hubbell arrived late

Set / Approve Agenda: Move New Business c,d & e to before Unfinished Business

Declaration of Conflict of Interest: None

Public Comment: None

Approval of minutes:

MOTION by Cosgrove, second by Voice to approve December 13, 2022, meeting minutes as amended.

Roll call vote: Butler-yes; Voice-yes; Cosgrove-yes; Melton-yes; Hubbell-n/a. Motion carried.

Hubbell arrived.

Reports/Presentations/Announcements/Comments/Correspondence:

SPARKS Grant Submission.

Glenn noted that the Boat Launch Project package is out to bid. Bids will be opened on the 31st of January, F&V will put together a summary, the board will look at the bids on February 9 and if needed February 16. There has been discussion of an oversight project manager.

Unfinished Business:

1. BCNA tree removal – Do we want to make recommendation to the board or put it on hold? Largent feels the initial cleanup contract is an open contract since the contract was an “up to” amount. The “up to” amount has not been reached. He is willing to do the rest of the work as part of the “open contract”.
Largent would only need to know the center line and would be able to get a cost estimate to do the work. Glenn would like a scope of work, cost, project manager, quote, with a begin and end date and he can take it to the board. Glenn feels that this work is in the hands of the PRAC and he will take that information back to the board. Melton will contact Largent. Glenn recommends a memo with a hard bid to be presented to him to be presented to the board for approval. Consensus is to get the information, get a cost estimate and present.
2. Lossie Trail wetland improvements, EGLE preconstruction permit walk will cost \$150. Kevin Krogulecki of Gosling Zubek would walk through with EGLE to get the details to do a conceptual drawing. Kevin recommends trying to get the walk through in the spring.
3. Hi Pray Park playground inspection will happen in the spring. Glenn and the committee believe the park can be opened (signs and tape removed) at this time.
4. Lossie /BCNA trail signage – on hold, pending the final tree removal.
5. Revised Draft bylaws to revise meeting dates are in the board packet for the January 10 meeting.
6. GT County ARPA grant status \$95,000 + was awarded for the Lossie Trail. Out of 110 grant requests we were one of only 27 that got chosen. Commissioner Nelson indicated that the township should be hearing more about it. Glenn recommends creating a plan as previously discussed such as scope of work, cost estimates, project manager, quote, with a begin and end date with a breakdown of the beginning, middle and end, needing seed money, etc. Create a memo with supporting documentation. Conceptual drawings from Kevin would need some money.

7. SPARKS grants BCNA trail upgrades. The board did authorize to submit for two projects. A grant request was submitted for BCNA. The second one was not put in for the walking trail at Hi Pray Park. Elmer's came through at \$750,000 for a 10' wide trail, not including the parking lot. The third project was not authorized by the board and would require more detail to be presented to the board for authorization to submit a request.

8. Budget Items

Capital projects:

\$81k in local ARPA approved for BCNA/Lossie Trail improvements

\$95,917 GT County ARPA grant awarded for LRNT wetland mitigation and trail improvements

\$?? For slide and toddler climber activity set for Park playground (Hubbell)

\$1000 each for BCNA and LRNT signage

Funding was requested previously for clearing trail to width of 8th feet for LRNT and BCNA

Maintenance items: (PRAC recommendations – this is not a full list of all maintenance for Parks and Rec)

Weed removal Hi Pray playground, front flower bed, batting cage, fence line and baseball diamonds, diamond dust, mowing, irrigation, etc.

BCNA/LRNT/Petobego maintenance mowing 3-4 times per year.

2021 had \$23,840 maintenance for recreation maintenance. Maybe we need \$36,000 to \$40,000 for 2023/2024.

Discussion ensued regarding budgeting, park manager, project management, handyman work, etc.

New Business:

1. Special meeting request by Supervisor Popp for a board special meeting regarding park rates has been called.

2. Discussion of next step for ARPA funded projects. First step for LRNT is to get connected with EGLE. More requirement information will be coming from GT County.

Lagerquest will be contacted about moving forward with the loop. The Land Conservancy may have engineers.

3. Election of officers (handled before Unfinished Business)

Melton nominates Butler as Secretary. Butler accepts.

MOTION by Melton, second by Cosgrove for Butler to serve as secretary.

Roll call: Voice-yes; Cosgrove-yes; Melton-yes; Hubbell-yes; Butler-yes. Motion carried.

Butler nominates Hubbell as Vice Chair. Hubbell accepts.

MOTION by Butler, second by Voice for Hubbell to serve as Vice Chair.

Roll call: Cosgrove-yes; Melton-yes; Hubbell-yes; Butler-yes; Voice-yes. Motion carried.

Cosgrove nominates Melton as Chair. Melton accepts.

MOTION by Cosgrove, second by Butler for Melton to serve as Chair.

Roll call: Melton-yes; Hubbell-yes; Butler-yes; Voice-yes; Cosgrove-yes. Motion carried.

4. Resolution PRAC 23-01, 2023/2024 Meeting dates (handled before Unfinished Business)

MOTION by Melton, second by Hubbell to adopt Resolution PRAC 23-01, pending board approval of the date change to the third Tuesday of each month.

Roll call: Hubbell-yes; Butler-yes; Voice-yes; Cosgrove-yes; Melton-yes. Motion carried.

5. Bylaws review – postpone until February

Next regular meeting: Tuesday, February 21, 2023, 7 p.m.

Discussion on communication between the Board and PRAC through Glenn as the liaison.

Public Comment: None

Adjournment: 9:20 p.m.

Respectfully submitted,
Lois MacLean
Recording Secretary

DRAFT



PENINSULA TOWNSHIP PARKS COMMITTEE

What's New at Our Parks?

A much-needed new swing set and play structure will be installed at Bowers Harbor Park in spring of 2023. The new equipment will be located near Pavilion #1 and will feature slides, climbing sections, and musical instruments as well as a swing set with two regular, one toddler, and one ADA swing. Watch for news of a community gathering at Bowers Harbor Park to celebrate the completion of the new playground and to seek input on upgrading the playground on the park's south side.

Funding for the new equipment was made possible through community members' donations to our parks fund and monies committed to the project by the township and approved by township trustees. Participation in the MiDeals program, assistance from Sinclair Recreation, and a discount available through the manufacture and design company PlayTime brought this \$64,000 project into alignment with the committee's \$52,000 budget.

The Grand Traverse Regional Land Conservancy, working hand in hand with the township, is leading fundraising efforts to expand Pelizzari Natural Area (PNA). Details on the expansion and how to donate can be found at the conservancy's website at gtrlc.org. Look under "Land Protection" and "Active Projects" for a detailed description of what's at stake and how you can support this worthy effort.

Likewise, donations to the township's parks system in general or to a particular park can be made by reaching out to Treasurer Marge Achorn or Deputy Treasurer Katie Clark. They'd be thrilled to work with you.

The parks committee and Land Information Access Association (LIAA) have worked jointly for months to produce the brand new 2023 Peninsula Township Parks and Recreation Plan.

This document is mandatory for grant applications and must be updated every five years. Citizen input was gathered at public meetings, township open houses, and via online tools. To review the plan, please visit www.peninsulatownship.com.

What's Ongoing at Our Parks?

A continued request for courtesy. Leashing and picking up after pets is a must. Please do not create unauthorized trails or disturb vegetation. Although removing obstacles from trails is appreciated, please contact the township if you see trail routing or live tree trimming issues.

Tremendous use but few resources. As a general law township, Peninsula Township's taxing authority is limited. Although township residents are aware of the significant property taxes they pay, it's not as well understood how few of those dollars go to township operations (see the articles and graphs from the treasurer on pages 4–5).

With 850 acres of parkland to manage, current collections are inadequate for park maintenance and capital improvement projects, so grants and other fundraising tools are essential, as is the tenaciousness of parks committee members and township board members who scour the ground for pennies and routinely write grant requests.

Volunteers who contribute in significant ways. Many thanks to the following individuals for their help, and if any contributor was missed, thanks to you as well!

Ongoing litter collection around Mission Point Lighthouse Park and adjacent trails is led by Bill and Robbin Stott, Bill Ryan, Lola Jackson, Dilys Garcia, Kathy Tuckerman, Mickie and Allen Novorolsky, Davi Peterson, Leslie Cuppett, and Judy Heffron.

New fencing installation and other repairs were made in 2022 at Archie Park by Mary Beth Milliken, Jay Milliken, Michèle Zebell, Pete and Linda Dahl, Todd Antrim, and Dave Murphy. A bike repair stand and pump are in the works, so stay tuned.



An inviting path beckons visitors at Pelizzari Natural Area after a recent snowfall

At Pelizzari Natural Area, two separate outings to address invasive species removal occurred, with more work planned for 2023. Participants in these efforts to remove autumn and Russian olive included Steve Lagerquist of the conservancy, Betsy and Steve Duede, John Pflughoeft, Laura Jacobson, Kara Koeplin, Jeff Graft, Todd Antrim, Bill Serocki, Paul Shirilla, Michele Zebell, Susie Shipman, Armen Shanafelt, Erin Gartland with daughters Madeline and Greta, Sue Peters, Jim Woodburne, Julia Crandall, Howard VanHouten, and Dave Murphy.

At Bowers Harbor Park, as has been the case for years, Eric Dreier diligently tends to new plantings by hand watering. Other individuals pick up trash everywhere they see it. Thank you all for these efforts.

What's New to the Parks Committee?

Having Peninsula Township Planner Jenn Cram regularly attend our monthly meetings and support the work of the parks. This is the first time we've had staff support, which is an indication of the importance of these treasured community assets.

If you're interested in volunteering in our parks, please contact Peninsula Township Parks Committee Chairman Mike Skurski at parksmike49686@gmail.com.

Festival of Races Gives Back to Peninsula Township's Parks

Starting this year, says National Cherry Festival Executive Director Kat Paye, applicants who register to run the 5k, 10k, 15k, and half marathon in the annual Festival of Races have the option of adding a donation in whatever monetary value they would like with all donations going to Peninsula Township's parks.

Paye, who shared this news with the township board and parks committee on January 10, 2023, commented, "Thank you for allowing us to be here for the last 50 years and run our races on this beautiful peninsula. This new donations program allows us to support the community that supports us."

Registration for the Festival of Races opened January 9. If you're planning to run, don't forget to make a donation to our parks!



EXPECTATIONS FOR THE YEAR AHEAD FROM GRAND TRAVERSE COUNTY COMMISSIONER TJ ANDREWS

"Congratulations?" That's how several people have responded to my successful bid to represent District 7 on the Grand Traverse County Commission. The question mark at the end—the upward lilt in their voice—is not misplaced. Elections are hard, but serving is undoubtedly much harder. After an election cycle focused on differences, we must now all come together and function as a cohesive, unified board.

My outlook for 2023 is cautiously optimistic. The county commission is now bigger, with nine instead of seven members, and the majority of these members are new, with fresh perspectives and enthusiasm. Most campaigned on protecting our rivers and streams and building a sustainable future. And the outgoing commission just made an unprecedented \$10 million public investment in critical community infrastructure to help address housing, mental health, the environment, and more.

I cannot address 2023 expectations without acknowledging that, beneath the county's outstanding natural features, our community faces complex challenges: roads crumbling into the bay, inaccessible mental health services for those in crisis, and the state's longest childcare waitlists, among many others. Today's difficulties are the result of numerous decisions involving complex systems that extend well beyond this county.

The most realistic expectation for 2023 is that the issues before the county commission are likely to evolve in unexpected ways. If we are to be an effective commission, we will need to speak with one voice to develop local strategies and to advocate for necessary state and federal resources and policies. With 20 years of litigation experience, where most cases end in settlements, I understand how to move beyond polarization to reach mutually acceptable resolutions. Doing so necessitates listening to each other, understanding and then focusing on the priorities, thinking creatively, and—above all—maintaining respectful civil discourse. I am confident these skills transfer from the courtroom to the boardroom. As county commissioner, I am focusing on our unified road ahead, not the path we each took to get here.

While the county commission may be the last link in complex systems to deliver services to citizens, it may also be the most accessible. As your commissioner, I welcome input and invite direct communication. I am available to listen, share, and learn. Please be in touch.

You can reach TJ at tandrews@gtcountymi.gov or 231-714-9402.

Begin forwarded message:

From: brandon <brandon@gtfruit.com>
Date: January 19, 2023 at 4:49:22 PM EST
To: Melissa Melton <mammelon@gmail.com>
Subject: FW: RE: Whitewater Township Park Equipment

----- Original message -----

From: Paul Childs <paul@cvsnyder.com>
Date: 1/19/23 4:32 PM (GMT-05:00)
To: brandon@gtfruit.com
Subject: RE: Whitewater Township Park Equipment

Brandon,

Our 2023 Early Bird Sale just went live. [Please check it out here.](#)

Let me know if you see anything you like.

Thanks!
Paul Childs
Northern Indiana/Western Michigan Sales
Cell: 574-612-0079

From: Paul Childs
Sent: Thursday, January 12, 2023 9:08 AM
To: brandon@gtfruit.com
Subject: Whitewater Township Park Equipment

Brandon,
Thanks for your patience with me in getting back to you.

I found the slide that you purchased in 2017. It was a 640-0615 72" Stainless Steel Slide. I can give you quote for another.

As far as a playstructure for 2-5 year olds that's not too large, here are a few options to consider. Please click on the hyperlinks to see the structures.

- [SY-2990](#) – About \$12,175 plus freight and installation.
- [SY-2987](#) – About \$15,922 plus freight and installation.
- [SY-3049](#) – About \$18,600 plus freight and installation. This one includes a large shade canopy if the site does not have a lot of shade available.
- [SY-3048](#) – About \$18,208 plus freight and installation. This one is a bit larger, but I like it.

Please let me know what you like. If you don't see one you like, let me know. We can find something that will fit your need.

I look forward to hearing from you and providing a quotation.
With kindest regards,
Paul Childs
Northern Indiana/Western Michigan Sales
Cell: 574-612-0079

WHITEWATER TOWNSHIP PARKS & RECREATION

09/26/2022

TO: TOWNSHIP BOARD

FROM: MELISSA MELTON, PRAC CHAIR

SUBJECT: HI PRAY PLAYGROUND EXPANSION RECOMMENDATIONS

CC: BRANDON HUBBELL, TOM COSGROVE, FRAN BUTLER, AMBER VOICE

The PRAC submitted recommendations to the board last month to 'fix' the concerns listed from the inspector, who performed the playground inspection at HI Pray park on August 27th. The board had concerns of our recommendations and the estimates/quotations for these fixes, so I would like to clarify and address what I hope will answer all of these.

The inspection report had detailed 6 items of concern and are addressed as follows:

- 1) Fall zone: we are expanding fall zone 3 ft out in each direction (see attached Landscaping estimate)
- 2) Bolts under slides and at top of swing axis point: Brandon Hubbell has volunteered (and will sign waiver prior to doing this work) to cut these bolts so only 2 threads showing. He will file down any sharp edges. Per Kathryn Berry's email of 9/26/22 (see attached), there is no requirement of rubber/plastic covering. However, if the board feels this is warranted, we can purchase these locally or I did find on Amazon a 24 pc kit for \$9 as a general cost estimate.
- 3) Swing hangers on swing axis point: We will purchase and replace (see attached quote)
- 4) Signage indicating Adult Supervision required: We will purchase and install (see attached quote).
- 5) Signage for age appropriateness of 5-12 years of age: The decals to be purchased and installed (see attached)
- 6) Weeding grass out of fall zone area: Included in the Landscaping estimate (see attached)

NOTE: The quantities on label quote is left blank, but I would recommend a minimum of: 1 Adult supervision (on sign), 5 Age group (1 on each equipment), and 5 Level marker (1 for each equipment).

There was concern of the sand and metal edging listed in the first Landscaping quotation, so I have asked Kathryn Berry if these meet code (see her email of 9/26/22 answering this). I asked the Landscaper to give the board options to determine if they want metal edging, plastic edging, or expanding the existing wood border material as needed from expansion. (see attached Landscaping estimate options).

Here is the project cost summary:

Landscaping (worst case scenario cost option): \$4582

Playset (swing clevises): \$49.96

Labels: \$38.00

Fast Signs: \$98.79

Final inspection: \$0

Plus 5% variance: \$238.44

GRAND TOTAL (Not to exceed): \$5007.19

We hope the board will make a swift decision to allow for this playground to be re-opened to the public. The board asked for us to have a targeted completion date, that will be predicated based on board approval – but we believe once approved this project can be completed within 3 weeks. Note: This is based on current contractor schedule and would change if this was delayed until the springtime, as would the estimate.



Mel Melton <mammelon@gmail.com>

Whitewater township playground

2 messages

Melissa Melton <mammelon@gmail.com>
To: kberry2036@comcast.net

Mon, Sep 26, 2022 at 8:11 AM

Good morning Kathryn - We spoke the other day about three questions the board had and you answered them verbally to me, but would it be something you could email me your response so it is in writing for the board?

The first question was is there any specs for sand material?

The second question is the metal edging OK per code or guidelines?

And lastly they wanted to know if you could come back for a final inspection and if there was a charge?

Additionally there has also been comments that we should put a rubber cap or rubber spray over the bolts that we are cutting down, is that required?

Thank you!
Melissa Melton

Kathryn Berry <kberry2036@comcast.net>
To: Melissa Melton <mammelon@gmail.com>

Mon, Sep 26, 2022 at 8:40 AM

- 1) The fall zone, Sand there is no real specs however for safety issues the use of sand that has larger rocks wouldn't be advisable. As children may pick them up and throw them at other children.
- 2) Metal edging, as per our conversation you indicated said edging will have a rolled edge with no sharpness exposed to children so this would be acceptable edging material.
- 3) The final inspections to be preformed after all revisions are completed. For that inspection I do not charge as it is part of the initial charges billed. However if changes or new equipment is added after final is done and another inspection is requested for new equipment or relocation of equipment that would be a new inspection and warrant new fees.
- 4) The bolts that are in need of cutting off just need to have sanding done to remove any sharp edges left from the cutting.

Thank you
Kathryn Berry
810-691-3718

On Sep 26, 2022, at 8:11 AM, Melissa Melton <mammelon@gmail.com> wrote:

Good morning Kathryn - We spoke the other day about three questions the board had and you answered them verbally to me, but would it be something you could email me your response so it is in writing for the board?

[Quoted text hidden]



Prepared For
White Water Township

Estimate Date
09/09/2022

Estimate Number
0000068

United States

Description	Rate	Qty	Line Total
Labor 2022 Location: Hi Pray Park (play ground area and front perennial bed.) 2 People for 2 days. Excavate 1' in depth and 3' outward from the perimeter of existing border. Fill with 12" Sand. Install aluminum edging as new border, and weed both the playground and front garden.	\$45.00	36	\$1,620.00
Option 1: Black Finish Aluminum Edging (16ft) Expensive- However a word of warning- plastic edging does not hold up, and it does not stay in the ground well, due to lack of anchoring. Metal edging lasts a long time, is easier to work with, and comes with stakes to anchor and scure it in the ground. (this is helpful for areas that are frequently mowed, and in the long run, avoids tripping hazards.)	\$58.00	14	\$812.00
Sand /ton	\$35.00	30	\$1,050.00
Debris Disposal /yard	\$25.00	4	\$100.00
Equipment Rental Dump Trailer for 2 Days	\$150.00	2	\$300.00
Equipment Rental Skid Steer for 2 days	\$350.00	2	\$700.00
Option 2: Poly Plastic Edging Includes connectors. no anchors	\$35.00	10	\$350.00

Option 3: Adding onto current wooden Edge 6"x6" cut to length, inclues screws, and other hardware needed.	\$200.00	1	\$200.00
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Subtotal	5,132.00
----------	----------

Tax	0.00
-----	------

Estimate Total (USD)	\$5,132.00
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Notes

All rentals are coming from McLean's in Kalkaska. Equipment is expensive, however, it'll save on labor, disposal, and delivery costs. Screened Sand from TWS.

Obviously the subtotal is not correct. The subtotal will need to be adjusted according to what edging option is chosen. I raised the labor amount to cover for all option possibilites.

Any time/material savings will be given back to the township.

Playground perimeter expansion

Legend



New Border
Expansion 3 ft in
each direction



MEMO

To: Whitewater Township Board
From: Cheryl A. Goss, Clerk
Date: 09/06/2022
Re: Hi Pray Park Playground Repairs

Kathryn Berry's playground inspection report is attached. Basically, the repairs consist of:

- Extend fall zone to 6 feet in all directions for both slides, as well as cut off bolts with too much thread showing. (This involves actual extension of 1' to 2" in some places, per the report, for all equipment.)
- Add a fall zone for the monkey bars and round brown climber.
- Add fall zone for the swings, replace axis point hooks, cut off bolt with too much thread showing
- Install signs indicating adult supervision required.
- Decals on each piece of equipment showing appropriate age is 5-12 years.
- Remove weeds in fall zones.

Currently, there are no funds allocated in the Recreation Fund to pay for Hi Pray Park playground upgrades. There was \$8,000 in the Recreation Fund budget as of 02/17/2022 for "enlarge playground area, remove/reinstall playground components that do not meet use zone requirements" and "purchase/install safety surfacing material." See attached budget detail for the 930 Facility Repairs/Maintenance and 970 Capital Expenditure line items. The bottom-line numbers for both of these accounts can be verified on the 3/21 proposed budget document or the revenue/expenditure report the board recently received.

Estimated cost of repairs:

- Melissa Melton, PRAC chair, is seeking a quote from a landscaper to remove the timbers and sod, install edging at the perimeter of the new fall zones, and add sand, but it is not available as of the time of this memo.
- A couple clevises for the swing axis points from Playset Parts will cost \$15.98, plus shipping.
- Cutting off of bolt threads will be done by a volunteer with a power tool.
- The required signs in aluminum will be \$100 from FastSigns.
- Decals will be approximately \$30.

The big question is how much will the landscaper charge. Until we receive that information, hopefully in advance of the 9/13 meeting, an appropriate motion would be:

To approve the amount of \$_____ to cover the cost of Hi Pray Park playground repairs.

#

PLAYGROUND INSPECTION CERTIFICATION SUMMARY
 State of Michigan – Department of Licensing and Regulatory Affairs
 Child Care Licensing Bureau

FACILITY

Facility Name "Hi" Pray Park		Facility Phone Number 231-267-5141	
Licensee Name Whitewater Township		License Number none Park	
Address 6075 Elk Lake Road		County Grand Traverse	
City Williamsburg		State MI	Zip Code 49690

APPROVALS – ALL pieces of equipment on the playground must be listed below. (Use page 2 if additional rows are needed.)

R 400.8170(11) requires playground equipment, use zones and surfacing in the outdoor play area to be inspected and approved by a certified playground safety inspector prior to issuance of an original provisional license or before using newly added equipment. If "Approved" is checked, the piece of equipment, including surfacing and use zones, has been approved under the Consumer Product Safety Commission's (CPSC) **2010 Edition** of the Handbook for Public Playground Safety. If "Not Approved" is checked, the piece of equipment, surfacing and/or use zones aren't approved under the CPSC's **2010 Edition** of the Handbook for Public Playground Safety. If "Not Applicable (NA)" is checked, the piece of equipment was not inspected. This includes equipment not required to be inspected such as residential climbing equipment for children under age 2 approved prior to January 2, 2014, non-climbing residential equipment, equipment the center is not using, or a natural playground area. If Not Approved or NA are checked, a comment must be included.

Approved	Not Approved	NA	Name of Piece of Equipment	Approved for Ages	Comments	Manufacturer (if known)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Slide Red Plastic	5-12 years	Fall zone needs to be extended to 6ft all directions Bolt need to be cut off	Burke
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Slide Metal yellow	5-12 years	Fall zone needs to be extended to 6ft all directions Bolts need to be cut off	Burke
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yellow Spinner Ball	5-12 years	Good fall zone	Burke

Has additional documentation been provided to the licensee such as a narrative report, photos, diagrams, etc.?

☐ Yes ☐ No

PLAYGROUND INSPECTOR INFORMATION

Name of Playground Inspector Kathryn Berry		Date of Inspection 8/23/2022	
Name of Company Independent contractor		Phone Number 810-691-3718	Email Address kberry2036@comcast.net kberry2036@gmail.com
Certification Number NC130535	Certifying Organization NPPS	Certification Expiration Date April 2024	
Signature Needs final inspection			Date

LARA is an equal opportunity employer/program.

Approved	Not Approved	NA	Name of Piece of Equipment	Approved for Ages	Comments	Manufacturer (if known)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Horizon monkey bars	5-12 years	fall zone needs to be added	unknown
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Round Brown Climber	5-12 years	fall zone needs to be added	unknown
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wings	5-12 years	fall zone needs to be added axis point hooks need to be replaced, bolt need to be cut	unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

"Hi" Pray Park
 Whitewater Township
 6075 Elk Lake Road
 Williamsburg, MI 49690
 August 27, 2022





Currently this park is closed due to the necessary updates needed to promote a safer playground. The following issues were found to be concerns while inspecting.

- 1) The fall zone needs to be extended out by 1 ft to 2 ft in some places.
- 2) There are bolt under the slide and at the top axis point of the swings that need to be cut so only 2 threads are showing.
- 3) The hangers at the top of the swing axes points are deteriorated and need to be replaced.
- 4) Signs need to be added to the playground in total advising usage with adult supervision required.
- 5) Signs need to be added for age appropriateness of 5-12 years of age.
- 6) Fall zone has weeds in place that need to be removed.

Other than the above noted concerns the playground appears to be in good shape with no chipping paint a few newer pieces equipment mixed with a few older pieces of equipment all to be rated for children 5-12 years of age. However none of the equipment would be considered ADA as with the fall zone being sand this is very hard for a wheel chair to gain access and also the equipment itself would be hard for a handicapped child to maneuver and master.

When making assessments of playground equipment I use the Public Playground Safety Handbook 2010 to determine risk of the equipment. Although this is a snap shot in time and cannot completely insure a child not getting hurt while using the playground and supervision is the number one safety measure, this report will help you and your community have a safer place for children to use.

1)

5.3.10 Fall height and use zones not specified elsewhere

Most playground equipment belongs in one of the categories listed above. If it does not, the following general recommendations should be applied:

- The fall height of a piece of playground equipment is the distance between the highest designated playing surface and the protective surface beneath it.
- The use zone should extend a minimum of 6 feet in all directions from the perimeter of the equipment.
- The use zones of two stationary pieces of playground equipment that are positioned adjacent to one another may overlap if the adjacent designated play surfaces of each structure are no more than 30 inches above the protective surface and the equipment is at least 6 feet apart.
- If adjacent designated play surfaces on either structure exceed a height of 30 inches, the minimum distance between the structures should be 9 feet.

- Use zones should be free of obstacles

5.3.8.3.3 Use zone for single-axis swings – belt and full bucket

The use zone in front of and behind the swing should be greater than to the sides of such a swing since children may deliberately attempt to exit from a single-axis swing while it is in motion.

- The use zone for a belt swing should extend to the front and rear of a single-axis swing a minimum distance of twice the vertical distance from the pivot point and the top of the protective surface beneath it.
- The use zone for a full bucket swing should extend to the front and rear a minimum of twice the vertical distance from the top of the occupant's sitting surface to the pivot point.
- The use zone in front of and behind swings should never overlap with any other use zone.
- The use zone to the sides of a single-axis swing should extend a minimum of 6 feet from the perimeter of the swing. This 6-foot zone may overlap that of an adjacent swing structure or other playground equipment structure

2)

3.2 Entanglement and Impalement

Projections on playground equipment should not be able to entangle children's clothing nor should they be large enough to impale. To avoid this risk:

- The diameter of a projection should not increase in the direction away from the surrounding surface toward the exposed end
- Bolts should not expose more than two threads beyond the end of the nut.
- All hooks, such as S-hooks and C-hooks, should be closed (see also §5.3.8.1).

A hook is considered closed if there is no gap or space greater than 0.04 inches, about the thickness of a dime

3)

2.5.4 Paints and finishes

- Metals not inherently corrosion resistant should be painted, galvanized, or otherwise treated to prevent rust.
- The manufacturer should ensure that the users cannot ingest, inhale, or absorb potentially hazardous amounts of preservative chemicals or other treatments applied to the equipment as a result of contact with playground equipment.
- All paints and other similar finishes must meet the current CPSC regulation for lead in paint.
- Painted surfaces should be maintained to prevent corrosion and deterioration.
- Paint and other finishes should be maintained to prevent rusting of exposed metals and to minimize children playing with peeling paint and paint flakes.

4)

2.2.7 Supervision

The quality of the supervision depends on the quality of the supervisor's knowledge of safe play behavior. Playground designers should be aware of the type of supervision most likely for their given playground. Depending on the location and nature of the playground, the supervisors may be paid professionals (e.g., childcare, elementary school or park and recreation personnel), paid seasonal workers (e.g., college or high school students), volunteers (e.g., PTA members), or unpaid caregivers (e.g., parents) of the children playing in the playground. Parents and playground supervisors should be aware that not all playground equipment is appropriate for all children who may use the playground. Supervisors should look for posted signs indicating the appropriate age of the users and direct children to equipment appropriate for their age. Supervisors may also use the information in Table 1 to determine the suitability of the equipment for the children they are supervising. Toddlers and preschool-age children require more attentive supervision than older children; however, one should not rely on supervision alone to prevent injuries. Supervisors should understand the basics of playground safety such as:

- Checking for broken equipment and making sure children don't play on it.
- Checking for and removing unsafe modifications, especially ropes tied to equipment, before letting children play
- Checking for properly maintained protective surfacing.
- Making sure children are wearing foot wear

5)

2.2.6 Signage and/or labeling

Although the intended user group should be obvious from the design and scale of equipment, signs and/or labels posted in the playground area or on the equipment should give some guidance to supervisors as to the age appropriateness of the equipment

6) Weeds and vegetation in the fall zone need to be removed as the roots hold the fall zone in place and makes it less resilient to absorb falls.

All the above issues are concerns however I would address the signage first, followed by the fixing the swing axes points and then the bolt cutting, finally doing the fall zone. The fall zone needs to be extended however the amount you have as long as children are being supervised this item will be ok for the time it will take to get fixed. however it is imperative all items are brought in compliant with the handbook.

Cheryl A. Goss

From: PlaysetParts.com <orders@playsetparts.com>
Sent: Tuesday, August 23, 2022 5:30 PM
To: clerk@whitewatertownship.org
Subject: Your PlaysetParts.com Order Confirmation (#64477)



Thanks for your order!

Order #64477



Double Clevis

SH-42
\$7.99 USD

Qty: 2 **\$15.98 USD**



**Basic Commercial Belt Swing
Seat with 8'6" Plastisol Chain**

S-024-G-G
Swing Color: Green, Chain Color: Green
\$82.99 USD

Qty: 1 **\$82.99 USD**



Hex Tool

SH-41
\$0.00 USD

Qty: 1 **\$0.00 USD**

Subtotal:	\$98.97 USD
Shipping:	\$18.99 USD
Sales Tax:	\$0.00 USD

Grand Total: **\$117.96 USD**
Payment Method: **Credit Card**
Shipping Method: **Flat Rate (Ground) for \$18.99 USD**

Shipping Address

Cheryl Goss
WHITEWATER TOWNSHIP
5777 VINTON RD
PO BOX 159
WILLIAMSBURG, MICHIGAN
49690
UNITED STATES
231 267-5141 EXT 24

Billing Address

Cheryl Goss
WHITEWATER TOWNSHIP
5777 VINTON RD
PO BOX 159
WILLIAMSBURG, MICHIGAN 49690
UNITED STATES
231 267-5141 EXT 24
CLERK@WHITEWATERTOWNSHIP.ORG

Order Comments

2022-08-23: Tax Exempt - \$7.08 refunded. KS Ship to the PO Box entered by karen

Shipping Lead Times

You will receive an automated email after your order ships out. Please check listed lead times for each product on your order before contacting us about your order status. Thank you!

[Check order status](#)

Have Questions?

Have questions about your order or our shipping times? Our Frequently Asked Questions page is a great resource for many common questions about ordering with us. If there's anything else we can help you with don't hesitate to contact us!



PlaysetParts.com
www.playsetparts.com

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Safety Play, Inc.

Recreation Specialists

Site Audits, Inspection Tool Kits, Expert Testimony, Safety Manuals, Safety Classes, Planning & Design Services, Safety Labels

PLAYGROUND SAFETY LABELS® ORDER FORM

SOLD TO; _____ SHIP TO; _____

PHONE; () - - PHONE; () - -

CONTACT; _____ CONTACT; _____

***Discounts; 5% off for 1,000-1,999 labels, 10% off for 2,000+ labels. Dealers inquire!**

☐ **SPANISH VERSIONS ONLY (use 2 separate forms if ordering both English & Spanish)**

Method of payment:

- ☐ Check enclosed (made payable to "Safety Play, Inc.") ☐ Bill me (Pre-approved accounts only)
- ☐ Purchase Order enclosed (Government agencies and pre-approved accounts only)
- ☐ **Charge my credit card**¹ (V, M.C., AMEX, DISC.); Card # _____ Expiration date; _____
- ☐ **Send me an invoice from PayPal** to pay with my **credit card** (V, M.C., AMEX, DISC.) and send me a receipt.

SEE "HOW TO CALCULATE LABEL TYPE & QUANTITIES NEEDED" ON HOW TO ASSESS THE "MINIMUM" QUANTITY TO ORDER

QTY.	TITLE	UNIT PRICE	EXTENDED PRICE
	STRANGULATION <u>WARNING</u> LABEL	\$1.50 *	\$
	HOT SURFACE <u>WARNING</u> LABEL	\$1.50 *	\$
	SURFACING <u>WARNING</u> LABEL (version "A")	\$1.50 *	\$
	SURFACING <u>WARNING</u> LABEL (version "B")	\$1.50 *	\$
	<u>ADULT SUPERVISION LABEL</u>	\$1.50 * 4	\$ 6.00
	AGE GROUP LABEL; 6-23 MONTHS OF AGE	\$1.50 *	\$
	AGE GROUP LABEL; 2-5 YEARS OF AGE	\$1.50 *	\$
	<u>AGE GROUP LABEL; 5-12 YEARS OF AGE</u>	\$1.50 * 8	\$ 12.00
	AGE GROUP LABEL; 2-12 YEARS OF AGE	\$1.50 *	\$
	TOT SEAT AGE LABEL	\$1.50 *	\$
	<u>SURFACING LEVEL MARKER LABEL</u>	\$1.50 * 8	\$ 12.00

Shipping & Handling (USA(48 states), other destinations please call); \$ 30 .00

1-50 labels=\$10 *, 51-100=\$15.00, 101-300=\$20, 301-800=\$25, 801-1000=\$35,
1001-2000=\$55, >2000 call us.

***ADDITIONAL handling charge for orders less than 50 labels; \$8.00** \$ 8.0

SUBTOTAL \$

Florida sales tax (or tax exempt#) (not due if out of Florida or gov't. agency) \$/#

¹Credit card convenience fee (add 3%, i.e. subtotal times .03 for USA orders, 5% for all others) \$

GRAND TOTAL \$ 38.00

BUYER AGREES THAT PLACEMENT OF PLAYGROUND SAFETY LABELS MUST BE SEEN FROM ANY APPROACH TO THE EQUIPMENT, AND THAT SAFETY PLAY, INC. WILL NOT BE HELD LIABLE FOR ANY DAMAGES OR INJURIES WHATSOEVER. LABELS ARE SIMPLY TO HELP KEEP CHILDREN FROM GETTING HURT. THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE IS AN AUTHORIZED AGENT AND THAT THE ITEMS TO BE PURCHASED WILL BE USED IN CONNECTION WITH THE AGENCY NAMED ABOVE AND THAT FUNDS WILL MOVE FROM SAME. AUTHORIZED SIGNATURE _____ DATE / /

☐ Please have a rep. call about inspection tool kits, expert testimony, and site audits.

SEND PAYMENT TO - Florida Office: 10460 Roosevelt Blvd., #295, St. Petersburg, FL 33716

Toll Free: (888)878-0244 • Phone & Fax: (727)522-0061

www.safetyplay.net 23 safetyplay@mindspring.com

fastsigns.com/435

**FOR REFERENCE ONLY: THIS IS THE INVOICE COPY
FROM SIGNS PURCHASED FOR WHITEWATER
TOWNSHIP PARK PLAYGROUND. WE WILL BE
DUPLICATING THIS FOR HI PRAY PLAYGROUND
SIGNAGE**

Payment Terms: Cash Customer

Order Due Date: 9/20/2022

Created Date: 9/13/2022

DESCRIPTION: Playground Signage for Park

Bill To: Whitewater Township
PO Box 159
Williamsburg, MI 49690
US

Pickup At: FASTSIGNS
1420 Trade Centre Dr
Traverse City, MI 49696
US

Ordered By: Cheryl Goss
Email: clerk@whitewatertownship.org
Work Phone: (231) 267-5141 x 24
Tax ID: not required

Salesperson: Kim Koszyk
Email: 435@fastsigns.com
Entered By: Kim Koszyk

NO.	Product Summary	QTY	UNIT PRICE	AMOUNT
1	Playground Rules	2	\$49.395	\$98.79
1.1	Aluminum .063 - Aluminum .063 Part Qty: 1 Width: 12.00" Height: 18.00" Sides: 1			
Subtotal:				\$98.79
Taxes:				\$0.00
Grand Total:				\$98.79
Amount Paid:				\$0.00
BALANCE DUE:				\$98.79

Signature: _____ **Date:** _____

**Whitewater Township
Parks & Recreation**

Memo

To: Whitewater Township Board
From: PRAC
cc:
Date: 2/21/2023
Re: Hi Pray Park Playground Reopening Request

Board-

The Parks and Recreation Advisory Committee passed a motion on _____ to request that the board approve a re-opening of the Hi Pray Park Playground.

After receiving the playground inspection by Kathryn Berry (see attached copy for reference), the PRAC began the process of any corrections she reported was necessary to comply with the guidelines and standards.

We took all actions as described per the PRAC memo dated 9/26/22 (see attached) and motion approved by the board on 10/11/22 to purchase materials, hire landscape contractor, and provide our time voluntarily to complete this. We did complete everything by 12/13/22. We then requested a final inspection from Kathryn Berry, but unfortunately winter had set in. She has it on her schedule to return once spring allows better inspection conditions.

Popp recommended using Baird out of Cadillac.

Vollmuth will call Baird, Cotter & Bishop in Cadillac and get answers to whether they can do the township's ARPA reporting, the cost, and if any contract is required.

RESOLUTION #22-03 INTENT TO OPPOSE INCORPORATION AS CHARTER TOWNSHIP (57:37)

Motion by Popp to adopt Resolution #22-03 Intent to Oppose Incorporation as Charter Township; second by Benak.

Roll call vote: Goss, yes; Vollmuth, yes; Popp, yes; Benak, yes. Motion carried.

REVIEW/APPROVE ADDITIONAL ACTIVITIES COMPENSATION PROGRAM (58:43)

Motion by Popp to amend Section 3.4 of the Whitewater Township Policy and Procedure Manual adding the following words: Any non-salaried board, commission, committee, or society member who accepts additional occasional duties assigned by the body is eligible to request compensation thru the Additional Activities Compensation Program. The request must be prepared by the body's chairperson and submitted to the supervisor or clerk for approval. The request shall be submitted in accordance with Whitewater Township's Policy and Procedure Manual Section 4.2 on an approved time sheet. Rate of compensation shall be set annually in the Salary/Wage Schedule. It is strictly understood the Additional Activities Compensation Program does not create an ongoing employment agreement of any type or establish eligibility to any benefit program offered by the township; second by Vollmuth.

Brief discussion followed.

Roll call vote: Benak, yes; Goss, yes; Vollmuth, yes; Popp, yes. Motion carried.

Goss will send the updated section to board members electronically.

ARPA TOWNSHIP HALL PLANNING SESSION (1:05:02)

Numerous ideas were discussed.

Popp proposed a date not be set today, he will take the comments, hone the idea down, maybe come back with an idea or two on surveys.

Vollmuth volunteered to help Popp.

There was board consensus to develop the idea over the month.

New Business (1:21:52)

PROPOSED POLICY - EQUAL ACCESS

There was general discussion regarding where the legislature is at with the process for remote board member participation, the attorney general opinion that ADA trumps the Open Meetings

----- Forwarded message -----

From: **Cheryl A. Goss** <clerk@whitewatertownship.org>

Date: Tue, Jan 24, 2023 at 12:44 PM Subject: RE: PRAC additional work

To: Mel Melton <mammelon@gmail.com>

Cc: Tom Cosgrove <tac9414447@gmail.com>, Don Glenn <dglenn6542@yahoo.com>

Melissa –

Attached please find the motion and vote approving the Additional Activities Compensation Program. As underlined, the request must be prepared by the body's chairperson and submitted to the supervisor or clerk for approval. So there would have to be some sort of documentation estimating the details, such as how many committee members, estimated number of hours, and what the additional activities are going to be.

