

WHITEWATER TOWNSHIP BOARD
AGENDA REGULAR MEETING – JANUARY 9, 2024
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: Township Board

Time: Jan 9, 2024 09:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85423017721?pwd=RufYaUL6Uhd4WUOZnnUewPX9MaPrQn.1>

Meeting ID: 854 2301 7721 - Passcode: 920173

Dial by your location: 1 646 931 3860 US, 301 715 8592 US (Washington DC)

1 312 626 6799 US (Chicago), 646 558 8656 US (New York), 720 707 2699 US (Denver)

Find your local number: <https://us06web.zoom.us/j/85423017721?pwd=RufYaUL6Uhd4WUOZnnUewPX9MaPrQn.1>

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 /Pledge of Allegiance

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 as disinterest by the board.

F. Public Hearing – None

G. Reports/Presentations/Announcements/Comments

1. County Board of Commissioners -
2. Fire Department Report – See consent calendar
3. Planning Commission Report – See consent calendar
4. Parks & Recreation Advisory Committee Report – See consent calendar

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H. Consent Calendar

Receive and File

1. Supervisor's Report for December 2023
2. Clerk's Report for December 2023 – Not provided
3. Treasurer Report December 2023
4. Trustee Vollmuth's December 2023 Report
5. Trustee Glenn's December 2023 Report - Excused
6. Zoning Administrator's Report for December 2023.
7. Mobile Medical Response's December 2023 Activity Report –
(Will appear in February packet)
8. Fire Department December 2023 Reports –
(Will appear in February packet)
9. Planning Commission December 2023 Report – Not provided
10. Historical Society December 2023 Report
11. Park & Recreation Report December 2023
(No current Board Representative)
12. PC Minutes
 - a. PC Regular Meeting Minutes 2023.11.01
13. PRAC – November 2023 Minutes.

Correspondence

1. Access to Public Records 1.2024
2. Request for PO 5925
3. Proposed Credit Card Policy 1.2024
4. FOIA Request S-22 Follow Up 1.2024
5. Vollmuth – Please add to Packet

Minutes for Approval

1. Whitewater Township Regular Board Meeting Draft Minutes 2023.11.12
2. Whitewater township Special Joint Meeting Minutes - Not posted to website

Bills for Approval

1. Not provided

Budget Amendments None.

Revenue & Expenditure Report - None.

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I. Unfinished Business

1. Dot Gov Email Extensions 1.2024
2. Campground Needs 1.2024
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J. New Business –

1. Cell Tower Lease Agreement 1.2024
2. Parks & Recreation Advisory Committee Memo Tom Cosgrove 1-2024
3. Adoption of Ordinance Violation Report
4. Short Term Rental Use - Ordinance Enforcement
5. Park Fund Budgeted Transfer 1.2024
6. Fund Resolution 22-17 Transfer 1.2024
7. Don Glenn Resignation from PRAC 12.15.2023
8. Zoning Administrator Job Posting 1.2024
£££

K. Tabled Items

1. None

L. Board Comments/Discussion

M. Announcements

1. Regular Township Board Meeting February 13, 2024

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.

To: Whitewater Township Board
From: Ron Popp, Township Supervisor
Date: 12.30.2023
Re: Proposed Consent Calendar January 9, 2024 Whitewater Township Board Meeting

Consent Calendar
Receive and File

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Bills for Approval

1. Not provided

Budget Amendments None.

Revenue & Expenditure Report - None.

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Whitewater Township Supervisor's Report

December 2023

1) Citizen observations:

- A. A dangerous tree complaint possibly interfering with Skegemog Point Road was received. Onsite pictures and a service request was placed with Grand Traverse County Road Commission. No update of the request has been received.

2) Office duties:

A. Meetings:


- 1) Attended the monthly Supervisor's meeting. Cost of building new municipal structures, design problems, poorly designed stormwater control appear to be very common on today's construction site. Pros & Cons of belonging to the Metropolitan Planning Organization were discussed. Special assessment districts (SAD) for subdivision road repair are being used to address road repairs in many other local units. Caution flags have been raised in regards to the accuracy of the Grand Traverse County Road Commission's engineer cost estimates for these projects.
- 2) Park improvement items encountered this month include: ongoing drainage issues, building relocation problems, electrical service prints, excavation for building relocation, pay application No. 3, satisfy F&V request for pictures of the construction site without snow. Ramp erosion on the south side continues to be a problem that will need to be addressed.
- 3) Attended Tip of the Mitt watershed presentation on shoreline protection and residential septic tank inspections. I would expect a presentation from the group sometime in early 2024.
- 4) Participated in the special joint meeting between the Planning Commission and the Whitewater Township Board. Master Plan accomplishments and Metropolitan Planning Organization participation were the focus of the event.
- 5) Took part in the December Board of Review which reviewed, poverty exemptions, qualified agricultural, clerical errors, and uncapping issues of real property in the township. The existing poverty exemption policy was reviewed with the group recommending no changes for the upcoming year. This policy with relevant 2024 information will be brought to the Board for final approval in the near future.

3. Other Items of Interest:

- 1) No FIOA requests were received in the month of December.

- 2) Attended a code enforcement webinar presented by attorney firm Fahey Schultz. The event presented relevant information to circumstances Whitewater Township is currently experiencing.
- 3) Getting a replacement for the problematic Spectrum cellphone service used by the Whitewater Township Park has been high on the priority list. The Township has an existing government account with Verizon Wireless which is only used by the Fire Department. The Park will soon enjoy the benefits of this account and the Spectrum account will be closed.
- 4) The challenge to the nonmotorized status of the Lossie Road Nature Trail continues. The dispute raised by an adjoining landowner remains with attorney Chris Patterson. The outcome of this legal matter should be considered before making future investment in the park venue.
- 5) 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.
- 6) Please help me welcome Gary Buczkowski, newest alternate member of the Park & Recreation Advisory Committee. Gary's background is an exciting addition to the group.
- 7) Thank you to Don Glenn for his work with the Park & Recreation Advisory Committee. His input will be greatly missed.