Regarding the budget, also attached is a copy of the Recreation Fund budget with expenditures posted through 12/30/2022. The 703 Wages line item does not show the payment of PRAC members and recording secretary for the 1/9 meeting. Subtracting those expenses out will leave less than \$1,000 available.

The Additional Activities Compensation Program was approved before the 2022/2023 budget was adopted. But as you know, there have already been some payments to you and Amber for grant work out of this line item. Well spent, obviously, but it doesn't look like there is much in the way of extra funds in the 703 Wages line item at this time, taking into account the PRAC has two more meetings in this fiscal year.

This is probably a line item that PRAC, through the board liaison, should be encouraging additional funds be allocated to in the 2023/2024 budget, specifically for additional activities.

FYI –

Cheryl A. Goss, MiPMC

Whitewater Township Clerk

5777 Vinton Road, PO. Box 159

Williamsburg, Michigan 49690

Telephone: 231.267.5141 X 24

Fax: 231.267.9020

clerk@whitewatertownship.org

Office Hours: Mon/Tue/Wed/Thurs 9:00 am to 5:00 pm

I Pledge Allegiance to the Flag of the United States of America, and to the REPUBLIC for which it stands, one Nation, under God, Indivisible, with Liberty and Justice for All.

From: Mel Melton <mammelon@gmail.com>

Sent: Monday, January 23, 2023 1:56 PM

To: Cheryl Goss <clerk@whitewatertownship.org>

Cc: Tom Cosgrove <tac9414447@gmail.com>; Don Glenn <dglenn6542@yahoo.com>

Subject: PRAC additional work

Hi Cheryl - We are in the beginning stages of organizing better to prepare and create successful projects. Some of these discussions have been possibly a smaller workbee committee that would be required to research, collaborate with engineers/contractors, provide and organize documentation, make proposals/reports to board, etc. If we are going to ask PRAC members to work these additional hours, is there protocol and budgets (I am thinking similar to the writing of grants) to accommodate for this?

Thank you, Melissa

BUDGET WORKSHEET

Page: 1
1/24/2023
12:34 pm

Whitewater Township

Month: 1/31/2023	Prior Year	Current Year				(6)	(7)	(8)
	Actual	Original Budget	Amended Budget	Actual Thru January	Estimated Total	Requested	Recommended	Adopted
Fund: 209 - RECREATION FUND								
Revenues								
Dept: 000								
402 Property Taxes	0	0	0	0	0			
445 Penalties & Interest	0	0	0	0	0			
590 Grants-Private Sources	550	550	550	1,450	0			
627 Pavilion Rental	75	150	150	75	0			
629 Ballfield Rental Fees	0	0	0	0	0			
645 Pop Sales	0	0	0	0	0			
665 Interest Earned	100	100	100	24	0			
671 Other Revenues	90	0	0	40	0			
673 Sale of Fixed Assets	0	0	0	0	0			
687 Refunds	240	0	0	0	0			
699 Transfers From Other Funds	20,000	57,200	57,200	0	0			
Dept: 000	21,055	58,000	58,000	1,589	0	0	0	0
Total Revenues	21,055	58,000	58,000	1,589	0	0	0	0
Expenditures								
Dept: 757 Recreation								
702 Salaries	850	935	935	647	0			
703 Wages	4,614	7,600	7,600	6,541	0			
715 Social Security (Employer)	339	530	530	446	0			
716 Medicare (Employer)	79	124	124	104	0			
727 Office Supplies & Expense	8	70	70	6	0			
728 Postage	9	0	0	0	0			
729 Licenses & Fees	142	200	200	162	0			
740 Operating Expense & Supplies	520	700	700	531	0			
742 Pop	0	0	0	0	0			
804 Professional Services	0	0	0	0	0			
809 Lawn Maintenance Services	7,195	7,000	7,000	7,160	0			
811 Waste Removal Services	0	0	0	0	0			
812 Septic Services	0	500	500	0	0			
823 State Unemployment	0	0	0	0	0			
854 Late Fees	0	0	0	0	0			
860 Mileage Reimbursement	0	50	50	20	0			
880 Education & Training	0	300	300	0	0			
901 Publishing	89	100	100	90	0			
922 Electricity	1,204	1,200	1,200	944	0			
930 Facility Repairs/Maintenance	6,484	14,345	14,345	14,460	0			
956 Miscellaneous Expense	0	0	0	0	0			

BUDGET WORKSHEET

Page: 2

1/24/2023

12:34 pm

Whitewater Township

Month: 1/31/2023	Prior Year	Current Year				(6)	(7)	(8)
	Actual	Original Budget	Amended Budget	Actual Thru January	Estimated Total	Requested	Recommended	Adopted
Fund: 209 - RECREATION FUND								
Expenditures								
Dept: 757 Recreation								
960 Storm Damage Cleanup	8,600	67,200	67,200	28,992	0			
964 Refunds	0	0	0	0	0			
970 Capital Expenditure	1,480	19,975	19,975	21,817	0			
Recreation	31,613	120,829	120,829	81,920	0	0	0	0
Dept: 862 Soc Sec/Medicare (Employer)								
715 Social Security (Employer)	0	0	0	0	0			
716 Medicare (Employer)	0	0	0	0	0			
Soc Sec/Medicare (Employer)	0	0	0	0	0	0	0	0
Dept: 890 Contingency								
890 Contingency	0	0	0	0	0			
Contingency	0	0	0	0	0	0	0	0
Total Expenditures	31,613	120,829	120,829	81,920	0	0	0	0
RECREATION FUND	-10,558	-62,829	-62,829	-80,331	0	0	0	0
Grand Total:	-10,558	-62,829	-62,829	-80,331	0	0	0	0

Don's suggested "best practices" to create a capital project request that typically will answer anticipated questions that are an important part of the review process when seeking a capital appropriation.

The pre-development phases

- Phase 1 – Organize and envision the project.
- Phase 2 – Define and validate the project which results in a decision to proceed or revise the project.
- Phase 3 – Proceed to development.

Quantitative data to support the project:

- Create a detailed scope of work including the benefits to the citizens and/or visitors thereby ensuring a community fit and use data measurements and/or metrics to support the benefit(s).
- Analytical data/research to support an estimated cost estimate as a starting point...**NOTE:** actual bids are the most effective and will be needed in the process.
- Depending on the cost estimate for the project, there may be a need to source at least three (3) competitive bids.

Recommended funding source(s) for the project.

Estimated date that the project will begin.

Estimated date when the project will be completed.

Who will be the project manager?

Planning Phase/Pre-Development

The first phase of a building project is planning. The goal is to develop sufficient information to assess risk and decide to commit resources to maximize the chance for a successful project. This is an important phase for two reasons:

1. There is a direct relationship between the level of pre-project planning and project success.
2. The most cost-effective phase to make changes is during planning.

The work plan maps the steps necessary to get from strategic planning through construction including documenting the project need and determining the feasibility of funding.

The committee tasks are to establish goals and objectives and gather pertinent information. The committee will take on the majority of work and may include outside consultants through the planning and pre-development phase.

Once you have this information, you can initiate a conceptual design. An initial comparative conceptual cost estimate can be applied. For the planning phase, it is typically based on similar projects and design information is not refined at this point, the cost estimate still has numerous unknowns and serves as a general starting point.

Design – Conceptual, Schematic, and Design Development Phases

During the conceptual, schematic, and design development phases, you could be working with an architect and / or an engineering consultant. Depending on the projects specificity and complexity, additional specialists may need to be consulted, such as landscape architect, lighting specialist, environmental engineer.

Cost estimating is a critical piece of each phase. At every stage of the design process, there should be a revised total project budget reflecting all decisions made at that time. The precision of an estimate increases as the level of design specificity increases.

The resulting set of design documents need to include:

1. A site plan that creates a visual image of the project and usually illustrates the relationships of the project between the property lines, setbacks and easements, location of roads, parking, and other project features.
2. Typical construction details.
3. Documents specifying type, quality, and other details of materials needed for the project.

Design – Construction Documents Phase

During this phase, drawings and specifications are finalized that establish all the information the contractor needs to construct the project. A final cost estimate is obtained at 95% completion of drawings and specifications.

This cost estimate is more detailed and includes elements such as construction components and labor costs. Based on the cost estimate, project modifications may be needed in order to meet a specific budget requirement.

Remember that this total cost estimate does not include any on-going maintenance expense and/ operations costs. These costs must be included in the whole project total.

Bidding Phase

Drawings and specifications need to be 100% complete before the bidding phase begins. In this phase, the project manager and/or consultant assists determining a list of prospective contractors.

Construction Phase – Construction Administration

This is the final phase in the development process. Within the construction phase, the project manager and / or consultant may continue to provide support services through construction administration tasks. These include reviewing contractor submittals, answering contractor questions (called RFIs), performing site inspections, reviewing, and certifying pay requests from the contractor, and managing change orders for proper management approval.

There are three key milestones in the construction phase:

1. Notice to proceed (after being awarded the bid)
2. Substantial completion
3. Final commissioning

The construction phase is completed when the project is finished, the contractor has completed the final list of deficits, and a certificate of completion has been documented and presented to the managing authority by the project manager and / or consultant.

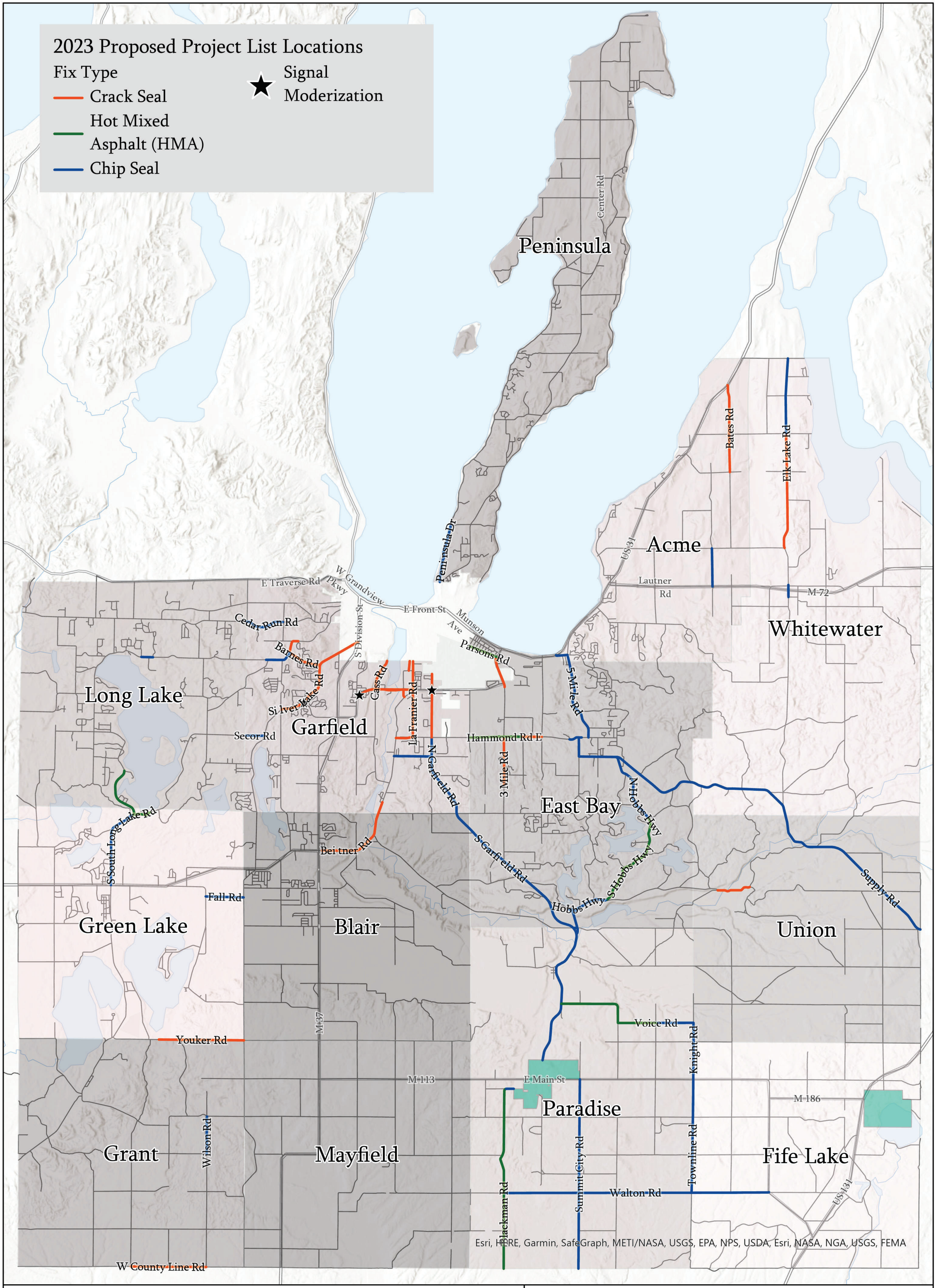
2023 Proposed Project List Locations

Fix Type

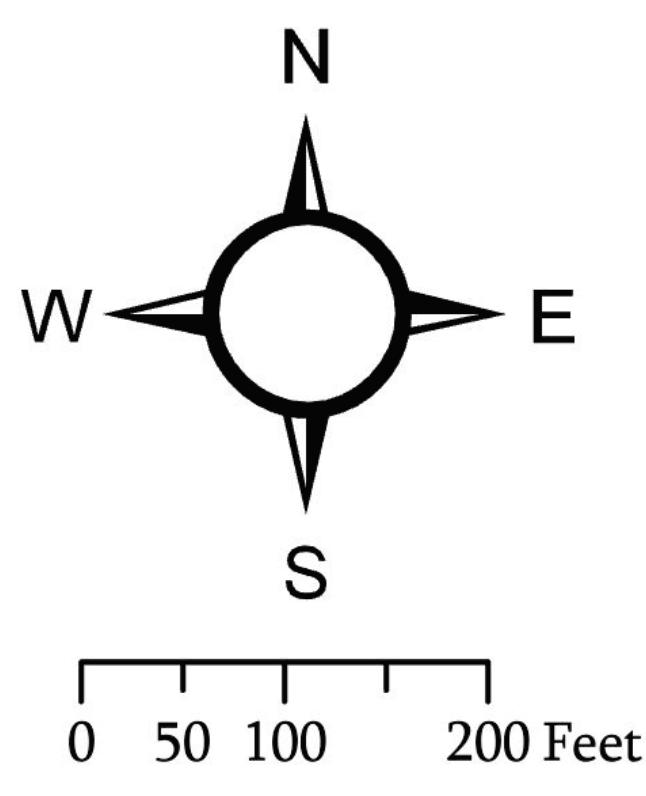
- Crack Seal
- Hot Mixed
- Asphalt (HMA)
- Chip Seal



Signal
Moderization



Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA



Grand Traverse County Road Commission

2023 Proposed Project List

Type: Crack Seal

2023*			
Project Identifier	Road	Start	End
	3 Mile Rd	1320' S of Smith Rd	Napoleon Way
	3 Mile Rd	Cherry Ridge	Hammond Rd
	3 Mile Rd	Change in Pavement	Tart Trail
	Barlow St	S. Airport Rd	Boon St/ City/ Township Line
	Barnes Rd	N. Long Lake Rd	N West Silver Lake Rd
	Bates Rd	Yuba Rd	US 31
	Beitner Rd	Marge Anne Dr	W River Rd
	Brown Bridge Rd	Muncie Lake Rd	Carpenter Creek Rd
	Cass Rd	S. Airport Rd	City/Twp Line
	Elk Lake Rd	Hawley Rd	Angell Rd
	Garfield Rd	Hammond Rd	City/Twp Line
	Hammond Rd	Carlisle Ln	4 Mile Rd
	Hammond Rd	Keystone Rd	Lafranier Rd
	Keystone Rd	River Rd	Keystone Dr
	Lafranier Rd	Pavement Change Northbound (S. Airport Rd)	Hammond Rd
	Silver Lake Rd	Zimmerman Rd	Division St
	N Long Lake Rd	Gunners Run	Ridgemoor Dr
	Park Dr	S. Airport Rd	E South Airport Rd
	W County Line	Karlin Rd	Wilson Rd
	W South Airport Rd	Veterans Dr	Barlow St
	Woodmere Ave	Premier St	Boon St
	Youker Rd	1700' E of State Park Hwy	County Road 633

Type: Chip Seal

2023*			
Road	Start	End	Type
5 Mile Rd	City/Township Line	Hammond Rd	Post Recon Chip Seal
Arbutus Hill TI	Hobbs Hwy	Garfield Rd	Post Recon Chip Seal
Bates Rd	M 72	Brackett Rd/ Sayler Rd	Post Recon Chip Seal
Blackman Rd	Fenton Rd	E County Line Rd	Trench add HMA shld, Chip Seal
Brimley Rd	Keystone Rd	Garfield Rd	Post Recon Chip Seal
Cedar Run Rd	Gray Rd	Harris Rd	Post Recon Chip Seal
E River Rd	Garfield Rd	Arbutus Hill Rd	Post Recon Chip Seal
Elk Lake Rd	Townline	Angell Rd	Post Recon Chip Seal
Fall Rd	Duck Lake Rd	County Road 633	Crack Seal & Chip Seal
Fenton St	Blackman /Fenton Rd Inters.	City/Twp Line	Post Recon Chip Seal
Hammond Rd	Hammond Highlands Dr	New Pavement (530' W)	Post Recon Chip Seal
High Lake Rd	Hammond Rd	Supply Rd	Post Recon Chip Seal
Hobbs Hwy	Arbutus Hill Rd	Ranch Rudolph Rd	Post Recon Chip Seal
Hobbs Hwy/Cutoff	Supply Rd	Rennie Lake Rd	Post Recon Chip Seal
Holiday Rd	US 31	5 Mile Rd	Crack Relief Layer & Ultra-thin
Knight Rd	M 113	Voice Rd	Post Recon Chip Seal
Garfield Rd	Hammond Rd	Blackbark Ln	Post Recon Chip Seal
Garfield Rd	Blackbark Ln	Arbutus Hill Rd	Crack Seal & Chip Seal
Garfield Rd	Arbutus Hill Rd	City/ Twp Line	Post Recon Chip Seal
N Long Lake Rd	Manhattan E	Bridlewood Dr	Post Recon Chip Seal
N Long Lake Rd	Lone Pine Dr	Gunners Run	Crack Seal & Chip Seal
N Long Lake Rd	400' W of Herkner Rd	Lone Pine Dr	Post Recon Chip Seal
Peninsula Dr	City/ Twp Line	Mckinley Rd	Post Recon Chip Seal
S Long Lake Rd	US 31	Fisher Rd	Crack Seal & Chip Seal
Secor Rd	West Silver Lake Rd	City/Twp Line	Crack Seal & Chip Seal
Summit City Rd	M 113	E County Line Rd	Post Recon Chip Seal
Supply Rd	County/Twp Line	High Lake Rd	Post Recon Chip Seal
Townline Rd	M 113	Walton Rd	Post Recon Chip Seal
Voice Rd	Knight Rd	Pierce Rd	Post Recon Chip Seal
Walton Rd	Blackman Rd	Hodge Rd	Post Recon Chip Seal
Walton Rd	Hodge Rd	M 113	Crack Seal & Chip Seal
Williamsburg Rd	Overlay North of Old M 72	Church St	Post Recon Chip Seal
Wilson Rd	Schell Rd	Davis Rd	Post Recon Chip Seal

Type: Hot Mixed Asphalt (HMA)

2023*			
Road	Start	End	Type
Blackman Rd	Fenton Rd	E County Line Rd	Trench add HMA shld, Chip Seal
Cedar Run	W Front St	Harris Rd	Crush and Shape, HMA-wdn for pvd shld
Hammond Rd	Townline Rd	Carlisle Ln	Crush and Shape w/ HMA
N Hobbs Hwy	Rennie Lake Rd	Greilick Rd	HMA wedge(s) & Chip Seal
S Hobbs Hwy	Ranch Rudolph Rd	Greilick Rd	HMA wedge(s) & Chip Seal
Parsons Rd	3 Mile Rd	City Limits	Crush and Shape w/ HMA
S Long Lake Rd	Wintergreen Ave	Fisher Rd	Crush and Shape, HMA-wdn for pvd shld
Veterans Dr	S. Airport Rd	City Limits	Crush and Shape, HMA-wdn for pvd shld
Voice Rd	Garfield Rd	Pierce Rd	Crush and Shape, HMA-wdn for pvd shld
W Long Lake Rd	S Long Lake Rd	Lakewood Rd	Crush and Shape, HMA-wdn for pvd shld

Type: Additional Projects

Traffic Signal Projects 2023*		
Project Identifier	Intersection	Description
S00002	S. Airport Rd & Garfield Rd	Signal Modernization
S00010	S. Airport Rd & Veterans Dr	Signal Modernization
S00012	Silver Lake Rd & S. Airport Rd	Signal Modernization

To: Whitewater Township Board

From: Ron Popp, Township Supervisor

Date: 3.3.2023

Re: Consent Calendar March 14, 2023 Whitewater Township Board Meeting

Receive & File –

1. Supervisor's Report for February 2023
2. Clerk's Report for February 2023 - None Provided
3. Treasurer Report February 2023 - None Provided
4. Trustee Vollmuth's February 2023 Report
5. Trustee Glenn's February 2023 Report
6. Zoning Administrator's Report for February 2023
7. Mobile Medical Response's February 2023 Activity Report
8. Fire Department February 2023 Report
9. Planning Commission February 2023 Report None - Provided
10. Historical Society February 2023 Report - None Provided
11. Approved PC Minutes 2023.01.04
12. PRAC Approved Minutes 2023.01.09

Correspondence

1. Kim Elliot – Request to read public comment
2. Grand Traverse County Sheriff Statistics
3. ###

Minutes for Approval

1. Whitewater Township Special Board Meeting Draft Minutes 2023.01.31
2. Whitewater Township Special Board Meeting Draft Minutes 2023.02.09.
3. Whitewater Township Regular Board Meeting Draft Minutes 2023.02.14.
4. Whitewater Township Special Board Meeting Draft Minutes 2023.02.16

Bills for Approval

1. No Documentation available from the Clerk's Office at time of publishing.

Budget Amendments None.

Revenue & Expenditure Report None

Motion to Approve Consent Calendar.

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Whitewater Township Supervisor's Report

February 2023

1) Citizen observations:

A. None this month!

2) Office duties:

A. Meetings:

- 1) Attended two of the four board meetings this month remotely due to illness. Members attending remotely cannot participate in issue debate or vote on business items, but remote attendance keeps one up to speed on the Board's discussion.
- 2) Participated in the monthly Supervisor's meeting. Grand Traverse County Road Commission, Zoning Enforcement were the two major topics. I was registered for the Road Commissions Strategic Planning Session scheduled for February 24, 2023 but did not attend due to illness.
- 3) Thanks to the efforts of Fire Chief Brandon Flynn, the Whitewater Township Fire Department was the recipient of 2% grant from the Grand Traverse Band of Ottawa and Chippewa Indian Tribe. Both Fire Chief and I attended the first media event held since COVID-19 restrictions were put in place. **Thank you, to the Grand Traverse Band of Ottawa Indians, for being a continued partner in the safety of area residents!**

3. Other Items of Interest:

- 1) Thank you to Trustee Don Glenn for being the Board of Trustees' Liaison to the Park & Recreation Advisory Committee and for implementing much needed management changes at Whitewater Township Camping Park.
- 2) Registered for National Center for Biomedical Research Training Academy of Counter Terrorist Education (NCBRT/ACE) Training: Surviving an Active Threat, Run Hide Fight Training. This class will be held early spring 2023 at Grand Traverse County Emergency Operations Center.
- 3) No Freedom of Information Act (FOIA) request were received this month. Streamlining of the current process is elsewhere on the March 14, 2023 agenda.
- 4) Cyber security issues plagued the Township in February. Like happenings in 2021 the issue revolves around server settings at our email host Spectrum. This issue is still unresolved.

- 5) Office phone service was interrupted for day while a wiring issue was tracked down and repaired. The wiring infrastructure in the Township Hall was cheaply done many years ago with exposed wringing in many offices allowing for physical damage.
- 6) Ownership of the railroad grade and culvert in the boxed area between M-72, Elk Lake Road, Old M-72, and Vinton Road is still unclear. Work continues on this item.
- 7) The floodplain ordinance amendment is elsewhere on the March 14, 2023 agenda. If the amendment is adopted, the next review will be in 2029.
- 8) Some changes were made in the middle of the month to the Township's website directing camping park inquiries to a dedicated phone number and email address. This has reduced the phone traffic into the Township Hall significantly. It also provides superior service to those families making summer plans.
- 9) The Township received a single proposal from MR Consulting thus far for assistance with zoning enforcement. The Township is still actively seeking independent contractors for zoning enforcement including sharing an indivual between local units to perform this service. If you have interest in this field, please contact the Supervisor's Office.
- 10) Administrative review continues across all boards and commissions operating within the township. Updating our decades old Policy & Procedure documents will be the focus of 2023.
- 11) Thank you to Planning Commission Chairwoman Rachel Steelman for assistance in the assembly of the printed version of the Township Ordinance. The project is being held up due to lack of access to \$119.56 of office supplies.
- 12) The Township currently has openings on the Board of Review, Park & Recreation Advisory Committee, and the Zoning Board of Appeals. If you have any desire to serve the community in this way, please contact the Supervisor's Office at 231.267.5141 ext. 23 for more information.
- 13) No time was allotted to verify the legal description of the N- Industrial Zoning District.

Respectfully Submitted,



Ron Popp
Whitewater Township Supervisor.

Greetings Whitewater Township Residents, Happy Spring Like Winter.

It has been a really long month of meetings and homework. This month I spent a lot of time trying new avenues to notify residents of upcoming issues that will directly effect our small community. This venture of updating the Master Plan needs all residents to get involved and help the township Planning Commission learn the needs and wants of the greater good. It takes a complete team to plan accordingly for the future. Watch and read your township board packets, attend a Plan Commission meeting in the evening. This months Plan Commission Packet was a very informative lesson on where, how and what our township paperwork looks like and how the Plan Commission and Planner will attack the issue together and make it a win-win for our rural community. Yes, again the township will ask the residents to complete a survey. Please look further into this board packet and notice the hard work and research that is being done to make sure concerns of bias questions are not included. I understand the frustration from the public and that is why attending a Plan Commission meeting and voicing your concerns is so important.

Here is a great way to start and its going to be fun and yes there will be popcorn. Please see the invite below and join everyone in the Whitewater Township learn how your government works. This training seminar will be from 6:30 to 8:30 and the public and Township board are also invited. Please Mark your calendar March 15th.

Let us all educate and learn together. Small steps make big changes.

See you all movie nite!!!

HeidiVyourtrusrtee@gmail.com

It is going to be an awesome SHOW Come join the Plan Commission

EVERYONE IS INVITED

for **MOVIE NIGHT**

"RUN THE RAPIDS IN WHITEWATER"

TOWNSHIP HALL

FRIDAY MARCH 15, 2023

6:30 to 9:00

This training could answer a lot of questions.

Come one COME all **POPCORN SERVED**

March 2023

Whitewater Township Trustee report – Don Glenn

Citizen communications and/or observations

- Spoke with several citizens regarding the process for the hiring of a Parks & Recreation Manager as they know some people who may be interested and asked that they be emailed the job description so that they may pass that along.

Educational opportunities

1. Attended the **February MTA meeting** that featured a speaker from the Michigan Economic Development Corporation (Dan Lenoard) with a focus on both business & community development such as the “Community Revitalization Program” which promotes community revitalization through the provision of grants, loans or other economic assistance for eligible projects located on properties that are either contaminated (facility), blighted, functionally obsolete or historic resources.
 2. **Webinars:**
 - a. February 8th Foster Swift Collins & Smith 2nd Wednesday webinar **Recent Changes in Employment Law** / this session was focused on last week's Court of Appeals ruling that effectively put an indefinite hold on Michigan's revised minimum wage and paid sick leave laws that were planned to take effect on February 19, 2023 and the FTC's proposed rule to ban noncompete agreements nationwide which is currently in a 60-day public comment period.
 3. **Continuing education:** finished the MTA publication “Policy Matters! Using Board & Administrative Policies to Manage Your Township”.
-
4. **Additional activities – Whitewater Township Park:**
 - a. Met with Dan Belanger and Peggy Quast and they are back under park employment as of February 18th.
 - b. Peggy Quast has processed the seasonal camping requests received thru Sunday, February 26th and has booked 10 out of the allocated 12 sites at the campground.
 - c. Dan Belanger has begun the process of recruiting Rangers for the 2023 season.
 - d. I have met with the Clerk on two (2) occasions to try and understand / learn the online reservation booking system and payment processing and will do my best to keep errors to a minimum.
 - e. Much work still to be completed as the testing of the online reservation system needs to be done by mid-March and multiple vendors need to be scheduled for goods and services to get the park ready to open in May.

Whitewater Township
5777 Vinton Road | P.O. Box 159
Williamsburg, Michigan 49690

231-267-5141

www.whitwatertownship.org

zoning@whitwatertownship.org

FEBRUARY 2023 ZONING REPORT

Baggs Road / Site Condo Development

As mentioned last month, the Zoning Administrator is in the process of receiving and reviewing final application materials related to a proposed site condominium development on Baggs Road. The review process will involve a public hearing conducted by the PC with a recommendation to the Township Board for final action.¹

The timing for Township Board action is critical and there are several important elements that should not be overlooked. Please take this time (beforehand) to review Article XXVIII, especially Sections 28.17, 28.17, and 28.18

High Point Golf Course – recent communications with the engineer indicate that they have completed a road study and have engaged an architect to assist in preparing a ‘final’ site plan for presentation to the Planning Commission.

A summary of concerns (enforcement / compliance activity) is **still** being organized so that a list of unresolved violations can be forwarded to the Township Board for review

TRAINING: (REPEAT) The Michigan Chapter of the American Planning Association has devoted the month of March to offering many planning and zoning training opportunities. (Click [HERE](#) and check out the month of March) And – while you’re there – explore the website.

Land Use Permit Activity

ZONE	LUP #	TAX ID #	2023 - OWNER NAME and SITE ADDRESS	PROJECT DESCRIPTION	DATE
A1	LD-2023-01	28-13-005-017-00	Shaffer, Rosile: 5309 Moore Road	Land Division/Comb	2/23/2023

For your review,



Whitewater Township
Zoning Administrator

¹ WTZO, Article XXVIII, Section 28.16.C

“The All-Important Zoning Permit”

By Clifford H. Bloom, Esq.
Bloom Sluggett, PC
Grand Rapids, Michigan
www.bloomsluggett.com

In general, municipal zoning administrators should not render advisory zoning decisions to applicants or property owners or answer detailed zoning hypotheticals. Why not? There are several reasons. First, that can monopolize a zoning administrator’s time. While most applicants have generally done their homework before applying for a zoning approval, others have not and attempt to rely upon the zoning administrator to “educate” them. They almost rely on the zoning administrator as their *de facto* personal planner or zoning attorney. Second, given that no zoning or application fee has yet been paid, a municipality is subsidizing the inquisitor. Third, most zoning administrators are busy and do not have the time to allow a handful of property owners to monopolize their time. Fourth, in many cases, the landowner often does not tell the zoning administrator all of the relevant facts and circumstances involved (or is mistaken regarding those matters) and the zoning administrator renders zoning advice based upon bad information. Later, if anything goes wrong, the landowner will invariably blame the zoning administrator for bad advice. Finally, the zoning administrator is taking on a potential additional liability for the municipality, which need not be.

Obviously, there is a fine line between being helpful to a questioning property owner and stepping over the line by giving substantive zoning advice. Most municipalities urge their zoning administrators to be helpful to members of the public and be “user friendly.” Providing a landowner with a copy of the municipal zoning ordinance (or copies of the relevant sections), citing to specific sections of the zoning or other ordinance, providing the necessary forms and answering general questions is appropriate. Meeting with a landowner four or five times or

more, engaging in numerous different hypotheticals and rendering decisions in writing or via email before a zoning application has been filed and processed is usually going beyond what a zoning administrator should normally do.

The best way to remedy the situation is to use an application for a zoning permit as a “gateway.” Before matters become too involved, the zoning administrator should indicate to the landowner that he or she cannot go further without the landowner fully filling out a zoning application form, paying the appropriate fee and obtaining a zoning permit or denial. Requiring an applicant to fill out a zoning application will “lock in” the applicant. Should the applicant provide misleading or mistaken information in the zoning permit application, the zoning administrator has it in writing. Requiring an applicant to pay a fee to the municipality (even if the fee is small) will tend to cut down on the number of frivolous inquiries made. Finally, it sets up a formal process whereby an applicant can appeal any denial by the zoning administrator to the municipality’s zoning board or appeals. And, most zoning ordinances contain a time limit for initiating such an appeal.

If a landowner becomes frustrated that the zoning administrator will not provide further information, engage in hypotheticals or render more zoning advice, the zoning administrator can indicate to the landowner that the zoning administrator cannot give the landowner legal or zoning planning advice and that the landowner should consult with their own attorney, zoning planner or engineer. That is not dissimilar to what building inspectors and court clerks routinely tell members of the public who seek to monopolize those officials’ time and expertise.

In summary, while a zoning administrator should always try to be helpful and may provide a landowner with general information regarding zoning questions, when it gets down to the specifics, the landowner should be required to fill out and file a formal zoning application with the municipality and the zoning administrator thereafter should “play it by the book.”

WW RT February 2023

Response Time Minutes	Call Count	Cumulative Call Count	Percentage	Cumulative Percentage
00:00:00 - 00:00:59	0	0	0.00%	0.00%
00:02:00 - 00:02:59	1	1	7.14%	7.14%
00:05:00 - 00:05:59	2	3	14.29%	21.43%
00:07:00 - 00:07:59	2	5	14.29%	35.71%
00:08:00 - 00:08:59	1	6	7.14%	42.86%
00:10:00 - 00:10:59	2	8	14.29%	57.14%
00:11:00 - 00:11:59	1	9	7.14%	64.29%
00:13:00 - 00:13:59	2	11	14.29%	78.57%
00:15:00 - 00:15:59	1	12	7.14%	85.71%
00:16:00 - 00:16:59	1	13	7.14%	92.86%
00:26:00 - 00:26:59	1	14	7.14%	100.00%

Whitewater Twp Responses

February 2023

Nature of Call	WW	Total
17-Falls	3	3
1-Abdominal Pain/Problems	1	1
28-Stroke (CVA)	1	1
29-Traffic/Transportation/Accidents	4	4
30-Traumatic Injuries (Specific)	1	1
32-Unknown Problem (Man Down)	2	2
6-Breathing Problems	4	4
Total	16	16

Call Disposition	WW	Total
Transport	9	9
Refusal	4	4
Cancelled	3	3
Total	16	16

Response Priority	WW	Total
P-1 Emergency ALS	6	6
P-2 Emergency BLS	7	7
P-3 Non-Emergent	3	3
Total	16	16

Run#	Date	Priority	Nature of Call	Dispatch Zone	Unit	Disposition	Dispatch Time	Scene Time	Response Time
16,241	02/04/2023	P-2	32-Unknown Problem (Man Dow	Whitewater	10 GTA3	Transport	20:11:39	20:16:50	00:05:11
16,366	02/05/2023	P-2	6-Breathing Problems	Whitewater	10 GTA3	Refusal	5:14:22	5:19:22	00:05:00
18,636	02/09/2023	P-1	6-Breathing Problems	Whitewater	10 GTA3	Refusal	20:37:43	20:46:11	00:08:28
18,851	02/10/2023	P-3	17-Falls	Whitewater	10 GTA3	Refusal	10:04:17	10:15:28	00:11:11
19,809	02/12/2023	P-2	30-Traumatic Injuries (Specific)	Whitewater	10 GTA3	Transport	13:18:21	13:34:16	00:15:55
20,106	02/13/2023	P-1	6-Breathing Problems	Whitewater	10 GTA3	Transport	8:32:23	8:42:44	00:10:21
20,788	02/14/2023	P-1	6-Breathing Problems	Whitewater	10 GTA3	Transport	19:17:53	19:20:36	00:02:43
22,319	02/17/2023	P-3	17-Falls	Whitewater	10 GTA3	Transport	18:16:15	18:32:39	00:16:24
23,331	02/20/2023	P-3	17-Falls	Whitewater	10 GTA3	Transport	8:32:28	8:46:06	00:13:38
25,193	02/24/2023	P-1	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Transport	7:49:44	7:57:41	00:07:57
25,205	02/24/2023	P-1	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	7:49:44	7:57:41	00:07:57
25,206	02/24/2023	P-1	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	7:49:44	7:57:41	00:07:57
25,290	02/24/2023	P-2	1-Abdominal Pain/Problems	Whitewater	10 GTA3	Transport	11:46:27	11:56:35	00:10:08
25,711	02/25/2023	P-2	28-Stroke (CVA)	Whitewater	10 GTA3	Transport	8:54:35	9:02:17	00:07:42
25,810	02/25/2023	P-2	32-Unknown Problem (Man Dow	Whitewater	10 GTA3	Refusal	12:57:30	13:10:48	00:13:18
26,735	02/27/2023	P-2	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	19:30:11		

GT-A3 Activity (February 2023)

Call Disposition	Acme	WW	Milton	GT-Traverse	Total
Transport	15	9	0	1	25
Refusal	4	4	0	0	8
Cancelled	2	3	1	0	6
Total	21	16	1	1	39

Response Priority	Acme	WW	Milton	GT-Traverse	Total
P-1 Emergency ALS	4	6	0	1	11
P-2 Emergency BLS	11	7	1	0	19
P-3 Non-Emergent	6	3	0	0	9
Total	21	16	1	1	39

Nature of Call	Acme	WW	Milton	GT-Traverse	Total
13-Diabetic Problems	0	0	0	1	1
17-Falls	6	3	0	0	9
1-Abdominal Pain/Problems	1	1	0	0	2
26-Sick Person (Specific Diagnosis)	5	0	1	0	6
28-Stroke (CVA)	1	1	0	0	2
29-Traffic/Transportation/Accidents	1	4	0	0	5
2-Allergies (Reactions)/Envenomations (1	0	0	0	1
30-Traumatic Injuries (Specific)	1	1	0	0	2
31-Unconscious/Fainting (Near)	1	0	0	0	1
32-Unknown Problem (Man Down)	0	2	0	0	2
4-Assault/Sexual Assault	1	0	0	0	1
6-Breathing Problems	3	4	0	0	7
Total	21	16	1	1	39