Respectfully Submitted,




Ron Popp
FOIA Coordinator
Whitewater Township Supervisor.

Whitewater Township
Bank Accounts
December 31, 2023
Board Packet Report
Prior to the month end entries

	Balance
General Fund Checking - ASB	
General Fund-ASB - 101	1,181,187.03
Road Fund-ASB- 203	(4,964.12)
Road Repair/Rep-ASB - 204	424,622.10
Fire Fund-ASB- 206	261,783.86
Park Fund-ASB - 208	(350,758.70)
Recreation Fund-ASB - 209	15,518.19
Ambulance Fund-ASB- 210	353,255.14
Public Imprvmt Fund-ASB - 401	130,062.41
Fire Cap Imprvmt Fund-ASB- 406	101,064.98
Payroll Clearing-Gen Fund-750	7,865.20
	<hr/>
Total General Fund Checking	2,119,636.09
 General Fund MM - ASB	 156,437.82
 General Fund Savings - FCB	 11,040.45
 Property Tax Fund - FCB	
Property Tax Fund FCB - 703	292,927.73
 Federal Funds (ARPA) - FCB	
Federal Fund FCB 285	174,409.32

Unaudited - PRIOR TO MONTH END ENTRIES
December 29, 2023



Whitewater Township
Cash Balance Report
December 31, 2023
Board Packet Report
Prior to the month end entries

101 General Fund

101-000-001	General Fund-ASB - 101	\$ 1,181,187.03
101-000-003	General MM - 101	120,233.49
101-000-005	Tower Removal FCB Savings	11,040.45
Total 101		1,312,460.97

203 Road Fund

203-000-001	Road Fund-ASB- 203	(4,964.12)
203-000-003	Road Fund MM - 203	20.31
Total 203		(4,943.81)

204 Road Repair/Replacement Fund

204-000-001	Road Repair/Rep-ASB - 204	424,622.10
Total 204		424,622.10

206 Fire Fund

206-000-001	Fire Fund-ASB- 206	261,783.86
206-000-003	Fire MM - 206	26,069.23
Total 206		287,853.09

208 Park Fund

208-000-001	Park Fund-ASB - 208	(350,758.70)
208-000-003	Park MM - 208	2,815.47
Total 208		(347,943.23)

209 Recreation Fund

209-000-001	Recreation Fund-ASB - 209	15,518.19
Total 209		15,518.19

210 Ambulance Fund

210-000-001	Ambulance Fund-ASB- 210	353,255.14
Total 210		353,255.14

211 Ambulance Replacement Fund

Total 211		0.00
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401 Public Improvement Fund

401-000-001	Public Imprvmt Fund-ASB - 401	130,062.41
Total 401		130,062.41

406 Fire Capital Improvement Fund

406-000-001	Fire Cap Imprvmt Fund-ASB- 406	101,064.98
406-000-003	Fire Cap Imp MM - 406	7,299.32

Unaudited - PRIOR TO MONTH END ENTRIES

Printed December 29, 2023 ✓

Whitewater Township
Cash Balance Report
December 31, 2023
Board Packet Report
Prior to the month end entries

Total 406		108,364.30
285 Federal Fund (ARPA) - FCB		
285-000-001	Federal Fund FCB 285	174,409.32
Total 285		174,409.32
703 Property Tax Fund		
703-000-001	Property Tax Fund FCB - 703	292,927.73
Total 703		292,927.73
750 Payroll Clearing Fund		
750-000-001	Payroll Clearing-Gen Fund-750	7,865.20
Total 750		7,865.20
Grand Total		\$ 2,754,451.41

Happy New Year Whitewater Township

Hopefully everyone had a very successful hunting and holiday season. Whitewater Township is moving along nicely updating the Master Plan. Thank you too all whom have assisted with this process. Hey, are there more township residents that would like to get involved and assist with the project? The Plan Commission meets the first Wednesday evening of every month at 7pm in the township hall. If someone cannot attend, please follow the Master Plan updates on the township website. If anyone requires a printed copy, you may request a copy from the township clerk. Zoom is also an option.

Received some phone calls on several issues from blight to short term rentals. This team continues to work and examine to close the open loopholes and issues that still exist. One compliant in question still has not been addressed or answered. The question on the table from the resident is simple, "is the process broken?" Thinking long and hard on this thought, does anyone ever communicate to the person causing the problem with a simple phone call or visit? Example: a friendly reminder?

The last question from the public is what constitutes a commercial business vs home occupation business in a residence and can a person live in a commercial building as a residence? Interesting questions that need answers. I replied to the resident that there was some homework involved and I will address these issues and provide answers in a timely manner.

The more our small community grows the more questions, need answers.

Until next month,

HeidiVyourtrustee@gmail.com

DECEMBER 2023 REPORT

To: Whitewater Township Board

NEW YEAR Greetings!

CZServices is currently providing zoning administration services under an 18 (eighteen) month old contract that was executed on June 1st, 2022. In October of 2023, as requested (for your November packet), the Township Board was presented a new proposal for additional services. The proposal requested a response not later than January 9th, 2024, the scheduled date of your first meeting of the calendar year. To date, I have not seen this topic added as an agenda / discussion item for consideration. What I have seen, is a discussion regarding a Zoning Administrator job description in your November packet without any outreach to this office for input. If that is by design, then please remember that timing is critical, as my intent was to allow adequate time for fiscal budgeting if needed.

Land Use (zoning) Permit Activity (since last report)

ZONE	LUP #	TAX ID #	2023 - OWNER NAME and SITE ADDRESS	PROJECT DESCRIPTION	DATE
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There was no additional Land Use Permit activity during this reporting period. The enforcement activity report submitted with your October 2023 packet remains unchanged. If the Township Board would like additional documentation prepared to pursue enforcement activity towards short-term rental complaints, please advise and I will assist. Further, I would recommend consulting with legal to determine what exactly 'they' would want assembled to pursue successful prosecution.

ZBA

Staff is currently processing 2 applications that are tentatively being scheduled for the February meeting of the Zoning Board of Appeals.

Planning Commission

This [VIDEO](#) on housing was forwarded to the Planning Commission as an FYI – there is a brief discussion about short-term rentals about the 26.30 mark (give or take). However – don't skip the first 30 minutes just to get there!

Note: The Michigan Township Participating Plan provides two opportunities each year to make application towards their [Risk Reduction Grant Program](#). Recently they have added planning and zoning training to the small list of eligible topics. The application process is not as difficult to complete as most – highly recommend this opportunity! Additionally, the PLAN also has scholarships available (via reimbursement) for certain training programs such as Citizen Planner and Zoning Administrator Certification.

Respectfully submitted,



HAPPY NEW YEAR!

Robert (Bob) Hall
Whitewater Township Zoning Administrator

Historical Society Report for December 2023

To: Whitewater Township Board Members

From: Luann Snider, Historical Society Director

Date: December 24, 2023

Meetings: Because of not having a quorum no meetings were held in December 2023.

Public Inquiries: No public inquiries were made in December.

Scan/Catalog Documents: A few hours were spent in December typing out papers.

New Documents/Items Received: No new items were received in December 2023.

Williamsburg School Reunion: No new information to share regarding the school reunion.

Other News: No new other news to report at this time.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
November 1, 2023

Call to Order at 7:00 p.m.

Roll Call: DeYoung, Jacobson, Keaton, Slopsema, Wroubel

Absent: Steelman, Vollmuth

Also in attendance: Planner Mielnik, Recording Secretary MacLean, Members of the ROS, Barry Hicks of LIAA and Bryan McKenna, Superintendent of Elk Rapids Public Schools

Two on Zoom at the start of the meeting.

Set / Adjust Agenda: Consensus to move Mill Creek School discussion at the end of Reports/Presentations

Declaration of Conflict of Interest: None

Public Comment: None

Public Hearing: None

Approval of Minutes:

MOTION by DeYoung second by Slopsema to approve the Planning Commission Regular Meeting Minutes of October 4.

Roll call vote: Vollmuth–N/A; Jacobson-yes; Wroubel-yes; Steelman-N/A; DeYoung-yes; Slopsema-yes, Keaton-yes.

Motion carried.

Correspondence: None.

Reports and Presentations:

Zoning Administrator Report, Hall: None.

Chair's Report, Steelman: Included in packet. Keaton read through the presented report.

Township Board Rep, Vollmuth: Included in packet.

ZBA Representative, Wroubel: No cases in October.

Committee Reports: None

Additional items: None

Mill Creek School presentation by Elk Rapids School Superintendent Bryan McKenna. Information included in the packet. It is a difficult but necessary discussion regarding the financial situation of the elementary school.

Communication is of the utmost importance.

Explanation of “in formula” and “out of formula”. In formula is where the school is paid for each student in a seat on count day. Out of formula is where funding is based strictly on the tax base. The school district has a high number of students that attend Elk Rapids Schools as a “school of choice”.

Several options have been reviewed by the school. They are currently communicating with the State of Michigan on various options, one being that of turning Mill Creek into a charter / academy. The goal is to still have Elk Rapids Schools provide busing and food service.

A communication forum will be held November 3 at Mill Creek 8:30 – 9:30 a.m. More to be announced in the future.

Unfinished Business:

1. Master Plan / Resident Outreach Subcommittee (ROS)
 - a. Review and discuss MP Open House Results, Mielnik. We had more than 80 people participate. Discussion of the goals and objectives. Run through the categories and goals as they have been presented and discussed.
 - b. Workshop planning and discussion, Hicks. The plan is to rank the feedback of each of the sections from the Open House. Will create groups with 10-12 people in each. At the workshop Hicks will do a brief description of what the goal of the workshop is and will explain the ground rules, making sure all participants have their voice heard. LIAA will be general moderators and each group will have A “champion” who will go through the goals, make changes, and write them up. The group champion will present from each group with the what and why of their discussion / decisions. Will need to be careful that the champion does not dominate the group. Need to hear the voice of each person.
 - c. Anything else related to MP and upcoming workshop – Schedule ROS for November 30 at 9 a.m.
2. Zoning Project Update:
 - a. Define substantial change. Define what is a minor change and what is a major change? Working on clarifying

and correcting words and definitions right now not changing anything that changes an outcome.

Consensus on a definition of current zoning ordinance work: Clarification, fix conflicts, state or federal law, duplication and organization but does not change the spirit of the ordinance. A substantial change is anything beyond.

Mielnik is working on reorganization of the zoning ordinance to make it more comprehensive and creating consistency.

Consensus to accept what has been presented by Mielnik for tonight's packet, Articles 1-4.

b. Review proposed ZO restructure and determine which should be updated now and which should wait for the completion of the master plan was included in the previous discussion.

3. Joint Township Board (TB) and Planning Commission (PC) meeting discussion. Looking to get the dates of availability from the Board. PC selected two dates: Thursday, December 13 or 14 for possible joint meeting.

New Business:

1. Elk Rapids Public School Superintendent, Bryan McKenna, sustaining and maintaining ER Schools. Presentation was completed before Unfinished Business.

Next meetings:

Master Plan Workshop, November 7, 7-9 p.m. at Mill Creek. Helpers should be there by 6:30 p.m.

ROS November 30 at 9 a.m.

Joint TB/PC meeting TBD

Regular PC – December 6: Agenda: Discussion of the workshop and zoning ordinance updates that may come from

Public Comment:

Denise Peltonen

Commission Discussion/Comments:

Wroubel notes we are not changing, we are clarifying, not just one thing but through the whole thing.

Use the word clarify instead of change.

Key Notes to share with TB: Share the dates for the joint meeting;

Action Items for PC members, DeYoung will add to the chart regarding the clarification and change.

Continuing Education: None

Adjournment: 9:50 p.m.

Tabled items: Article 5 Districts; Article 25, Special Use Permits: Campgrounds

Respectfully Submitted

Lois MacLean,

Recording Secretary

**Whitewater Township
Parks and Recreation Advisory Committee
Minutes for Regular Meeting
November 21, 2023**

Call to order 7:10 p.m.