Run#	Date	Priority	Nature of Call	Dispatch Zone	Unit	Disposition	Dispatch Time	Scene Time	Response Time
16,241	02/04/2023	P-2 F	32-Unknown Problem (Man Dow	Whitewater	10 GTA3	Transport	20:11:39	20:16:50	00:05:11
16,323	02/05/2023	P-2 F	6-Breathing Problems	Acme	10 GTA3	Transport	2:16:09	2:27:28	00:11:19
16,366	02/05/2023	P-2 F	6-Breathing Problems	Whitewater	10 GTA3	Refusal	5:14:22	5:19:22	00:05:00
16,427	02/05/2023	P-3 L	17-Falls	Acme	10 GTA3	Canceled	10:25:50	10:35:49	00:09:59
16,564	02/05/2023	P-3 L	17-Falls	Acme	10 GTA3	Transport	16:34:22	16:39:14	00:04:52
17,371	02/07/2023	P-2 F	26-Sick Person (Specific Diagno	Milton	10 GTA3	Canceled	15:15:32		
18,636	02/09/2023	P-1 L	6-Breathing Problems	Whitewater	10 GTA3	Refusal	20:37:43	20:46:11	00:08:28
18,851	02/10/2023	P-3 L	17-Falls	Whitewater	10 GTA3	Refusal	10:04:17	10:15:28	00:11:11
19,020	02/10/2023	P-2 F	1-Abdominal Pain/Problems	Acme	10 GTA3	Transport	16:38:04	16:42:17	00:04:13
19,809	02/12/2023	P-2 F	30-Traumatic Injuries (Specific)	Whitewater	10 GTA3	Transport	13:18:21	13:34:16	00:15:55
20,106	02/13/2023	P-1 L	6-Breathing Problems	Whitewater	10 GTA3	Transport	8:32:23	8:42:44	00:10:21
20,542	02/14/2023	P-1 L	6-Breathing Problems	Acme	10 GTA3	Transport	10:08:43	10:10:22	00:01:39
20,572	02/14/2023	P-1 L	13-Diabetic Problems	GT- Traverse City	10 GTA3	Transport	11:11:28	11:16:00	00:04:32
20,632	02/14/2023	P-2 F	26-Sick Person (Specific Diagno	Acme	10 GTA3	Transport	13:28:57	13:29:50	00:00:53
20,788	02/14/2023	P-1 L	6-Breathing Problems	Whitewater	10 GTA3	Transport	19:17:53	19:20:36	00:02:43
21,375	02/15/2023	P-2 F	2-Allergies (Reactions)/Envenorr	Acme	10 GTA3	Refusal	17:52:39	17:56:37	00:03:58
21,479	02/15/2023	P-1 L	17-Falls	Acme	10 GTA3	Transport	23:36:28	23:48:27	00:11:59
21,743	02/16/2023	P-2 F	31-Unconscious/Fainting (Near)	Acme	10 GTA3	Transport	15:22:26	15:23:22	00:00:56
22,037	02/17/2023	P-2 F	17-Falls	Acme	10 GTA3	Transport	4:14:07	4:28:36	00:14:29
22,319	02/17/2023	P-3 L	17-Falls	Whitewater	10 GTA3	Transport	18:16:15	18:32:39	00:16:24
22,598	02/18/2023	P-2 F	17-Falls	Acme	10 GTA3	Canceled	9:50:01	9:53:15	00:03:14
22,601	02/18/2023	P-2 F	26-Sick Person (Specific Diagno	Acme	10 GTA3	Transport	10:02:36	10:03:04	00:00:28
22,633	02/18/2023	P-1 L	28-Stroke (CVA)	Acme	10 GTA3	Transport	11:47:50	11:53:35	00:05:45
22,989	02/19/2023	P-3 L	17-Falls	Acme	10 GTA3	Refusal	10:15:41	10:20:18	00:04:37
23,331	02/20/2023	P-3 L	17-Falls	Whitewater	10 GTA3	Transport	8:32:28	8:46:06	00:13:38
23,543	02/20/2023	P-2 F	26-Sick Person (Specific Diagno	Acme	10 GTA3	Transport	17:07:31	17:11:29	00:03:58
23,605	02/20/2023	P-2 F	4-Assault/Sexual Assault	Acme	10 GTA3	Refusal	20:08:42	20:20:00	00:11:18
24,815	02/23/2023	P-1 L	6-Breathing Problems	Acme	10 GTA3	Transport	9:34:47	9:38:51	00:04:04
25,193	02/24/2023	P-1 L	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Transport	7:49:44	7:57:41	00:07:57
25,205	02/24/2023	P-1 L	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	7:49:44	7:57:41	00:07:57
25,206	02/24/2023	P-1 L	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	7:49:44	7:57:41	00:07:57
25,290	02/24/2023	P-2 F	1-Abdominal Pain/Problems	Whitewater	10 GTA3	Transport	11:46:27	11:56:35	00:10:08
25,711	02/25/2023	P-2 F	28-Stroke (CVA)	Whitewater	10 GTA3	Transport	8:54:35	9:02:17	00:07:42
25,810	02/25/2023	P-2 F	32-Unknown Problem (Man Dow	Whitewater	10 GTA3	Refusal	12:57:30	13:10:48	00:13:18
25,904	02/25/2023	P-3 L	30-Traumatic Injuries (Specific)	Acme	10 GTA3	Transport	18:11:06	18:15:21	00:04:15
26,069	02/26/2023	P-3 L	26-Sick Person (Specific Diagno	Acme	10 GTA3	Transport	6:05:04	6:16:29	00:11:25
26,691	02/27/2023	P-2 F	29-Traffic/Transportation/Accider	Acme	10 GTA3	Refusal	17:34:05	17:38:51	00:04:46
26,735	02/27/2023	P-2 F	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	19:30:11		

Run#	Date	Priority	Nature of Call	Dispatch Zone	Unit	Disposition	Dispatch Time	Scene Time	Response Time
26,862	02/28/2023	P-3 I	26-Sick Person (Specific Diagno	Acme	10 GTA3	Transport	6:50:19	7:07:06	00:16:47

Whitewater Twp Responses

February 2023

Nature of Call	WW	Total
17-Falls	3	3
1-Abdominal Pain/Problems	1	1
28-Stroke (CVA)	1	1
29-Traffic/Transportation/Accidents	4	4
30-Traumatic Injuries (Specific)	1	1
32-Unknown Problem (Man Down)	2	2
6-Breathing Problems	4	4
Total	16	16

Call Disposition	WW	Total
Transport	9	9
Refusal	4	4
Cancelled	3	3
Total	16	16

Response Priority	WW	Total
P-1 Emergency ALS	6	6
P-2 Emergency BLS	7	7
P-3 Non-Emergent	3	3
Total	16	16

Run#	Date	Priority	Nature of Call	Dispatch Zone	Unit	Disposition	Dispatch Time	Scene Time	Response Time
16,241	02/04/2023	P-2	32-Unknown Problem (Man Dow	Whitewater	10 GTA3	Transport	20:11:39	20:16:50	00:05:11
16,366	02/05/2023	P-2	6-Breathing Problems	Whitewater	10 GTA3	Refusal	5:14:22	5:19:22	00:05:00
18,636	02/09/2023	P-1	6-Breathing Problems	Whitewater	10 GTA3	Refusal	20:37:43	20:46:11	00:08:28
18,851	02/10/2023	P-3	17-Falls	Whitewater	10 GTA3	Refusal	10:04:17	10:15:28	00:11:11
19,809	02/12/2023	P-2	30-Traumatic Injuries (Specific)	Whitewater	10 GTA3	Transport	13:18:21	13:34:16	00:15:55
20,106	02/13/2023	P-1	6-Breathing Problems	Whitewater	10 GTA3	Transport	8:32:23	8:42:44	00:10:21
20,788	02/14/2023	P-1	6-Breathing Problems	Whitewater	10 GTA3	Transport	19:17:53	19:20:36	00:02:43
22,319	02/17/2023	P-3	17-Falls	Whitewater	10 GTA3	Transport	18:16:15	18:32:39	00:16:24
23,331	02/20/2023	P-3	17-Falls	Whitewater	10 GTA3	Transport	8:32:28	8:46:06	00:13:38
25,193	02/24/2023	P-1	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Transport	7:49:44	7:57:41	00:07:57
25,205	02/24/2023	P-1	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	7:49:44	7:57:41	00:07:57
25,206	02/24/2023	P-1	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	7:49:44	7:57:41	00:07:57
25,290	02/24/2023	P-2	1-Abdominal Pain/Problems	Whitewater	10 GTA3	Transport	11:46:27	11:56:35	00:10:08
25,711	02/25/2023	P-2	28-Stroke (CVA)	Whitewater	10 GTA3	Transport	8:54:35	9:02:17	00:07:42
25,810	02/25/2023	P-2	32-Unknown Problem (Man Dow	Whitewater	10 GTA3	Refusal	12:57:30	13:10:48	00:13:18
26,735	02/27/2023	P-2	29-Traffic/Transportation/Accider	Whitewater	10 GTA3	Canceled	19:30:11		



WHITEWATER TOWNSHIP FIRE DEPARTMENT

8380 OLD M-72 ♦ PO Box 9 ♦ WILLIAMSBURG, MICHIGAN 49690 ♦ 231.267.5969 ♦ FIRECHIEF@WHITEWATERTOWNSHIP.ORG

February 2023 Monthly Report Fire Chief Brandon Flynn

Alarms: The fire department responded to 9 calls in February.

- 3 EMS Assist
- 3 Vehicle Crash
- Commercial Fire Alarm
- CO Detector Activation
- Lockdown Drill at Woodland School

YTD: 2023 = 19, 2022 = 22

Training: 4 training sessions were held in February.

- Monthly vehicle & SCBA maintenance
- Target Solutions, NFPA 1500 – Respiratory Protection
- SCBA mask Fit Testing
- Courage to be Safe, online training class

Meetings/Other:

- Regional Training Center, February 2
- Township Board Meeting, February 14
- County Chief's, February 15
- LEPC, Cancelled
- 911 BOD, Cancelled
- EMPT, February 27

General:

All of the fire departments SCBA air packs were flow tested this month. A technician from Municipal Emergency Services (MES) performed the flow testing out of his van at the station on February 1.

AFP conducted the annual fire suppression test at the fire station on Feb. 7.

Chief Flynn and Supervisor Popp attended the Grand Traverse Band 2% grant Media Event on Friday, February 10. The Whitewater Township Fire Department was the



Committed to proudly serving the community with professionalism and integrity.

recipient of \$4300.00 for the purchase of replacement rescue air bags. The current set of Holmatro rescue air bags are 25-years-old and we recently discovered from the manufacturer that the rubber air bags expire at 20 years. The Fire Department will purchase a new Hurst, Vetter Rescue Air Bag set to be placed on the Fire Engine.

Chief Flynn met with CSI to begin assembling new fire engine specifications. Chief Daryl Case from Green Lake Township Fire Department was also present with the thought of saving money by ordering two identical trucks from Spartan Manufacturing. This preliminary meeting revealed that ordering two trucks would in fact result in a savings and Chief Gilstorff from Peninsula Fire Department may join in this cooperative purchase to further increase the savings. We all have scheduled a meeting on March 13, 2023 to discuss the numbers.

The 2023 North American VASA Race that was scheduled for February 11 & 12 was reduced to a small course around Timber Ridge Resort on Saturday only because of unseasonably warm temperatures. This resulted in no services needed from Whitewater Township Fire Department.

2 Fire Department employees attended a Medical Control Authority (MCA) orientation on February 14. This is a requirement when working for an EMS agency in our MCA which covers 9 counties.

A fire inspection was conducted at both Ginop Sales buildings in February.

Chief Flynn attended a full scale exercise at the Emergency Operations Center (EOC) on February 21. The mock disaster of a weather event with a plane crash activated the EOC. In attendance were local fire, law enforcement and EMS agencies as well as MSP, USCG and TVC personnel. The MSP EOC in Lansing also participated via Zoom.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
January 4, 2023

Call to Order at 6:00 p.m.

Roll Call: In person: DeYoung, Jacobson, Keaton, Rebant, Steelman, Wroubel, Vollmuth
Absent:

Also in attendance: Planner Randy Mielnik and Recording Secretary MacLean

Zoom attendance: 5

Set / Adjust Agenda: move 10.b (Article 25, SUP commercial campgrounds) to the end of the agenda add introductions before Declaration of Conflict of Interest.

Members introduce themselves.

Declaration of Conflict of Interest: Vollmuth passed out definition of conflict of interest.

Keaton notes High Pointe Golf course touches his property for future discussion. Keaton indicates that he will not recuse himself from discussion of the golf course. Legal opinion indicates that Keaton should recuse himself. If the attorney comes back with the same opinion Keaton indicates that he will not continue on the PC.

Commission discussion ensued regarding conflict of interest.

Vollmuth will contact attorney for additional clarification.

According to the PC bylaws the Commission votes to make the decision if recusal necessary or not on a particular issue.

Public Comment:

Public comment began at 6:33 p.m.

Connie Hymore

Comment read by Connie Hymore for Vicki Beam

Public comment ended at 6:38 p.m.

Public Hearing: None

Approval of Minutes:

MOTION by DeYoung, to approve the minutes of December 7, 2022, as amended; second by Steelman.

Roll call: Wroubel-yes; Jacobson-yes; Keaton-yes; Rebant-yes; DeYoung-yes; Steelman-yes; Vollmuth-yes.

Motion carried.

Correspondence: None

Reports:

Zoning Administrator Report, Hall: Note read by Jacobson: The Planner's submission regarding Article 28 are thoughtful and well represented, easy to follow. Anticipating the Baggs Road Condo application in the near future. High Pointe Golf course will be back, likely, in February after the road study had been completed.

Chair's Report, Jacobson: Consistent communication is necessary.

Township Board Rep, Vollmuth: Has spoken with the Board regarding attorney opinions and wanting reasons for changes presented by legal regarding amendments and ordinances. Discussion ensued regarding communication with the board. PC would like to have a joint meeting with the Board. Make an agenda item in February to discuss communication with the Board and have Heidi make the same request of the Board. Then have a joint meeting where the communication ideas can be discussed.

Communication with the Board is very important.

ZBA Representative, Wroubel: No cases in December. Annual housekeeping are on the agenda for January. Carl has signed up for the online MSU Extension Water 101 course.

Committee Reports: None.

Planner, Mielnik: will be presented in the agenda items.

Unfinished Business:

1. Article 28, Condo Regulations and related Article 3 Definitions public hearing postponed.
2. Status update on ZO Amendments to 1, 12 and 14: Comments received. Discuss with the Board.
3. Article 25, SUP Commercial Campgrounds recommendations: Moved to end of the meeting.
4. Master Plan Review discussion and community outreach plan: Create a Resident Outreach Committee (ROC), survey, recognize core issues. The committee can be PC and community members. Community members can reach out to the two PC members with interest in serving on the committee. Looking for three or five community members.
Consensus to create the working committee that work together and then bring back communications. Rachel and Rod are interested as PC members. Put out a request via email blast, post on the door and the website.
Keith will bring back information on PSAs.

New Business:

1. Appointment of officers:
Jacobson nominates Steelman for Chair. Steelman Accepts.
MOTION by Jacobson , second by Vollmuth for Steelman to serve as Chair.
Roll call vote: Jacobson-yes; Keaton-yes; Rebant-yes; DeYoung-yes; Steelman-yes; Vollmuth-yes; Wroubel-yes.
Motion carried.

Steelman nominates Keaton for Vice Chair. Keaton accepts.
MOTION by Steelman, second by Jacobson for Keaton to serve as Vice Chair.
Roll call vote: Keaton-yes; Rebant-yes; DeYoung-yes; Steelman-yes; Vollmuth-yes; Wroubel-yes; Jacobson-yes.
Motion carried.

Keaton nominates Jacobson for Secretary. Jacobson accepts.
MOTION by Keaton, second by Vollmuth for Jacobson to serve as Secretary.
Roll call vote: Rebant-yes; DeYoung-yes; Steelman-yes; Vollmuth-yes; Wroubel-yes; Jacobson-yes; Keaton-yes.
Motion carried.
2. Planning Commission Bylaws review / read through.
Section 1, F – Vollmuth will come back with roles.
Add Ex Parte - Mielnik
Add deadlines for presentation of information/plans to be included in the agenda / packet (example – 14 days).
The agenda / packet deadline – posting and getting the packets available.
Section 2, B – Steelman, Section 9, ROC
Section 2, C – Keaton and conflict of interest
Section 2, D – Jacobson
Section 1, G - Wroubel
Create a guideline, standard operating procedure (SOP), that can be presented to new members. Does not need to be included in the bylaws. Vollmuth and DeYoung will work on an SOP / policy and procedures.

Steelman ran through action items for each.

DeYoung will work with Mielnik. Scope of services, including zoning ordinance work, not just master plan work. Increase planner budget.

Vollmuth noted a “point of order” at the three hour mark of the meeting.
MOTION by Vollmuth to extend the meeting, second by DeYoung.
Roll call: DeYoung-yes; Steelman-yes; Vollmuth-yes; Wroubel-yes; Jacobson-yes; Keaton-yes; Rebant-yes.
Motion carried.
3. Resolution #PC23-01, 2023/2024 meeting dates
MOTION by Steelman , second by Vollmuth to adopt Resolution #PC23-01, 2023/2024 meeting dates.

Roll call vote: Steelman-yes; Vollmuth-yes; Wroubel-yes; Jacobson-yes; Keaton-yes; Rebant-yes; DeYoung-yes.
Motion carried.

4. Discussion of direction of PC, has been a part of this meeting including planning and communication.

MOTION by Steelman, second by Keaton, to recommend the planner present scope of service to the Board to address the zoning ordinance as presented in the Keaton memo for up to an additional \$15,000.

Roll call vote: Steelman-yes; Vollmuth-yes; Wroubel-yes; Jacobson-yes; Keaton-yes; Rebant-yes, DeYoung- yes.
Motion carried.

Next Regular Meeting February, 1, 2023, 6 p.m.

Agenda: Public hearing, master plan, commercial campgrounds, resident outreach committee, bylaws, standing operating procedure/policies and procedure, joint meeting.

Public Comment:

Public comment began at 9:31 p.m.

Sue Mielnik

Denise Peltonen

Kim Mangus

Vicki Beam

Connie Hymore

Public comment ended at 9:43 p.m.

Commission Discussion/Comments: Good to have a board representative.

Continuing Education: Citizen Planner update

Adjournment: 9:45 p.m.

Tabled items: Article 5 Districts

Respectfully Submitted

Lois MacLean,

Recording Secretary

**Whitewater Township
Parks and Recreation Advisory Committee
Minutes for Regular Meeting
January 9, 2023**

Call to order 7:00 p.m.

Roll Call: Butler, Cosgrove, Melton, Voice, Hubbell arrived late

Set / Approve Agenda: Move New Business c, d & e (3, 4 & 5) before Unfinished Business

Declaration of Conflict of Interest: None

Public Comment: None

Approval of minutes:

MOTION by Cosgrove, second by Voice to approve December 13, 2022, meeting minutes as amended.

Roll call vote: Butler-yes; Voice-yes; Cosgrove-yes; Melton-yes; Hubbell-n/a. Motion carried.

Hubbell arrived.

Reports/Presentations/Announcements/Comments/Correspondence:

SPARKS Grant Submission.

Glenn noted that the Boat Launch Project package is out to bid. Bids will be opened on the 31st of January, F&V will put together a summary, the board will look at the bids on February 9 and if needed February 16. There has been discussion of an oversight project manager.

Unfinished Business:

1. BCNA tree removal – Do we want to make recommendation to the board or put it on hold? Largent feels the initial cleanup contract is an open contract since the contract was an “up to” amount. The “up to” amount has not been reached. He is willing to do the rest of the work as part of the “open contract”.
Largent would only need to know the center line and would be able to get a cost estimate to do the work. Glenn would like a scope of work, cost, project manager, quote, with a begin and end date and he can take it to the board. Glenn feels that this work is in the hands of the PRAC and he will take that information back to the board. Melton will contact Largent. Glenn recommends a memo with a hard bid to be presented to him to be presented to the board for approval. Consensus is to get the information, get a cost estimate and present.
2. Lossie Trail wetland improvements, EGLE preconstruction permit walk will cost \$150. Kevin Krogulecki of Gosling Zubek would walk through with EGLE to get the details to do a conceptual drawing. Kevin recommends trying to get the walk through in the spring.
3. Hi Pray Park playground inspection will happen in the spring. Glenn and the committee believe the park can be opened (signs and tape removed) at this time.
4. Lossie /BCNA trail signage – on hold, pending the final tree removal.
5. Revised Draft bylaws to revise meeting dates are in the board packet for the January 10 meeting.
6. GT County ARPA grant status \$95,000 + was awarded for the Lossie Trail. Out of 110 grant requests we were one of only 27 that got chosen. Commissioner Nelson indicated that the township should be hearing more about it. Glenn recommends creating a plan as previously discussed such as scope of work, cost estimates, project manager, quote, with a begin and end date with a breakdown of the beginning, middle and end, needing seed money, etc. Create a memo with supporting documentation. Conceptual drawings from Kevin would need some money.

7. SPARKS grants BCNA trail upgrades. The board did authorize to submit for two projects. A grant request was submitted for BCNA. The second one was not put in for the walking trail at Hi Pray Park. Elmer's came through at \$750,000 for a 10' wide trail, not including the parking lot. The third project was not authorized by the board and would require more detail to be presented to the board for authorization to submit a request.

8. Budget Items

Capital projects:

\$81k in local ARPA approved for BCNA/Lossie Trail improvements

\$95,917 GT County ARPA grant awarded for LRNT wetland mitigation and trail improvements

\$?? For slide and toddler climber activity set for Park playground (Hubbell)

\$1000 each for BCNA and LRNT signage

Funding was requested previously for clearing trail to width of 8th feet for LRNT and BCNA

Maintenance items: (PRAC recommendations – this is not a full list of all maintenance for Parks and Rec)

Weed removal Hi Pray playground, front flower bed, batting cage, fence line and baseball diamonds, diamond dust, mowing, irrigation, etc.

BCNA/LRNT/Petobego maintenance mowing 3-4 times per year.

2021 had \$23,840 maintenance for recreation maintenance. Maybe we need \$36,000 to \$40,000 for 2023/2024.

Discussion ensued regarding budgeting, park manager, project management, handyman work, etc.

New Business:

1. Special meeting request by Supervisor Popp for a board special meeting regarding park rates has been called.

2. Discussion of next step for ARPA funded projects. First step for LRNT is to get connected with EGLE. More requirement information will be coming from GT County.

Lagerquest will be contacted about moving forward with the loop. The Land Conservancy may have engineers.

3. Election of officers (handled before Unfinished Business)

Melton nominates Butler as Secretary. Butler accepts.

MOTION by Melton, second by Cosgrove for Butler to serve as secretary.

Roll call: Voice-yes; Cosgrove-yes; Melton-yes; Hubbell-yes; Butler-yes. Motion carried.

Butler nominates Hubbell as Vice Chair. Hubbell accepts.

MOTION by Butler, second by Voice for Hubbell to serve as Vice Chair.

Roll call: Cosgrove-yes; Melton-yes; Hubbell-yes; Butler-yes; Voice-yes. Motion carried.

Cosgrove nominates Melton as Chair. Melton accepts.

MOTION by Cosgrove, second by Butler for Melton to serve as Chair.

Roll call: Melton-yes; Hubbell-yes; Butler-yes; Voice-yes; Cosgrove-yes. Motion carried.

4. Resolution PRAC 23-01, 2023/2024 Meeting dates (handled before Unfinished Business)

MOTION by Melton, second by Hubbell to adopt Resolution PRAC 23-01, pending board approval of the date change to the third Tuesday of each month.

Roll call: Hubbell-yes; Butler-yes; Voice-yes; Cosgrove-yes; Melton-yes. Motion carried.

5. Bylaws review – postpone until February

Next regular meeting: Tuesday, February 21, 2023, 7 p.m.

Discussion on communication between the Board and PRAC through Glenn as the liaison.

Public Comment: None

Adjournment: 9:20 p.m.

Respectfully submitted,
Lois MacLean
Recording Secretary



Ron Popp <supervisorwhitewater@gmail.com>

Re: White water Township Board Meeting Feb 21, 2023

1 message

Longview Ranch <kelliottwill@gmail.com>

Wed, Feb 22, 2023 at 12:31 PM

To: Ron Popp <supervisorwhitewater@gmail.com>

Cc: Ardella Benak <treasurer@whitewatertownship.org>, Heidi Vollmuth <heidivourtrustee@gmail.com>, "Cheryl A. Goss" <clerk@whitewatertownship.org>, Don Glenn <dglenn419@gmail.com>, Longview Ranch <kelliottwill@gmail.com>

Hello Mr. Popp

I watched the video of yesterday's meeting. I noticed that my request for my comments be read into the record did not occur. Could you follow up upon.

Thank you

Kim Elliott

11940 Lossie Road

Williamsburg, MI 49690

On Tue, Feb 21, 2023, 6:28 AM Ron Popp <supervisorwhitewater@gmail.com> wrote:

Thank you Mr. Elliott for your comments. I will be absent from today's meeting and have forwarded your request to all Board Members for your requested action.

Ron Popp

Whitewater Township Supervisor

231.267.5141 Ext. 23

supervisorwhitewater@gmail.com

bcc: Township Board

----- Forwarded message -----

From: **Kim Elliott** <kelliottwill@gmail.com>

Date: Mon, Feb 20, 2023 at 7:23 PM

Subject: White water Township Board Meeting Feb 21, 2023

To: Ron Popp <supervisorwhitewater@gmail.com>

Mr. Ron Popp

Whitewater Township Supervisor

Dear Supervisor Popp:

Could you please read the following during public Comment at the Board meeting on February 21, 2023.

Thank you

Kim Elliott

11940 Lossie Road

Williamsburg, MI 49690

Dear Whitewater Township Board Members:

I would like to thank you for all your time and efforts that you provide for Whitewater Township residents.

I realize some of the difficult issues that arise before you. For instance the current Baggs Road Condo development proposal.

From all the material that have read, researched, and from my discussions on this proposed development with a large cross section of residents, I would strongly agree and greatly support your decision to decline this development request.

Sincerely,

Kim Elliott

11940 Lossie Road

Williamsburg, MI 49690

Sent from [Mail](#) for Windows

Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics

January 2023

Location	Citations	Traffic Crashes			Arrests		Traffic Crash Totals
		Fatal	PIA	PDA	OWI	Criminal	
01 Acme	8	0	3	14	1	8	26
02 Blair	27	0	5	21	0	19	45
03 East Bay	15	0	2	31	2	18	53
04 Fife Lake	2	0	7	3	0	0	10
05 Garfield	62	0	9	78	13	64	164
06 Grant	1	0	1	2	1	1	5
07 Green Lake	21	0	1	10	1	15	27
08 Long Lake	1	0	2	14	1	2	19
09 Mayfield	3	0	0	13	0	2	15
10 Peninsula	2	1	0	7	1	1	10
11 Paradise	2	0	2	6	0	1	9
12 Union	0	0	0	1	0	0	1
13 Whitewater	1	0	0	3	0	0	3
29 Fife Lake Vlg	1	0	0	1	0	0	1
30 Kingsley Vlg	0	0	0	0	0	2	2
66 Traverse City	3	0	0	1	1	48	50
84 Out of County	0	0	0	0	0	2	2
Totals	149	1	32	205	21	183	442

Ticket stats are based on what District Court has entered as of 2/03/23.

Arrest stats are as of 2/02/23.

Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics

February 2023

Location	Citations	Traffic Crashes			Arrests		Traffic Crash Totals
		Fatal	PIA	PDA	OWI	Criminal	
01 Acme	12	0	1	15	0	3	16
02 Blair	54	0	2	18	1	7	20
03 East Bay	15	0	5	21	2	13	26
04 Fife Lake	15	0	0	4	0	2	4
05 Garfield	89	0	4	60	10	50	64
06 Grant	1	0	0	1	0	0	1
07 Green Lake	17	0	2	11	1	4	13
08 Long Lake	2	0	3	13	0	2	16
09 Mayfield	7	0	4	2	0	2	6
10 Peninsula	7	0	5	4	0	1	9
11 Paradise	11	0	0	8	0	4	8
12 Union	0	0	0	4	0	0	4
13 Whitewater	18	0	2	8	2	3	10
29 Fife Lake Vlg	1	0	0	0	0	0	0
30 Kingsley Vlg	5	0	0	1	0	4	1
66 Traverse City	2	0	0	0	1	38	0
84 Out of County	0	0	0	0	0	10	0
Totals	256	0	28	170	17	143	198

Ticket stats are based on what District Court has entered as of 3/01/23.

Arrest stats are as of 3/01/23.

DRAFT MINUTES**Whitewater Township Board
Minutes of Special Meeting held January 31, 2023****Call to Order**

Supervisor Popp called the meeting to order at 4:03 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board Members present: Benak, Popp, Glenn, Vollmuth

Board Members absent: Goss

Others present in person: Deputy Clerk Hooper, Zoom Facilitator MacLean

Others present via Zoom: 3

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment

None

Agenda Items as Listed in Special Meeting Notice

DISCUSS LEGAL OPINION RE: CIVIL INFRACTION G222052 – CLOSED SESSION

Motion by Popp to move into a closed session pursuant to MCL 15.268(h) to discuss a confidential written legal opinion from the township attorney regarding the enforcement of the Township's Noise Ordinance; second by Vollmuth.

Roll call: Vollmuth, yes; Benak, yes; Popp, yes; Glenn, yes; Goss, absent. Motion carried.

At 4:07 p.m., board members went into closed session in the treasurer/zoning office.

At 5:12 p.m., board members returned to public session.

Motion by Popp to support the deputy who was authorized to write the citation in the noise ordinance.

There was no second.

Motion by Benak to support the attorney's recommendations in regard to the noise ordinance.

After discussion, the motion was revised to: Motion by Benak to accept the attorney's recommendations in regard to the noise ordinance enforcement issue.

Second by Popp.

DRAFT MINUTES

Roll call vote: Goss, absent; Vollmuth, yes; Glenn, yes; Popp, yes; Benak, yes. Motion carried.

Board Comments/Discussion

There was brief discussion of rescheduling a budget meeting.

Public Comment

Connie Hymore
Vicki Beam

Adjournment

Motion by Benak to adjourn; second by Glenn. Roll call vote: Benak, yes; Glenn, yes; Goss, absent; Vollmuth, yes; Popp, yes.

Meeting adjourned at 5:25 p.m.

Cheryl A. Goss
Whitewater Township Clerk

DRAFT MINUTES**Whitewater Township Board
Minutes of Special Meeting held February 9, 2023****Call to Order**

Supervisor Popp called the meeting to order at 9:00 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board Members present in person: Clerk Goss, Popp, Trustee Glenn, Trustee Vollmuth

Board Members absent: Treasurer Benak

Others present in person: Zoom Facilitator MacLean

Others present via Zoom: 6

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

Popp noted one of the bidders (Popp Excavating) shares the same last name as he does, but they are not related to his family nor is it his company.

Public Comment

Public comment began at 9:02 a.m.

Linda Slopsema

Public comment ended at 9:05 a.m.

Agenda Items as Listed in Special Meeting Notice**REVIEW WHITEWATER TOWNSHIP PARK IMPROVEMENT BIDS**

Fleis & VandenBrink engineer Andrew Filler is present via Zoom.

Discussion topics included:

- Molon Excavating did not supply a cost for general conditions, bonds, insurance, mobilization. Filler will check with them as to why it was left blank; per their website, they are qualified for the project.
- Molon's price for new planks is more costly than the other bids. Filler will reach out to Molon for clarification.
- Filler relayed that Stout said if No. 1 is left zero, we need a letter from the bidder stating it is in the other items throughout the bid.
- Performance and payment bonds are required in the ultimate contract document.
- Precast concrete planks changed from an 8" to 5" standard. Per Filler, the DNR standard has changed to 5". Filler will supply a copy of the new standard.
- Slope restoration, with grass parking lined out, was questioned. The gravel parking was changed to grass; it is a slope restoration.

DRAFT MINUTES

- Bid shows 22 new planks are needed and salvage 11. Bid package Phase 1 is three launch lanes. Alternate 1 is the 4th lane, with 11 new planks. F&V believes there are only 11 planks of the 22 existing that are salvageable.
- Skid pier length is 45'.
- Filler will verify with Molon if they are dispersing their general conditions, etc. cost throughout the bid pricing and get a letter from them.
- There was a question whether the dock hinge pins were added on the final document. Filler will verify whether it was changed.
- Regarding getting a bid on a pressured water boat wash, Filler recommends getting a recommendation from Jordan Byelich at Waterways. There was mention of getting a separate bid for the boat wash as it is not part of the Waterways grant and perhaps go after a Spark grant.
- The 8" of aggregate at the boat wash station is designed off a DNR standard.
- The substantial difference in bid amounts for site prep was discussed.
- Regarding tree removal, the consensus was to burn the tree debris.
- Successful bidder must present performance bond, payment bond, and all proofs of insurance prior to award.
- Filler will verify that Molon can do the work in this calendar year if they were to be awarded the bid.
- Filler will ask if there is a certification for contractors who work in the water. He noted Molon has done a lot of marine projects.
- A contingency amount is not included in the \$500,597.35 Molon price (\$461,034.71 + \$39,562.64).
- Movement of ranger station and who will be the owner's representative were discussed.
- Potential size of a new ranger station was discussed.
- Popp asked Filler to recommend a construction/project manager that specializes in excavation and what a compensation rate would be.
- Popp requested that Filler provide an RFQ, RFP or AIA document for an owner's representative.
- Filler will get all the information the board requested by the meeting on 2/16.
- Progress meetings and pay applications were discussed.
- Engineer will be asked to attend all progress meetings, on-site inspection of work, and approve pay applications. Filler will ask the two leading contractors what their proposed schedule is for progress meetings.

Recap:

- Filler will verify there are performance and payment bonds according to Article 7, and that we get a letter from the contractor who did not include that price on the bid.
- Filler will supply the DNR standards on planks, 8" to 5".
- Filler will advise on skill set necessary for an owner's representative, more excavation than building expertise, or hire an engineer of the civil discipline. Filler will get an idea of how many progress meetings the contractor is contemplating.
- Filler will provide the most recent bid package with its amendments to send out for owner's representation. Filler will also provide documentation regarding owner's representative.

DRAFT MINUTES

- Popp will contact Gourdie-Fraser, Machin, Gosling-Czubak, Prein and Newhof, and RCI. A sealed bid process will be used to choose an engineer/owner's representative. It will be published.

Board Comments/Discussion

None

Public Comment

None

Adjournment

Motion by Glenn to adjourn; second by Popp. Roll call vote: Benak, absent; Goss, yes; Glenn, yes; Popp, yes; Vollmuth, yes.

Meeting adjourned at 11:16 a.m.

Cheryl A. Goss
Whitewater Township Clerk

DRAFT MINUTES**Whitewater Township Board
Minutes of Regular Meeting held February 14, 2023****Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 9:00 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

Roll Call of Board Members

Board Members present in person: Clerk Goss, Treasurer Benak, Popp, Trustee Vollmuth, Trustee Glenn

Board Members absent: None

Others present in person: Fire Chief Brandon Flynn, Zoom Facilitator Lois MacLean, and 6 others

Others present via Zoom: 5

Set/Adjust Meeting Agenda

Popp requested to add acceptance of resignation of deputy supervisor as New Business #7.

Added as New Business #7.

Declaration of Conflict of Interest

None

Public Comment

Public comment began at 9:02 a.m.

Connie Hymore

Public comment ended at 9:06 a.m.

Public Hearing

None

Reports/Presentations/Announcements/Comments**County Commissioner Report**

Darryl Nelson is not present.

Fire Department Report

Brandon Flynn gave the following report:

- January was a busy month and a lot of meetings.
- He was able to get other administrative work done and install smoke alarms and carbon monoxide alarms the department is getting from the state.
- No inspections last month.
- Popp and he went to the Grand Traverse Band media event last Friday to accept a 2% award in the amount of \$4,300.
- Last year's run and fire department information is included in his report.

DRAFT MINUTES

Flynn answered a couple board questions.

Planning Commission Report

Heidi Vollmuth gave the following report:

- Passed out paper plates and bread.
- Urged that the planning commission be given the tools they need to do their job.
- Noted other report is in the packet.

There were no questions for Vollmuth.

Parks & Recreation Advisory Committee Report

Don Glenn gave the following report:

- PRAC held their election of officers in January, Melton chair, Hubbell vice chair, Butler secretary.
- Adopted the change of the dates in the bylaws. Bylaws will be on agenda again for February in light of no park administrator. PRAC has changes they want to suggest.
- Next meeting is next week.
- PRAC has question for board: Hi Pray Park playground, all work completed; can PRAC declare park open and remove signs, or is that board action? They are having a followup inspection later this spring.

After brief discussion, Glenn will bring back a business item next month for reopening of Hi Pray Park.

Jim Baker – EagleView Presentation

Jim Baker, Grand Traverse County Director of Equalization, was present in person and provided details about the EagleView aerial imagery product.

Consent Calendar

Receive and File

1. Supervisor's Report for January 2023
2. Clerk's Report for January 2023
3. Treasurer Report January 2023
4. Trustee Vollmuth's January 2023 Report
5. Trustee Glenn's January 2023 Report
6. Zoning Administrator's Report for January 2023
7. Mobile Medical Response December 2022 Activity Report
8. Fire Department December 2022 and January 2023 Reports
9. Planning Commission January 2023 Report
10. Historical Society November/December 2022 and January 2023 Report
11. Approved 12/07/2022 Planning Commission Minutes
12. Approved 12/13/2022 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Planning Commission February Agenda

DRAFT MINUTES

2. Grand Traverse County Sheriff Statistics
3. Treasurer Memo Regarding Park Funds Transfer

Minutes for Approval

1. 01/10/2023 regular meeting minutes
2. 01/12/2023 special meeting minutes
3. 01/24/2023 special meeting minutes

Bills for Approval

1. Alden State Bank voucher #s 48695 through 48778

Budget Amendments (none)

Revenue/Expenditure Report (none)

Motion by Benak to approve the Consent Calendar; second by Vollmuth.

Brief discussion followed.

Goss noted the Bills for Approval document is not in the packet.

Roll call vote: Vollmuth, yes; Benak, yes; Popp, no; Glenn, no; Goss, yes. Motion carried.

Unfinished Business**BROADBAND FINAL QUESTIONS**

Tim Maylone from Cherry Capital Connection and Joe Gaylord from 186networks were present in person.

There was board consensus to discuss the agenda item.

Details of each company's proposal were discussed.

ARPA requirements were discussed.

Motion by Popp that we split our ARPA funds 50/50 between the two applicants requesting those funds; second by Vollmuth.

Popp modified the motion to equally divide the \$121,000 and not interested in calculating down to the penny. (Motion not seconded)

Motion by Popp to divide the 41% of Whitewater Township's ARPA funds for broadband between Cherry Capital Connection and 186networks, percentage to be calculated as of 01/31/2023.

Second by Benak.

DRAFT MINUTES

Benak will bring findings of fact for reporting back to the board for adoption in March.

Goss questioned when the money would be paid out.

After discussion, ***Popp added to the motion that the funds will be payable to each vendor within 30 days of detailed invoice submittal.***

Benak noted the balance in the Federal Fund is \$295,483.60. 41% is \$121,148.28. Divided by two is \$60,574.14.

Popp added to the motion “in the amount of \$60,574.14.”

Benak re-seconded the motion.

A commitment letter will state the amount they have been awarded.

Roll call vote: Goss, yes; Vollmuth, yes; Glenn, yes; Popp, yes; Benak, yes. Motion carried.

CHERRY CAPITAL CONNECTION REQUEST

Popp and Maylone agreed the letter of commitment covers this request.

REVIEW/APPROVE METRO ACT PERMIT REQUEST

Motion by Benak authorizing the supervisor and clerk to sign the Bilateral Right-of-Way Telecommunication Permit referencing 186networks application dated 01/05/2023; second by Glenn.

Roll call vote: Benak, yes; Glenn, yes; Goss, yes; Vollmuth, yes; Popp, yes. Motion carried.

At 12:29 p.m., the meeting recessed.

At 12:55 p.m., the meeting reconvened.

WHITEWATER TOWNSHIP PARK ORGANIZATION

Motion by Benak to approve hiring park staff now, to work collaboratively with Trustee Glenn to facilitate preseason park opening tasks, staffing interviews, and reservation system updates; second by Popp.

Numerous details were discussed. Glenn agreed to help bridge the gap until a park manager is hired and understands the rules.

Roll call vote: Popp, yes; Goss, yes; Vollmuth, yes; Benak, yes; Glenn, yes. Motion carried.

STATUS UPDATE ON DEBIT CARD FOR TOWNSHIP PURCHASES

Motion by Benak to approve the treasurer to apply for an increase in credit limit to \$10,000 for Whitewater Township from Alden State Bank and to add the following signers on the account, Benak and Goss; second by Goss.

DRAFT MINUTES

Goss suggested adding “for the Whitewater Township credit card” to the motion. Benak agreed.

Roll call vote: Glenn, yes; Popp, yes; Benak, yes; Goss, yes; Vollmuth, yes. Motion carried.

TOWNSHIP BOARD RECORDING SECRETARY

Motion by Popp to discuss who will record the minutes and how it will be paid for; second by Vollmuth.

Discussion followed with several motions.

Motion by Popp that the clerk fulfills her statutory duties. (Motion not seconded)

Popp rescinded the (first) motion. Vollmuth rescinded her second.

Motion by Popp to put this in March. (Motion not seconded)

Motion by Popp that the clerk repay the \$2,450; second by Vollmuth.

Roll call vote: Benak, no; Vollmuth, yes; Popp, no; Glenn, no; Goss, abstain. Motion failed.

Motion by Benak that the board acknowledges that an error was made in delegation of clerk’s statutory duties, and it is further agreed that all statutory duties will stay within each elected official’s office unless otherwise preapproved by board action; second by Glenn.

Roll call vote: Popp, yes; Benak, yes; Vollmuth, yes; Goss, yes; Glenn, yes. Motion carried.

SCHEDULE NEXT BUDGET SESSION

There was consensus to schedule budget work sessions on 2/21 at 9:00 a.m., 2/22 at 9:00 a.m., 3/8 at 9:00 a.m., and to hold the budget public hearing on 3/21 at 9:00 a.m.