Roll Call: Melton, Cosgrove, Hubbell, Voice

Absent: Butler, Glenn

Also present: Recording Secretary MacLean

Set / Approve Agenda: Add quote for park playground equipment

Declaration of Conflict of Interest: None

Public Comment: None

Approval of minutes:

MOTION by Hubbell, second by Melton to approve October 17, 2023, meeting minutes as amended.

On voice vote, all in favor. Motion carried.

Reports/Presentations/Announcements/Comments/Correspondence: Email correspondence:

BCNA land easement research documents

LRNT engineering request to Board

GT County ARPA agreement document submitted for board approval and signature request

Board meeting November 14th recording: <https://whitewatertownship.info/2023-whitewater-township-board-meetings/> (main key points for our PRAC items starts around 2 hours and 20 mins)

Unfinished Business:

1. Lossie Road Nature Trail (LRNT) wetland/bridge improvement. Board approved hiring Gosling Czubak for initial engineering work of \$6,800. Purchase order has been requested. This will lead to a full engineering package or an engineering package including a building package. The main things are the big / main wet area and the bridge.

2. Grand Traverse ARPA agreement: the board voted to NOT sign the agreement at the November 14 meeting. There were comments about the general reporting for reimbursement and insurance requirements. The project is in the Board's hands. There were no questions regarding any of the things that the PRAC has any input or control over. Nothing regarding the actual project was discussed.

Can Glenn's actions be perceived as malfeasance? He had no questions, no comments for the PRAC or GT County, even though the contract was made available weeks before the PRAC meeting, two weeks before the board meeting and there have been no questions presented since their meeting.

It seems very difficult getting input from Glenn.

As an advisory committee we do our due diligence and present to the board.

Melton tried to appeal to the supervisor to get this resolved.

Popp did call Alger at the county for answers and Popp indicated he would contact other supervisors. The communication he got with the county said the contract would not be amended. Other supervisors said they had no questions about any insurance issue. Popp also indicated that maybe the county would allow it to be a day later.

Melton contacted Glenn regarding not having any communication before the no vote. Glenn indicated that he would need to have his questions answered by the county. He would not communicate with Melton.

Do we want to ask for a different board rep? Glenn has presented a vote of no confidence. Maybe we do not

understand his role here at PRAC. Way before the day of the vote at the board, any concerns should have been brought forth. It appears there was conversation between Popp and Glenn with nothing brought forth to the PRAC. Why were there no comments and no questions brought forth prior to the vote?

Melton's hope is that Popp has gotten his questions answered. There may be a special meeting.

General consensus is that communication with our rep has been lacking even before this issue.

Melton is hopeful that it will be brought before the board again.

3. BCNA trail design: Discussion of easement rights and neighboring property owner. We have a 66' easement. Melton will continue communication with the property owner. The plan could be a loop back that wouldn't even cross the property owner's property.

Do we want to suggest a property survey of the BCNA as noted in the management plan? That could help the Conservancy with the actual boundaries and easement. If it has been done previously the markers are no longer visible.

Discussion of the 66' easement.

Discussion of a loop back that wouldn't even cross the other property.

Discussion of different parking area.

Maybe we can do the survey only on the east and south sides in this area.

The township board won't even allow the conservancy to give us a plan.

Do we need to have the property owner's permission to evaluate options?

Get a quote for a survey? Brandon will get the quote.

4. WWT park playground toddler equipment addition. Quote received today from Gosling Czubak.

Have a conversation with Andrew. Have a conversation with the township insurance rep.

Melton will present the Gosling Czubak engineering quote to the board for approval at their December meeting.

New Business:

1. Michigan DNR Grants: Get funding from DNR for a path to the water, to the bench at the BCNA.

Until other issues are cleared, we can't really request funding from another entity.

Committee Comment and Discussion: There is a lot of discouragement. Being very hopeful that things will move forward on the county ARPA funding. No clarity on township ARPA funds.

Next regular meeting: Tuesday, December 19, 2023, 7 p.m.

Public Comment:

Denise Peltonen

Adjournment: 8:37 p.m.

Respectfully submitted,

Lois MacLean

Recording Secretary

**Whitewater Township Board
Minutes of Regular Meeting held December 12, 2023**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 9:01 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, Trustee Glenn, Trustee Vollmuth, Popp

Board members absent: None

Others present in person: County Commissioner Darryl Nelson, Fire Chief Brandon Flynn, and 4 others

Others present via Zoom: 4

Set/Adjust Meeting Agenda

There was no opposition to Popp's request to move Gary Buczkowski's appointment to right after public comment.

Declaration of Conflict of Interest

None

Public Comment

Public comment began at 9:04 a.m.

Denise Peltonen
(first name?) Horton
Melissa Melton

Public comment ended at 9:13 a.m.

APPOINTMENT OF GARY BUCZKOWSKI

Motion by Goss to appoint Gary Buczkowski as an alternate to the Parks & Recreation Advisory Committee, term to end 12/31/2026; second by Vollmuth.

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

Public Hearing

None

Reports/Presentations/Announcements/Comments

County Commissioner Report

Darryl Nelson gave the following report:

- They are finishing up budget items. They increased their fund balance policy from 20% to 30%.

- Nelson was appointed to the committee to look into The Pavilions. They are recouping monies, including re-billing Medicare back to 2019. Going forward, they have set up a financial metric, a monthly report, set a goal of 145 residents, recruitment effort, better connection with Munson, and will have a new director soon.
- Regarding the county ARPA funds, it is still available; it can still happen. They have a \$10 million exclusion and he thinks Whitewater would fall under that, so the township is really only working with the county. He offered his help and noted there is help available at the county.

Nelson answered a question regarding the county's pension liability.

Fire Department Report

Brandon Flynn gave the following report:

- Six calls in November. They are preparing for winter.
- Annual physicals were completed in November; everybody passed.
- He wrote a 2% grant for some turnout gear.
- Still waiting to hear from the Department of Treasury regarding a \$7,200 grant. Flynn resubmitted all of the paperwork. The deadline was extended to 12/31.
- The fire engine is in for a second DOT. Fick & Sons did not want to DOT it because of a couple issues.

Brief discussion held.