New Business**REVIEW/APPROVE METRO ACT PERMIT REQUEST**

See page 4056 of these minutes.

**REVIEW/DISCUSS INCOMPATIBLE OFFICES, ADDITIONAL ACTIVITIES
COMPENSATION PROGRAM**

Motion by Benak to send this topic on incompatible offices to legal for direction on legality of additional compensation when township board members are serving on committees or boards; second by Glenn.

Goss suggested the prior legal opinion be consulted.

Benak withdrew her motion. Glenn withdrew his second.

Goss will provide the legal opinion which addresses incompatible offices.

Whitewater Township Board - Minutes of 02/14/2023

DRAFT MINUTES

This agenda item will be brought back in March.

REVIEW/APPROVE 2023 BOARD OF REVIEW POVERTY EXEMPTION PACKET

Motion by Benak to adopt Resolution #23-02 Whitewater Township Poverty Guideline Resolution as amended; second by Vollmuth.

Roll call vote: Vollmuth, yes; Goss, yes; Glenn, yes; Benak, yes; Popp, yes. Motion carried.

PROPOSED RESOLUTION #23-01 2023/2024 FISCAL YEAR MEETING DATES

Motion by Goss to adopt Resolution #23-01 2023/2024 Fiscal Year Meeting Dates; second by Vollmuth.

Roll call vote: Goss, yes; Glenn, yes; Benak, yes; Popp, yes; Vollmuth, yes. Motion carried.

CORRECTION TO ARPA FUNDING ALLOCATIONS

Motion by Popp to fund broadband expansion services in Whitewater Township to 41% of Whitewater Township's ARPA allocation, and to fund the fire truck at 31.5% of Whitewater Township's ARPA allocation, and to fund future recreation projects to be determined at 27.5% of Whitewater Township's ARPA allocation; second by Glenn.

Roll call vote: Glenn, yes; Popp, yes; Goss, no; Vollmuth, yes; Benak, yes. Motion carried.

EAGLEVIEW AGREEMENT

Motion by Benak to authorize the supervisor to sign the Agreement to Cost-Share EagleView Oblique and Ortho Aerial Imagery with Grand Traverse County dated 01/12/2023 in the amount of \$13,458.00; second by Vollmuth.

Roll call vote: Vollmuth, yes; Benak, yes; Popp, no; Glenn, no; Goss, no. Motion failed.

ACCEPTANCE OF RESIGNATION OF DEPUTY SUPERVISOR (added)

Motion by Goss to accept the resignation of Ron Bachi; second by Glenn.

Roll call vote: Goss, yes; Vollmuth, yes; Glenn, yes; Popp, yes; Benak, yes. Motion carried

Tabled Items

None

Board Comments/Discussion

Goss noted there is nothing from the IRS.

Announcements

02/16/2023 Special Meeting at 9:00 a.m.

02/21/2023 Special Meeting at 9:00 a.m.

02/22/2023 Special Meeting at 9:00 a.m.

03/08/2023 Special Meeting at 9:00 a.m.

DRAFT MINUTES

03/14/2023 Regular Meeting at 9:00 a.m.

03/21/2023 Special Meeting at 9:00 a.m. (Budget Public Hearing)

Public Comment

Public comment began at 4:03 p.m.

Denise Peltonen

Connie Hymore

Public comment ended at 4:09 p.m.

Adjournment

Motion by Benak to adjourn; second by Popp. Roll call vote: Benak, yes; Glenn, yes; Goss, yes; Vollmuth, yes; Popp, yes.

Meeting adjourned at 4:09 p.m.

Cheryl A. Goss

Whitewater Township Clerk

DRAFT MINUTES**Whitewater Township Board
Minutes of Special Meeting held February 16, 2023****Call to Order**

Supervisor Popp called the meeting to order at 9:00 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board Members present in person: Clerk Goss, Treasurer Benak, Popp, Trustee Glenn, Trustee Vollmuth

Board Members absent: None

Others present in person: 1

Others present via Zoom: 8

Set/Adjust Meeting Agenda

Popp requested to add legal opinion to an upcoming agenda.

Added as Item #2, Set Date for Legal Opinion Review.

Declaration of Conflict of Interest

None

Public Comment

Public comment began at 9:01 a.m.

Vicki Beam

Connie Hymore

Linda Slopsema

Carolan Sonderegger (Grand Traverse Band natural resources manager)

Heidi Vollmuth

Public comment ended at 9:16 a.m.

Agenda Items as Listed in Special Meeting Notice**FURTHER REVIEW OF BIDS/DECISION**

Andrew Filler from Fleis & VandenBrink is present via Zoom.

Motion by Benak to award Molon Excavating the bid for phase one of the Whitewater Township Park Improvement Project at a cost of \$484,727.71 based on the recommendations of Fleis & VandenBrink engineering firm; second by Goss.

Topics discussed included:

- Base bid price plus alternates A, B, D, and E = \$524,497 (per Glenn), \$524,291 rounded (per Goss), \$524,290.25 (per Benak).
- A 15% contingency will be added.
- F&V contract is roughly \$53,000.

DRAFT MINUTES

- PSA with F&V includes bidding and construction engineering.
- Who will be the owner's representative. Popp wants to put in \$30,000 for an owner's representative, bringing the total to \$685,933.90.
- \$30,000 has been paid to F&V.
- Cost of ranger station.
- \$325,894.19 Park Fund monies transferred to General Fund.
- Total project cost, as well as other details of the original 2019 conceptual plan.
- 15% contingency added brings it to \$602,933.90.

Revised motion: Motion by Benak to award Molon Excavating the bid dated 01/30/2023 for phase one (items 1 through 19) at a cost of \$461,034.71, plus the correction letter dated 02/13/2023 in the amount of \$23,900, as well as Alternate Price Bids A, B, D and E at a cost of \$39,562.64, of the Whitewater Township Park Improvement Project, for a total cost of \$524,290.35, based on the recommendations of Fleis & VandenBrink engineering firm.

Goss seconded the revised motion.

Roll call vote: Vollmuth, yes; Benak, yes; Popp, yes; Glenn, yes; Goss, yes. Motion carried.

Goss will forward the motion to Stout and Filler.

Goss will provide the board with a copy of the boat wash grant award.

SET DATE FOR (HYMORE COMPLAINT) LEGAL OPINION REVIEW

Popp noted attorney availability for a closed session. Matt Kuschel is the attorney on this matter.

9:00 a.m. on 2/21 will be the time set for the closed session. Kuschel will be asked to provide the motion for closed session, as well as a Zoom link.

Board Comments/Discussion

Vollmuth commented regarding clarification on boat wash.

Public Comment

Public comment began at 11:44 a.m.

Jane Rohl (Grand Traverse Band Tribal Council)

Vern Gutknecht

Linda Slopsema

Connie Hymore

Dan Mays (Grand Traverse Band biologist)

Public comment ended at 12:02 p.m.

Adjournment

Motion by Benak to adjourn; second by Vollmuth. Roll call vote: Goss, yes; Vollmuth, yes; Glenn, yes; Popp, yes; Benak, yes.

DRAFT MINUTES

Meeting adjourned at 12:03 p.m.

Cheryl A. Goss
Whitewater Township Clerk

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 2.6.2023
Re: Revised Board Minutes New Business Item from 1.10.2023

Board Members –

This is a follow up business item incorporating discussion topics from our 1.10.2023 Township Board meeting specifically packet page 266 thru 271. As requested the original motion 2 was broken into multiple motions which better described the Township's desired process. If motions 2a, 2b, & 2c are adopted, motion 3 can be considered by the Board.

Recap – Action completed 1.10.2023

1) In review of the WTPPM it was noted Section 2.4 (a) still referenced a 7:00 p.m. meeting time for the Board of Trustees.

Motion 1: Motion directing the Supervisor to update Section 2.4 (a) of the WTPPM to reflect a 9:00 a.m. meeting time for regularly scheduled meetings.

Motion 1 passed and the time change 7:00 p.m. to 9:00 a.m. has taken place.

Revised Motion 2 – Requested 1.10.2023 Action needed

2) Minutes: The Board has been advised its minutes do not have to be posted to the website.

15.264 Public notice of meetings generally; contents; places of posting.

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

15.269 Minutes.

Sec. 9.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make

approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(Page two – Memo Board Minutes 2.6.2023)

Conclusion: 15.264 Sec 4 (b) States the **public body can decide** where notices are posted. Section 9 (2) states minutes are posted pursuant to Section 4. The Township currently places notices on the website and therefore can place minutes there too.

Original Motion 2: Motion for the Clerk to post Regular, Special, & Rescheduled Meeting Notices of all public bodies including proposed and approved minutes operating in Whitewater Township to the Township Hall Upcoming Meeting & Hearing Table, outdoor kiosk, and Website following guidance from the Whitewater Township Board of Trustees and in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act.

Reworked Motion 2a: Motion for the Clerk to post Regular, Special, Revised Regular, & Revised Special Meeting Notices of all public bodies operating in Whitewater Township to the Township Hall Upcoming Meeting & Hearing Table, Outdoor Kiosk, and website following guidance from the Whitewater Township Board of Trustees and in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act.

Reworked Motion 2b: Motion for the Clerk to post all proposed minutes for the Township Board to the Township Hall Upcoming Meeting & Hearing Table and Website within 8 business days of the meeting to which they refer following guidance from the Whitewater Township Board of Trustees and in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act.

Reworked Motion 2c: Motion for the Clerk to post all approved minutes for the Township Board to the Township Hall Upcoming Meeting & Hearing Table and Website within 5 business days after the meeting at which the minutes are approved by the public body following guidance from the Whitewater Township Board of Trustees and in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act.

Motion 3: Motion directing the Supervisor to update the Whitewater Township Policy & Procedure Manual Section 2.4 (c) to read as follows:

The township clerk shall be responsible for posting regular, special, revised regular & revised special ~~meetings of the township board in conformance with~~ meeting notices of all public bodies operating in Whitewater Township to the Township Hall Upcoming Meeting & Hearing Table, outdoor kiosk and Website following guidance from the Whitewater Township Board of Trustees and in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act and other state laws.

The clerk shall post all proposed minutes for the Township Board to the Township Hall Upcoming Meeting & Hearing Table and Website within 8 business days of the meeting to which they refer. Approved minutes shall be posted in the same locations within 5 business days after the meeting at which the minutes are approved by the public body. This guidance is provided by the

Whitewater Township Board of Trustees and is in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act.

(Page three – Memo Board Minutes 2.6.2023)

Recording secretaries shall post all proposed minutes for the board or commission they serve to the Township Hall Upcoming Meeting & Hearing Table and Website within 8 business days of the meeting to which they refer. Approved minutes shall be posted in the same locations within 5 business days after the meeting at which the minutes are approved by the public body. This guidance is provided by the Whitewater Township Board of Trustees and is in accordance with MCL 15.264 Section 4 and Section 9 of the Michigan Open Meeting Act.

The board requires that all public bodies, including sub-committees, advisory committees and liaison committees comply with the posting requirements of the Open Meetings Act unless otherwise stated at the time the committee is appointed.

Recap – Motion withdrawn 1.10.2023

- 3) **Minutes: The Board has been informed minutes of a meeting must be considered for approval at the next regular meeting and if they are not, then they are considered approved.**

Motion 4: Motion directing the supervisor to modify Section 2.4(j) of the Whitewater Township Policy and Procedure Manual adding the verbiage: In accordance with MCL 15.269 Section 9 (1) corrections to meeting minutes shall be made at the next Regular Meeting after the meeting to which the minutes refer. Those corrections shall be available for the next subsequent board packet after correction.

Best practice suggests, but not required, public body minutes without corrections be approved at the next Regular Meeting after the meeting to which the minutes refer. Minutes shall never be approved automatically or Ex Post Facto.

Motion 4 was withdrawn

Recap – Action Completed at 1.10.2023

- 4) **Minutes: – In review of the three issues noted above, MCL 41.72 (a) was discovered which appears to apply to Whitewater Township.**

Michigan Compiled Law MCL – 41.72(a) Township board; regular and special meetings; time and place; moderator; transaction of business; publication of proceedings; adjusted amount.

(5) Subject to subsection (6), if a township has a taxable value, as calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27A, of \$50,000,000.00 or more, the township board, not more than 21 days after a meeting of the board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board is a sufficient compliance with the requirements of this subsection.

(6) The \$50,000,000.00 amount provided for in subsection (5) shall be adjusted as of January 1 of each year, beginning January 1, 1998. The department of treasury shall determine on or before December 1 of each year, beginning December 1, 1997, an adjusted amount for the following year. The adjusted amount for each year shall be determined by comparing the consumer price index for the 12-month period ending the preceding October 31 with the corresponding consumer price index of 1 year earlier. The percentage increase or decrease shall then be multiplied by the current adjusted amount. The product shall be rounded up to the nearest multiple of \$1,000,000.00 and shall be the new adjusted amount. The department of treasury shall provide the adjusted amount upon request. As used in this section, “consumer price index” means the annual average percentage increase in the Detroit consumer price index for all items as reported by the United States department of labor.

Note: As detailed in the December MTA Township Focus the adjusted taxable value number for 2023 is \$104 Million. Whitewater Township Exceeds that value.

Conclusion: The Whitewater Township Board of Trustees should be publishing a synopsis of its proceedings in a local newspaper.

(Page four – Memo Board Minutes 2.6.2023)

Motion 5: In accordance with MCL 41.72(a) (5) and (6) the Whitewater Township Board of Trustees, not more than 21 days after a meeting of the Board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board

Motion 6: Motion directing the supervisor to modify Section 2.4(j) of the Whitewater Township Policy and Procedure Manual adding the following requirement: In compliance with MCL 41.72(a) (5) & (6) the Whitewater Township Board of Trustees, not more than 21 days after a meeting of the Board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board

2.4(j) Record of Meetings

All public bodies shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public.
The clerk or recording secretary shall not be responsible for maintaining a written record or summary written record of discussion or comments of the board members nor of comments made by members of the public. The clerk or recording secretary, however, shall be responsible for making an electronic tape recording of each entire meeting of the board, commission or committee; and each such recording shall be maintained in the office of the clerk until board approval of the written minutes of the meeting.

Any member of the board, commission or committee may request to have his or her comments printed as part of the record. If there are no objections by any member of the board, commission or committee the comments may be included. If there is an objection to such printing of the comments, the board, commission or committee shall decide the matter by majority vote. Such comments to be included as part of the official record, shall be transcribed exactly by the clerk or recording secretary from the electronic tape recording.

In compliance with MCL 41.72(a) (5) & (6) the Whitewater Township Board of Trustees, not more than 21 days after a meeting of the Board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board

Respectfully submitted,



Ron Popp
FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 2.27.2023
Re: Township Credit Card

Board Members –

Ardella Benak is in the process of establishing two credit cards for the Township with realistic limits to facilitate everyday purchases as well as for emergency use. The Clerk and Treasurer will now have a credit card for use as described above. I thought we had covered all the important points in our previous discussions until just the other day. After obtaining a purchase order, logging into Staples.com, completing the online order form, the site would not allow me to check out without entering the credit card security code from the back of the card. So, we are back to square one, only those with the card can use the card. The current sharing method the Board settled on will be of little use without access to the card information, even with established vendors like Staples.com who has historically kept the card on file.

Credential issues of this nature are likely to get more robust as society moves away from a cash economy. It is believable a number of park and/or recreation purchases use the credit card annually to facilitate efficiency as well. As a new management method is established for park and recreation, they too will need access for various purchases. The simple solution is to expand upon the sharing idea by providing access to the information contained on the physical credit card to those that will carry out the act of ordering and receiving. This was not a discussion point of our earlier meetings. The current purchase order system stays in place providing *some* security against unauthorized purchases. The final security blanket is the monthly review of the credit card statement by all Board Members before payment is made. Another direction the Board could pursue is a centralized purchasing system which would require one or two people to place and receive all of the orders.

Motion: In addition to the Clerk and Treasurer Offices provide physical credit card information to the following members of the Township Board Supervisor's Office and the Board liaison to the Park & Recreation advisory Committee who is assisting the Board in opening the various venues for the 2023 tourist season.

Respectfully submitted,



Ron Popp
FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board of Trustees

CC: None

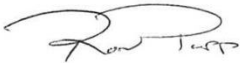
Date: 3.3.2023

Re: Schedule Next Budget Work Session

Board Members –

Just in case an additional budget session is need this memo shall serve a placeholder for that agenda item.

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 2.23.2023
Re: Deputy Supervisor Appointment

Board Members –

As recently expressed to the Board, elected officials are NOT required to complete any task or job function not assigned by State Statute. Duties assigned by local policy, regulation, or rule do not have to be completed by the elected person. This scenario has presented itself in Whitewater Township multiple times in 2022. We are not unique in dealing with this realization as other local units of government grapple with similar hardships. This paradox is a growth issue that can be addressed in different ways depending on the community needs.

Some smaller local units address the issue by compensating the elected official ONLY for their statutory duties as a base salary. Additional duties accepted by the elected official are then compensated by a different agreement, as approved by the board. This is much like our Additional Activities Compensation Program designed for non-salaried Board, Commission, Committee, or Society members who accept additional occasional duties assigned by the board. Other local units create job descriptions for the deputies and compensate those posts according to the job description. Larger townships and other entities add compliancy staffing to verify all the internal control boxes get checked, adding a layer of confidence and security to their work.

Recently a few challenges to our administrative processes and documentation have been uncovered exposing the lack of long-term internal controls. As the Township becomes more attractive to development, we are going to need a house that is in order. This includes a quantitative way to assess the preparedness of each elected office, boards, commissions and departments' abilities to delegate, manage, and validate that their work is properly completed.

To help assist the Supervisor's Office with policy alteration, generation, compliancy, and other areas of administrative deficiencies identified by the Board, I am appointing Tim Arends as Deputy Supervisor of Whitewater Township, Grand Traverse County, Michigan. Tim has agreed to act in my behalf on all statutory duties assigned to the Office of Township Supervisor by the State of Michigan MCL Chapter 41, et seq., as well as those assigned by the Whitewater Township Policy & Procedure Manual, as revised.


Motion One: Motion to appoint Tim Arends as Whitewater Township Deputy Supervisor on an ongoing basis.

In consideration of Mr. Arends significant governmental experience as detailed in the resume provided under separate cover, I recommend his initial status on the 2022/2023 Whitewater Township Graded Wage Scale be recognized at the 15-year level or \$21.63 per hour. This recommendation is eligible for any pay rate increases contemplated by the 2023/2024 budget adopted for the upcoming fiscal year and is in accordance with established Township guidelines.

Motion Two: Motion to enter Tim Arends into payroll system with a beginning date of March 20, 2023 at a rate \$21.63 per hour and to make available to him all employee benefits currently offered by Township Policy.

Motion Three: Request the Clerk's Office to provide Mr. Arends with a copy of the most recent Whitewater Township Personnel Policies Manual and to create a personnel file for Tim consisting of documents outlined in Whitewater Township Policy & Procedure Manual Specifically Section 3.3 (a)(1), (2), (8), (12), (13), (14), (15), (17), and (21) consistent with other appointed Township officials.

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC:
Date: 2.27.2023
Re: Amendment No.1 to General Ordinance No. 53 Floodplain

Board Members,

To recap, Whitewater Township participates in the National Flood Insurance Program and to continue that participation for the handful of residents that need it, the Township is required to adopt new information as it is presented, which occurs about every five years. Proposed amendment No1. addresses this new information.

The proposed amendment No.1 to General Ordinance No. 53 has worked its way through the FEMA channels and has been returned from legal in the normal redline/clean copy we have become accustomed to.

I signed an intergovernmental agreement with Grand Traverse County in August of 2018 to enforce all elements of Floodplain Management as required by FEMA. This task is performed as a function of the Building Codes Department. Despite requests to the Clerk's Office for a fully executed copy of this agreement, one has not been supplied as of this writing leaving a question of compliance with the federal requirements.

Motion to adopt Amendment No.1 to General Ordinance No. 53 as written and provided below.

Respectfully,



Ron Popp
FOIA Coordinator,
Supervisor, Whitewater Township



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

December 6, 2022

VIA EMAIL

Ron Popp, Supervisor
Whitewater Township
P.O. Box 159
Williamsburg, Michigan 49690

Dear Supervisor Popp:

SUBJECT: New Flood Insurance Rate Maps (FIRMs) for Grand Traverse County

The Federal Emergency Management Agency (FEMA) has completed new FIRMs for Grand Traverse County. The FIRMs are scheduled to go into effect on April 19, 2023. Your community should have recently received an official FEMA letter of notice that this is the case.

Your community currently participates in the National Flood Insurance Program (NFIP). As a member of the NFIP, your community must adopt the new maps by revising its current floodplain ordinance or adopting a new floodplain ordinance, prior to the effective FIRM date of April 19, 2023.

There is a sample ordinance included in this packet and available online at: www.mi.gov/floodplainmanagement then select "NFIP Map Modernization."

Note that federal NFIP minimum requirements and the Michigan Construction Codes with Appendix G, regulate all development within the floodplain. Development is defined as any man-made change, and includes activities such as filling, grading, septic systems, and agricultural buildings. If your community needs additional information on the requirements or training, please contact me.

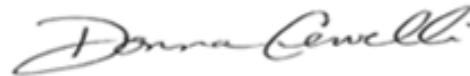
The completed ordinance or ordinance amendment documents should be submitted to my attention. After our office has reviewed them, I will send them to FEMA for final approval. If the documents are not effective prior to April 19, 2023, or have not been approved by FEMA prior to the effective date of the FIRM, your community will be suspended from the NFIP. Suspension will result in flood insurance no longer being available in the community. This means for federally backed mortgages in the floodplain, the lenders will require people to seek private insurance (through Lloyds of London for example) at extremely high rates. Some forms of Federal disaster assistance are also not available in suspended communities.

I can review draft documents before they are voted on or approved by community officials to assure they will meet FEMA's requirements. It is preferred that documents are emailed to me at cervellid@Michigan.gov; The following needs to be listed in your ordinance: The Flood Insurance Study for Grand Traverse County, all Jurisdictions, effective April 19, 2023, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) included on index panel, 26055CIND0B, effective April 19, 2023.

Please allow time for any required publications in your local papers. It is also advised to update any intergovernmental agreement with the county building officials, if applicable, so they are aware of the upcoming changes. Both sample the ordinance and the intergovernmental agreement can be found at the link above.

If you have questions, please contact me at cervellid@Michigan.gov; 517-243-6951, or Environment, Great Lakes, and Energy (EGLE), WRD, P.O Box 30458, Lansing Michigan 48909.

Sincerely,



Donna Cervelli, PE
Floodplain Engineer
Water Resources Division

Attachment

cc: Robert Hall, Zoning Administrator, Whitewater Township
Cheryl A. Goss, Clerk, Whitewater Township
Brian Killien, FEMA Region V, Chicago
Susan Conradson, EGLE

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ORDINANCE AMENDMENT ADDRESSING FLOODPLAIN MANAGEMENT
PROVISIONS OF THE STATE CONSTRUCTION CODE**

AMENDMENT NO. 1 to ORDINANCE NO. 53

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan on _____, 2023, at __:__ a.m., Township Board Member _____ moved the following Amendment No.1 to Ordinance 53 for adoption, which motion was seconded by Township Board Member _____:

Amendment No.1 to Ordinance 53 adopts revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand Traverse County. ~~The FIRMs are scheduled to go into effect on April 19, 2023. As a member of the National Flood Insurance Program (NFIP), Whitewater Township must adopt the new maps by revising its current floodplain ordinance prior to the effective FIRM date of April 19, 2023.~~

~~THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS TO AMEND THE FOLLOWING SECTION OF ORDINANCE 53 FLOODPLAIN MANAGEMENT:~~
THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN ORDAINS:

SECTION 1: AMENDMENT TO SECTIONS 3 AND 4 OF ORDINANCE 53: Sections 3 and 4 of Ordinance 53 shall be amended to read as follows:

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Section 3. FLOODPLAIN MANAGEMENT PROVISIONS ENFORCED TO READ:

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Pursuant to the provisions of the State Construction Code, and in accordance with Section 2 of this Ordinance, the Grand Traverse County Construction Office, acting as the enforcing agency within the jurisdiction of Whitewater Township, shall administer, apply, and enforce the State Construction Code, supplemented with the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G – Flood Resistant Construction of the Michigan Building Code) regarding floodplain management criteria for flood prone areas complying with the regulations set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, Floodplain Management Criteria for Flood-Prone Areas.

Section 4. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Flood Insurance Study of Grand Traverse County (All Jurisdictions) ~~26055CV000B and~~ dated April 19, 2023 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers ~~included on index panel, 26055CIND0B, effective date April 19, 2023, of 26055CO131D, 26055CO150D, 26055CV000B, dated April 19, 2023 together with unrevised panels 26055CO175C, 26055CO275C, and 26055CO300C dated August 28, 2018~~ are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of Section 1612.3 Establishment of Flood Hazard Areas, of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) Climatic and Geographic Design Criteria of the Michigan Residential Code.

Section ~~27~~. EFFECTIVE DATE

Amendment No.1 to Ordinance 53 shall be effective 30 days after publication.

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of Amendment No.1 to Ordinance 53 adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2023, pursuant to the required statutory procedures.
2. The complete text of Amendment No.1 to Ordinance 53 was posted at the Township Clerk's office on _____, 2023.
3. The attached Notice of Adoption was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2023, within not more than seven (7) days after the adoption of the Ordinance.
4. Within seven (7) days after publication, I recorded the above Amendment No.1 to Ordinance 53 in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
5. ~~I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2023. (According to discussion 12.13.2022, this task is not a common practice in Grand Traverse County and should be deleted)~~

ATTESTED:

Cheryl A. Goss, Township Clerk
Whitewater Township

**NOTICE OF ADOPTION
AMENDMENT NO.1 TO ORDINANCE 53
WHITEWATER TOWNSHIP ORDINANCE ADDRESSING FLOODPLAIN
MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE
Whitewater Township
Grand Traverse County, Michigan**

Please take notice at a regular meeting on _____, 2023, the Township Board of Whitewater Township adopted Amendment No.1 to Ordinance No. 53.

Amend Section 3 to read: Pursuant to the provisions of the State Construction Code, and in accordance with Section 2 of this Ordinance, the Grand Traverse County Construction Office, acting as the enforcing agency within the jurisdiction of Whitewater Township, shall administer, apply, and enforce the State Construction Code, supplemented with the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G – Flood Resistant Construction of the Michigan Building Code) regarding floodplain management criteria for flood prone areas complying with the regulations set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, Floodplain Management Criteria for Flood-Prone Areas.

Amend Section 4 to read: The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Flood Insurance Study of Grand Traverse County (All Jurisdictions) 26055CV000B and dated April 19, 2023 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers [included on index panel, 26055CIND0B, Effective April 19, 2023 of 26055CO131D, 26055CO150D, 26055CV000B, dated April 19, 2023 together with unrevised panels 26055CO175C, 26055CO275C, and 26055CO300C dated August 28, 2018](#) are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of Section 1612.3 Establishment of Flood Hazard Areas, of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) Climatic and Geographic Design Criteria of the Michigan Residential Code.

Amendment No.1 to Ordinance 53 shall become effective 30 days after the date of publication

Published by Order of the Township Board
Whitewater Township, Grand Traverse County, Michigan
Cheryl A. Goss, Township Clerk
(231) 267-5141

Publication Date: _____, 2023

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ORDINANCE AMENDMENT ADDRESSING FLOODPLAIN MANAGEMENT
PROVISIONS OF THE STATE CONSTRUCTION CODE**

AMENDMENT NO. 1 to ORDINANCE NO. 53

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan on _____, 2023, at __:___ a.m., Township Board Member _____ moved the following Amendment No.1 to Ordinance 53 for adoption, which motion was seconded by Township Board Member _____:

*Amendment No.1 to Ordinance 53 adopts revised Federal Emergency
Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand
Traverse County.*

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:

SECTION 1: AMENDMENT TO SECTIONS 3 AND 4 OF ORDINANCE 53: Sections 3 and 4 of Ordinance 53 shall be amended to read as follows:

**Section 3. FLOODPLAIN MANAGEMENT PROVISIONS ENFORCED TO
READ:**

Pursuant to the provisions of the State Construction Code, and in accordance with Section 2 of this Ordinance, the Grand Traverse County Construction Office, acting as the enforcing agency within the jurisdiction of Whitewater Township, shall administer, apply, and enforce the State Construction Code, supplemented with the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G – Flood Resistant Construction of the Michigan Building Code) regarding floodplain management criteria for flood prone areas complying with the regulations set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, Floodplain Management Criteria for Flood-Prone Areas.

Section 4. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Flood Insurance Study of Grand Traverse County (All Jurisdictions) dated April 19, 2023 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers included on index panel, 26055CIND0B, effective date April 19, 2023. are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of Section 1612.3 Establishment of Flood Hazard Areas, of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) Climatic and Geographic Design Criteria of the Michigan Residential Code.

Section 2. EFFECTIVE DATE

Amendment No.1 to Ordinance 53 shall be effective 30 days after publication.

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of Amendment No.1 to Ordinance 53 adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2023, pursuant to the required statutory procedures.
2. The complete text of Amendment No.1 to Ordinance 53 was posted at the Township Clerk's office on _____, 2023.
3. The attached Notice of Adoption was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2023, within not more than seven (7) days after the adoption of the Ordinance.
4. Within seven (7) days after publication, I recorded the above Amendment No.1 to Ordinance 53 in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
5. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2023.

ATTESTED:

Cheryl A. Goss, Township Clerk
Whitewater Township

**NOTICE OF ADOPTION
AMENDMENT NO.1 TO ORDINANCE 53
WHITEWATER TOWNSHIP ORDINANCE ADDRESSING FLOODPLAIN
MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE
Whitewater Township
Grand Traverse County, Michigan**

On _____ 2023, the Whitewater Township Board adopted Ordinance No. 53, which adopts revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand Traverse County. Copies of the complete text of the Ordinance were posted at the Whitewater Township Hall at 5777 Vinton Road, Williamsburg, MI 49690.

The Ordinance contains the following sections and catch lines: Section 1: Amendment to Sections 3 and 4 of Ordinance 53; Section 2: Effective date, which is 30 days after this publication.

Published by Order of the Township Board
Cheryl A. Goss
Whitewater Township Clerk
(231) 267-5141 ext 24

Publication Date: _____, 2023.

**NOTICE OF ADOPTION
AMENDMENT NO.1 TO ORDINANCE 53
WHITEWATER TOWNSHIP ORDINANCE ADDRESSING FLOODPLAIN
MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE
Whitewater Township
Grand Traverse County, Michigan**

On _____ 2023, the Whitewater Township Board adopted Ordinance No. 53, which adopts revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for Grand Traverse County. Copies of the complete text of the Ordinance were posted at the Whitewater Township Hall at 5777 Vinton Road, Williamsburg, MI 49690.

The Ordinance contains the following sections and catch lines: Section 1: Amendment to Sections 3 and 4 of Ordinance 53; Section 2: Effective date, which is 30 days after this publication.

Published by Order of the Township Board
Cheryl A. Goss
Whitewater Township Clerk
(231) 267-5141 ext 24

Publication Date: _____, 2023.

**WHITEWATER TOWNSHIP AND GRAND TRAVERSE COUNTY
INTERGOVERNMENTAL AGREEMENT TO MANAGE FLOODPLAIN
DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

This Agreement is entered into on the dates set forth below between the Township of Whitewater (the "Township"), a Michigan municipality whose address is 5777 Vinton Road, Williamsburg, Michigan, 49690, and Grand Traverse County (the "County", a Michigan municipality whose address is 2650 LaFranier Road, Traverse City, Michigan 49686 (collectively, "the Parties").

WHEREAS, the Township currently participates in the Federal Emergency Management Agency's ("FEMA") National Flood Insurance Program ("NFIP") by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the Township desires to satisfy its requirements to comply with the minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations ("44 CFR"), Section 60.3 to assure the Township's compliance participation in NFIP, and

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, ("State Construction Code"), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code and its Appendices (specifically Appendix G) contains floodplain development and management regulations that comply with 44 CFR 60.3, and

WHEREAS, Grand Traverse County, acting through the Grand Traverse County Construction Code Office, is designated as the enforcing agency to discharge the responsibilities under the State Construction Code within the County, including the Township's jurisdiction, and

THEREFORE, to maintain the Township's eligibility and continued participation in the NFIP, the Parties agree to be bound by the following mutual promises and expressions of cooperation:

Section 1. Definitions

The NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this Agreement:

1. Enforcing Agency means the County of Grand Traverse, Michigan, through the Grand Traverse County Construction Code Office, designated with the authority by the Township to enforce the flood management regulations for areas within the Township's jurisdiction.
2. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2)

the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudslide(s) (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and

- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (1)(a) of this clause.
3. Flood Hazard Boundary Map (FHBM) means an official map of the Township, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
4. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding as defined in paragraph (1)(a) of this clause).
5. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
6. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
7. Structure means a walled and roofed building that is principally above ground, including a gas or liquid storage facility, as well as a mobile home or manufactured unit.

Section 2. Designated Enforcing Agency

The Parties agree that the County of Grand Traverse, Michigan will officially be designated as the enforcing agency to discharge the Township's responsibility of administering, applying, and enforcing the floodplain regulations of the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, ("State Construction Code") within the Township's boundaries.

Section 3. Services to be Performed

The Parties agree that the County's officially designated enforcing agency for the State Construction Code, the Grand Traverse County Construction Code Office, be directed to administer, apply, and enforce on the Township's behalf the floodplain management regulations as contained in the State Construction Code and to be consistent with those regulations, by:

1. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from FEMA to identify the flood hazard area, and areas with potential flooding, and
2. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
3. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the Grand Traverse County Construction Code Office shall implement the following applicable codes according to their terms:
 - a. All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - b. All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - c. Appendix G of the current Michigan Building Code.
 - d. All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
4. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
5. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
6. Advising FEMA of any changes in the Township's boundaries, including appropriate maps, and
7. Maintaining records of new structures and substantially improved structures concerning any certificates of flood proofing, lowest floor elevation, basements, flood proofing, and elevation to which structures have been flood proofed.

Section 4. Compliance with 44 CFR 60.3

The Township and the County assure the Federal Insurance Administrator ("Administrator") that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps ("FIRMs") and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure the Township's compliant participation in the program.

Section 5. Adoption of FIS, FHBM, and/or FIRMs

The Township further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study ("FIS"), FHBM, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

Section 6. Term of Agreement

This Agreement shall commence on August 1, 2018 and shall expire on July 31, 2028. The term of this Agreement may be extended by written amendment, if mutually agreed to by the parties.

Section 7. Non-employee Status

The County staff implementing the terms of this Agreement shall at all times remain employees of the County, except that the Township will be considered to have designated an enforcing agency by this Agreement for purposes of complying with the Township's obligation to implement floodplain development and management regulations that comply with 44 CFR 60. Neither party shall be an employee, agent or partner of the other. The County shall remain responsible for all workers' compensation and other insurance, income tax, social security and other withholding, and all other compensation or benefits for County employees involved in providing the agreed services. At no time shall any County employee involved in providing services be considered or claimed to be an employee or agent of the Township, and the Township shall not in any manner attempt to control, supervise or direct County employees involved in providing the agreed services.

Section 8. Termination of Agreement

Either party may terminate this Agreement without cause upon sixty (60) days written notice to the other party at any time prior to the stated date of termination. Thirty days after the receipt of such notice, this Agreement shall automatically terminate without further obligation of either party. After the expiration or termination of this Agreement, neither party shall have any further obligations under this Agreement except as set forth in paragraph 10.

Section 9. Cooperation Covenant

The County agrees that after termination of this agreement, it will cooperate with the Township's reasonable request for information and assistance relating to any civil litigation or investigative matter related in whole or in part to the County's services provided under the terms of this Agreement.

Section 10. Insurance and Indemnification

To the extent permitted by law, each party agrees to defend, indemnify and hold the other harmless from any and all liability arising out of or directly related to the services performed during the term of the Agreement.

Section 11. Assignment of Rights and Duties

Neither of the Parties shall assign nor transfer this Agreement or any portion thereof without receiving written approval from the other party.

Section 12. Governing Law

This Agreement has been executed and delivered in and shall be interpreted, construed and enforced pursuant to and in accordance with the laws of the State of Michigan. All duties and obligations of the parties created hereunder are performable in Grand Traverse County, Michigan, and Grand Traverse County, Michigan shall be the venue for any mediation or arbitration between the parties that may be brought in connection with or arise out of or by reason of this Agreement.

Section 13. Notice

Service of any notices given hereunder will be complete upon personal delivery or if sent by certified mail to the Township, or to the County, at the addresses set forth above, addressed respectively to the Township Supervisor and County Administrator; further, service of any notice served by mail shall be effective upon the date on which such notice is deposited in a receptacle of the United States Postal Service properly addressed and with adequate postage fully prepaid.

Section 14. Severability

If any provision of this Agreement is invalid or unenforceable, it shall be ineffective only to the extent of such invalidity without invalidating the remainder of such provision or the remaining provisions of this Agreement, and the other provisions hereof shall be liberally construed to effectuate the purpose and intent of this Agreement.

Section 15. Waiver of Breach

The waiver by either party of a breach or violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provision hereof.

Section 16. Counterparts

This Agreement may be executed in any number of counterparts and each such counterpart shall be considered a valid original.

Section 17. Captions and Headings

The captions, headings, and titles in this Agreement are a convenience and not intended to have any substantive meaning or be interpreted as part of this Agreement.

Section 18. Compliance with Law

The County's performance of services set forth in this Agreement shall comply with all applicable federal and State laws, rules, and regulations.

Section 19. Complete Agreement

The Agreement contains the entire agreement between the Township and the County with respect to the services provided by the County to the Township and it supersedes any prior oral or written understandings or agreements. It is further understood and agreed

that the terms and conditions of this Agreement are not mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter of this Agreement, except as expressly stated in this Agreement.

Section 20. Prior Agreements between the Parties

After this Agreement becomes effective, all prior agreements between the Parties that relate to the County providing to the Township the services of the Grand Traverse County Construction Code Office to administer, apply, or enforce the floodplain regulations of the State Construction Code within the Township's boundaries are declared null and void.

WHEREFORE, the Parties have executed this agreement on the dates set forth below.

TOWNSHIP OF WHITEWATER

GRAND TRAVERSE COUNTY

By:  _____

Ron Popp, Township Supervisor

Date: August 17, 2018

By: _____

Nate Alger, County Administrator

Date: August __, 2018

By: _____

Cheryl A. Goss, Township Clerk

Date: August __, 2018

By: _____

Bonnie Scheele, County Clerk

Date: August __, 2018



Ron Popp <supervisorwhitewater@gmail.com>

Elk Rapids Schools Resolution #23-03

1 message

Ardella Benak <treasurerwhitewater@gmail.com>
To: Ron Popp <supervisorwhitewater@gmail.com>

Tue, Feb 28, 2023 at 12:18 PM

Ron

Attached as promised is 2023 Collection Resolution #23-03 for Elk Rapids Schools. Once resolution is adopted we can sign the originals at the meeting.

Regards

Ardella M. Benak

Whitewater Township Treasurer
231-267-5141 ext. 22



Elk Rapids School Resolution #23-03.pdf
363K

RESOLUTION #23-03

Resolution Approving Agreement for collection of 2023 Summer School Property Taxes Between Elk Rapids Schools and Whitewater Township

Whitewater Township
Grand Traverse County, Michigan

Be It Resolved that the Whitewater Township Board approves the Agreement for Collection of 2023 Summer School Property Taxes in the amount of \$2.00 per parcel, dated November 7, 2022, between Elk Rapids Schools and Whitewater Township.

Be It Further Resolved that the Whitewater Township Board authorizes the Treasurer and the Supervisor to sign said agreement.

A motion to adopt the foregoing resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:

YES:

No:

Absent:

RESOLUTION DECLARED ADOPTED.

Certificate

I, Cheryl A Goss, Clerk of Whitewater Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Board of said municipality at a regular meeting held on March 14, 2023 relative to the adoption of Resolution #23-03

Cheryl A Goss
Whitewater Township Clerk

Annual Summer Tax Resolution

Elk Rapids Schools, Antrim, Grand Traverse and Kalkaska Counties, Michigan (the "District")

A Regular meeting of the board of education of the District (the "Board") was held:

- ☒ in the Peterman Auditorium, 308 Meguzee Point Rd, Elk Rapids, MI, within the boundaries of the District, on the 7th day of November, 2022, at 6 o'clock in the p.m. (the "Meeting")

The Meeting was called to order by Holly Spencer, President.