Planning Commission Report

Heidi Vollmuth gave the following report:

- Reminded the board of tomorrow's joint meeting with the planning commission at 7:00 p.m.

Parks & Recreation Advisory Committee Report

Don Glenn gave the following report:

- He put material into the packet. He was unable to attend the November meeting and does not have any follow-up.

Consent Calendar

Receive and File

1. Supervisor's Report for November 2023
2. Clerk's Report for November 2023
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4. Trustee Vollmuth's November 2023 Report
5. Trustee Glenn's November 2023 Report
6. Zoning Administrator's Report for November 2023
7. Mobile Medical Response November 2023 Activity Report
8. Fire Department November 2023 Report
9. Planning Commission November 2023 Report Vacation **(not in the packet)**
10. Historical Society November 2023 Report
11. Park & Recreation Report November 2023

12. Approved 10/04/2023 Planning Commission Minutes **(not in the packet)**
13. Approved 10/17/2023 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Access to Public Records 12/05/2023
2. Park Comments – Haveman
3. Proposed Credit Card Policy 12/05/2023
4. Oosterhouse Comment Part 1 **(not in the packet)**
5. Oosterhouse Comments Part 2 **(not in the packet)**
6. Grand Traverse County Sheriff's Report November 2023
7. FOIA Request S-22 Follow Up 12/05/2023

Minutes for Approval

1. Draft 11/14/2023 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank Vouchers # 49832 to 49929

Budget Amendments (none)

Revenue & Expenditure Report - Revenue 10/31/2023 – Expenditures 11/30/2023

Discussion held.

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

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

Unfinished Business

COUNTY ARPA FUNDING RECONSIDERATION 12/04/2023

There was no motion provided in the board packet.

Motion by Benak to reconsider; second by Vollmuth.

The motion was not voted on.

Discussion held.

Motion by Popp authorizing the treasurer and supervisor to execute the American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds Funding Agreement for Revenue Replacement required by Grand Traverse County in the amount of \$95,917; second by Benak.

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

Benak and Popp will meet after the meeting to execute the document.

ONGOING FOIA CONCERNS 11/28/2023

Motion by Popp to have legal prepare a FOIA request for a certified copy of responsive documents for FOIA Request S-22; second by Vollmuth.

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

Motion by Popp to have legal provide an analysis with emphasis on the requestor's legal remedies to address public officials who delay providing responsive documents and other possible statute violations such as, but not limited to, Public Act 442 of 1976 Freedom of Information Act, Public Act 566 of 1978 Incompatible Public Offices, and the Public Act 328 of 1931 Michigan Penal Code; second by Vollmuth.

Discussion held.

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

CAMPGROUND NEEDS 12/12/2023

Copies of Change Order No. 5 were provided to board members at the meeting.

Discussion held.

Motion by Popp not to accept Change Order No. 5; second by Glenn.

Popp amended the motion to add "project number 842850."

Glenn noted it is dated 12/08/2023 and re-seconded the motion.

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

Motion by Popp to approve Voltage Electric's base bid proposal dated 11/29/2023 in the amount of \$8,200 to supply and install temporary power service to the ranger station, storage shed, and boat wash area, work to include required electrical permits; second by Benak.

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

Motion by Popp to approve Voltage Electric's bid proposal dated 11/29/2023 for necessary electrical repairs to the ranger station and storage shed in the amount of \$1,250; second by Glenn.

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

Motion by Popp to approve a 15% contingency on the totality of those estimated repairs; second by Glenn.

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

Further discussion held.

Motion by Popp to send \$300 Mike's way as a stipend for using his electricity, whatever space or workshop he has; second by Vollmuth.

Discussion held.

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

At 11:52 a.m., the meeting recessed.

At 12:11 p.m., the meeting reconvened.

New Business

PROPOSED ZONING ADMINISTRATOR JOB DESCRIPTION

Motion by Popp to adopt the Zoning Administrator job description as amended 12/12/2023; second by Vollmuth.

Discussion held.

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

PARKS & RECREATION ADVISORY COMMITTEE MEMO GARY BUCZKOWSKI

See page 4813.

PLANNING COMMISSION REAPPOINTMENTS

Motion by Popp to confirm the recommendation of the supervisor appointing Linda Slopsema to a 3-year term position on the Whitewater Township Planning Commission; the term shall end 12/31/2026; second by Glenn.

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

Motion by Glenn to confirm the recommendation of the supervisor appointing Al Keaton to a 3-year position on the Whitewater Township Planning Commission; the term will end on 12/31/2026; second by Vollmuth.

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

PARKS & RECREATION ADVISORY COMMITTEE REAPPOINTMENTS

Motion by Popp to confirm the recommendation of the supervisor appointing Melissa Melton to a 3-year position on the Whitewater Township Parks and Recreation Advisory Committee; the term will end on 12/31/2026; second by Benak.

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

Motion by Popp to confirm the recommendation of the supervisor appointing Brandon Hubbell to a 3-year position on the Whitewater Township Parks and Recreation Advisory Committee; the term will end on 12/31/2026; second by Glenn.

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

PRAC REQUEST FOR DRAWING APPROVAL

Motion by Glenn to approve and contract Gosling Czubak for engineering services as per quoted on 11/01/2023 for \$1,740 to create a site plan layout drawing for the proposed additional toddler playground equipment at the Whitewater Township Park campground; second by Benak.

Discussion held.

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

Tabled Items

None

Board Comments/Discussion

None

Announcements

1. 12/13/2023 Joint Planning Commission and Township Board Meeting @ 7:00 p.m.
2. 01/09/2024 Township Board Regular Meeting @ 9:00 a.m.

Public Comment

None

Adjournment

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

Meeting adjourned at 1:00 p.m.

Cheryl A. Goss
Whitewater Township Clerk

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 12.30.2023
Re: Access to Public Records – Sixth Reminder

Board Members –

Here is a reprint of correspondence contained in the August 8, 2023 Whitewater Township Agenda Packet. This request is unfulfilled as of this writing.

Here is a reprint of Whitewater Township Board approved business from 6.13.2023. We are awaiting receipt of the recordings as of this date.

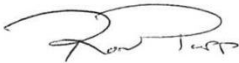
“ACCESS TO PUBLIC RECORDS

Motion by Popp directing the clerk to provide digital copies of audio recordings for all meetings that have taken place in the township hall since and including 05/09/2023 to all board members; second by Glenn. Discussion followed.

Popp refused to list the meeting dates he is requesting.

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

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township



Ron Popp <supervisorwhitewater@gmail.com>

Re: FW: Request for PO 5925

1 message

Ron Popp <supervisorwhitewater@gmail.com>

Wed, Dec 20, 2023 at 10:58 AM

To: "Cheryl A. Goss" <clerk@whitewatertownship.org>

Bcc: Ardella Benak <treasurer@whitewatertownship.org>, heidivourtrustee@gmail.com, Don Glenn <dglenn6542@yahoo.com>

All – Here is another example of the Clerk's dangerous work to create a hostile, unsafe workplace environment at Whitewater Township. She continues to cast shadows on her fellow board members, and character assassinate residents who step up to serve the community. In the private sector this type of harassment and discriminatory behavior would be handled by the human resources department following employment laws of the state of Michigan. However, the public sector is much different, simply look at the evening news to find a plethora of bad actors whose goal is to obstruct the people's work.

The Clerk's email dated 12.19.2023 is solid evidence of her habitual cycle of retribution against any person who dares to present an opposing opinion such that this planning commission member did in the multiyear, financially draining, marihuana debacle the Clerk supported. The Clerk has voted twice against this person's placement on the planning commission so it is no surprise she would oppose providing the person with proper tools to complete tasks assigned.

The last 4 or 5 computer purchases have been from Amazon and set up by Township personnel resulting in a significant savings to the Township. These purchases were all supported by the Clerk and most if not all, were loaded with Adobe Pro 2020 and the Microsoft Office Suite. Why the Clerk's sudden change? In this case, staff was not available to specify, order, receive, load software and antivirus protection. Thus, the Township's current technology provider was commissioned to complete the work, as approved by the Board. Yes, as a for profit company, we should expect a markup of all goods and services they provide. This will result in increased the cost of incoming goods and services. If the Clerk no longer wishes to use Netlink Business Solutions as our vendor for these devices and setup services, she can make that motion to the Whitewater Township Board of Trustees.

Private sector has long understood the value of investing in the overall wellbeing and continuing education of its personnel. Therefore, I will proudly support the investment that fosters community participation and attracts high quality individuals to community service, especially in front of the voting public.

Respectfully submitted,
Ron Popp
Whitewater Township Supervisor
231.267.5141 Ext. 23
supervisorwhitewater@gmail.com

On Tue, Dec 19, 2023 at 11:07 AM Cheryl A. Goss <clerk@whitewatertownship.org> wrote:

Township Board –

Wow! (see attachment) Now we're buying \$859 laptops for planning commission members?! Really?! You can get one at Best Buy for \$400. And loading Adobe PRO on them, too?! NO ONE in the township needs Adobe

PRO.

And spending OVER \$2,300 to outfit ONE planning commission member with a laptop?!?!

What a complete waste of taxpayer money.

This will definitely be brought to the attention of the voting public.

Cheryl A. Goss

Whitewater Township Clerk

5777 Vinton Road, P.O. Box 159

Williamsburg, Michigan 49690

Telephone: 231.267.5141 x24

Fax: 231.267-9020

clerk@whitewatertownship.org

Office Hours: Mon/Tue/Wed/Thurs 9:00 a.m. to 5:00 p.m.

**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: Ron Popp <supervisorwhitewater@gmail.com>

Sent: Friday, December 15, 2023 1:27 PM

To: clerk@whitewatertownship.org

Subject: Request for PO 5925

Please see attached for documentation supporting the request for purchase order.

A hard copy is in your mail box.

Ron Popp

Whitewater Township Supervisor

231.267.5141 Ext. 23

supervisorwhitewater@gmail.com

bcc: Township Board

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 12.30.2023
Re: Township Credit Card Policy Sixth Follow up

Board Members –

Still waiting for the Clerk to provide this material.

At the 7.11.2023 Whitewater Township Board Meeting the need to update the credit card policy was acknowledged and approved by Board action. This process is waiting for a current copy of the policy from the Clerk's Office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ron Popp', with a stylized flourish at the end.

Ron Popp
FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 12.30.2023
Re: FOIA Request S-22 Follow Up – Sixth Reminder

Board Members –

Here is a reprint of two items we are waiting on from the Clerk's Office.

Here is a reprint of two Whitewater Township Board approved business items from 6.13.2023. We are awaiting the documents as of this date.

"Motion by Popp directing the clerk to provide all responsive documents provided to the requestor for FOIA Request S-22 to the Whitewater Township FOIA Coordinator for further processing; second by Glenn. It was clarified that S-22 is the thumb drive to Altonen. Discussion followed.

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

"Motion by Popp directing the clerk to certify those documents provided to the FOIA Coordinator for FOIA Request S-22 are a true, accurate, and a complete copy of what was provided to the requestor using attached certification form; second by Vollmuth.

Goss will provide her own certification form.

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

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township



Ron Popp <supervisorwhitewater@gmail.com>

please add to Jan packet

1 message

Heidi Vollmuth <heidivourtrustee@gmail.com>
To: Ron Popp <supervisorwhitewater@gmail.com>


Sat, Dec 30, 2023 at 11:07 AM

Team,

As we move forward with discussion of the Zoning Administrator this team needs to look into the failures and expenses of past history. Have we done our homework as to why and how the good and bad issues have affected our township? Let us not keep making the same errors and learn from the failures of the past. PLease review the following document. Begin a simple checklist of the townships past of the good and the bad. Have each of us examined this process properly? There is alot to consider here and making a quick and wrong decision leads this team back to the failure already created.

No motion at this time, this is to further open the discussion on the process

Thank you
Heidi Vollmuth
Trustee

 **ZA is not a bad person.pdf**
1336K

The uncompromising zoning administrator is not a bad person

Mary Reilly, [Michigan State University Extension](#) - October 19, 2020

Updated from an original article written by Kurt H. Schindler.