Present: Members Spencer, Brown, Steffen, Antcliff, Morton, Moore & McGuire.

Absent: Members None.

The following preamble and resolution were offered by Member Brown and supported by Member Moore:

WHEREAS, this Board previously adopted a resolution to impose a summer tax levy to collect 100% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to the Revised School Code, MCL 380.1 et seq., the Board invokes for 2023 its previously adopted ongoing resolution imposing a summer tax levy of 100% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board and requests that each city and/or township in which the District is located collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which the District is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2023 in the amount specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the governing bodies on or before December 31, 2022.

3. Pursuant to and in accordance with Revised School Code Section 1613, the Superintendent or designee is authorized and directed to negotiate on behalf of the District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or township may bill under Revised School Code Sections 1611 or 1612. Any such proposed agreement shall be brought before this Board for its approval or disapproval.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are rescinded.

Ayes: Members Spencer, Brown, Steffen, Antcliff, Morton, Moore & McGuire.

Nays: Members

Resolution declared adopted.


Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Elk Rapids Schools, Antrim, Grand Traverse and Kalkaska Counties, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the Meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).


Secretary, Board of Education

JJS/keh

**ELK RAPIDS SCHOOLS
AND
WHITEWATER TOWNSHIP**

**AGREEMENT FOR COLLECTION OF 2023
SUMMER SCHOOL PROPERTY TAXES**

THIS AGREEMENT made this November 7, 2022, by and between **ELK RAPIDS SCHOOLS**, 308 Meguzee Point Rd, Elk Rapids, MI 49629 (hereinafter described as "School District") and **WHITEWATER TOWNSHIP**, 5777 Vinton Road, P.O. Box 159, Williamsburg, MI 49690 (hereinafter described as "Township"), pursuant to 1976 PA 451, as amended, providing for the collection by the Township of a summer tax levy of the total (100%) of School District property taxes for the year 2023.

THE PARTIES AGREE TO THE FOLLOWING:

1. The Township agrees to collect the total school property taxes as certified by the School District for levy on July 1 of each year on property located within the Township.
2. The School District agrees to pay costs for preparation and collection of summer taxes for the School District as follows:
 - a. The collection fee for 2023 will be a \$2.00 per parcel of taxable property (plus the postage rate increase should it become effective prior to the July 1 mailing of the tax bills) within the School District as the cost for preparation of bills and collection of taxes. This fee is also to include the cost of collecting the Northwest Education Services summer tax levy.
 - b. The Township is to submit billing for the total number of parcels with first remittance of tax collections and the School District Business Office will remit to the Township within five (5) business days upon receipt of billing.
3. No later than the second Thursday in June, the School District shall certify to the Township Supervisor the school millage to be levied on property for summer collection.
4. The Township Treasurer agrees to distribute the school tax collection on a timely schedule of 10 business days after the 1st and 15th day of each month as provided in Section 211.43(3)a of the General Property Tax Act.
5. In return for the bi-weekly payment, the School District waives any claim to interest earned during the time the money is in Township accounts.

6. General conditions of this agreement negotiated by the Township Treasurer and School District Superintendent is subject to approval of both Boards.

SIGNED BY:


TOWNSHIP OF WHITEWATER

BY: ARDELLA BENAK
Treasurer

SIGNATURE AUTHORIZED BY
WHITEWATER TOWNSHIP
TRUSTEES' RESOLUTION OF

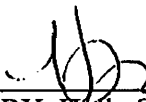
BY: RON POPP
Supervisor

ELK RAPIDS PUBLIC SCHOOLS

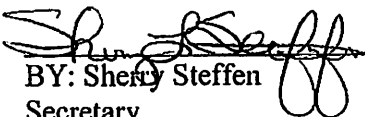


BY: JULIE BROWN
Superintendent

SIGNATURE AUTHORIZED BY
ELK RAPIDS PUBLIC SCHOOLS'
BOARD OF EDUCATION
RESOLUTION OF November 7,
2022.



BY: Holly Spencer
President



BY: Sherry Steffen
Secretary



Ron Popp <supervisorwhitewater@gmail.com>

TCAP Resolution #23-04

1 message

Ardella Benak <treasurerwhitewater@gmail.com>
To: Ron Popp <supervisorwhitewater@gmail.com>

Tue, Feb 28, 2023 at 12:16 PM

Ron

Attached as promised is 2023 Collection Resolution #23-04 for TCAP and Northwest Education Services. Once resolution is adopted we can sign the originals at the meeting.

Regards

Ardella M. Benak

Whitewater Township Treasurer
231-267-5141 ext. 22



TCAP - NES Resolution #23-04.pdf

813K

RESOLUTION #23-04

Resolution Approving Agreement for collection of 2023 Summer School Property Taxes Between Traverse City Area Public Schools, Northwest Education Services and Whitewater Township

Whitewater Township Grand Traverse County, Michigan

Be It Resolved that the Whitewater Township Board approves the Agreement for Collection of 2023 Summer School Property Taxes in the amount of \$2.50 per parcel, dated January 10, 2022 (TCAPS) and November 1, 2022 (Northwest Education Services) and Whitewater Township.

Be It Further Resolved that the Whitewater Township Board authorizes the Treasurer and the Supervisor to sign said agreement for Northwest Education Services.

A motion to adopt the foregoing resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:

YES:

No:

Absent:

RESOLUTION DECLARED ADOPTED.

Certificate

I, Cheryl A Goss, Clerk of Whitewater Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Board of said municipality at a regular meeting held on March 14, 2023 relative to the adoption of Resolution #23-04

Cheryl A Goss
Whitewater Township Clerk

TRAVERSE CITY AREA PUBLIC SCHOOLS

ANNUAL SUMMER TAX RESOLUTION

Grand Traverse, Leelanau and Benzie Counties, Michigan

A regular meeting of the Board of Education (the "Board") of the School District (the "District") was held in the Tompkins Administration Center, within the boundaries of the District, on the 10th day of January 2022, at 6:00 o'clock in the p.m.

The meeting was called to order by

Present: Anderson, Ballenger, Humphreys, Kelly, Moon Mohr,
Newman-Bale, Raymond
Absent: None

The following preamble and resolution were offered by Member Kelly and supported by Member Humphreys.

WHEREAS, this Board, by previously adopted resolution of December 12, 1994, determined to impose a summer tax levy to collect 100% of school property taxes, including debt service, upon property located within the school district, beginning with 1995 and continuing from year to year until specifically revoked by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Board, pursuant to 1976 PA 451, as amended (the "Revised School Code"), hereby invokes for 2023 its previously adopted ongoing resolution imposing a summer tax levy of all of school property taxes, including debt service, beginning with 1995 and continuing from year to year until specifically revoked by this Board, and requests each city and/or township in which this District is located to collect those summer taxes.
2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which this District is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2023 in the amount specified on the Tax Rate Request (L-4029). Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the appropriate governing bodies before January 1, 2023.

3. Pursuant to and in accordance with Section 1613(1) of the Revised School Code, the Superintendent or designee is authorized and directed to negotiate on behalf of the District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or townships may bill under MCL 380.1611 or MCL 380.1612. Any such proposed agreement shall be brought before the Board for its approval or disapproval.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

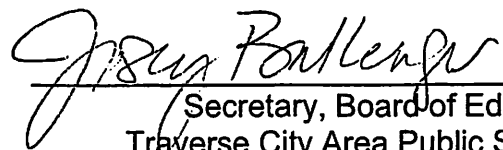
Ayes: Anderson, Ballenger, Humphreys, Kelly, Moon Mohr
Newman-Bale, Raymond

Nays: None

Resolution declared adopted.


Secretary, Board of Education
Traverse City Area Public Schools

The undersigned, duly qualified and acting Secretary of the Board of Education of Traverse City Area Public Schools, Grand Traverse, Leelanau and Benzie Counties, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a regular meeting held on January 10, 2022, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).


Secretary, Board of Education
Traverse City Area Public Schools

Traverse City Area Public Schools, Grand Traverse, Leelanau and Benzie Counties, Michigan.

A regular meeting of the board of education (the "Board") of the School District (the "District") was held in the Central Administration Building, in the District, on the 12th day of December, 1994, at 7:30 o'clock in the p.m.

The meeting was called to order by Thomas R. Alward, President.

Present: Members Berry, Crampton, Hayes, Howard, Mann, Alward

Absent: Members Mendez, with notice

The following preamble and resolution were offered by Member Berry and supported by Member Mann:

WHEREAS, this Board of Education by resolution of December 12, 1994, determined to impose a summer tax levy to collect all of school property taxes, including debt service, upon property located within the school district, beginning with 1995 and continuing from year to year until specifically revoked by this Board of Education.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Board of Education, pursuant to 1976 PA 451, as amended (the "School Code"), hereby invokes for 1995 its previously adopted ongoing resolution imposing a summer tax levy of all of school property taxes, including debt service, upon property located within the school district and continuing from year to year until specifically revoked by this Board of Education and requests each city and/or township in which this district is located to collect those summer taxes.

2. The Superintendent or his/her designee is authorized and directed to forward to the governing body of each city and/or township in which this district is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 1995 in the amount as specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be sent so that they are received by the appropriate governing bodies before January 1, 1995.

3. Pursuant to and in accordance with Section 1613(1) of the School Code, the Superintendent or his/her designee is authorized and directed to negotiate on behalf of this district with the governing body of each city and/or township in which the district is located for the reasonable expenses for collection of the district's summer tax levy that the city and/or township may bill under MCLA 280.1611 or MCLA 280.1612. Any such proposed agreement shall be brought before the Board for its approval or disapproval.

THURUN, MAATSCHE AND NORDBERG, P.C.

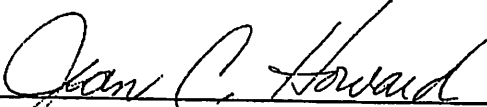
TCA

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

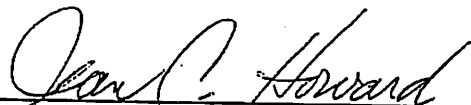
Ayes: Members Berry, Crampton, Hayes, Howard, Mann, Alward

Nays: Members None

Motion declared adopted.


Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of Traverse City Area Public Schools, Grand Traverse, Leelanau and Benzie Counties, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a regular meeting held on December 12, 1994, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).


Secretary, Board of Education



**NORTHWEST EDUCATION SERVICES
AND
WHITEWATER TOWNSHIP**

Agreement for Collection of Summer School Property Taxes

AGREEMENT made this 1st day of November, 2022 by and between the Northwest Education Services, with offices located at 1101 Red Drive , Traverse City, MI, 49684 (hereinafter called "School District") and Whitewater Township, with offices located at PO Box 159, Williamsburg, MI 49690, (hereinafter called "Township"), pursuant to 1976 PA 451, as amended, for the providing for the collection by Township of summer levy on all (100%) of School District property taxes for the year 2023.

THE PARTIES AGREE AS FOLLOWS:

1. The Township agrees to collect all (100%) of the total school property taxes as certified by the School District for levy on July 1, 2023, on property located within the Township.
2. The fee for collecting the School District Summer Tax Levy is included in the per parcel payment as negotiated by the Elk Rapids Public Schools.
3. No later than the third Thursday in June, the School District shall certify to the Township Clerk the school Millage to be levied on property for summer collection in 2023.
4. The Township Treasurer shall account for and deliver summer school tax collections on the same schedule as agreed upon with the Elk Rapids Public Schools. In return for the timely payment, the School District waves any claim to interest earned during the time the money is in Township accounts.
5. General conditions of this agreement negotiated by Township Treasurer and Elk Rapids Public Schools, subject to approval of both Boards.

Northwest Education Services

Northwest Education Services and Whitewater Township Agreement for Collection of Summer School Property Taxes

Page: 2

TOWNSHIP:

SCHOOL DISTRICT:

(Treasurer)

(Nick Ceglarek, Superintendent)

SIGNATURE AUTHORIZED BY BOARD OF
TRUSTEE RESOLUTION OF

SIGNATURE AUTHORIZED BY
BOARD OF EDUCATION
RESOLUTION OF

_____, 20____

November 1, 2022

(Supervisor)

(Clerk)



**NORTHWEST EDUCATION SERVICES
And
WHITEWATER TOWNSHIP**

Agreement for Collection of Summer School Property Taxes

AGREEMENT made this 1st day of November, 2022 by and between the Northwest Education Services, with offices located at 1101 Red Drive, Traverse City, MI, 49684 (hereinafter called "School District") and Whitewater Township with offices PO Box 159, Williamsburg, MI 49690, (hereinafter called "Township"), pursuant to 1976 PA 451, as amended, for the providing for the collection by Township of summer levy on all (100%) of School District taxes for the year 2023.

THE PARTIES AGREE AS FOLLOWS:

- The Township agrees to assess and collect all (100%) of the total school property taxes as certified by the School District for levy on or about July 1, 2023 on property located within the Township.
- The fee for collecting the School District Summer Tax Levy is included in the per parcel payment as negotiated by the Traverse City Area Public Schools.
- No later than the third Thursday of June, the School District shall certify to the Township Clerk the school millage to be levied on property for summer collection.
- The Township Treasurer shall account for and remit to the School District summer school tax collections on the same schedule as agreed upon with the Traverse City Area Public Schools. In return for the timely payment, the School District waves any claim to interest earned during the time the money is in Township accounts.
- General conditions of this agreement negotiated by Township Treasurer and Traverse City Area Public Schools, subject to approval of both Boards.
- This Agreement shall renew annually for the year 2023, as negotiated by the Traverse City Area Public Schools.

Northwest Education Services

**Northwest Education Services and Whitewater Township Agreement for
Collection of Summer School Property Taxes**

Page: 2

TOWNSHIP:

SCHOOL DISTRICT:

(Treasurer)

(Nick Ceglarek, Superintendent)

SIGNATURE AUTHORIZED BY BOARD OF
TRUSTEE RESOLUTION OF

SIGNATURE AUTHORIZED BY
BOARD OF EDUCATION
RESOLUTION OF

_____, 20____

November 1, 2022.

(Supervisor)

(Clerk)



Northwest Education Services

1101 Red Drive
Traverse City
Michigan 49684

231.922.6200 TEL
231.922.6270 FAX
NorthwestEd.org

November 11, 2022

Dear Township Treasurer:

Northwest Education Services, *formerly Traverse Bay Area Intermediate School District*, following a public hearing on **December 8, 1994**, determined that it would be in the best interest of the District to impose a summer property tax levy to collect all (100%) of the school property taxes. Pursuant to statute a copy of the resolution, as adopted, is enclosed. I am instructed to follow the lead of the school districts constituent to the Intermediate District in that **where a local district determines to impose a summer property tax levy the Intermediate district will do likewise.**

In accordance with the resolution adopted December 8, 1994 (copy enclosed), and reaffirmed by the board on November 1, 2022, (copy enclosed), Northwest Education Services Board, *formerly Traverse Bay Area Intermediate School District*, is requesting that each city and each township or part thereof agree to collect the summer tax levy for the **2023 tax year** **if that city or township agrees to collect summer taxes for a school district constituent to the Intermediate.**

Pursuant to 1982 PA 333, an Intermediate School District may restrict the areas in which the levy is imposed and collected to those areas in which a school district or city is concurrently imposing a summer property tax levy.

I have been authorized to negotiate an agreement containing reasonable expenses for the collection of the district's summer tax levy.

Respectfully,

Nick Ceglarek
Superintendent

Annual Summer Tax Resolution

Northwest Education Services (the "District")

A regular meeting of the board of education of the District (the "Board") was held in the Northwest Education Services Conference Center, 1101 Red Drive, Traverse City, MI 49684, within the boundaries of the District, on the 1 day of November, 2022, at 5:30 o'clock in the p.m. (the "Meeting").

The Meeting was called to order by Joseph Fisher, President.

Present: Members J. Fisher, E. McKellar, J. Carpenter, J. Tank, N. Brown
Absent: Members J. Scherrer, R. Birgy

The following preamble and resolution were offered by Member E. McKellar and supported by Member J. Carpenter:

WHEREAS, this Board previously adopted a resolution to impose a summer tax levy to collect 100% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to the Revised School Code, MCL 380.1 et seq., the Board invokes for 2023 its previously-adopted ongoing resolution imposing a summer tax levy of 100% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board and requests that each city and/or township in which the District is located collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which the District is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2023 in the amount specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the appropriate governing bodies on or before December 31, 2022.

3. Pursuant to and in accordance with Revised School Code Section 1613(1), the Superintendent or designee is authorized and directed to negotiate on behalf of the District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or township may bill under Revised School Code Sections 1611 or 1612. Any such proposed agreement shall be brought before this Board for its approval or disapproval.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members J. Fisher, E. McKellar, J. Carpenter, J. Tank, N. Brown
Nays: Members None.

Resolution declared adopted.

Rachael Bug
Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Northwest Education Services, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the Meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

Rachael Bug
Secretary, Board of Education

**Board of Education
Summer Property Tax Levy Resolution**

~~A regular meeting of the Traverse Bay Area Intermediate School District Board of Education was held at the TBA Administration Building, in said district, on the 8 day of December, 1994 at 8:00 a.m.~~

The meeting was called to order by Harry Voice, Vice President.

Members Present: Axidon, Daniels, Bevan, Fisher, Voice

Members Absent: Anderson, Thompson

The following preamble and resolution were offered by Member Voice, and supported by Member Bevan:

WHEREAS, Act 333, Public Acts of Michigan, 1982, provides that an intermediate school district may determine by resolution to impose a summer property tax levy, including debt service, which resolution shall be applicable until revoked by the Board of Education; and

WHEREAS, for each year such a resolution applies the intermediate school district must request, before January 1, each city and township in which it is located to agree to collect the summer tax levy in that year of either the total or one-half (1/2) of school property taxes, including debt service; and

WHEREAS, this Board of Education has determined that it would be in the best interest of this intermediate school district to impose a summer property tax levy to collect all (100%) of school property taxes, including debt service, and

WHEREAS, said act 333 provides for certain procedural steps to be taken by this Board of Education in connection with the imposition of a summer property tax levy and also provides for the manner in which such property tax levy shall be collected:

NOW THEREFORE, BE IT RESOLVED THAT:

1. This Board of Education pursuant to 1982 PA 333, hereby imposes a summer property tax levy of all (100%) of school property taxes, including debt service upon property located within the intermediate school district in constituent school districts where 100% of local district taxes will also be collected, beginning with the 1995 and continuing from year to year until specifically revoked by this Board of Education.

2. The Superintendent or his/her designee is authorized and directed to annually forward a copy of this resolution to the governing body of each city and/or township in which this district is located, together with this Board of Education's request that each such city and/or township agree to collect the summer tax levy for the ensuing year in the amount as specified in this resolution. Such annual forwarding of this resolution and the request to collect the summer tax levy shall be sent so that they are received by the appropriate governing bodies before January 1 of each year.

3. The Superintendent or his/her designee is/are authorized and directed to negotiate on behalf of this district with the governing body of each city and/or township in which the district is located for the reasonable expenses for collection of the district's summer property tax levy that the city and/or township may bill under MCLA 280.1611 or MCLA 280.1612. Any such proposed agreement shall be brought before this Board for its approval or disapproval.

(Over)

4. If no agreement can be reached between this Board and any city or township within the time limits set forth in said Act 333, this Board shall then take such further action as is required and/or permitted under said Act 333.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution, including this Board's prior resolution establishing a summer property tax levy of 50% of school property taxes, including debt service, be and the same are hereby rescinded.

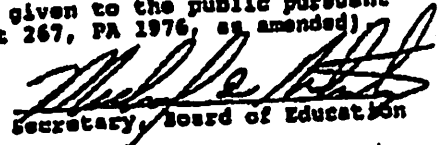
Ayes: Amidon, Bevan, Daniels, Fisher, Voica

Nays: None.

Resolution declared adopted.


Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of Traverse Bay Area Intermediate School District, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a regular meeting held on December 8, 1994, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).


Secretary, Board of Education

Memo

To: Whitewater Township Board of Trustees

CC: None

Date: 3.3.2023

Re: Proposed Increase of Fire Millage

Board Members –

This business item follows up on a Whitewater Township Board of Trustees discussion during the January 24, 2023 special meeting of the group to increase the Fire Special Assessment District (SAD) Levy by .5 mills. The information available to the Supervisor's Office on the SAD is an image of unknown sources and is provided for reference. Since 2013, the Supervisor's Office has completed the annual L-4029 Tax Rate Request Form which includes a line item of 1 mill described as Special Assessment. An image of the 2022 request is provided for reference.

As I understand this proposed increase millage is to fund a replacement fire engine for the existing 20+ year old unit we currently rely on as a front line response vehicle.

Over the years, many have used the SAD as a talking point and the dangers that can be created when a Township Board has the authority to increase a Fire Special Assessment District (Taxes) by a simple majority vote. History displays administrations before us, have moved the collected levy from time to time for documented reasons. Fire Chief, Brandon Flynn has been educating the Board for a couple of years about the Township's long-term needs addressing the documentation portion. What is not clear is how the levy change was proclaimed to the public. This should be a matter of discussion for the Board as to any out reach they would like to provide. Newsletter for example.

This will be the first levy increase during for the administration. The Board may find information of previous meeting minutes on this topic helpful. The Clerk may be able to share a process with the Board helping to create a sufficient motion increasing the Fire Special Assessment District in Whitewater Township by .5 mills. Funds to be used to purchase a new fire engine. An image of Public Act 33 of 1951 is provided and may offer resolution to process questions.

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

5-26-79

RESOLUTION NO. 1
WHITEWATER TOWNSHIP BOARD
GRAND TRAVERSE COUNTY, MICHIGAN

* * *

WHEREAS, the Township Board determines that the Township should purchase fire extinguishing apparatus and equipment and construct housing for the same, and

WHEREAS, the Township desires to proceed under Act 33 of the Public Acts of 1951, and

WHEREAS, it is required by statute that the question of establishing a special assessment district be approved by majority vote at an election,

NOW, THEREFORE, be it resolved:

1. That the Township proceed to procure fire extinguishing apparatus and equipment and housing for the same under the provisions of Act 33 of the Public Acts of 1951.
2. That the Township place on the ballot at the general election to be held on the 4th of November, 1974, the question contained on the proposed ballot attached hereto.

Spec Meet
9/3/74
all members present

PA 206
1893

passed
9/17/74 meeting

5-2609

OFFICIAL BALLOT

November 4, 1974

(Date)

WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN

* * *

INSTRUCTIONS

Each elector voting in favor of the adoption of the following proposition will indicate approval by marking a cross (x) in the square () opposite the word "YES".

Each elector voting against the adoption of the following proposition will indicate disapproval by marking a cross (x) in the square () opposite the word "NO".

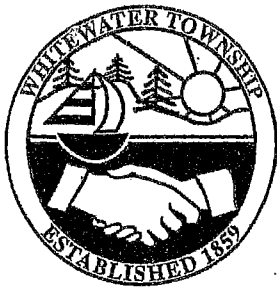
Proposal to create a Township-wide Fire Assessment District for the purpose of providing money for the purchasing, operating, maintaining, equipping and housing of the Whitewater Township Fire Department.

Shall the Township of Whitewater, County of Grand Traverse, Michigan, create a special assessment district composed of the entire Township of Whitewater for the purpose of providing sufficient money by special assessment therein for the proper and efficient operation and maintenance of the Township Fire Department, and the purchase of fire extinguishing apparatus and equipment and housing for the same, in compliance with Michigan Public Act 33 of 1951.

Yes ()

No ()

Make a cross in one of the squares above indicating how you wish to vote.



WHITEWATER TOWNSHIP

5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690
(231) 267-5141 • FAX (231) 267-9020

September 26, 2022

Mrs. Bonnie Scheele
Grand Traverse County Clerk
Governmental Center
400 Boardman Avenue, Ste 101
Traverse City, MI 49684

Dear Mrs. Scheele:

Enclosed please find Whitewater Township's 2022 Tax Rate Request (L-4029) form for filing with your office.

Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl A. Goss".

Cheryl A. Goss
Whitewater Township Clerk

Enclosure

cc: Grand Traverse County Equalization Department (w/enclosure)

2022 Tax Rate Request (This form must be completed and submitted on or before September 30, 2022)

MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory. Penalty applies.

Carefully read the instructions on page 2.

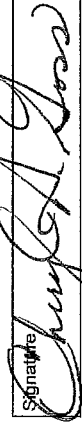

County(ies) Where the Local Government Unit Levies Taxes	2022 Taxable Value of ALL Properties in the Unit as of 5-23-2022
Grand Traverse	\$247,801,662
Local Government Unit Requesting Millage Levy	For LOCAL School Districts: 2022 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties.
Whitewater Township	

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2022 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5) ** 2021 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2022 Current Year "Headlee" Millage Reduction Fraction	(7) 2022 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
FRZ All	Operating	11/5/74	1.0000	0.5835	0.9864	0.5755	1.0000	0.5755		0.5755	None
Sp.Assmt	Fire	Annually	10.0000	N/A	1.0000	N/A	1.0000	10.0000		1.0000	None
Extra Voted	Ambulance	08/02/22	1.5000	1.4544	0.9864	1.4346	1.0000	1.4346		1.4346	12/2025

Prepared by Ron Popp	Telephone Number (231) 267-5141	Title of Preparer Township Supervisor	Date 9/23/2022
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CERTIFICATION: As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3).

<input checked="" type="checkbox"/> Clerk	Signature 	Print Name Cheryl A. Goss	Date 9/26/2022
<input type="checkbox"/> Secretary			
<input checked="" type="checkbox"/> Chairperson	Signature 	Print Name Dan Page	Date 9/23/2022
<input type="checkbox"/> President			
* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.			
** IMPORTANT: See instructions on page 2 regarding where to find the millage rate used in column (5).			

Local School District Use Only. Complete if requesting millage to be levied. See STC Bulletin 2 of 2022 for instructions on completing this section.

Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	Rate
For Principal Residence, Qualified Ag., Qualified Forest and Industrial Personal	
For Commercial Personal	
For all Other	

POLICE AND FIRE PROTECTION
Act 33 of 1951

AN ACT to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1955, Act 221, Eff. Oct. 14, 1955;—Am. 1960, Act 51, Eff. Aug. 17, 1960;—Am. 1966, Act 105, Imd. Eff. June 22, 1966;—Am. 1982, Act 365, Eff. Mar. 30, 1983;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 1990, Act 102, Imd. Eff. June 14, 1990;—Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004.

The People of the State of Michigan enact:

41.801 Purchase of police and fire motor vehicles, apparatus, equipment, and housing; appropriation; special assessment; bonds; election; estimate of cost and expenses; special assessment district; hearing; publication or posting of notice; distribution of special assessment levy; transfer or loan of money from general fund; repayment; exercise of powers; assessment after December 31, 1998; “taxable value” defined; finding of invalid assessment; bonds subject to revised municipal finance act.

Sec. 1. (1) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may purchase police and fire motor vehicles, apparatus, equipment, and housing and for that purpose may provide by resolution for the appropriation of general or contingent funds. Before January 1, 1999, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which fire protection is to be furnished. After December 31, 1998, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the taxable value of the area in their respective townships for which fire protection is to be furnished. Before January 1, 1999, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which police protection is to be furnished. After December 31, 1998, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the taxable value of the area in their respective townships for which police protection is to be furnished.

(2) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may provide annually by resolution for the appropriation of general or contingent funds for maintenance and operation of police and fire departments.

(3) The township board, or the township boards of adjoining townships acting jointly, may provide that the sums prescribed in subsection (2) for purchasing and housing equipment, for the operation of the equipment, or both, may be defrayed by special assessment on the lands and premises in the township or townships to be benefited, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, and may issue bonds in anticipation of the collection of these special assessments. The question of raising money by special assessment may be submitted to the electors of the township or townships by the township board, or township boards acting jointly, at a general election or special election called for that purpose by the township board or township boards. The question of raising money by special assessment shall be submitted by the township board, or township boards acting jointly, if in the affected township, or in each of the affected townships, the owners of 10% of the land to be made into a special assessment district petition the township board or boards.

(4) If a special assessment district is proposed under subsection (3), the township board, or township boards acting jointly, shall estimate the cost and expenses of the police and fire motor vehicles, apparatus, equipment, and housing and police and fire protection, and fix a day for a hearing on the estimate and on the question of creating a special assessment district and defraying the expenses of the special assessment district by special assessment on the property to be especially benefited, except, beginning in 2002, property exempt

from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157. The hearing shall be a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board, or township boards acting jointly, shall publish in a newspaper of general circulation in the proposed district a notice stating the time, place, and purpose of the meeting. If there is not a newspaper of general circulation in the proposed district, notices shall be posted in not less than 3 of the most public places in the proposed district. This notice shall be published or posted not less than 5 days before the hearing. On the day appointed for the hearing, the township board, or township boards acting jointly, shall be in session to hear objections that may be offered against the estimate and the creation of the special assessment district. Before January 1, 1999, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, to defray the expenses of police and fire protection. After December 31, 1998, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on the taxable value of all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, to defray the expenses of police and fire protection. The township board, or township boards acting jointly, shall hold a hearing on objections to the distribution of the special assessment levy. This hearing shall be held in the same manner and with the same notice as provided in this section. The township board, or township boards acting jointly, shall annually determine the amount to be assessed in the district for police and fire protection, shall direct the supervisor or supervisors to distribute the special assessment levy, and shall hold a hearing on the estimated costs and expenses of police and fire protection and on the distribution of the levy. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be distributed and shall become due and be collected at the same time as other township taxes are assessed, levied, and collected, and shall be returned in the same manner for nonpayment. If a township has a July property tax levy, not more than 2 mills of the assessment may be collected at the same time and in the same manner as the July levy. If the collections received from the special assessment levied to defray the cost or portion intended to be defrayed for police and fire protection are, at any time, insufficient to meet the obligations or expenses incurred for the maintenance and operation of the police and fire departments, the township board of the township, or township boards acting jointly, may, by resolution, authorize the transfer or loan of sufficient money from the general fund of the township or townships, to the special assessment police and fire department fund. This money shall be repaid to the general fund of the township or townships out of special assessment funds when collected.

(5) The powers granted by this act with respect to police and fire protection may be exercised with respect to police protection alone, fire protection alone, or police and fire protection in combination.

(6) After December 31, 1998, an ad valorem special assessment levied under this act shall be levied on the taxable value of the property assessed.

(7) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(8) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment shall be levied on the property's state equalized value.

(9) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1955, Act 221, Eff. Oct. 14, 1955;—Am. 1970, Act 134, Imd. Eff. July 29, 1970;—Am. 1978, Act 101, Imd. Eff. Apr. 6, 1978;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 1998, Act 545, Imd. Eff. Jan. 20, 1999;—Am. 2002, Act 308, Imd. Eff. May 13, 2002;—Am. 2002, Act 501, Imd. Eff. July 15, 2002.

41.802 Annual appropriation.

Sec. 2. After the creation of a special assessment district under section 1, the township board, or township boards of adjoining townships acting jointly, may appropriate annually that sum necessary for the maintenance and operation of the police and fire departments.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1974, Act 130, Imd. Eff. May 29, 1974;—Am. 1989, Act 81, Imd. Eff. June 20, 1989.

41.803 Proceedings relating to making, levying, and collection of special assessments, and to issuing bonds; payment of special assessments and special assessment bonds.

Sec. 3. All proceedings relating to the making, levying and collection of special assessments authorized by section 1 and the issuing of bonds, except as otherwise provided in this act, shall conform as near as practicable to proceedings provided for townships in Act No. 188 of the Public Acts of 1954, being sections 41.721 to 41.738 of the Michigan Compiled Laws, except that special assessments may be paid in a number of equal annual installments not exceeding 15, as the board may determine.

(2) The township board if authorized by a majority vote of the electors voting may, at the time of issuance, pledge the full faith and credit of the township for the payment of such special assessment bonds.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1955, Act 221, Eff. Oct. 14, 1955;—Am. 1963, Act 51, Imd. Eff. Apr. 29, 1963;—Am. 1989, Act 81, Imd. Eff. June 20, 1989.

Compiler's note: The first subsection of this section, beginning "All proceedings relating...", evidently should be designated subsection "(1)", as follows: "(1) All proceedings ...".

41.804 Fire protection; referendum, special election, laws governing.

Sec. 4. Any special election called under the provisions of this act shall be held under the laws of this state governing biennial township elections so far as the same may be applicable. In case a majority of qualified electors voting at such election shall vote in favor of such proposition, then the same shall be deemed and declared carried. The vote upon such proposition at any election shall be by ballot.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.805 Fire protection ordinances and standard fire prevention codes; adoption, publication.

Sec. 5. The township board of any township, where appropriations have been made as herein provided, shall have power to enact such ordinances and establish and enforce such resolutions as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom. Any township adopting ordinances under the provisions of this section shall have the power to adopt any standard fire prevention code which has been promulgated by the state or by any department, board or agency thereof, or by any national organization or association which is organized and conducted for the purpose of developing such codes with specific date of publication by reference thereto in an adopting ordinance and without publishing such code in full. The code shall be clearly identified in the ordinance and the purpose of the code shall be published with the adopting ordinance and printed copies shall be kept in the office of the township clerk, available for inspection by and distribution to the public at all times. The publication shall contain a notice to the effect that a complete copy of the code is available for public use and inspection at the office of the township clerk.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1961, Act 148, Eff. Sept. 8, 1961.

41.806 Police and fire departments; contracts for service or for maintenance and operation of equipment; delegation of powers; agreements to furnish protection to city, village, or other township.

Sec. 6. (1) The township board of a township, or the township boards of adjoining townships acting jointly, if appropriations have been made as provided in this act, may do any of the following:

(a) Establish and maintain police and fire departments.

(b) Organize and maintain police and fire vehicles.

(c) Employ and appoint a police chief and fire chief and other police and fire officers, including detectives, required for the proper and efficient operation and maintenance of the police and fire departments and proper law enforcement.

(d) Make and establish rules and regulations for the government of the police and fire departments, employees, officers, and detectives.

(e) Care and manage the motor vehicles, apparatus, equipment, property, and buildings pertaining to the police and fire departments.

(f) Prescribe the powers and duties of the employees, officers, and detectives.

(2) The township board of a township, or the township boards of adjoining townships, acting jointly, may contract with the township board or legislative body of a township, city, or village that maintains a police or fire department for the service of the department or for the care, maintenance, and operation of police or fire motor vehicles, apparatus, and equipment by the police or fire department of the township, city, or village, and may contract with the legislative body of a village that does not maintain a police department or does not

maintain a fire department to furnish police or fire protection to the village.

(3) If a township board, or the township boards of adjoining townships acting jointly, have organized and are maintaining a police or fire department, the board, or boards acting jointly, may also contract with townships, villages, or cities that also maintain a police or fire department or with any other person, organization, or group to provide police or fire apparatus, equipment, or personnel or police or fire protection.

(4) Any of the powers provided in this section, at the discretion of the township board, may be delegated to a police or fire or police and fire administrative board established under section 11 or 12.

(5) A township board may enter into 1 or more agreements or contracts to furnish police or fire protection to a city, village, or other township.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1956, Act 9, Imd. Eff. Mar. 9, 1956;—Am. 1961, Act 66, Eff. Sept. 8, 1961;—Am. 1966, Act 110, Imd. Eff. June 22, 1966;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 2004, Act 416, Imd. Eff. Nov. 29, 2004

41.806a Emergency police or fire service; emergency ambulance and inhalator service; ordinance authorizing collection of fees.

Sec. 6a. The legislative body of a municipality providing emergency police or fire service or the legislative bodies of municipalities acting jointly to provide such a service pursuant to this act may authorize by ordinance the collection of fees for the service. The township board of a township or the county board of commissioners of a county providing emergency ambulance and inhalator service alone or jointly with another municipality and the legislative body of such a municipality may authorize by ordinance the collection of fees for the service.

History: Add. 1990, Act 102, Imd. Eff. June 14, 1990.

41.807 Repeals.

Sec. 7. Act No. 28 of the Public Acts of 1923, as amended, being sections 41.301 to 41.305, inclusive, of the Compiled Laws of 1948; Act No. 181 of the Public Acts of 1937, as amended, being sections 41.311 to 41.316a, inclusive, of the Compiled Laws of 1948; and Act No. 151 of the Public Acts of 1931, being sections 41.321 to 41.323, inclusive, of the Compiled Laws of 1948, are hereby repealed.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.808 Rights or obligations safeguarded.

Sec. 8. The provisions of this act shall not be construed to impair or affect any special assessment district, or any rights accruing or any obligations thereof, created under the provisions of any act repealed by this act, but the same may be asserted and all the provisions of said repealed acts shall apply as may be necessary to safeguard any such rights or obligations existing thereunder.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.809 Joint meetings of township boards.

Sec. 9. For the purposes of this act, any joint meeting of township boards may be held in any one of the involved townships.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.810 Fire protection for townships, villages, and qualified cities; "qualified city" defined.

Sec. 10. (1) This act applies to townships and adjoining townships and incorporated villages and qualified cities. If reference is made in this act to townships, that reference shall apply to townships and incorporated villages and qualified cities. If reference is made in this act to township boards, that reference shall apply to township boards and the legislative bodies of incorporated villages and qualified cities. A township, incorporated village, or qualified city shall not use this act to lessen the number of paid full-time firefighters in that township, incorporated village, or qualified city.

(2) As used in this act, "qualified city" means either of the following:

(a) A city with a population of less than 15,000.

(b) A city with a population of 15,000 or more and less than 70,000 located in a county with a population of more than 200,000 and less than 235,000, if the question of raising money by special assessment and the amount of the special assessment to be levied annually under this act is approved by a majority of the electors in the special assessment district. The amount of the special assessment to be levied annually under this act that was approved under this subdivision shall not be increased unless that increase is first approved by a majority of the electors in the special assessment district.

History: Add. 1960, Act 51, Eff. Aug. 17, 1960;—Am. 1966, Act 105, Imd. Eff. June 22, 1966;—Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004.

41.811 Joint administrative board; creation; appointment, qualifications, and terms of members; compensation and expenses; vacancy; additional member; election of chairperson and vice-chairperson; meetings; rules of procedure; record of proceedings; quorum; removal of members; annual budget; powers and duties; board not new employer; conducting business at public meeting; availability of writings to public; "governing body" defined.

Sec. 11. (1) The governing bodies of 2 or more contiguous townships, villages, or qualified cities may, acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board. A joint administrative board shall consist of 2 members from each participating township, village, or qualified city. The members of a joint administrative board shall be appointed by their respective governing bodies for terms of 6 years. Of the first members appointed, 1 member from each participating township, village, or qualified city shall be appointed for a term of 4 years. A member of a joint administrative board shall not be an employee of a police or fire department of a participating township, village, or qualified city. A member of a joint administrative board may be compensated for each meeting, not to exceed 52 per year, at a rate established by the participating governing bodies for each meeting the member attends and shall be reimbursed for actual and necessary expenses incurred in the performance of board duties. A vacancy on a joint administrative board shall be filled by the original appointing governing body for the remainder of the unexpired term.

(2) At its first meeting, a joint administrative board shall, by resolution approved by a majority of its members, select an additional member who shall be a resident of a participating township, village, or qualified city. The members shall annually elect a chairperson and a vice-chairperson from the board membership. A joint administrative board shall hold 4 regular quarterly meetings a year and special meetings as necessary at times as it determines. A joint administrative board shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the members constitute a quorum for the transaction of business and the affirmative vote of a majority of all the members is necessary for the adoption of a motion or resolution. The members of a joint administrative board shall be residents of the townships, villages, or qualified cities from which they were appointed. The members of a joint administrative board may be removed by the appointing governing body.

(3) A joint administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, for the police department, fire department, or police and fire departments of each participating township, village, or qualified city. The proposed budgets shall be submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them. A joint administrative board shall have other powers and duties as considered necessary by the participating governing bodies. A joint administrative board, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, shall only employ and appoint such officers on behalf of an individual township, qualified city, or village and does not constitute a new employer.

(4) The business that a joint administrative board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) As used in this section, "governing body" means the body in which the legislative powers of a township, village, or qualified city are vested.

History: Add. 1982, Act 365, Eff. Mar. 30, 1983;—Am. 1985, Act 170, Imd. Eff. Dec. 2, 1985;—Am. 1988, Act 247, Imd. Eff. July 11, 1988;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 2004, Act 464, Imd. Eff. Dec. 28, 2004;—Am. 2006, Act 608, Imd. Eff. Jan. 3, 2007.

41.812 Administrative board; appointment, qualifications, and terms of members; vacancy; expenses; continuation of prior administrative board; annual budget; powers and functions; section supplemental.