Zoning administrators are sticklers for rules, and may seem uncompromising. They have a job to do, and not doing their job can result in serious personal liability for a zoning administrator.

Zoning administrators are sticklers for rules, and may seem uncompromising. They have a job to do, and not doing their job can result in serious personal liability for a zoning administrator. By design, the zoning administrator's job is to administer the zoning ordinance as it was adopted with little or no discretion.

On the other side, the zoning administrator may be mumbling, "This is such a minor thing, if only I could look the other way," or "I do not even agree with this regulation, but I have to enforce it."

So why do these stories circulate? Why are officials so uncompromising? Or from the other perspective, why should a government official (like a zoning administrator) behave without any apparent 'common sense'?

One major reason for consistently following the regulation comes down to maintaining governmental immunity. The idea behind governmental immunity is to protect the individual person (who happens to work, volunteer, or is elected in government) from personal liability. When one is acting on behalf of a local government, they are not supposed to be acting for themselves. They should not be held personally liable for those actions.

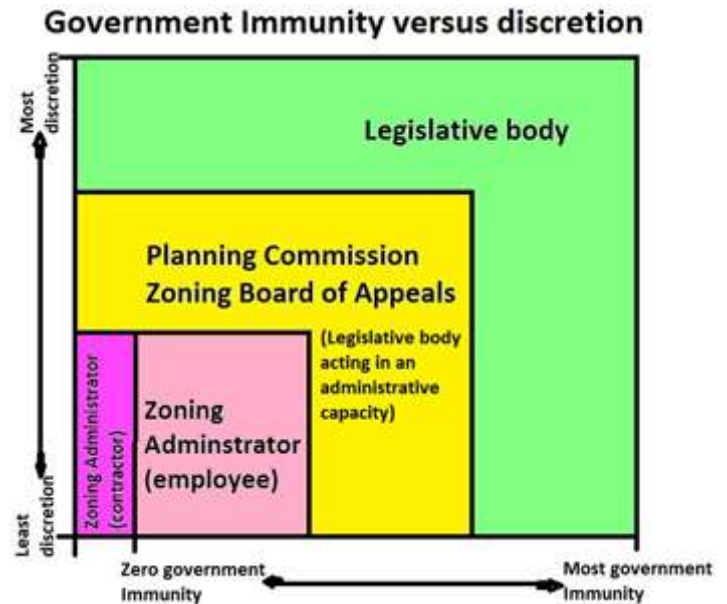


Remember, majority rules in government. People who work, volunteer or are elected in government may not agree with the majority, but the majority is their “boss”. Even if a zoning administrator does not agree with the majority, it is their job to follow those rules.

The presumption is that as long as the government is acting in good faith to carry out its responsibilities consistent with the law then those actions are immune from liability. The “government” also includes its employees, and volunteer, appointed and elected officials. Responsibilities consistent with the law means the actions must be a proper government function and not violating anyone’s constitutionally protected rights. And in good faith means the person’s motivation and belief was they were doing the right thing.

But everything a government does is not protected by governmental immunity. In Michigan there are statutory exceptions to governmental immunity. Examples include some instances of sidewalk trip and fall and vehicle damage due to road defects. But the statutory exceptions do not generally apply to zoning administration. some slack?” or, “They are such a stickler for following the rules.”The amount of government immunity is also not equal for everyone in government.

Figure 1 at right illustrates that the legislative body (elected officials: city or village council, township board of trustees, county board of commissioners) have the most immunity and have the most discretion in decision making. Legislative bodies set policy and adopt ordinances, an area where discretion is often used.



The amount of government immunity is also not equal for everyone in government. Figure 1 illustrates that the legislative body (elected officials: city or village council, township board of trustees, county board of commissioners) have the most immunity and have the most discretion in decision making. Legislative bodies set policy and adopt ordinances, an area where discretion is often used.

Volunteers and appointed officials on boards, such as planning commission and zoning board of appeals members, have less discretion and less immunity. These boards act in an advisory and administrative capacity. They have more discretion than the zoning administrator. They are generally safe as long as acting within their scope of authority and acting in good faith. If a legislative body is performing administrative functions, such as acting as the planning commission, or making final approval of special use permits or site plans, then the legislative body’s immunity is the same as the planning commission’s and zoning board of appeals’.

A government employee, such as the zoning administrator, has the least discretion. Sometimes the zoning administrator has no discretion. Also the zoning administrator has the least amount of governmental immunity, and if he or she is in a contract position rather than an employee may not have any immunity.

The function of a zoning administrator is to administer the zoning ordinance *with limited or no discretionary authority*. As long as the zoning administrator follows what the zoning ordinance requires, there is immunity protection. If the zoning administrator does not adhere to the strict application of the zoning ordinance, then he or she is not “consistent with the law” and may no longer have immunity. Michigan State University Extension provides a [Zoning Administrator Certification](#) program for those seeking a specialized training opportunity to help lower municipal risks.

So the zoning administrator should not overlook the distance of a 1-foot violation. If he or she does and someone else gets upset, there might be serious consequences. As the saying goes, “no good deed goes unpunished.”

A person that does not agree with the zoning administrator has the opportunity to appeal their decision to the zoning board of appeals (ZBA), even when it is as minor as falling short of a required setback by 1 foot. The ZBA has more discretion to provide relief for special circumstances and more immunity to cover that additional discretion. The opportunity to pursue such an appeal is required by Michigan’s zoning law. Michigan State University Extension has [resources for citizens to help prepare and understand the appeals process](#).

If the situation warrants, the zoning administrator can also make the Planning Commission aware of a regulation that appears to make little sense. That board, which has more discretion, can consider going through the required steps in order to recommend new language to the legislative body for consideration.

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The 4-H Name and Emblem have special protections from Congress, protected by code 18 USC 707.

We comply with the Federal Trade Commission 1998 Children's Online Privacy Protection Act (COPPA)
(<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>).