Sec. 12. (1) The township board may create a police administrative board, a fire administrative board, or a police and fire administrative board. The board shall consist of 5 members, who shall be appointed by the township board for terms of 6 years each. Of the members first appointed, 2 shall be appointed for terms expiring on June 30 of the even numbered year following the creation of the board, 2 shall be appointed for terms expiring on June 30 of the second year following the expiration of the terms of the first 2 members, and

1 member shall be appointed for a term expiring June 30 of the fourth year following the expiration of the terms of the first 2 members. If a vacancy occurs, the township board shall appoint a person to fill the unexpired term.

(2) A member of the board shall not be a member of the police or fire department of the township.

(3) The members of the board may be compensated a per diem as determined by the township board and are entitled to actual and necessary expenses approved by the township board incurred in the performance of official duties.

(4) A police administrative board, a fire administrative board, or a police and fire administrative board created under former 1951 PA 57 shall be continued under this act.

(5) An administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, to be submitted to the township board. The budget shall be reviewed by the township board and may be amended or altered in any manner. Upon adoption by the township board, the budget shall be the budget of the administrative board for the ensuing fiscal year of the township.

(6) The administrative board created under this section shall have the powers and perform the functions that the township board delegates to the administrative board.

(7) This section is supplemental to the other laws of this state.

History: Add. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 2003, Act 291, Imd. Eff. Jan. 8, 2004.

41.813 Traffic officers; employment; compensation; joint meeting to appoint traffic officer.

Sec. 13. By a majority vote of the township board at a regular or a special meeting called for that purpose, a township board may provide for the employment of 1 or more traffic officers in the township. The compensation of the officer or officers shall be paid from the general fund of the township. By a majority vote of all the township boards, 2 or more townships may appoint a traffic officer at a joint meeting of these township boards held for that purpose, and the proportion of the compensation of the traffic officer or officers to be paid by each of the townships shall be determined at this joint meeting.

History: Add. 1989, Act 81, Imd. Eff. June 20, 1989.

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 2-27-2023
Re: Policy & Procedure Manual Section 6.0 Public Information

Board Members –

This business item is brought to the Board as a continuation of the Policy & Procedure Manual review process started a few months ago. In addition to best practices, the review supports what has become common knowledge; an official copy of the entire manual and appendices cannot be supplied by the Clerk's Office. *A formal request to the Clerk's Office for the most **recent** copies of the Policy & Procedure Manual **or Sections thereof** with appendices is attached to this memo.*

Section 6.0 of the Policy & Procedure Manual currently available to the Supervisor's office appears to be from 2011 and of unknown sources. In the absence of a board approved document, it is as good as any to begin with and can be adopted by the Board by popular vote.

I have made some recommendations for changes to the original wording which appear in red lettering and are suggested to align this document with others we have already reviewed. The yellow highlights are points of interest for discussion and may need further board action. Case in point, I did not know the newsletter was the responsibility of the Supervisor's Office. Upon arrival to the Supervisor's Office in 2012 I did approve the newsletter before publishing for many years. As of recently that practice has stopped. Section 6.2 is likely the authority for completing that task and remains as policy today. Section 6.4 talks about Appendix I being the repository of resolutions for FOIA policy, resolution of fee schedule, request forms, and response forms. Research shows resolution 20-12 updated our FOIA documents but they do not appear in this version of appendix I. *A formal request for an updated word format copy of Appendix I follows.* In review of the documents approved by resolution 20-12 and due to the Clerk's resignation as FOIA Coordinator, many may need to be tweaked. *A Formal request for all FOIA documents in word format is made below.* This board action should allow for streamlining of the clunky process currently used.

Section 6.6 talks about the Board approval of letterhead stationery. This provision may affect all board and commissions currently operating in the Township including the camping park and fire department. Additional research will take place in regards to this section with ultimately developing its own appendix.

Board comments are sought regarding other revisions needed for Section 6.0.

Motion One: Request the Clerk's Office to provide the most recent word format files of the Policy & Procedure Manual or Sections thereof with appendices by April 15, 2023 to the Supervisor's Office.

Motion Two: Request the Clerk's Office to provide the most recent word format file of Appendix I by April 15, 2023 to the Supervisor's Office.

Motion Three: Request the Clerk's Office to provide the most recent word format and/or all electronic version of all documents referenced by Resolution 20-12 to the Supervisor's Office by April 15, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. J. [unclear]", written in a cursive style.

Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

6.0 Public Information

6.1 Public Contact

6.1(a) Courtesy

The primary goal of the township is to serve the public. It is the policy of Whitewater Township that all officials and employees will respond to requests for township information from members of the public with courtesy and efficiency. All officials and employees shall communicate with the public in a friendly, helpful manner.

6.1(b) Complaints and Problems

Complaints or other concerns received from a citizen shall be received with courtesy. The official or employee will make every effort to resolve a complaint or problem, within the official's or employee's scope of authority. Department heads will be notified of all complaints.

If a citizen has a problem that is outside the jurisdiction or responsibility of the official or employee, the citizen will be directed to the appropriate office or official.

The township supervisor shall also be notified in writing of any citizen complaint arising from official or employee conduct or the administration of a department or township board policy or procedure. The notice shall include the name, address and phone number of the citizen, the nature of the complaint and how the complaint was resolved. The supervisor may make a subsequent inquiry with the citizen to ensure that the issue was resolved to the citizen's satisfaction.

6.2 Public Information Officer

The supervisor shall be the public information officer for the township and shall be responsible for publishing a township newsletter twice a year (spring and fall), preparing public service announcements and media releases on township government events, and responding to inquiries from the media or referring contact to other appropriate township officials.

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Township employees will notify the public information officer prior to making any statements to the news media. Department heads will notify the public information officer of all media contacts.

6.3 Public Notices

6.3(a) Meeting Notices

The township clerk shall be responsible for posting all regular, special and rescheduled board and commission meetings in conformance with the Open Meetings Act and other state laws.

The board requires that all public bodies, including sub-committees, advisory committees and liaison committees comply with the posting requirements of the Open Meetings Act unless otherwise stated at the time the committee is appointed.

The chairperson of each township board or commission will notify the clerk of all special and rescheduled meetings.

Township meetings shall be posted at the township hall and on the township's website in accordance with MCL 15.264 Section 4 (b) and MCL 15.265 Section 5 (4). A schedule of regular meetings shall be printed in the township newsletter.

6.3(b) Public Notices

The township assessor shall be responsible for publishing and mailing the following public notices:

- Board of review meetings

The township planning/zoning administrator shall be responsible for publishing and mailing the following public notices:

- Planning commission hearings
- Zoning board of appeals variance hearings

The township clerk shall be responsible for publishing and mailing all other public notices required by state law, including:

- Budget public hearings
- Special assessment district hearings
- Election notices
- Ordinance adoption and amendments
- Master plan adoption and amendments
- Township board meeting minutes synopsis

6.4 Freedom of Information Act Requests (Amended 04/12/2011)

Refer to Appendix I for Resolution Establishing Policy for Freedom of Information Act Requests, Resolution Setting Freedom of Information Act Schedule of Fees, Freedom of Information Request form and Freedom of Information Response form.

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6.5 Incoming Mail

The township clerk shall receive all incoming mail that is delivered to the township's main post office box, i.e. P.O. Box 159, at the Williamsburg Post Office. Correspondence shall be sorted and distributed to the various township offices. Mail addressed to the township board shall be forwarded to the clerk, who shall provide a copy to each board member. Correspondence addressed to the board, but requiring action typically handled by a particular official, shall be immediately forwarded to that official as well.

The township treasurer shall receive all incoming mail (typically tax payments) that is delivered to a second township post office box, i.e. P.O. Box 100, at the Williamsburg Post Office.

It is recommended that all correspondence be date stamped.

6.6 Outgoing Mail

The township board shall approve the design of all department letterhead stationery. Statements made on township stationery may be construed as the official position of Whitewater Township, so all officials and employees should take every precaution that written statements are made within the scope of their authority. Township stationery shall only be used for official township business.

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Department heads shall provide the township board with a copy of all correspondence that addresses a citizen complaint, could impact township policy or may result in a lawsuit.

All department correspondence should be considered as a public document, unless the contents are specifically excluded from disclosure by state law. Copies of correspondence will be provided to any board member on request.

6.7 Confidential Information

Officials and employees shall not release any information which would be a violation of a citizen's right to privacy to the media or to members of the general public.

APPENDIX I

Resolution Establishing Policy for Freedom of Information Act Requests

Resolution Setting Freedom of Information Act Schedule of Fees

Freedom of Information Request Form

Freedom of Information Response Form

MEMO

To: Whitewater Township Board
From: Cheryl A. Goss, Clerk
Date: 04/07/2020
Re: **Revised FOIA Forms and Policies**

There was an amendment to the Freedom of Information Act in late 2018 which dealt with anonymous FOIA requests and allowing townships to terminate FOIA requests when the request has been abandoned.

This amendment came about due to the now infamous “Emily” FOIA request wherein a person or entity identified only by the first name Emily sent FOIA requests to every township in Michigan (and other states) requesting copies of all ballots from the November 2016 election. This request was submitted close to the end of the 22-month retention period for the November 2016 ballots.

Townships followed the FOIA procedures, determined the cost to provide copies of the ballots and requested a 50% good faith deposit. Weeks and months went by. The deposits were never received. Meanwhile, townships could not dispose of the ballots with a pending FOIA request.

The legislature dealt with these issues by amending the law to prohibit anonymous FOIA requests, as well as allowing townships to consider a request “abandoned” if a good-faith deposit is not received within 48 days after the good-faith deposit is requested.

MTA updated all of the FOIA forms on their website, but as of recently, had not amended the FOIA Procedures and Guidelines document or the FOIA Public Summary document. At my request, Attorney Chris Patterson inserted the appropriate abandonment language and contact information language into the township’s existing Procedures and Guidelines document and Public Summary document.

Since the last adoption of Freedom of Information Act forms and policies in 2015 was done by resolution, Resolution #20-12 is supplied.

An appropriate motion would be: Motion to adopt Resolution #20-12 Revised Freedom of Information Act Forms and Policies.

###

RESOLUTION #20-12

REVISED FREEDOM OF INFORMATION ACT FORMS & POLICIES

Whitewater Township Grand Traverse County, Michigan

WHEREAS, the Michigan Legislature amended the Freedom of Information Act, MCL 15.235(14), to indicate the period of time after which a request shall be considered abandoned by the requesting person; and

WHEREAS, the Michigan Legislature amended the Freedom of Information Act, MCL 15.233(1), to describe the type of contact information that is required to be provided by the requestor of public records; and

WHEREAS, the following Whitewater Township Freedom of Information Act forms and policies have been updated or revised to reflect the changes in the law:

- FOIA Request for Public Records
- FOIA Request Detailed Cost Itemization
- Notice to Extend Response Time for FOIA Request
- Notice of Denial of FOIA Request
- FOIA Appeal Form – To Appeal a Denial of Records
- FOIA Appeal Form – TO Appeal an Excess Fee
- Whitewater Township FOIA Procedures and Guidelines
- Whitewater Township Public Summary of FOIA Procedures and Guidelines

NOW, THEREFORE, BE IT HEREBY RESOLVED that Whitewater Township adopts the revised Freedom of Information Act forms and policies as listed.

A motion to adopt the foregoing resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:

Yes:

No:

Absent:

RESOLUTION DECLARED ADOPTED.

Certificate

I, Cheryl A. Goss, Clerk of Whitewater Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Board of said municipality at a regular meeting held on May 12, 2020, relative to the adoption of Resolution #20-12.

Cheryl A. Goss

Records Located on Website

If the township directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the township must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the township must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the township has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the township must provide the public records in the specified format (if the township has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies/Duplication of Records on Township Website

I hereby stipulate that, even if some or all of the records are located on a township website, I am requesting that the township make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

Overtime Labor Costs

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

Consent to Overtime Labor Costs

I hereby agree and stipulate to the township using overtime wages in calculating the following labor costs as itemized in the following categories:

1. ☐ Labor to copy/duplicate 2. ☐ Labor to locate 3a. ☐ Labor to redact 3b. ☐ Contract labor to redact
6b. ☐ Labor to copy/duplicate records already on township's website

Requestor's Signature

Date

Request for Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Office Use: ☐ Affidavit Received ___ No. of Previous Discounted Requests During ___ Calendar Year
☐ Eligible for Discount ☐ Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

Request for Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
(iii) Is accompanied by documentation of its designation by the state, if requested by the township.

Office Use: ☐ Documentation of State Designation Received ☐ Eligible for Discount ☐ Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Date:

Requestor's Signature:

Township: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Whitewater Township, Grand Traverse County
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690
Phone: (231) 267-5141

Detailed Cost Itemization

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the township's FOIA Policies and Guidelines.

1. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in _____-minute time increments as set by the township board (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments

1. Labor Cost

x _____ = \$ _____

2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** _____

The township will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in _____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments

2. Labor Cost

x _____ = \$ _____

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a township employee. If contracted, use No. 3b instead).

The township will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a **township employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **township's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in _____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: _____%
(*up to 50% of the hourly wage*) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*: _____, divide by _____-minute increments, and round down.
Enter below:

Number of increments

x _____ =

3a.
Labor Cost

\$ _____

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The township will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

As this township does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (*currently \$9.25*).

Name of contracted person or firm: _____

These costs will be estimated and charged in _____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

To figure the number of increments, take the *number of minutes*: _____, divide by _____-minute increments, and round down to: _____ increments.
Enter below:

Number of increments

x _____ =

3b.
Labor Cost

\$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A township **must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of
Sheets:

x _____ = \$ _____
x _____ = \$ _____

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

4. Total
Copy Cost
\$ _____

5. Mailing Cost:

The township will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The township **may** charge for the least expensive form of postal delivery confirmation.
- The township **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
\$ _____ per pound
\$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

Number of
Envelopes or
Packages:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

Costs:

5. Total
Mailing Cost
\$ _____

☐ * Requestor has requested expedited shipping or insurance

6a. Copying/Duplicating Cost for Records Already on Township's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the township will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 ½ x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 ½ x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

☐ Requestor has stipulated that some / all of the requested records that are already available on the township's website be provided in a paper or non-paper physical digital medium.

Number of
Sheets:

x _____ = \$ _____
x _____ = \$ _____

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

6a. Web
Copy Cost
\$ _____

6b. Labor Cost for Copying/Duplicating Records Already on Township's Website:

This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in _____-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____
OR

Charge per increment: \$ _____

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: _____%
and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

The township may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

☐ Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of
increments

x _____ = \$ _____

6b. Web
Labor Cost

6c. Mailing Cost for Records Already on Township's Website:

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

☐ * Requestor has requested expedited shipping or insurance

Number:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

6c. Web
Mailing Cost
\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

- ☐ Cost estimate
☐ Bill

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve the township from any of the other requirements of this act.

1. Labor Cost for Copying: \$ _____
2. Labor Cost to Locate: \$ _____
3a. Labor Cost to Redact: \$ _____
3b. Contract Labor Cost to Redact: \$ _____
4. Copying/Duplication Cost: \$ _____
5. Mailing Cost: \$ _____
6a. Copying/Duplication of Records on Website: \$ _____
6b. Labor Cost for Copying Records on Website: \$ _____
6c. Mailing Costs for Records on Website: \$ _____

Subtotal Fees: \$ _____

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the township determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

- ☐ All fees are waived **OR** ☐ All fees are reduced by: _____ %

Subtotal Fees
After Waiver: \$ _____

Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

- ☐ Eligible for Indigence Discount

Subtotal Fees
After Discount
(subtract \$20): \$ _____

Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
(iii) Is accompanied by documentation of its designation by the state, if requested by the township.

- ☐ Eligible for Nonprofit Discount

Subtotal Fees
After Discount
(subtract \$20): \$ _____

<p>Deposit: Good Faith The township may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____ % Date by Which Deposit Must be Received: _____ (48 days after this notice was sent)</p>	Date Paid: _____	Deposit Amount Required: \$ _____
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After a township has granted and fulfilled a written request from an individual under this act, if the township has not been paid in full the total amount of fees for the copies of public records that the township made available to the individual as a result of that written request, the township may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the township's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the township notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the township. (f) The township calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A township can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the township, OR (b) The township is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the township.</p> <p>Date by Which Deposit Must be Received: _____ (48 days after this notice is sent)</p>	Date Paid: _____	Percent Deposit Required: _____ % Deposit Required: \$ _____
<p>Late Response Labor Costs Reduction If the township does not respond to a written request in a timely manner as required under MCL 15.235(2), the township must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the township exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	Number of Days Over Required Response Time: _____ Multiply by 5% = Total Percent Reduction: _____	Total Labor Costs \$ _____ Minus Reduction \$ _____ = Reduced Total Labor Costs \$ _____
<p>The Public Summary of the township's FOIA Procedures and Guidelines is available free of charge from: Website: _____ Email: _____ Phone: _____ Address: _____</p> <p style="text-align: center;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	Date Paid: _____	Total Balance Due: \$ _____

(Form created by Michigan Townships Association, revised March 2019)

Township: Keep original and provide copy, along with Public Summary, to requestor at no charge.

Whitewater Township, Grand Traverse County
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690
Phone: (231) 267-5141

Extension Form

Notice to Extend Response Time for FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the township: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

We are extending the date to respond to your FOIA request for no more than 10 business days, until _____ (month, day, year).
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact
_____ at _____

Estimated Time Frame to Respond: _____ (days or date)

The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

☐ **1.** The township needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the township must:

☐ **2.** The township needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the township office. Specifically, the township must coordinate documents from the following locations:

☐ **3.** Other (describe): _____

Signature of FOIA Coordinator:

Date:

[This page left blank on purpose for double-sided printing.]

Township: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Whitewater Township, Grand Traverse County
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690
Phone: (231) 267-5141

Denial Form

Notice of Denial of FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the township: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

☐ **All** OR ☐ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

Partial Denial: Estimated Time Frame to Respond: _____ (days or date). The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Denial:

☐ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection _____ (insert number), because: _____

☐ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the township. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: _____

☐ **3. Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection _____ (insert number), because: _____

A brief description of the information that had to be separated or deleted: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the township has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

Township: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Whitewater Township, Grand Traverse County
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690
Phone: (231) 267-5141

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the township: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

Requestor's Signature: _____ **Date:** _____

Township Response:

The township must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

Township Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until _____ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

Township Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the township has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

(Michigan Townships Association, rev. March 2019)

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

Township: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Whitewater Township, Grand Traverse County
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690
Phone: (231) 267-5141

Fee Appeal Form

FOIA Appeal Form—To Appeal an Excess Fee
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the township: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

Requestor's Signature: _____ **Date:** _____

Township Response:

The township must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

Township Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____
(month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

Township Determination: ☐ Fee Waived ☐ Fee Reduced ☐ Fee Upheld

Written basis for township determination: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the township's written Procedures and Guidelines to the township board or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the township board. If a civil action is commenced in court, the township is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the township required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

(Michigan Townships Association, rev. March 2019)

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240a Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.

Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

History: Add. 2014, Act 563, Eff. July 1, 2015

Whitewater Township

FOIA Procedures and Guidelines

Preamble: Statement of Principles

It is the policy of Whitewater Township that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The Township's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Township acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Township acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Whitewater Township will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Township's policy is to disclose public records consistent with and in compliance with State law.

The Township Board has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The Township Board, acting pursuant to the authority at MCL 15.236, designates the Township Clerk as the FOIA Coordinator. He or she is authorized to designate other Township staff to act on his or her behalf to accept and process written requests for the Township's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a Township spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review Township spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with Township Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect Township systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Township is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Township staff is obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Township on file for a period of at least one year.

The Township will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the Township cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance. The Township will consider FOIA requests abandoned under MCL 15.234(14) if a FOIA requestor does not provide a required good-faith deposit within 48 days of such a request from the Township.

A copy of this Procedures and Guidelines document and the Township's Written Public Summary must be publicly available by providing free copies both in the Township's response to a written request and upon request by visitors at the Township's office.

This Procedures and Guidelines document and the Township's Written Public Summary will be maintained on the Township's website at: www.whitewatertownship.org, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

FOIA requests must include a requestor's basic identifying information including their complete name, address, and a valid telephone number or e-mail address. MCL 15.233(1).

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by the Township on the Township's FOIA Request Form.

If a person makes a verbal, non-written request for information believed to be available on the Township's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable Township personnel to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to any Township office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or otherwise provided to him or her in digital form in lieu of paper copies. The Township will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by Whitewater Township on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the Township will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The Township will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the Township's website.

When a request is granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these Procedures and Guidelines and the Written Public Summary are maintained on the Township's website at: www.whitewatertownship.org, a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the Township will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Township to process the request and also provide a best efforts estimate of a time frame it will take the Township to provide the records to the requestor. The best efforts estimate shall be nonbinding on the Township, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a request is denied or denied in part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the Township; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the Township Supervisor or seek judicial review in the Grand Traverse County Circuit Court;
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

The Township shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Township records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Township operations.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the Township in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the Township's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the Township to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the Township; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the Township;
- The Township is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.

A fee will **not** be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to the Township because of the nature of the request in the particular instance, and the Township specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the township’s usual FOIA requests, not compared to the township’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the Township:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether the public records are from more than one Township department or whether various Township offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township’s website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township’s website if you ask for the township to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- The Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The Township will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the Township's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Township will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the Township must:

- Reduce the labor costs by 5% for each day the Township exceeds the time permitted under FOIA up to a 50% maximum reduction, if *any* of the following applies:
 - The Township's late response was willful and intentional,
 - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
 - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7: Discounted Fees

Indigence

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the Township twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is a sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
 - Is made directly on behalf of the organization or its clients.
 - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
 - Is accompanied by documentation of its designation by the state, if requested by the public body.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Township Board by filing an appeal of the denial with the office of the Township Supervisor (or "clerk" or "FOIA Coordinator," etc.).

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The Township FOIA Appeal Form (To Appeal a Denial of Records), may be used.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the Township Board will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Township Board shall respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

If the Township Board fails to respond to a written appeal, or if the Township Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the Township Board, he or she may file a civil action in Grand Traverse County Circuit Court within 180 days after the Township's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the Township to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or Township prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the Township has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the Township to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the Township to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Township Board by submitting a written appeal for a fee reduction to the office of the Township Supervisor.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Township FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

Where the Township Board reduces or upholds the fee, the determination must include a certification from the Township Board that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the Township Board's determination of an appeal, the requesting person may commence a civil action in Grand Traverse County Circuit Court for a fee reduction.

If a civil action is commenced against the Township for an excess fee, the Township is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

- The Township does not provide for appeals of fees,
- The Township Board failed to respond to a written appeal as required, or
- The Township Board issued a determination to a written appeal.

If a court determines that the Township required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the Township has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the Township to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the Township Board or the Township Administration, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Township Board or the Township Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Township Board or the Township Administration, and to adopt such administrative rules as he or she may deem necessary to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Township Board of any change to these Policies and Guidelines.

These FOIA Procedures and Guidelines become effective and were last revised on _____.

Section 11: Appendix of Whitewater Township FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

Whitewater Township

Public Summary of FOIA Procedures and Guidelines

**It is the public policy of this state that all persons
(except those persons incarcerated in state or local correctional facilities)
are entitled to full and complete information regarding the affairs of government and
the official acts of those who represent them as public officials and public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the Township's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the Township's FOIA Procedures and Guidelines. For more details and information, copies of the Township's FOIA Procedures and Guidelines are available at no charge at any Township office and on the Township's website: www.whitewatertownship.org.

1. How do I submit a FOIA request to the Township?

- A request must sufficiently describe a public record so as to enable the Township to find it.
- FOIA requests must include a requestor's basic identifying information including their complete name, address, and a valid telephone number or e-mail address. MCL 15.233(1).
- Please include the words "FOIA" or "FOIA Request" in the request to assist the Township in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.
 - Any verbal request will be documented by the Township on the Township's FOIA Request Form.
 - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the Township's website at www.whitewatertownship.org, and at the Township Hall location).
- Written requests may be delivered to the Township Hall in person or by mail: Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690.
- Requests may be faxed to: (231) 267-9020. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: clerk@whitewatertownship.org. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

2. What kind of response can I expect to my request?

- Within 5 business days after receiving a FOIA request, the Township will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The Township will respond to your request in one of the following ways:
 - - Grant the request,
 - Issue a written notice denying the request,
 - Grant the request in part and issue a written notice denying in part the request,
 - Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond, or
 - Issue a written notice indicating that the public record requested is available at no charge on the Township's website
- If the request is granted, or granted in part, the Township will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the Township will require a deposit before processing the request.

3. What are the Township's deposit requirements?

- If the Township has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the Township will require that you provide a deposit in the amount of 50% of the total estimated fee. When the Township requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the Township receives a request from a person who has not paid the Township for copies of public records made in fulfillment of a previously granted written request, the Township will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
 - The final fee for the prior written request is not more than 105% of the estimated fee;
 - The public records made available contained the information sought in the prior written request and remain in the Township's possession;
 - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the Township to provide the records;
 - Ninety (90) days have passed since the Township notified the individual in writing that the public records were available for pickup or mailing;
 - The individual is unable to show proof of prior payment to the Township; and
 - The Township has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit
- The Township will consider FOIA requests abandoned under MCL 15.234(14) if a FOIA requestor does not provide a required good-faith deposit within 48 days of such a request from the Township.

- The Township will not require the 100% estimated fee deposit if any of the following apply:
 - The person making the request is able to show proof of prior payment in full to the Township;
 - The Township is subsequently paid in full for all applicable prior written requests; or
 - Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

4. How does the Township calculate FOIA processing fees?

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.

- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for the search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Township. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the Township's usual FOIA requests, because of the nature of the request in the particular instance. The Township must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

The Township must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will be charged only if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- Copies for non-standard sized sheets will reflect the actual cost of reproduction.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

5. How do I qualify for an indigence discount on the fee?

The Township will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are **not** eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the Township twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is sworn statement. For your convenience, the Township has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the Township FOIA Request Form, which is available on the Township's website: www.whitewatertownship.org.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

6. How may I challenge the denial of a public record or an excessive fee?

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the Township Board by filing a written appeal of the denial with the office of the Township FOIA Coordinator.

The appeal must be in writing, specifically state the word “appeal,” and identify the reason or reasons you are seeking a reversal of the denial. You may use the Township FOIA Appeal Form (To Appeal a Denial of Records), which is available on the Township’s website: www.whitewatertownship.org.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal. Within 10 business days of receiving the appeal the Township Board will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Township Board, you may file a civil action in Grand Traverse County Circuit Court within 180 days after the Township's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the Township to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Township Board by filing a written appeal for a fee reduction to the office of the Township FOIA Coordinator.

The appeal must specifically state the word “appeal” and identify how the required fee exceeds the amount permitted. You may use the Township FOIA Appeal Form (To Appeal an Excess Fee), which is available at the Township Hall and on the Township’s website: www.whitewatertownship.org.

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal.

Within 45 days after receiving notice of the Township Board’s determination of the processing fee appeal, you may commence a civil action in Grand Traverse County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys’ fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

Last Revised: _____

New Business (2:07:16)**Resolution #20-12 Revised Freedom of Information Act Forms & Policies**

Motion by Goss to adopt Resolution #20-12 Revised Freedom of Information Act Forms & Policies; second by Lawson.

Discussion ensued concerning the difference between the Board of Review's non-FOIA public record inspection policy and the Freedom of Information Act.

Goss explained that the only update to the township's forms and policies is to deal with anonymous FOIA requests and a 48-day deadline to submit a good faith deposit.

Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.

Development of COVID-19 Preparedness Plan (2:15:06)

Motion by Popp to adopt the Whitewater Township COVID-19 Preparedness Plan as presented, with changes to be discussed at the next meeting; second by Hubbell. Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.

Request to Place Slalom Water Ski Course at South End of Elk Lake (2:17:40)

Motion by Hubbell to submit a letter of no objection as written to Isaac Moothart regarding the installation of a slalom water ski course in front of the Battle Creek Nature Area in the south end of Elk Lake; second by Popp.

Goss cautioned that, since the last time the ski course was up, Battle Creek Natural Area has been designated as a rest stop for non-motorized boats.

Goss also relayed comments from Jack Vert, resident on Miami Beach Road, who said he doesn't believe the township has the right to grant anybody the right to set up a ski course on the lake. He said he is not against the ski course, but the township has no authority to grant permission.

Popp stated the township is not granting permission but simply generating a letter of no objection to it being set up, and stated he has supplied a number of e-mails that he received, with no negative comments and several that were positive. The only negative comment was from ESLA, who had a similar concern that the township had no authority to grant permission.

Isaac Moothart clarified that the permit is good for three years.

No changes were suggested to the proposed letter of no objection.

Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.

Popp will provide an electronic copy of the letter to Isaac Moothart, with a copy to the clerk's office file.

**Whitewater Township
Trustee**

Memo

To: Whitewater Township Board
From: Don Glenn, Trustee
Date: March 1, 2023
Re: Hi Pray Park playground repairs completed

As a follow-up to the brief discussion and answer provided at our February 14th board meeting regarding the re-opening of the Hi Pray Park playground, attached to this memo is a motion passed by the PRAC at their February 21, 2023, meeting attesting to the completeness of the repairs. The inspection report from Kathryn Berry dated August 28, 2022, can be found in the liaison report as part of the PRAC meeting packet.

Although the PRAC has requested a final inspection from Kathryn Berry, the repairs to the playground were completed too late in 2022 for Ms. Berry to revisit the park and she will schedule to return once spring allows for better inspection conditions.

The PRAC is requesting that the board consider allowing the park to be declared reopened with the expectation that the final inspection will be submitted to the township board most likely during the 2nd quarter of 2023.

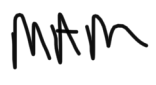
A motion could be as follows: *“Based on the Parks & Recreation Advisory Committee’s action taken to approve unanimously a motion at their regular meeting February 21, 2023, attesting to the fact that all necessary repairs to the Hi Pray Park playground have been completed, the Board of Trustee’s has approved the reopening of the playground and the associated “playground closed” signage be removed effective immediately.”*

**Whitewater Township
Parks & Recreation**

Memo

To: Whitewater Township Board
From: PRAC
cc:
Date: 2/21/2023
Re: Hi Pray Park Playground Reopening Request

Board-

The Parks and Recreation Advisory Committee passed a motion on 2/21/23 to request that the board approve a re-opening of the Hi Pray Park Playground. 

After receiving the playground inspection by Kathryn Berry (see attached copy for reference), the PRAC began the process of any corrections she reported was necessary to comply with the guidelines and standards.

We took all actions as described per the PRAC memo dated 9/26/22 (see attached) and motion approved by the board on 10/11/22 to purchase materials, hire landscape contractor, and provide our time voluntarily to complete this. We did complete everything by 12/13/22. We then requested a final inspection from Kathryn Berry, but unfortunately winter had set in. She has it on her schedule to return once spring allows better inspection conditions.

Memo

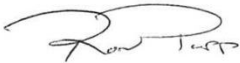
To: Whitewater Township Board of Trustees
CC: None
Date: 3.3.2023
Re: Campground Needs

Board Members –

This business item is presented to allow Trustee Don Glenn a forum to the Board to discuss any matter regarding the camping park he sees relevant, needs more information on, or wants helps with.

No motion pending further Board input.

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 3.3.2023
Re: Advertising Banners on Township Property -

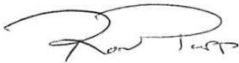
Board Members –

Amber Voice is asking the Township to allow the sales and installation of advertising banners as a revenue stream for the Elk Rapids Youth Baseball Association (Association) for the 2023 season. Amber has provided a brief update via email for your review.

Motion: Motion to approve Elk Rapids Youth Baseball Association's request to install no more than 20 (twenty) 5' x 3' advertising banners at Hi Pray Park for the 2023 Baseball Season.

Please join me in thanking Amber and her unwavering support team for their maintenance efforts at Hi Pray Park. This is a great example of a local public private relationship!

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township



Ron Popp <supervisorwhitewater@gmail.com>

Elk Rapids Youth Baseball Banners

1 message

Voice, Amber <Amber.Voice@mclaren.org>

Wed, Mar 1, 2023 at 4:43 PM

To: Ron Popp <supervisorwhitewater@gmail.com>, "Cheryl A. Goss" <clerk@whitewatertownship.org>, Ardella M Benak <treasurer@whitewatertownship.org>, "trustee02@whitewatertownship.org" <trustee02@whitewatertownship.org>, "Heidivyourtrustee@gmail.com" <heidivyourtrustee@gmail.com>

Board Members-

I am writing you in regards to the Elk Rapids Youth Baseball League. The past two years we have been allowed with board approval to hang sponsor banners at hi pray field for the youth baseball league. They run down first and third baseline not blocking views of fans. The banners are up during game season- Memorial Day until mid July. The league donates \$50 for each banner hung. Last year the league donated \$650 to the township.

My question for the board is does this need to be put on as an agenda item to be voted on again to allow the league to hang banners again with a donation given back to the township or approval from an email from the supervisor is all that is needed. Please let me know, and if it needs to be put on the agenda, can it please be added to the March meeting.

Respectfully, Amber Voice

McLaren confidentiality statement: "The information contained in this communication, including attachments, is confidential, may be privileged, and is intended only for the use of the named recipient(s). Unauthorized use, disclosure, forwarding or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please notify me IMMEDIATELY at the phone number or pager listed above."



Ron Popp <supervisorwhitewater@gmail.com>

Re: Elk Rapids Youth Baseball Banners

1 message

Voice, Amber <Amber.Voice@mclaren.org>

Thu, Mar 2, 2023 at 10:39 AM

To: Ron Popp <supervisorwhitewater@gmail.com>, "Cheryl A. Goss" <clerk@whitewatertownship.org>, Ardella M Benak <treasurer@whitewatertownship.org>, "trustee02@whitewatertownship.org" <trustee02@whitewatertownship.org>, "Heidivourtrustee@gmail.com" <heidivourtrustee@gmail.com>

Info for the board packet for March's meeting

Board members- The baseball sponsor banners are 3'x5' banners with rivets on all four corners to help secure them to the fence. We would donate a portion of the proceeds to the township from each banner. We will be also donating our time to help keep the fields dragged and the area cleaned up for allowing us to use the fields.

Thanks, Amber

From: Voice, Amber

Sent: Wednesday, March 1, 2023 4:43 PM

To: Ron Popp <supervisorwhitewater@gmail.com>; Cheryl A. Goss <clerk@whitewatertownship.org>; Ardella M Benak <treasurer@whitewatertownship.org>; trustee02@whitewatertownship.org <trustee02@whitewatertownship.org>; Heidivourtrustee@gmail.com <heidivourtrustee@gmail.com>

Subject: Elk Rapids Youth Baseball Banners

Board Members-

I am writing you in regards to the Elk Rapids Youth Baseball League. The past two years we have been allowed with board approval to hang sponsor banners at hi pray field for the youth baseball league. They run down first and third baseline not blocking views of fans. The banners are up during game season- Memorial Day until mid July. The league donates \$50 for each banner hung. Last year the league donated \$650 to the township.

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Respectfully, Amber Voice

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518K

Team,

What happen to the website? Who has control to approve or make changes? Why is the website now missing Ordinance 26-Land Division. I have screen shots from before and after which I will attach to this email. In other notes people are still having issues finding the zoom links and seems to be an ongoing problem for computer users. Is there a process or policy for the website on who makes and decides the changes? Are there any best practices or checks and balances for the changes made?

Motion to discuss what the policy and process states on changes to the Whitewater Township Website.

Heidi Vollmuth/Trustee



Whitewater Township Zoning Ordinance

For Zoning Ordinance questions, please contact Zoning Administrator Robert Hall at [\(231\) 267-5141](tel:(231)267-5141), ext. 21, or zoning@whitewatertownship.org. The zoning administrator is generally in the township hall office on Thursdays from 8:30 a.m. to 4:30 p.m.

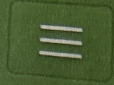
[WHITEWATER TOWNSHIP ZONING ORDINANCE](#)

(Once the document loads, click on the Bookmarks icon to search specific articles)

[CODE ENFORCEMENT POLICY AND PROCEDURES MANUAL](#)

(PDF opens in new window)

5:26



Whitewater Township

Whitewater Township Zoning Ordinance

THIS WEEK ²/₂₇

For Zoning Ordinance questions, please contact Zoning Administrator Robert Hall at (231) 267-5141, ext. 21, or zoning@whitewatertownship.org. The zoning administrator is generally in the township hall office on Thursdays from 8:30 a.m. to 4:30 p.m.

WHITEWATER TOWNSHIP ZONING ORDINANCE



(Once the document loads, click on the Bookmarks icon to search specific articles)

CODE ENFORCEMENT POLICY AND PROCEDURES MANUAL

(PDF opens in new window)

Whitewater Township

5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690

AA  ewatertownship.org 



Memo

To: Whitewater Township Board of Trustees

CC: None

Date: 3.3.2023

Re: Paperwork Issues -

Board Members –

I am unaware of the backstory on Trustee Vollmuth's email. However, it does appear a request for training materials was made and somehow denied by the Clerk's Office. Discussion of the topic may reveal the details prompting the email. The circumstances could be very different from those discussed in unfinished business no. 2 of the 3.14.2023 packet, but the obvious waste of the Board's time, project delays, and overall emotional impact of those who serve is similar.

Motion One: Motion requesting the clerk to issue and order 7 copies of the MTA publication Authorities and responsibilities of Michigan Townships for the Planning Commission Members at a cost not to exceed \$500.00 including shipping.

Motion Two: Motion requesting the clerk's office to modify the Planning Commission Member's personnel folder or file to reflect the transfer of township assets as required in Whitewater Township policy & Procedure Manual Section 3.3(a) 12.

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township



Ron Popp <supervisorwhitewater@gmail.com>

agenda item or paperwork issue

1 message

Heidi Vollmuth <heidivourtrustee@gmail.com>
To: Ron Popp <supervisorwhitewater@gmail.com>

Thu, Mar 2, 2023 at 10:01 PM

Ron,

Today I contacted the MTA and had the pleasure of speaking with the author of the MTA Authorities and responsibilities and she advised me that the Plan Commission and the Planner have every right to ask for and purchase the book through the township. Each member has requested again that somehow we get them a copy of the 2020 edition. There is budgeted money for training materials.

I was informed by Ms. Mullhaupt that the clerk can not make this choice for the Plan Commission. I am requesting the assistance from the board or the supervisor to help the Plan Commission complete the order process. Requesting a purchase order for 7 MTA Authorities and responsibilities of Michigan Townships at a cost of \$57.00 dollars each.

Please advise how to proceed with this issue moving forward. The Plan Commission was very disappointed that this process is so hard to complete. Was not sure if I needed an agenda item, a motion or this could be handled in a different matter.

Regards,
Heidi Vollmuth/Trustee
PC Liason

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 3.3.2023
Re: Proposed Zoning Ordinance Amendment 86

Board Members –

This last-minute delivery appears to request Board approval of proposed ordinance amendment No. 86. As this is the first submittal from the new PC the confusion is significant. I have guessed at the assembly order of the documents but believe they follow something like this:

- 1) The first page (page 3) appears to be the request from the Planning Commission to the Board to approve Proposed Zoning Ordinance Amendment No. 86.
- 2) The second page (page 4) is the legal notice used for the public hearing 2.01.2023.
- 3) Pages 5 thru 10 appear to be the current Article 28 of the Zoning Ordinance.
- 4) Pages 11 thru 16 is a redline version of the proposed amendment language embedded into the current article.
- 5) Pages 16 and 17 appear to highlight changes to Article 3 however, no original Article appears to be present.
- 6) Pages 18 thru 22 appear to be a clean copy of Article 28 which includes all of the proposed changes.
- 7) I have no idea what page 23 represents.
- 8) Page 24 is an email from North Place Planning detailing changes made to proposed amendment 28 at the 03.01.2023 Planning Commission Meeting
- 9) Pages 25 thru 34 is the redline version of the proposed changes detailed in the email.
- 10) Pages 35 thru 44 appear to be the final clean copy of the amendment the Planning Commission is asking the Board to approve incorporating all of the changes from 3.01.2023 Planning Commission discussion.
- 11) Pages 45 and 46 is the proof of publishing for the public hearing regarding Proposed Zoning Ordinance Amendment No. 86.

As stated earlier I am only guessing at the order and the final document the Planning Commission wishes the Board to act upon.

No motion is offered at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. J. [unclear]", is positioned above the typed name.

Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

To: Whitewater Township Board

From: Whitewater Township Planning Commission

Date: 03/01/2023

RE: Amendment #86, Article 28, Condominium Development Regulations and Article 3 Definitions

This Amendment has been before the PC, the Planner, the attorney and it has been through Public Hearing (02/01). The updates are primarily clarifications. There are no major zoning changes.

At the 03/01/2023 Planning Commission meeting a **MOTION** by Jacobson second by Keaton to forward Amendment #86 as amended to the Board with a recommendation to adopt based on the stated findings of fact:

- To clarify text with varied interpretations
- To adjust organizational structure to improve navigation within the article
- To provide definitions that were not previously defined
- To improve clarity which were not as concise as the PC wanted
- To increase transparency, clarity and conform with exparte' rules we added the planner and reduced the number of planning commissioners to one or two in the preliminary review

The following corrections were made at the 03/01 Planning Commission meeting:

- Spelling error needs to be corrected –pkt page 10, paragraph e, hall should be shall
- pkt page 13 #6 health, life or property and replace with health, safety and welfare; set aside for open space uses

Consensus to forward to the board as amended with a recommendation to adopt Amendment #86 was voted as follows: Roll call: Steelman-yes; Jacobson-yes; Vollmuth-Board member not voting; Keaton-yes; Rebant-n/a; Wroubel-yes; DeYoung-n/a.

LEGAL NOTICE
WHITEWATER TOWNSHIP PLANNING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENT NO. 86

The Whitewater Township Planning Commission will conduct a public hearing at their regularly scheduled meeting on **February 1, 2023, at 6:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.** The purpose of the public hearing will be to receive comments regarding certain proposed amendments to the Whitewater Township Zoning Ordinance as described below:

Article 3, DEFINITIONS: The purpose of this amendment is to revise the definitions of Condominium Project, Condominium Conversion, and Mobile Home or Manufactured Home Condominium Project.

Article 28, CONDOMINIUM DEVELOPMENT REGULATIONS: The purpose of this amendment is to revise Article 28 in its entirety.

All persons are welcome to attend and will be heard concerning the proposed amendments. Remote participation through Zoom will be available. A copy of the proposed zoning ordinance amendment language is available for public inspection at the Whitewater Township offices, 5777 Vinton Road, Williamsburg, Michigan 49690, during regular business hours, and on the township website at www.whitewatertownship.org.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, P.O. Box 159, Williamsburg, Michigan 49690.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at (231) 267-5141 x23 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

Posted inside/outside township hall and on township website on 01/11/2023 at 3:20 p.m.

ARTICLE XXVIII
CONDOMINIUM DEVELOPMENT REGULATIONS
(Effective March 28, 2021)

28.10 INTENT

The intent of this Article is to provide procedures and standards for the review and approval or denial of condominium developments implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium development shall be approved or disapproved by the Township.

28.11 APPLICABILITY**A. General Provisions**

Prior to recording of the master deed, required by Section 72 of the Condominium Act, the condominium development shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium development in the Township.

B. Condominium Conversions – All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.

C. Plat Approval

There shall be no requirement for plat approval for a condominium development under the Township Subdivision Control Ordinance.

D. Planned Developments

The procedural provisions of this section shall not apply to condominium developments which are reviewed and approved through the Special Use Permit – Planned Unit Development procedure, **Article 31 of this Ordinance**.

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township may, as the Zoning Administrator and Planning Commission deem necessary, charge for consultation with the Township Attorney and other experts, regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. All reasonable costs related to said consultation, as established by the Township, shall be placed in escrow with the Township by the applicant prior to review in addition to the standard nonrefundable application fee.

At any point during the review process, the Township may require that the applicant place additional funds with the Township to cover consultations deemed necessary to complete the review process. If consultation funds are not provided promptly, all reviews shall cease until funds are made available to continue. Any unused consultation funds remaining after the Township completes its review shall be returned to the applicant with a line item record of distributions.

28.13 GENERAL REQUIREMENTS

A. Compliance with Federal, State and Local Laws

All condominium developments shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

B. Fee Required

Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee **or preliminary review fee** as established by resolution of the Board to cover the Township's cost of **internal** review. Such application fee shall be independent of any required consultation costs as described in Section 28.12.

C. Information Required

All condominium development plans shall include the information required by **Section 66 of the Condominium Act** and the material required in **Section 25.11 (F)**. A person, firm, or corporation intending to develop a condominium development shall provide the following information:

1. Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
2. The name of the proposed condominium development.
3. The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
4. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
5. The acreage of the land on which the condominium development will be developed.
6. The land use and existing zoning of the proposed condominium development.
7. The following information for subject parcel and all parcels within 300 feet of the proposed site:
 - a. Name and address of the owners
 - b. The zoning classifications
 - c. Existing structures or significant land marks
8. Location, type, dimensions and proposed use of all existing structures.
9. A location map showing the relationship of the proposed plan to the surrounding area.
10. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
11. Condominium lot lines and the total number of condominium units to be developed on the subject parcel.
12. Description of water system to be provided.
13. Description of sanitary waste disposal system to be provided.
14. Right-of-way easements, showing location, width, and purpose.
15. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.

16. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types.
17. Any additional information required during site plan review

D. Utility Easements

The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

E. Performance Guarantees

As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in **Section 25.16** of this Ordinance.

28.14 MOBILE HOME CONDOMINIUM DEVELOPMENTS

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such developments shall be located only in a zoning district that provides for mobile homes. The review and approval shall be processed in accordance with Section 28.15 Review Procedures.

28.15 STANDARDS AND DESIGN FOR CONDOMINIUM DEVELOPMENTS

A. Condominium Lots

The Condominium Development Plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provisions herein, these parcels shall be referred to as “condominium lots”.

B. Condominium Development Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements. Should there be unusual topographic or other natural feature constraints, these standards may be modified to achieve greater or lesser conformance in accordance with the judgement of the township Planning Commission.

1. Each condominium lot in a site shall be considered a single lot and shall comply with the zoning district in which it is located. The area and setback requirements of a dwelling unit or structures are subject to the zoning district in which it is located.
2. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
3. The condominium lots size and required setbacks shall be measured from the designated front, rear and side condominium lot lines.
4. There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.

5. Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the subdivision.
6. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium development may be set aside for other uses, such as parks or other open space.
7. Easements shall provide for utilities when necessary.
8. All condominium development units shall be accessible to emergency vehicles.
9. Common open space provided shall remain open for recreational and conservational purposes, and recorded as part of the master deed.
10. Condominium development units having water frontage shall meet the requirements of Article 14 Easement to Waterfront.
11. A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
12. All condominium developments shall obtain approval from all applicable governing agencies.

28.16 REVIEW PROCEDURES

A. Preliminary Review

Any applicant can request a preliminary review of a proposed condominium development with the Zoning Administrator and one to three Planning Commissioners. This review allows an open dialogue and an opportunity to discuss a proposed goals, features, location and scope of operations prior to a formal application. Preliminary Review is available as a sounding board only, no decisions or approvals shall be rendered, either stated or implied.

B. Agency Submittal

The applicant shall provide copies of the proposed condominium development plan to the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, and Road Commission (or Michigan Department of Transportation if proposed on a state highway), as well as the Michigan Department of Environment, Great Lakes, and Energy (when sensitive areas and wetlands are a concern), and the Whitewater Township Fire Department or the respective successor for any of the above agencies. Four (4) hard copies and a digital print shall also be provided to the Whitewater Township. The Zoning Administrator shall distribute the proposed condominium development plans to the Planning Commission and Board of Trustees for review.

C. Public Hearing

The Planning Commission shall hold a public hearing on the proposed site condominium development plan, for the purpose of reviewing and making a recommendation of approval, approval with conditions, or denial to the Township Board.

D. Planning Commission Determination

After preceding with the **Article 25, Site Plan Review** process, if the Planning Commission determines that the proposed plan meets all the requirements of this Ordinance and the Condominium Act, the Planning Commission shall recommend approval or approval with conditions of the site condominium development plan and shall send written notice of action taken with comments to the Township Board and applicant.

If the Planning Commission determines that the condominium development plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes and shall provide written notice of said decision to the Township Board and applicant. The Planning Commission shall recommend to the Board, disapproval of the plan until the objections causing disapproval have been changed to meet the requirements of this Ordinance and the Condominium Act.

E. Township Board Procedure

The Township Board shall not review, approve or reject a condominium development until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium development plan at its next meeting after receipt of the report and recommendations from the Planning Commission provided all documents are received 15 days prior to meeting date. The Board shall render a written decision within 15 days of their meeting unless the applicant and Board agree to a later deadline.

F. Township Board Determination

The Township Board shall approve the condominium development plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

28.17 CONDITIONS AND DURATION OF APPROVAL

A. Conditions

The approval of the Board of Trustees will indicate that the proposed condominium development plan meets the ordinances and regulations of Whitewater Township, but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium development plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

B. Duration

Approval of the condominium development plan by the Township shall be for a period of two (2) years from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within two years of approval, such approval shall be considered null and void. The Zoning Administrator may extend the two-year period by one additional year if applied for by the applicant subject to satisfying the requirements of **Section 25.15 Failure to Initiate Construction**.

C. Condominium Development Plan Approval Contract

If the Township Board approves the site condominium development plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium development plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the applicant to the Township Treasurer prior to Township signature and issuance of such order.

28.18 FINAL FILINGS REQUIREMENTS

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are not delinquent. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded with the County Register of Deeds. The Township shall be provided with two (2) copies of each document, including as-built prints, and all pertinent attachments which shall remain on file with the Township.

28.19 CONDOMINIUM DEVELOPMENT AMENDMENTS

Condominium Development Plans may be amended as follows:

A. Minor Amendments

Minor amendments are those which are determined by the Zoning Administrator to have no foreseeable effect beyond the condominium development boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

B. Major Amendments.

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission according to the procedures authorized by this Article for approval of a condominium development.

Proposed Edits

Note: This should be reformatted in Times New Roman and larger font to match our ordinance. These were changed during review, source unknown. Proposed Amendment (Draft)
Includes Re-numbering and PC Edits on 12-7-2022

ARTICLE XXVIII CONDOMINIUM DEVELOPMENT REGULATIONS (Effective March 28, 2021)

~~28.10~~ **28.10** INTENT

The intent of this Article is to provide procedures and standards for the review and approval, or denial of condominium ~~development~~projects implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to ~~insure~~ensure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium ~~development~~ownership shall be reviewed, approved or disapproved by the Township.

~~28.11~~ **28.11** APPLICABILITY

~~A.~~ **A. General Provisions**

Prior to recording of the master deed, required by Section 72 of the Condominium Act, ~~the~~a condominium ~~development~~project shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium ~~development~~project in the Township.

B. Plat Approval

There shall be no requirement for plat approval for a condominium project under the Township Subdivision Control Ordinance, General Ordinance 16.

C. Planned Unit Developments

The procedural provisions of this section shall not apply to Planned Unit Developments, which are reviewed and approved through the Special Use Permit – Planned Unit Development procedures in Article 31 of this Ordinance.

D. Condominium ~~Conversions~~—Conversion

~~B.~~ All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.

E. Mobile/Manufactured Home Condominium Project

Mobile/Manufactured home condominium projects shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such projects shall be located only in a zoning district that provides for mobile/manufactured home. The review and approval shall be processed in accordance with this Article as a site condominium subdivision.

F. Site Condominium Subdivisions

1. Site Condominium Definition. For this section, a site condominium subdivision shall include all developments, in any zoning district, proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
- 1-2. Site Condominium General Requirements. The site condominium subdivision plan indicates specific unit dimensions with front, rear and side lot lines. These parcels are also referred to as site condominium lots, and the size, location and arrangement of these site condominium lots shall conform to the requirements of this ordinance. A condominium project is designed to function in a similar manner, or as an alternative to, a platted subdivision. Outside of the condominium lots, common elements of the development are defined for co-owners.

~~C.~~ **28.12 Plat Approval**

~~There shall be no requirement for plat approval for a condominium development under the Township Subdivision Control Ordinance.~~

~~D.~~ **Planned Developments**

~~The procedural provisions of this section shall not apply to condominium developments which are reviewed and approved through the Special Use Permit — Planned Unit Development procedure, **Article 31 of this Ordinance.**~~

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township may, ~~as the Zoning Administrator and Planning Commission deem necessary,~~ charge for consultation with the Township Attorney and other experts, regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. ~~All reasonable Estimated~~ costs related to said consultation, ~~as established by the Township,~~ shall be placed in an escrow ~~with the Township by the applicant prior to review~~ account in addition to the standard nonrefundable application fee.

~~At any point during the review process, the~~ The Township may require that the applicant place additional funds ~~with the Township to cover consultations in escrow if deemed necessary to complete the review process. If consultation funds are not provided promptly, all reviews shall cease until funds are made available to continue.~~ Any unused consultation funds ~~remaining after the Township completes its review~~ shall be returned to the applicant with ~~a line item~~ an itemized record of distributions.

~~28.13~~ **28.13 GENERAL REQUIREMENTS**

~~A.~~ **A. Compliance with Federal, State and Local Laws**

All condominium ~~developments~~ projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

~~B.~~ **B. Fee Required**

Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such application fee shall be independent of any required consultation costs as described in ~~Section~~ Article 28-12.

~~C.~~ **C. Information Required**

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 25.11 (F). A person, firm, or corporation intending to develop a condominium development shall provide the following information:

1. Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
2. The name of the proposed condominium development.
3. The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
4. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
5. The acreage of the land on which the condominium development will be developed located.
6. The land use and existing zoning of the proposed condominium development.

- ~~7.~~ The following information for subject parcel and all parcels within 300 feet of the proposed site:
- ~~a.~~ a. Name and address of the owners
 - ~~b.~~ b. The zoning classifications
 - ~~c.~~ c. Existing structures or significant ~~land marks~~ landmarks
 - 8. Location, type, dimensions, and proposed use of all existing structures.
 - 9. A location map showing the relationship of the proposed condominium development plan to the surrounding area.
 - 10. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
 - 11. Condominium unit lot lines and the total number of condominium units to be developed on the subject parcel.
 - 12. Description of water system to be ~~provided~~ implemented.
 - 13. Description of sanitary waste disposal system to be ~~provided~~ implemented.
 - 14. ~~Right~~ Public roads, private roads, and right-of-way easements, showing location, width, and purpose. All private roads in a condominium subdivision shall comply with the specifications of any applicable ordinance, state law, or federal law
 - 15. Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
 - 16. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types. Significant vegetation includes all trees with a minimum trunk diameter of 18 inches at 4 1/2 feet above the surrounding grade.
 - 17. Any additional information ~~required~~ deemed necessary during ~~site~~ plan review.

~~D.~~ D. Utility Easements

The condominium development plan shall include and describe all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

~~E.~~ E. Performance Guarantees

As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in ~~Section~~ Article 25.16 of this Ordinance.

28.14 MOBILE HOME CONDOMINIUM DEVELOPMENTS

~~Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such developments shall be located only in a zoning district that provides for mobile homes. The review and approval shall be processed in accordance with Section 28.15 Review Procedures.~~

28.15 STANDARDS AND DESIGN FOR CONDOMINIUM DEVELOPMENTS

28.14 STANDARDS AND DESIGN FOR SITE CONDOMINIUM DEVELOPMENTS

~~A.~~ A. Site Condominium Lots

The ~~Condominium Development Plan~~ condominium development plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit. ~~For the purpose of this section and to assure compliance with the provisions herein, these parcels shall be referred to as "condominium lots" or lot.~~

~~B.~~ B. Site Condominium Development Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements: and guidelines.

1. Should there be unusual topographic or other natural feature constraints, these ~~standards~~ requirements may be ~~modified~~ adjusted to ~~achieve greater or lesser conformance~~ unique site conditions in accordance with the judgement of the township Planning Commission.

- ~~1.2.~~ Each condominium lot ~~in a site shall be considered a single lot and~~ shall comply with the requirements of each zoning district in which it is located. ~~The area, and all condominium lots and setback requirements of a dwelling unit or structures are subject to required setbacks shall be measured from the zoning district in which it is located designated front, rear and side condominium lot lines.~~
- ~~2.3.~~ Each condominium dwelling unit shall be located within a condominium lot. In a condominium development containing approved for single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
- ~~3. The condominium lots size and required setbacks shall be measured from the designated front, rear and side condominium lot lines:~~
4. There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
 5. Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the subdivision condominium development.
 6. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium development may be set aside for other uses, such as parks or other open space.
 7. Easements shall provide for utilities when necessary.
 8. All condominium development units and accessory structures shall be accessible to emergency vehicles.
 9. Common open space provided shall remain open for recreational and conservational purposes, and recorded as part of the master deed.
 10. Condominium development units having water frontage shall meet the requirements of Article 14 Easement to Waterfront.
 11. A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
 12. All condominium developments shall obtain approval from all applicable governing agencies.

~~28.16~~ 28.15 REVIEW PROCEDURES

~~A.~~ A. Preliminary Review

Any applicant can request a preliminary review of a proposed condominium development with the Planner, Zoning Administrator and one to ~~three~~two Planning ~~Commissioners~~Commissioners. This review allows an open dialogue and an opportunity to discuss a proposed goals, features, location and scope of operations prior to a formal application. Preliminary Review is available as a sounding board only, no decisions or approvals shall be rendered, either stated or implied.

~~B.~~ B. Agency Submittal

The applicant shall provide necessary full size hard copies and an electronic file (.pdf) of the proposed condominium development plan to Whitewater Township and the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, and Road Commission (or Michigan Department of Transportation if proposed on a state highway), as well as the Michigan Department of Environment, Great Lakes, and Energy (when sensitive areas and wetlands are a concern), and the Whitewater Township Fire Department or the respective successor for any of the above agencies. ~~Four (4) hard copies and a digital print shall also be provided to the Whitewater Township.~~ The Zoning Administrator shall distribute the proposed condominium development plans to the Planning Commission ~~and~~, Board of Trustees ~~for review, and other parties as required.~~

~~C.~~ C. Site Plan Review and Public Hearing

The Planning Commission shall hold a public hearing in accordance with site plan review requirements contained in Article 25, on the proposed site condominium development plan, for the purpose of reviewing and making a recommendation of approval, approval with conditions, or denial to the Township Board, receiving input from the public regarding the proposed development.

~~D.~~ D. Planning Commission Determination

After ~~preceding the public hearing held in accordance with the~~ Article 25, ~~Site Plan Review process, if~~ the Planning Commission ~~determines that shall make a determination and recommendation to the Township Board regarding whether~~ the proposed plan meets all the requirements of this Ordinance and the Condominium Act. If the proposal is found in

compliance, the Planning Commission shall recommend approval or approval with conditions of the site condominium development plan and shall send written notice of action taken with comments to the Township Board and applicant.

If the Planning Commission determines that the condominium development plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes and shall provide written notice of said decision to the Township Board and applicant. The Planning Commission shall not recommend ~~to the Board, disapproval~~approval of the ~~plan~~project until ~~the objections causing disapproval have been changed to meet the~~all requirements of this Ordinance and the Condominium Act: have been met.

E. Township Board Procedure

The Township Board shall not review, approve or reject a condominium development until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium development plan at its next meeting after receipt of the report and recommendations from the Planning Commission provided all documents are received 15 days prior to meeting date. The Board shall render a written decision within 15 days of their meeting unless the applicant and Board agree to a later deadline.

F. Township Board Determination

The Township Board shall approve the condominium development plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

28.17 28.16 CONDITIONS AND DURATION OF APPROVAL

A. Conditions

The approval of the Board of Trustees will indicate that the proposed condominium development plan meets the ordinances and regulations of Whitewater Township, but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium development plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

B. Duration

Approval of the condominium development plan by the Township shall be for a period of two (2) years from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within two years of approval, such approval shall be considered null and void. The Zoning Administrator may extend the two-year period by one additional year if applied for by the applicant subject to satisfying ~~the~~all requirements of ~~Section Article 25.15 Failure to Initiate Construction.~~

C. Condominium Development Plan Approval Contract

If the Township Board approves the site condominium development plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium development plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the applicant to the Township Treasurer prior to Township signature and issuance of such order.

28.18 28.17 FINAL FILINGS REQUIREMENTS

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are not delinquent. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded with the County Register of Deeds. The Township shall be provided with two (2) copies of each document, including as-built prints, and all pertinent attachments which shall remain on file with the Township.

28.19 28.18 CONDOMINIUM DEVELOPMENT AMENDMENTS

Condominium Development Plans may not be amended without Township consent. Condominium amendments which are recorded prior to the receipt of written Township approval are null and void. Condominium Development Plans may be amended as follows:

A. A. Minor Amendments

Minor amendments are those which are determined by the Zoning Administrator to have no foreseeable effect beyond the condominium development boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

B. Major Amendments.

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission according to the procedures authorized by this Article for approval of a condominium development.

Updated Relevant Definitions in Article III (Highlighted)

CONDOMINIUM UNIT: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978). The term "condominium project" is also defined as being synonymous with term "condominium development" herein.

CONDOMINIUM CONVERSION: Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership. A condominium conversion also refers to a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act 59 of 1978.

MASTER DEED: The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

MOBILE HOME OR MANUFACTURED HOME CONDOMINIUM PROJECT: A condominium project in which mobile homes or manufactured homes are located upon separate sites which constitute individual condominium units.

SITE CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but is subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended.

SITE CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.

Note: This should be reformatted in Times New Roman and larger font to match our ordinance. These were changed during review, source unknown. Proposed Amendment (Draft)
Includes Re-numbering and PC Edits on 12-7-2022

ARTICLE XXVIII
CONDOMINIUM DEVELOPMENT REGULATIONS
(Effective March 28, 2021)

28.10 INTENT

The intent of this Article is to provide procedures and standards for the review and approval, or denial of condominium projects implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to ensure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium ownership shall be reviewed, approved or disapproved by the Township.

28.11 APPLICABILITY

A. General Provisions

Prior to recording of the master deed, required by Section 72 of the Condominium Act, a condominium project shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.

B. Plat Approval

There shall be no requirement for plat approval for a condominium project under the Township Subdivision Control Ordinance, General Ordinance 16.

C. Planned Unit Developments

The procedural provisions of this section shall not apply to Planned Unit Developments, which are reviewed and approved through the Special Use Permit – Planned Unit Development procedures in Article 31 of this Ordinance.

D. Condominium Conversion

All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.

E. Mobile/Manufactured Home Condominium Project

Mobile/Manufactured home condominium projects shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such projects shall be located only in a zoning district that provides for mobile/manufactured home. The review and approval shall be processed in accordance with this Article as a site condominium subdivision.

F. Site Condominium Subdivisions

1. Site Condominium Definition. For this section, a site condominium subdivision shall include all developments, in any zoning district, proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
2. Site Condominium General Requirements. The site condominium subdivision plan indicates specific unit dimensions with front, rear and side lot lines. These parcels are also referred to as site condominium lots, and the size, location and

arrangement of these site condominium lots shall conform to the requirements of this ordinance. A condominium project is designed to function in a similar manner, or as an alternative to, a platted subdivision. Outside of the condominium lots, common elements of the development are defined for co-owners.

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township may charge for consultation with the Township Attorney and other experts, regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. Estimated costs related to said consultation, shall be placed in an escrow account in addition to the standard nonrefundable application fee.

The Township may require that the applicant place additional funds in escrow if deemed necessary. Any unused consultation funds shall be returned to the applicant with an itemized record of distributions.

28.13 GENERAL REQUIREMENTS

A. Compliance with Federal, State and Local Laws

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

B. Fee Required

Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such application fee shall be independent of any required consultation costs as described in Article 28.

C. Information Required

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 25.11 (F). A person, firm, or corporation intending to develop a condominium development shall provide the following information:

1. Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
2. The name of the proposed condominium development.
3. The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
4. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
5. The acreage of the land on which the condominium development will be developed located.
6. The land use and existing zoning of the proposed condominium development.
7. The following information for subject parcel and all parcels within 300 feet of the proposed site: a. Name and address of the owners b. The zoning classifications c. Existing structures or significant landmarks
8. Location, type, dimensions, and proposed use of all existing structures.
9. A location map showing the relationship of the proposed condominium development plan to the surrounding area.
10. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
11. Condominium unit lot lines and the total number of condominium units to be developed on the subject parcel.

12. Description of water system to be implemented.
13. Description of sanitary waste disposal system to be implemented.
14. Public roads, private roads, and right-of-way easements, showing location, width, and purpose. All private roads in a condominium subdivision shall comply with the specifications of any applicable ordinance, state law, or federal law
15. Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
16. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types. Significant vegetation includes all trees with a minimum trunk diameter of 18 inches at 4 1/2 feet above the surrounding grade.
17. Any additional information deemed necessary during plan review.

D. Utility Easements

The condominium development plan shall include and describe all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

E. Performance Guarantees

As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in Article 25 of this Ordinance.

28.14 STANDARDS AND DESIGN FOR SITE CONDOMINIUM DEVELOPMENTS

A. Site-Condominium Lots

The condominium development plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit or lot.

B. Site-Condominium Development Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements and guidelines.

1. Should there be unusual topographic or other natural feature constraints, these requirements may be adjusted to unique site conditions in accordance with the judgement of the township Planning Commission.
2. Each condominium lot shall comply with the requirements of each zoning district in which it is located, and all condominium lots and required setbacks shall be measured from the designated front, rear and side condominium lot lines.
3. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development approved for single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
4. There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
5. Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the condominium development.
6. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium development may be set aside for other uses, such as parks or other open space.
7. Easements shall provide for utilities when necessary.
8. All condominium development units and accessory structures shall be accessible to emergency vehicles.

9. Common open space provided shall remain open for recreational and conservational purposes and recorded as part of the master deed.
10. Condominium development units having water frontage shall meet the requirements of Article 14 Easement to Waterfront.
11. A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
12. All condominium developments shall obtain approval from all applicable governing agencies.

28.15 REVIEW PROCEDURES

A. Preliminary Review

Any applicant can request a preliminary review of a proposed condominium development with the Planner, Zoning Administrator and one to two Planning Commissioners. This review allows an open dialogue and an opportunity to discuss a proposed goals, features, location and scope of operations prior to a formal application. Preliminary Review is available as a sounding board only, no decisions or approvals shall be rendered, either stated or implied.

B. Agency Submittal

The applicant shall provide necessary full size hard copies and an electronic file (.pdf) of the proposed condominium development plan to Whitewater Township and the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, and Road Commission (or Michigan Department of Transportation if proposed on a state highway), as well as the Michigan Department of Environment, Great Lakes, and Energy (when sensitive areas and wetlands are a concern), and the Whitewater Township Fire Department or the respective successor for any of the above agencies. The Zoning Administrator shall distribute the proposed condominium development plans to the Planning Commission, Board of Trustees, and other parties as required.

C. Site Plan Review and Public Hearing

The Planning Commission shall hold a public hearing in accordance with site plan review requirements contained in Article 25, on the proposed site condominium development plan for the purpose of receiving input from the public regarding the proposed development.

D. Planning Commission Determination

After the public hearing held in accordance with Article 25, the Planning Commission shall make a determination and recommendation to the Township Board regarding whether the proposed plan meets all the requirements of this Ordinance and the Condominium Act. If the proposal is found in compliance, the Planning Commission shall recommend approval or approval with conditions of the site condominium development plan and shall send written notice of action taken with comments to the Township Board and applicant.

If the Planning Commission determines that the condominium development plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes and shall provide written notice of said decision to the Township Board and applicant. The Planning Commission shall not recommend approval of the project until all requirements of this Ordinance and the Condominium Act have been met.

E. Township Board Procedure

The Township Board shall not review, approve or reject a condominium development until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium development plan at its next meeting after receipt of the report and recommendations from the Planning Commission provided all documents are received 15 days prior to meeting date. The Board shall render a written decision within 15 days of their meeting unless the applicant and Board agree to a later deadline.

F. Township Board Determination

The Township Board shall approve the condominium development plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

28.16 CONDITIONS AND DURATION OF APPROVAL

A. Conditions

The approval of the Board of Trustees will indicate that the proposed condominium development plan meets the ordinances and regulations of Whitewater Township but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium development plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

B. Duration

Approval of the condominium development plan by the Township shall be for a period of two (2) years from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within two years of approval, such approval shall be considered null and void. The Zoning Administrator may extend the two-year period by one additional year if applied for by the applicant subject to satisfying all requirements of Article 25.

C. Condominium Development Plan Approval Contract

If the Township Board approves the site condominium development plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium development plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the applicant to the Township Treasurer prior to Township signature and issuance of such order.

28.17 FINAL FILINGS REQUIREMENTS

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are not delinquent. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded with the County Register of Deeds. The Township shall be provided with two (2) copies of each document, including as-built prints, and all pertinent attachments which shall remain on file with the Township.

28.18 CONDOMINIUM DEVELOPMENT AMENDMENTS

Condominium Development Plans may not be amended without Township consent. Condominium amendments which are recorded prior to the receipt of written Township approval are null and void. Condominium Development Plans may be amended as follows:

A. Minor Amendments

Minor amendments are those which are determined by the Zoning Administrator to have no foreseeable effect beyond the condominium development boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

B. Major Amendments.

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission according to the procedures authorized by this Article for approval of a condominium development.

Updated Relevant Definitions in Article III (Highlighted)

CONDOMINIUM UNIT: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978). The term "condominium project" is also defined as being synonymous with term "condominium development" herein.

CONDOMINIUM CONVERSION: Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership. A condominium conversion also refers to a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act 59 of 1978.

MASTER DEED: The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

MOBILE HOME OR MANUFACTURED HOME CONDOMINIUM PROJECT: A condominium project in which mobile homes or manufactured homes are located upon separate sites which constitute individual condominium units.

SITE CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but is subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended.

SITE CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.



Ron Popp <supervisorwhitewater@gmail.com>

PC Bylaws and Condominium Development Regulations Amendment

2 messages

Randy Mielnik <randy@northplaceplanning.com>

Thu, Mar 2, 2023 at 4:31 PM

To: Christopher Patterson <cpatterson@fsbrlaw.com>, Rachel Steelman <rsteelmanpc@yahoo.com>, Ron Popp <supervisorwhitewater@gmail.com>

Good afternoon Chris:

The Whitewater Township PC met last night and acted on the Bylaws and the Condominium Development Regulations Amendment. A few minor changes were made to both before passage. We wanted to provide updated copies of both documents and draw your attention to the following:

1. Regarding the Bylaws, the most significant change relates to the conflict-of-interest issue. The change is simply the addition of an additional sentence that defines "financial interest" (item C on page 6 of 8). This language came from a CPA, and was provided by Mr. Keaton.
2. Regarding the Condominium Development Regulations Amendment, there were two changes. One typo correction (Subsection E on Page 3) and a clarification to item 6 on Page 6. Attached is a redline version and clean copy.

As these changes did not seem significant (warranting more legal review), they are being sent on to the Township Board today (as today is the deadline for packet material). The Bylaw update is being provided to the Township Board for informational purposes. Please let us know if you see any issues.

Thank You Very Much,

Randy

Randy A. Mielnik, AICP

North Place Planning, LLC

3 attachments



Planning Commission Bylaws - approved 3-2-23.docx
33K



2023.02.10 Whitewater Twp Condo Amendments_as approved by the PC.docx
33K



2023.02.10 Whitewater Twp Condo Amendments_showing edits made at PC Meeting.docx
34K

Ron Popp <supervisorwhitewater@gmail.com>

Fri, Mar 3, 2023 at 3:40 PM

Draft To: Randy Mielnik <randy@northplaceplanning.com>

Just getting to your email. Are these to be placed on the agenda?

Ron Popp
Whitewater Township Supervisor
231.267.5141 Ext. 23
supervisorwhitewater@gmail.com

[Quoted text hidden]

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ARTICLE III DEFINITIONS AMENDMENT
ARTICLE XXVIII CONDOMINIUM DEVELOPMENT REGULATIONS AMENDMENT**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2023, at __:___ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to update and revise definitions and regulations the procedures, standards and regulations for approval and denial of Condominium Development Projects in order to maintain the public health, safety, and welfare of the residents and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ARTICLE III. The Whitewater Township Zoning Ordinance's Definition Section shall be amended to revise the following definitions.

CONDOMINIUM UNIT: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978). The term "condominium project" is also defined as being synonymous with term "condominium development" herein.

CONDOMINIUM CONVERSION: Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership. A condominium conversion also refers to a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act 59 of 1978.

MASTER DEED: The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

MOBILE HOME OR MANUFACTURED HOME CONDOMINIUM PROJECT: A condominium project in which mobile homes or manufactured homes are located upon separate sites which constitute individual condominium units.

SITE CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but is subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended.

SITE CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.

SECTION 2: AMENDMENT TO ARTICLE XXVIII, SECTION 28.10. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.10 shall be amended to read as follows:

28.10 INTENT

The intent of this Article is to provide procedures and standards for the review and approval, or denial of condominium projects implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to ensure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium ownership shall be reviewed, approved or disapproved by the Township.

SECTION 3: AMENDMENT TO ARTICLE XXVIII, SECTION 28.11. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.11, shall be amended to read as follows:

28.11 APPLICABILITY

A. General Provisions

Prior to recording of the master deed, required by Section 72 of the Condominium Act, a condominium project shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.

B. Plat Approval

There shall be no requirement for plat approval for a condominium project under the Township Subdivision Control Ordinance, General Ordinance 16.

C. Planned Unit Developments

The procedural provisions of this section shall not apply to Planned Unit Developments, which are reviewed and approved through the Special Use Permit – Planned Unit Development procedures in Article 31 of this Ordinance.

D. Condominium Conversion

All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.

E. Mobile/Manufactured Home Condominium Project

Mobile/Manufactured home condominium projects shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such projects shall be located only in a zoning district that provides for mobile/manufactured home. The review and approval shall be processed in accordance with this Article as a site condominium subdivision.

F. Site Condominium Subdivisions

1. Site Condominium Definition. For this section, a site condominium subdivision shall include all developments, in any zoning district, proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
2. Site Condominium General Requirements. The site condominium subdivision plan indicates specific unit dimensions with front, rear and side lot lines. These parcels are also referred to as site condominium lots, and the size, location and arrangement of these site condominium lots shall conform to the requirements of this ordinance. A condominium project is designed to function in a similar manner, or as an alternative to, a platted subdivision. Outside of the condominium lots, common elements of the development are defined for co-owners.

SECTION 4: AMENDMENT TO ARTICLE XXVIII, SECTION 28.12. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.12, shall be amended to read as follows:

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township may charge for consultation with the Township Attorney and other experts, regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. Estimated costs related to said consultation, shall be placed in an escrow account in addition to the standard nonrefundable application fee.

The Township may require that the applicant place additional funds in escrow if deemed necessary. Any unused consultation funds shall be returned to the applicant with an itemized record of distributions.

SECTION 5: AMENDMENT TO ARTICLE XXVIII, SECTION 28.13. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.13 shall be amended to read as follows:

28.13 GENERAL REQUIREMENTS

A. Compliance with Federal, State and Local Laws

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

B. Fee Required

Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such application fee shall be independent of any required consultation costs as described in Article 28.

C. Information Required

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 25.11 (F). A person, firm, or corporation intending to develop a condominium development shall provide the following information:

1. Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
2. The name of the proposed condominium development.
3. The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
4. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
5. The acreage of the land on which the condominium development will be developed located.
6. The land use and existing zoning of the proposed condominium development.
7. The following information for subject parcel and all parcels within 300 feet of the proposed site: a. Name and address of the owners b. The zoning classifications c. Existing structures or significant landmarks
8. Location, type, dimensions, and proposed use of all existing structures.
9. A location map showing the relationship of the proposed condominium development plan to the surrounding area.
10. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
11. Condominium unit lot lines and the total number of condominium units to be developed on the subject parcel.
12. Description of water system to be implemented.
13. Description of sanitary waste disposal system to be implemented.
14. Public roads, private roads, and right-of-way easements, showing location, width, and purpose. All private roads in a condominium subdivision shall comply with the specifications of any applicable ordinance, state law, or federal law

15. Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
16. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types. Significant vegetation includes all trees with a minimum trunk diameter of 18 inches at 4 1/2 feet above the surrounding grade.
17. Any additional information deemed necessary during plan review.

D. Utility Easements

The condominium development plan shall include and describe all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

E. Performance Guarantees

As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in Article 25 of this Ordinance.

SECTION 6: AMENDMENT TO ARTICLE XXVIII, SECTION 28.14. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.14 shall be amended to read as follows:

28.14 STANDARDS AND DESIGN FOR SITE CONDOMINIUM DEVELOPMENTS

A. Site-Condominium Lots

The condominium development plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit or lot.

B. Site-Condominium Development Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements and guidelines.

1. Should there be unusual topographic or other natural feature constraints, these requirements may be adjusted to unique site conditions in accordance with the judgement of the township Planning Commission.
2. Each condominium lot shall comply with the requirements of each zoning district in which it is located, and all condominium lots and required setbacks shall be measured from the designated front, rear and side condominium lot lines.
3. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development approved for single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
4. There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular

- traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
5. Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the condominium development.
 6. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, ~~safety, welfare life, or property~~ or increase the flood hazard. Such land within a condominium development may be set aside for ~~other uses, such as parks or other~~ open space uses.
 7. Easements shall provide for utilities when necessary.
 8. All condominium development units and accessory structures shall be accessible to emergency vehicles.
 9. Common open space provided shall remain open for recreational and conservational purposes and recorded as part of the master deed.
 10. Condominium development units having water frontage shall meet the requirements of Article 14 Easement to Waterfront.
 11. A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
 12. All condominium developments shall obtain approval from all applicable governing agencies.

SECTION 7: AMENDMENT TO ARTICLE XXVIII, SECTION 28.15. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.15, shall be amended to read as follows:

28.15 REVIEW PROCEDURES

A. Preliminary Review

Any applicant can request a preliminary review of a proposed condominium development with the Planner, Zoning Administrator and one to two Planning Commissioners. This review allows an open dialogue and an opportunity to discuss a proposed goals, features, location and scope of operations prior to a formal application. Preliminary Review is available as a sounding board only, no decisions or approvals shall be rendered, either stated or implied.

B. Agency Submittal

The applicant shall provide necessary full size hard copies and an electronic file (.pdf) of the proposed condominium development plan to Whitewater Township and the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, and Road Commission (or Michigan Department of Transportation if proposed on a state highway), as well as the Michigan Department of Environment, Great Lakes, and Energy (when sensitive areas and wetlands are a concern), and the Whitewater Township Fire Department or the respective successor for any of the above agencies. The Zoning Administrator shall distribute the proposed condominium development plans to the Planning Commission, Board of Trustees, and other parties as required.

C. Site Plan Review and Public Hearing

The Planning Commission shall hold a public hearing in accordance with site plan review requirements contained in Article 25, on the proposed site condominium development plan for the purpose of receiving input from the public regarding the proposed development.

D. Planning Commission Determination

After the public hearing held in accordance with Article 25, the Planning Commission shall make a determination and recommendation to the Township Board regarding whether the proposed plan meets all the requirements of this Ordinance and the Condominium Act. If the proposal is found in compliance, the Planning Commission shall recommend approval or approval with conditions of the site condominium development plan and shall send written notice of action taken with comments to the Township Board and applicant.

If the Planning Commission determines that the condominium development plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes and shall provide written notice of said decision to the Township Board and applicant. The Planning Commission shall not recommend approval of the project until all requirements of this Ordinance and the Condominium Act have been met.

E. Township Board Procedure

The Township Board shall not review, approve or reject a condominium development until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium development plan at its next meeting after receipt of the report and recommendations from the Planning Commission provided all documents are received 15 days prior to meeting date. The Board shall render a written decision within 15 days of their meeting unless the applicant and Board agree to a later deadline.

F. Township Board Determination

The Township Board shall approve the condominium development plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

SECTION 8: AMENDMENT TO ARTICLE XXVIII, SECTION 28.16. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.16, shall be amended to read as follows:

28.16 CONDITIONS AND DURATION OF APPROVAL

A. Conditions

The approval of the Board of Trustees will indicate that the proposed condominium development plan meets the ordinances and regulations of Whitewater Township but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium development plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

B. Duration

Approval of the condominium development plan by the Township shall be for a period of two (2) years from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within two years of approval, such approval shall be considered null and void. The Zoning Administrator may extend the two-year period by one additional year if applied for by the applicant subject to satisfying all requirements of Article 25.

C. Condominium Development Plan Approval Contract

If the Township Board approves the site condominium development plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium development plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the applicant to the Township Treasurer prior to Township signature and issuance of such order.

SECTION 9: AMENDMENT TO ARTICLE XXVIII, SECTION 28.17. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.17, shall be amended to read as follows:

28.17 FINAL FILINGS REQUIREMENTS

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are not delinquent. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded with the County Register of Deeds. The Township shall be provided with two (2) copies of each document, including as-built prints, and all pertinent attachments which shall remain on file with the Township.

SECTION 10: AMENDMENT TO ARTICLE XXVIII, SECTION 28.18. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.18, shall be amended to read as follows:

28.18 CONDOMINIUM DEVELOPMENT AMENDMENTS

Condominium Development Plans may not be amended without Township consent. Condominium amendments which are recorded prior to the receipt of written Township approval are null and void. Condominium Development Plans may be amended as follows:

A. Minor Amendments

Minor amendments are those which are determined by the Zoning Administrator to have no foreseeable effect beyond the condominium development boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

B. Major Amendments.

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission according to the procedures authorized by this Article for approval of a condominium development.

SECTION 11: SAVINGS CLAUSE. All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Zoning Amendment takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 12: SEVERABILITY. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 13: EFFECTIVE DATE. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

SECTION 14: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Ron Popp, Whitewater Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2023, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2023.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2023.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ARTICLE III DEFINITIONS AMENDMENT
ARTICLE XXVIII CONDOMINIUM DEVELOPMENT REGULATIONS AMENDMENT**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2023, at __:___ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to update and revise definitions and regulations the procedures, standards and regulations for approval and denial of Condominium Development Projects in order to maintain the public health, safety, and welfare of the residents and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ARTICLE III. The Whitewater Township Zoning Ordinance's Definition Section shall be amended to revise the following definitions.

CONDOMINIUM UNIT: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978). The term "condominium project" is also defined as being synonymous with term "condominium development" herein.

CONDOMINIUM CONVERSION: Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership. A condominium conversion also refers to a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act 59 of 1978.

MASTER DEED: The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

MOBILE HOME OR MANUFACTURED HOME CONDOMINIUM PROJECT: A condominium project in which mobile homes or manufactured homes are located upon separate sites which constitute individual condominium units.

SITE CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but is subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended.

SITE CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.

SECTION 2: AMENDMENT TO ARTICLE XXVIII, SECTION 28.10. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.10 shall be amended to read as follows:

28.10 INTENT

The intent of this Article is to provide procedures and standards for the review and approval, or denial of condominium projects implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to ensure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium ownership shall be reviewed, approved or disapproved by the Township.

SECTION 3: AMENDMENT TO ARTICLE XXVIII, SECTION 28.11. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.11, shall be amended to read as follows:

28.11 APPLICABILITY

A. General Provisions

Prior to recording of the master deed, required by Section 72 of the Condominium Act, a condominium project shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.

B. Plat Approval

There shall be no requirement for plat approval for a condominium project under the Township Subdivision Control Ordinance, General Ordinance 16.

C. Planned Unit Developments

The procedural provisions of this section shall not apply to Planned Unit Developments, which are reviewed and approved through the Special Use Permit – Planned Unit Development procedures in Article 31 of this Ordinance.

D. Condominium Conversion

All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.

E. Mobile/Manufactured Home Condominium Project

Mobile/Manufactured home condominium projects shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such projects shall be located only in a zoning district that provides for mobile/manufactured home. The review and approval shall be processed in accordance with this Article as a site condominium subdivision.

F. Site Condominium Subdivisions

1. Site Condominium Definition. For this section, a site condominium subdivision shall include all developments, in any zoning district, proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
2. Site Condominium General Requirements. The site condominium subdivision plan indicates specific unit dimensions with front, rear and side lot lines. These parcels are also referred to as site condominium lots, and the size, location and arrangement of these site condominium lots shall conform to the requirements of this ordinance. A condominium project is designed to function in a similar manner, or as an alternative to, a platted subdivision. Outside of the condominium lots, common elements of the development are defined for co-owners.

SECTION 4: AMENDMENT TO ARTICLE XXVIII, SECTION 28.12. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.12, shall be amended to read as follows:

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township may charge for consultation with the Township Attorney and other experts, regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. Estimated costs related to said consultation, shall be placed in an escrow account in addition to the standard nonrefundable application fee.

The Township may require that the applicant place additional funds in escrow if deemed necessary. Any unused consultation funds shall be returned to the applicant with an itemized record of distributions.

SECTION 5: AMENDMENT TO ARTICLE XXVIII, SECTION 28.13. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.13 shall be amended to read as follows:

28.13 GENERAL REQUIREMENTS

A. Compliance with Federal, State and Local Laws

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

B. Fee Required

Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such application fee shall be independent of any required consultation costs as described in Article 28.

C. Information Required

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 25.11 (F). A person, firm, or corporation intending to develop a condominium development shall provide the following information:

1. Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
2. The name of the proposed condominium development.
3. The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
4. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
5. The acreage of the land on which the condominium development will be developed located.
6. The land use and existing zoning of the proposed condominium development.
7. The following information for subject parcel and all parcels within 300 feet of the proposed site: a. Name and address of the owners b. The zoning classifications c. Existing structures or significant landmarks
8. Location, type, dimensions, and proposed use of all existing structures.
9. A location map showing the relationship of the proposed condominium development plan to the surrounding area.
10. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
11. Condominium unit lot lines and the total number of condominium units to be developed on the subject parcel.
12. Description of water system to be implemented.
13. Description of sanitary waste disposal system to be implemented.
14. Public roads, private roads, and right-of-way easements, showing location, width, and purpose. All private roads in a condominium subdivision shall comply with the specifications of any applicable ordinance, state law, or federal law

15. Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
16. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types. Significant vegetation includes all trees with a minimum trunk diameter of 18 inches at 4 1/2 feet above the surrounding grade.
17. Any additional information deemed necessary during plan review.

D. Utility Easements

The condominium development plan shall include and describe all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

E. Performance Guarantees

As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in Article 25 of this Ordinance.

SECTION 6: AMENDMENT TO ARTICLE XXVIII, SECTION 28.14. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.14 shall be amended to read as follows:

28.14 STANDARDS AND DESIGN FOR SITE CONDOMINIUM DEVELOPMENTS

A. Site-Condominium Lots

The condominium development plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit or lot.

B. Site-Condominium Development Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements and guidelines.

1. Should there be unusual topographic or other natural feature constraints, these requirements may be adjusted to unique site conditions in accordance with the judgement of the township Planning Commission.
2. Each condominium lot shall comply with the requirements of each zoning district in which it is located, and all condominium lots and required setbacks shall be measured from the designated front, rear and side condominium lot lines.
3. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development approved for single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
4. There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular

- traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
5. Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the condominium development.
 6. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, safety, welfare or increase the flood hazard. Such land within a condominium development may be set aside for open space uses.
 7. Easements shall provide for utilities when necessary.
 8. All condominium development units and accessory structures shall be accessible to emergency vehicles.
 9. Common open space provided shall remain open for recreational and conservational purposes and recorded as part of the master deed.
 10. Condominium development units having water frontage shall meet the requirements of Article 14 Easement to Waterfront.
 11. A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
 12. All condominium developments shall obtain approval from all applicable governing agencies.

SECTION 7: AMENDMENT TO ARTICLE XXVIII, SECTION 28.15. The Whitewater Township Zoning Ordinance, Article XXVIII, Section 28.15, shall be amended to read as follows:

28.15 REVIEW PROCEDURES

A. Preliminary Review

Any applicant can request a preliminary review of a proposed condominium development with the Planner, Zoning Administrator and one to two Planning Commissioners. This review allows an open dialogue and an opportunity to discuss a proposed goals, features, location and scope of operations prior to a formal application. Preliminary Review is available as a sounding board only, no decisions or approvals shall be rendered, either stated or implied.

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C. Site Plan Review and Public Hearing

The Planning Commission shall hold a public hearing in accordance with site plan review requirements contained in Article 25, on the proposed site condominium development plan for the purpose of receiving input from the public regarding the proposed development.

D. Planning Commission Determination

After the public hearing held in accordance with Article 25, the Planning Commission shall make a determination and recommendation to the Township Board regarding whether the proposed plan meets all the requirements of this Ordinance and the Condominium Act. If the proposal is found in compliance, the Planning Commission shall recommend approval or approval with conditions of the site condominium development plan and shall send written notice of action taken with comments to the Township Board and applicant.

If the Planning Commission determines that the condominium development plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes and shall provide written notice of said decision to the Township Board and applicant. The Planning Commission shall not recommend approval of the project until all requirements of this Ordinance and the Condominium Act have been met.

E. Township Board Procedure

The Township Board shall not review, approve or reject a condominium development until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium development plan at its next meeting after receipt of the report and recommendations from the Planning Commission provided all documents are received 15 days prior to meeting date. The Board shall render a written decision within 15 days of their meeting unless the applicant and Board agree to a later deadline.

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28.16 CONDITIONS AND DURATION OF APPROVAL

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The approval of the Board of Trustees will indicate that the proposed condominium development plan meets the ordinances and regulations of Whitewater Township but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium development plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

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SECTION 11: SAVINGS CLAUSE. All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Zoning Amendment takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 12: SEVERABILITY. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 13: EFFECTIVE DATE. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

SECTION 14: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Ron Popp, Whitewater Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2023, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2023.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2023.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

Printed at 01/11/23 14:37 by mobri

Acct #: 2055

Ad #: 596208

Status: New WHOLD

WHITEWATER TOWNSHIP CLERK
CHERYL GOSS
P.O. BOX 159
WILLIAMSBURG MI 49690

Start: 01/15/2023 Stop: 01/15/2023
Times Ord: 1 Times Run: ***
STDAD 3.00 X 4.21 Words: 243
Total STDAD 12.63
Class: 147 LEGALS
Rate: LEGAL Cost: 121.15
Affidavits: 1

Contact:

Phone: (231)267-5141

Fax#:

Email: clerk@whitewatertownship.org

Agency:

Ad Descrpt: LEGAL NOTICE WHITEWATER T
Given by: *

P.O. #:

Created: mobri 01/11/23 14:25

Last Changed: mobri 01/11/23 14:36

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFSS
RE	A	97	W	Sun 01/15/23	1	Sun 01/15/23	SMTWTFSS
IN	AIN	97	W	Sun 01/15/23	1	Sun 01/15/23	SMTWTFSS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 01/11/23 14:37 by mobri

Acct #: 2055

Ad #: 596208

Status: New WHOLD WHOI

LEGAL NOTICE

WHITEWATER TOWNSHIP PLANNING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENT NO. 86

The Whitewater Township Planning Commission will conduct a public hearing at their regularly scheduled meeting on **February 1, 2023, at 6:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.** The purpose of the public hearing will be to receive comments regarding certain proposed amendments to the Whitewater Township Zoning Ordinance as described below:

Article 3, DEFINITIONS: The purpose of this amendment is to revise the definitions of Condominium Project, Condominium Conversion, and Mobile Home or Manufactured Home Condominium Project.

Article 28, CONDOMINIUM DEVELOPMENT REGULATIONS: The purpose of this amendment is to revise Article 28 in its entirety.

All persons are welcome to attend and will be heard concerning the proposed amendments. Remote participation through Zoom will be available. A copy of the proposed zoning ordinance amendment language is available for public inspection at the Whitewater Township offices, 5777 Vinton Road, Williamsburg, Michigan 49690, during regular business hours, and on the township website at www.whitewatertownship.org.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, P.O. Box 159, Williamsburg, Michigan 49690.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at (231) 267-5141 x23 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

January 15, 2023-1T

596208

Whitewater Township Planning Commission
Recommendation to the Township Board
Approved on 3/1/2023

The Whitewater Township Planning Commission believes that the existing zoning ordinance needs substantial attention. Since first adopted in 1972, it has not undergone a comprehensive update to keep pace with land development trends or regulatory best practices. While it has been amended many times over the years to address specific issues, significant overarching shortcomings are evident. These include:

1. The zoning ordinance seems to now exist as a series of independent chapters in various formats. A zoning ordinance should be one highly interrelated uniform document. Definitions should be used consistently throughout the ordinance and material should be properly cross-referenced throughout. However, since we do not have a single document in a format such as MS Word, we cannot easily search for proper use of definitions and necessary cross-references. This increases the potential for problems.
2. There are duplications in terms of requirements. When requirements are redundant, there is a greater risk of inadvertent conflicts. For example, and at a basic level, minimum lot sizes in some zoning districts exist in more than one place.
3. There are areas where procedural actions could be improved to ensure clarity and reduce ambiguity.
4. Graphics are included in some parts of the Zoning Ordinance. However, one is backward (33-1) and impossible to use. More graphics would be helpful throughout the ordinance to help convey complex terminology.
5. Because much of the Whitewater Township Zoning Ordinance was written prior to the Michigan Zoning Enabling Act of 2006, a review should be conducted to double check required consistency.
6. The zoning districts in the Whitewater Township Zoning Ordinance are defined by legal descriptions. This method of defining zoning district boundaries is rarely used today and obviously problematic to anyone who wishes to simply determine how land is zoned. A zoning map was prepared and exists (and on the website), but there is no evidence it is part of the zoning ordinance. It also lacks a basic scale to measure distance.
7. Tools such as hyperlinks can be added to the zoning ordinance to allow quick and easy navigation within the ordinance. Creating these links helps to make the ordinance easier to follow and helps ensure cross-references are accurate.
8. Sections of the Ordinance may need to be moved to provide for a more logical sequence of zoning material.
9. Definitions should be reviewed, updated, and improved. Good zoning practice avoids definitions with development standards contained therein. For example, the existing definition of a residential fence includes requirements for height, placement, materials, etc. It is unlikely that someone would find the requirements for residential fence in the definitions. Issues like these create a greater potential for errors.

Attached is a summary of these points in a graphical format.

Going forward, the Planning Commission holds the following views regarding future work on the Zoning Ordinance.

1. No more amendments should be worked on (apart from Article 28) until shortcomings with the existing ordinance are addressed. We simply believe we lack a good foundation to build on and go forward with.
2. The work necessary to create the needed foundation should be approached in the following way:
 - a. Identify all adopted zoning language in whatever form it is in and convert/retype it into a single MS Word Document.

- b. Review and edit zoning language in a manner that avoids any substantive changes. Small issues should be clearly identified and corrected. We can use colored text so that these small changes are evident. More substantial issues should be identified, added to a running list, and then left to address later. This will help avoid getting bogged down in larger issues and delay completion of the whole project. The detailed task and process of reviewing the existing ordinance as described above will likely reveal many larger issues that need to be addressed later.
- c. The Planning Commission is ready to work with our Planner on this project. He would lead this project and we would naturally include our zoning administrator and township attorney in the process.
- d. Of course, we are looking at a substantial amount of work and there will be associated costs. Our Planner has indicated the need for between \$7,000 and \$9,000 in funding to support this work. A funding range is necessary as there are several unknowns with respect to available documents. An updated zoning ordinance can be expected in about 6-8 months (depending on meeting availability).
- e. The updated Zoning Ordinance will be the subject of at least one public hearing before being forwarded to the Township Board for action.
- f. Once adopted, Whitewater Township can then systematically move through more substantial changes, giving each needed attention and deliberation.



Whitewater Zoning Update

SUMMARY

Lot Standards	
Min. Lot Area (sq. ft.)	20,000 sq. ft.
Min. Lot Width (ft.)	100 feet
Max. Lot Coverage (%)	25 percent
Building Height (ft.)	35 feet
Building Height (stories)	2.5 stories
Building Width of a Principal Structure	24 feet

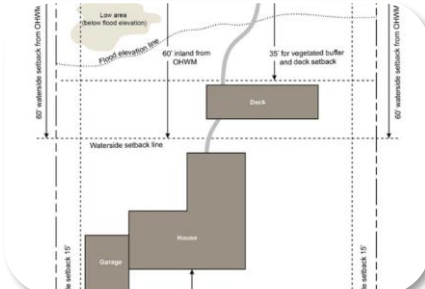
Condense requirements into tables



Clarify procedures and process



Address conflicting sections



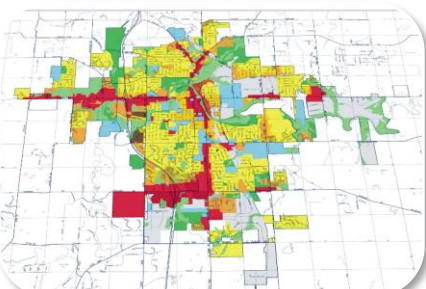
Develop graphics to illustrate complex land development ideas



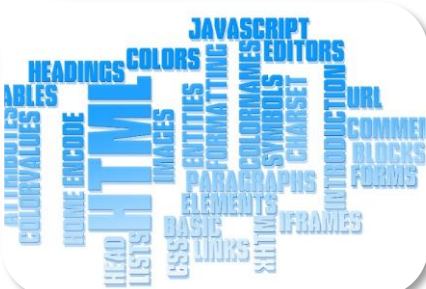
Current material on the twp. web includes “draft” pages and it is not clear if all amendments are included



Ensure conformance with state law.



Fix the Zoning Map



Use new computer tools to navigate the document more easily



Reorganize material for more logical sequence of information



Update, Correct & Add Definitions

Text vs. Tables



Present

Minimum Parcel Size Shall be 45,000 square feet with a minimum width of 150 feet. (80 10' by 20' units = 22,000 square feet with a 35% lot coverage by structures equals 44,000 square feet.)

Existing C-1 Zone Setbacks Front - 35'; Side 10'; Rear 30'. 35% lot coverage by structures.

The minimum space dimensions per unit are:

- (a) Width - thirty (30) feet
- (b) Depth - sixty (60) feet
- (c) These dimensions shall be increased as necessary to accommodate larger vehicles so that there is no less than eight feet between a tent or trailer and the perimeter of the rental space. This eight foot area (16 feet between recreational units) shall be planted with shrubs and a minimum of two trees per lot line.

Future

<i>Lot Standards</i>	
<i>Min. Lot Area (sq. ft.)</i>	20,000 sq. ft.
<i>Min. Lot Width (ft.)</i>	100 feet
<i>Max. Lot Coverage (%)</i>	25 percent
<i>Max. Building Height (ft.)</i>	35 feet
<i>Max. Building Height (stories)</i>	2.5 stories
<i>Min. Building Width of a Principal Structure</i>	24 feet

Clarify Procedures and Processes

Present

REQUEST FOR AMENDMENT

Section 9.1 Request and Meeting: Any person affected by this Ordinance may submit a request in writing to the Secretary of the Township Zoning Board asking that consideration be given to a specific amendment to this Ordinance in the particulars set forth in the request. The Zoning Board shall thereafter hold a meeting to consider said petition and shall notify the petitioner of the time and place of such meeting not less than ten (10) days prior thereto.

Future

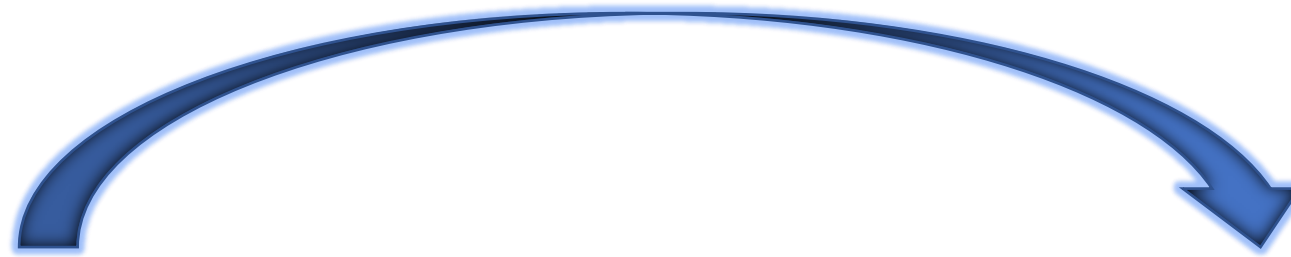
Section 13.07 Amendments (currently Article 9)

- (A) **Initiation of Amendments (NEW SECTION).** The Township Board may amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Text amendments may be proposed by the Township Board, Planning Commission, or any interested person or organization. Changes in zoning district boundaries may be proposed by the Township Board, Planning Commission, any person having a freehold interest in the premises concerned, or by the designated agent of a person having a freehold interest in the property.
- (B) **Application for Amendment (NEW SECTION).** An application for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing an application with the Planning Director on the forms provided by the Township, and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey which specifies the boundaries and legal description of the site. The Planning Director, Planning Commission, and Township Board may request additional information with the application.
- (C) **Amendment Review Procedures (NEW SECTION).** The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendment or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:
- (1) **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in [Section 13.08](#).
 - (2) **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Township Board.
 - (3) **Township Board Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board may approve or deny the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Township Board shall approve or deny the amendment, based upon its consideration of the criteria contained in this Section.
- (D) **Standards of Review for Amendments (NEW SECTION).** In considering any petition for an amendment to the text of this Ordinance or to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria that apply to the application in making

findings, recommendations, and a decision. The Planning Commission and Township Board may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
 - (2) Consistency with the basic intent and purpose of this Zoning Ordinance.
 - (3) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - (4) The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
 - (5) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
 - (6) That the amendment will not be expected to result in exclusionary zoning.
 - (7) If a rezoning is requested, compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.
 - (8) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - (9) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
 - (10) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
 - (11) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
 - (12) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (E) **Notice of Adoption of Amendments (NEW SECTION).** Following adoption of an amendment by the Township Board, 1 notice of adoption shall be filed with the Township Clerk and 1 notice shall be published in a newspaper of general circulation in the Township within 15 days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006,

Address Conflicting Material

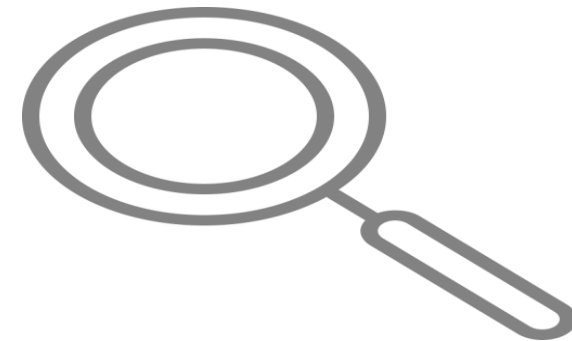


Present

Future

Section 4.2.2 Conflicting Regulations: In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any provision or limitation imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

Once in a single word document, search code language and identify missing or conflicting material (missing references, terminology, etc.)



Develop Graphics to Better Illustrate Complex Key Terms & Requirements

Present

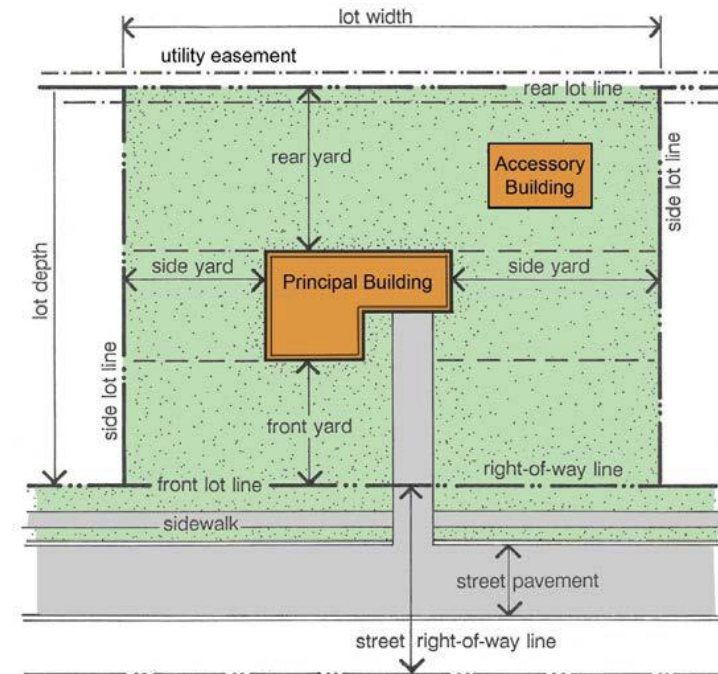
Future

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

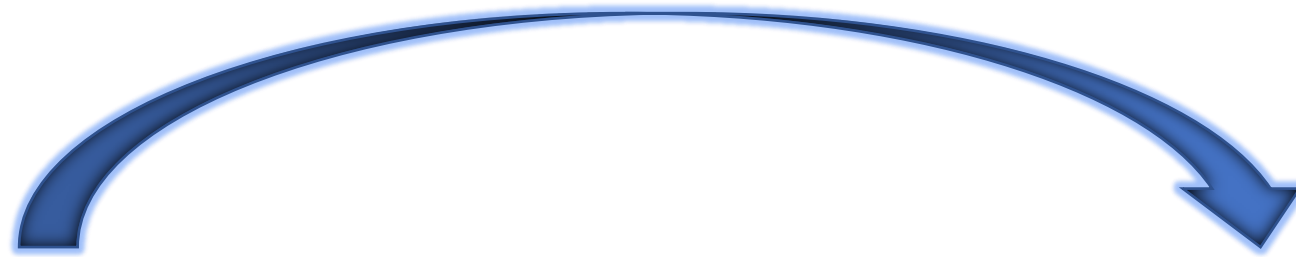
Yard, Rear: An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be any alley, and the rear line of the building.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line shall be deemed a side line.

Figure 2-4. Yard Terms



Incorporate Amendments

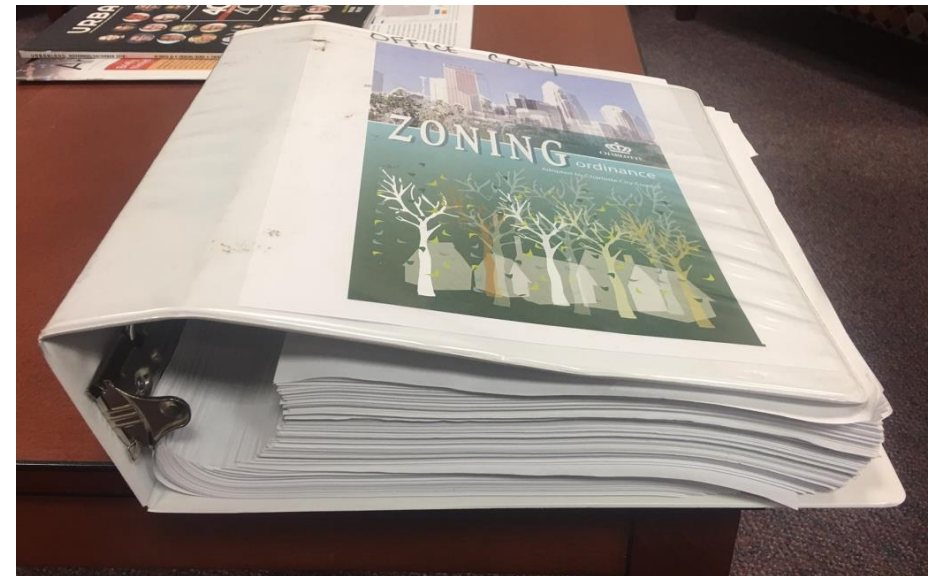
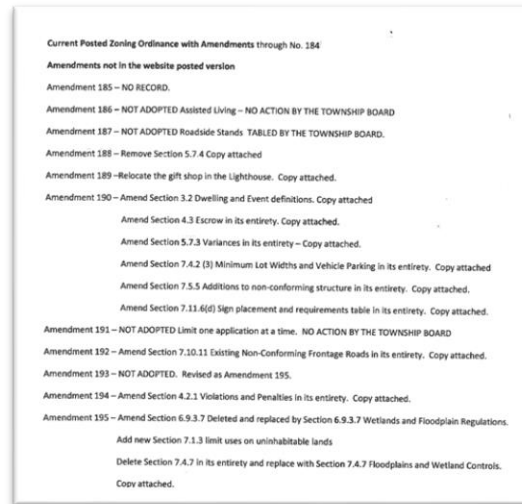


Present

Future

Amendment List

Single Up-to-Date Ordinance Book



Review for Conformance with Michigan Planning/Zoning Statues

MICHIGAN ZONING ENABLING ACT Act 110 of 2006

AN ACT to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 2006, Act 110, Eff. July 1, 2006.

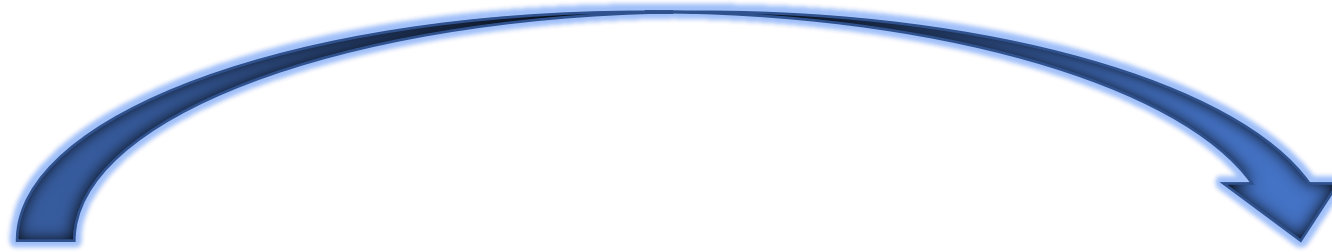
MICHIGAN PLANNING ENABLING ACT Act 33 of 2008

AN ACT to codify the laws regarding and to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

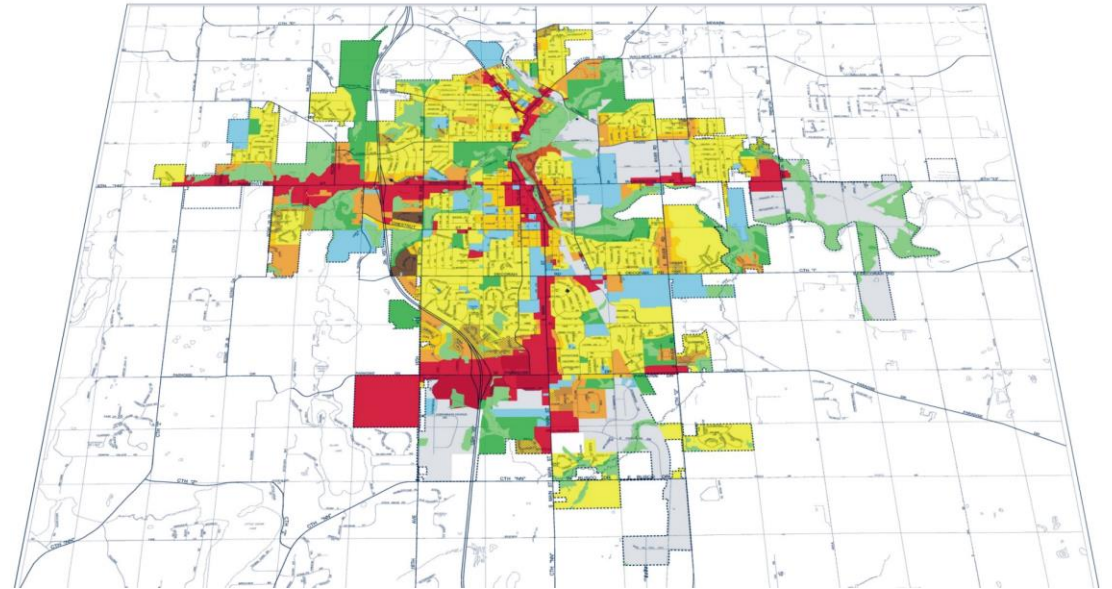
History: 2008, Act 33, Eff. Sept. 1, 2008.



Update / Create the Zoning Map



5.11 RESIDENTIAL DISTRICT R-2. This district shall comprise that portion of the Township described as follows: 1. The Southeast quarter of the Northwest quarter of Section 4, Town 27 North, Range 9 West, except that portion described in the Residential RI District. 2. The East half of the Southwest quarter of Section 4, Town 27 North, Range 9 West, except that portion described in Residential District R-1. 3. The East half of Section 4, Town 27 North, Range 9 West, except that portion described in the Residential RI District, and except that portion lying northerly of a line which is 575 feet southerly of and parallel to the centerline of State Highway M-72.



Use Document Navigation Tools

Links



Use	A-1	R-1A	R-1B	R-1C	R-1D	C-1	Development Standard
Accessory Buildings and Structures	P	P	P	P	P	P	Section 7.10
Adult Foster Care, Family Home	P	P	P	P	P		Section 6.01(A)
Adult Foster Care, Small Group Home	P	P	P	P	P		Section 6.01(B)
Agricultural Labor Camp, Less than 5 migrant workers	P						
Agricultural Labor Camp, Licensed	P						
Airports and Airfields	SU						Section 3.14
Barn Storage	P						Section 6.02
Bed and Breakfasts	SU	SU	SU	SU	SU		Section 6.03
Cemeteries	P						
Child Care, Family Home	P	P	P	P	P		
Child Care, Group Home	P	P	P	P	P		Section 6.06
Child Care Centers						SU	Section 6.04
Dwelling, Multiple-Family	SU	SU	SU	SU	SU		Section 6.07
Dwelling, Secondary	P	P	P	P	P		Section 6.08
Dwelling, Single-Family	P	P	P	P	P		
Essential Services	P	P	P	P	P	P	Section 7.01
Farm Supply and Implement Dealers						SU	
Fences	P	P	P	P	P	P	Section 7.11
Food Processing Plant	SU						Section 6.10
Game or Hunting Preserves Operated for Profit	SU						
Gas Stations						SU	Section 6.11
General Farming and Horticultural Uses Permitted by Right	P	P	P	P	P		Section 6.12
Greenhouses and Nurseries (Retail Sales)	SU						Section 6.13
Home Occupations	P	P	P	P	P		Section 6.14
Hotels and Motels						SU	Section 6.15
Indoor Recreation						SU	Section 6.16
Institutional Structures and Uses	SU	SU	SU	SU	SU		Section 6.17
Junk Yards						SU	Section 6.18
Keeping of Domestic Pets	P	P	P	P	P		Section 6.19
Kennels	SU						Section 6.20
Marinas						SU	Section 6.21
Mining or Removal of Top Soil	P						Section 8.03
Mobile Homes (not in a Mobile Home Park)	P	SU	SU	SU	SU		Section 6.22
Mobile Home Park Developments					SU		Section 6.23
Off-Street Parking Lots					SU		Article 9
Pet Sitter	P	P	P	P	P	P	Section 6.14
Planned Unit Development	SU	SU	SU	SU	SU		Section 5.01
Professional Offices						SU	
Public Areas (Parks, Recreation, and Conservation Areas)	P	P	P	P	P		Section 6.24
Raising and Keeping of Small Animals	P						
Raising, Keeping, and Boarding of Livestock	P						
Raising of Fur Bearing Animals for Profit	SU						
Recreational Unit Park	SU						Section 6.25
Recreational Unit Sales						SU	
Recreational Vehicle Storage	P	P	P	P	P		Section 7.02
Rental of Non-Owner Occupied Dwelling (30 days or more)	P	P	P	P	P		Section 6.26

(A) Intent and Purpose (currently Section 6.5.1)

This section establishes the R-1D Community Residential District to encourage moderately high density development where community services such as fire protection, schools, commercial development, community parks and services are available.

(B) Uses Permitted by Right

- Accessory Buildings and Structures ([Section 7.10](#))
- Adult Foster Care, Family Home ([Section 6.01\(A\)](#))
- Adult Foster Care, Small Group Home ([Section 6.01\(B\)](#))
- Child Care, Family Home
- Child Care, Group Home ([Section 6.06](#))
- Dwelling, Secondary ([Section 6.08](#))
- Dwelling, Single-Family
- Essential Services ([Section 7.01](#))
- Fences ([Section 7.11](#))
- General Farming and Horticultural Uses Permitted by Right ([Section 6.12](#))
- Home Occupations ([Section 6.14](#))
- Keeping of Domestic Pets ([Section 6.19](#))
- Pet Sitter
- Public Areas (Parks, Recreation, and Conservation Areas) ([Section 6.24](#))
- Recreational Vehicle Storage ([Section 7.02](#))
- Rental of Non-Owner Occupied Dwelling (30 days or more) ([Section 6.26](#))
- Shoreline Uses ([Section 3.13](#))
- Site Condominium ([Section 5.02](#))
- Solar Energy Systems, Ground-Mounted (10kW or less) ([Section 6.30](#))
- Solar Energy Systems, Roof-Mounted ([Section 6.30](#))
- Storage Outdoor ([Section 7.05](#))
- Subdivision (See Subdivision Control Ordinance)
- Swimming Pools ([Section 7.12](#))
- Temporary Buildings ([Section 7.03](#))
- Walls, including Retaining Walls ([Section 7.11](#))

(C) Uses Permitted by Special Use Permit

- Bed and Breakfasts ([Section 6.03](#))
- Dwelling, Multiple-Family ([Section 6.07](#))
- Institutional Structures and Uses ([Section 6.17](#))
- Mobile Homes (Not in a Mobile Home Park) ([Section 6.22](#))
- Mobile Home Park Developments ([Section 6.23](#))
- Planned Unit Developments ([Section 5.01](#))
- Sewage Treatment and Disposal Installations ([Section 6.29](#))
- Wind Energy Conversion Systems (WECS) ([Section 6.33](#))

The above list is a summary of uses permitted by right or special land use approval in the district, subject to [Section 3.06](#).

(D) Dimension Regulations (currently Section 6.5.4 and Section 6.8)

Lot Standards	Minimum Setbacks
Min. Lot Area (sq. ft.)	15,000 sq. ft.
Min. Lot Width (ft.)	100 feet
Max. Lot Coverage (%)	30 percent
Max. Building Height (ft.)	35 feet
Max. Building Height (stories)	2.5 stories
Min. Building Width of a Principal Structure	24 feet

Dimension Regulations are subject to [Article 4](#) "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Reorganize material for more logical sequence of information (If needed)

Present

Future

Section 6.9.4.1 Condominium Plan, Protective Covenants and Deed Restrictions	5
Section 6.9.4.2 Preliminary Engineering Plans	5
Section 6.9.4.3 LIGHTING STANDARDS	5
Section 6.9.5 REVIEW PROCEDURES	5
Section 6.9.5.1 Distribution to Authorities	5
Section 6.9.5.2 Staff Review	5
Section 6.9.5.3 Planning Commission	5
Section 6.9.5.4 Township Board	5
Section 6.9.6 Conditions and Duration of Approval	5
Section 6.9.6.1 Conditions	5
Section 6.9.6.2 Duration	5
Section 6.9.6.3 Condominium Subdivision Plan Approval Contract	5
Section 6.10 Vehicular Parking	5
Section 6.10.1 Intent and Purposes	5
Section 6.10.2 Uses Permitted Under Special Conditions	5
Section 6.10.3 Yards and Lot Sizes	5
ARTICLE VII	5
SUPPLEMENTARY REGULATIONS	5
Section 7.1 Miscellaneous Regulations	5
Section 7.1.1 Prior Building Permits	5
Section 7.1.2 Sanitation Requirements	5
Section 7.2 Supplementary Use Regulations	5
Section 7.2.1 Use of Structure for Temporary Dwelling	5
Section 7.2.2 Deleted by amendment 100C	5
Section 7.2.3 Mining or Removal of Topsoil	5
Section 7.2.4 Outdoor Storage	5
Section 7.2.5 Stormwater Detention	5
Section 7.2.6 Supplemental Setbacks for Planned Unit Developments, Mobile Home Parks and Other Group Housing Developments	5
Section 7.2.7 Setback for Agricultural Lands Abutting Certain Residential Land Uses	5
Section 7.3 Supplementary Height and Area Regulations	5
Section 7.3.1 Permitted Exceptions	5
Section 7.3.2 Permitted Exceptions, Agricultural Districts	5
Section 7.3.3 Individual lot areas in plats abutting certain agricultural lands	5
Section 7.3.4 Any lot existing and of record on the effective date of this ordinance	5
Section 7.4 Supplemental Great Lake Shoreland Regulations	5
Section 7.4.1 Intent and Purpose	5
Section 7.4.2 Shared Waterfront Ownership	5

Article 1	Title, Purpose, and Scope
Article 2	Definitions
Article 3	Zoning Districts and Map
Article 4	Schedule of Regulations
Article 5	Optional Residential Development Standards
Article 6	Standards Applicable to Specific Uses
Article 7	General Provisions
Article 8	Environmental Performance Standards
Article 9	Parking, Loading, Access Management, and Private Roads
Article 10	Signs
Article 11	Nonconformities
Article 12	Administrative Organization
Article 13	Administrative Procedures

Update, Correct & Add Definitions



Present

Future

Corrections

FENCE, RESIDENTIAL STANDARDS:

1. Fences shall have the finished side facing outward away from the property in which it is located. 2. No fence shall be erected within the 50-foot setback of any lakes, rivers, streams. 3. Fences shall not exceed a height of 6 feet. 4. Prohibited fences include barbed wire, electric charges, or fences with sharp materials located on top.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Development standards/requirements do not belong in definitions.