Memo

To: Whitewater Township Board of Trustees

CC: None

Date: 12.28.2023

Re: Dot Gov Email Extensions

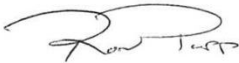
Board Members –

This business item is presented to provide an update on the migration to Dot Gov email extensions. Below are the implementation steps for migrating to DOT GOV email extension. This is unexpected new information and will require more planning on the Board's part.

Any recommendations are appreciated

No motion at this time pending further Board Discussion.

Respectfully submitted,



Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township



Ron Popp <supervisorwhitewater@gmail.com>

RE: Timeline for .GOV email migration project

1 message

Bill Schaub <bschaub@netlinkbus.com>

Wed, Dec 27, 2023 at 2:30 PM

To: Ron Popp <supervisorwhitewater@gmail.com>

Ron,

Ok I will wait to hear back from you.

Best regards,

Bill Schaub

Netlink Business Solutions

"Complete Office Technology Integration"

(231) 946-8808 phone

(231) 946-0719 fax

From: Ron Popp <supervisorwhitewater@gmail.com>

Sent: Wednesday, December 27, 2023 12:37 PM

To: Bill Schaub <bschaub@netlinkbus.com>

Subject: Re: Timeline for .GOV email migration project

Thanks for the run down Bill on the migration process. Understanding this is an onsite process will greatly complicate things. Some folks will have to schedule time away from their work. I will bring this matter back to the Board at our January 9, 2024 meeting for ideas. I will be in touch after that.

Happy New Year

Ron Popp

Whitewater Township Supervisor

231.267.5141 Ext. 23

supervisorwhitewater@gmail.com

On Fri, Dec 22, 2023 at 9:48 AM Bill Schaub <bschaub@netlinkbus.com> wrote:

Ron,

We are ready to schedule the migration to the .GOV email domain. The schedule of tasks to do would be as follows:

1. All staff should preemptively clean out junk, and deleted items folders in their current email box.
2. When we come on site the first day we need all the current email user names and passwords this includes any Whitewater staff **using Gmail or Whitewatertownship.org email boxes.**
3. When we come on site we need all staff company PC's, laptops, phones at the office so we can set up new email accounts on all hardware devices.
4. We would arrive at the Whitewater Township office first thing in the morning. We would get all the currently used email boxes information from the staff and start importing data from the currently used email boxes. If there are any extremely large mailboxes, we can archive data off if needed.
5. We would move all the old email box data up to the new host, Microsoft 365. The amount of time it takes for this step varies according to amount of data in each mailbox account.
6. The old email account will forward to the new .GOV email address. Usually, this forwarding is done for a couple months while you notify contacts of the new email box addresses.
7. At this point all the staff are now using the new .GOV email boxes.
8. After the established time of 1 to 4 months the old email boxes are then disabled.

Call or email me to let me know what day you can coordinate timing for the above items.

Best regards,

Bill Schaub

Netlink Business Solutions

"Complete Office Technology Integration"

(231) 946-8808 phone

(231) 946-0719 fax

From: Ron Popp <supervisorwhitewater@gmail.com>

Sent: Thursday, December 21, 2023 12:33 PM

To: Bill Schaub <bschaub@netlinkbus.com>

Subject: Dot Gov email list.

Good afternoon Bill - I know it has been sometime since we discussed dot gov migration but here is the list approved on 11.14.2023 by the Board.

Please let me know if I can provide any other information or if you would like the file in excel.

Ron Popp

Whitewater Township Supervisor

231.267.5141 Ext. 23

supervisorwhitewater@gmail.com

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 12.29.2023
Re: Campground & Park Improvement Project Needs 1.9.2024

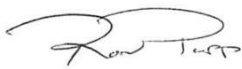
Board Members –

This business item is presented to allow Trustee Don Glenn and/or Ron Popp a forum to the Board to discuss any relevant matters regarding the camping park or the Park Improvement Project.

- 1) No additional correspondence has been received from the Waterways Grant Coordinator regarding when or if \$200K of grant funds will be released.
- 2) Consumers Energy has returned an estimate for their work to install an additional electrical service at the park. The 7K proposal is good for 60 days, but without a detail drawing of the load center side, forward movement is at a standstill. See #3 below for additional information on this topic.
- 3) Fleis & Vandenbrink has not responded with cost information to generate an electrical print for the proposed new electrical service at Whitewater Township Park. Two other firms have been contacted. Pending responses this may not even be a 2024 project.
- 4) Thank you to Park Manager Andrew Butler for working to obtain two quotes to create a new clearing where the cart shed can be relocated to. Pending weather conditions, this effort could be completed in the next 30 days.
- 5) The vendor commissioned to move the ranger station and the cart shed attempted to move the ranger station in late December. The structure is too heavy and the task could not be completed. Andrew Butler, Park Manager is in the process of finding other solutions.
- 6) A purchase order to rework electrical feeds to the new locations of the ranger station and cart shed has been issued. This work is now on hold until a vendor can be commissioned that is capable of moving the two buildings. The current bid for the electrical work will expire before building relocation takes place.

7) Any other park business.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Tapp". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Tapp".

Recording Secretary
Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 12.21.2023
Re: Cell Tower Lease Site 414727 Elk Lake Road.

Board Members –

This business item is presented so the Board may answer questions about one of the two cell tower leases currently active in the Township. The Township receives rental income from two parcels of land leased to facilitate the construction, operation and maintenance of cell phone towers now owned and operated by American Tower. One site is named Circle Hill with a Site ID number of 414726. Oddly the tower is located near the fire station and Cedar Rapids Cemetery. The other parcel is located at 9500 Park Road and is labeled Elk Lake Road with a Site ID number of 414727. Each Site ID number has its own lease document. Each of these towers are single provider installations and appear similar to [this](#). Some towers have more than one service provider or are [collocated](#) which allows the tower owner to collect more revenue from each leased parcel of land.

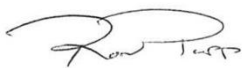
Multiple times per year the Township is contacted by lease agents working on behalf of American Tower to renegotiate the [original lease](#) signed in 2006. These offers generally include a rent reduction and some other small change in lease provisions. The sales call normally focus on one or the other of the two sites in Williamsburg rarely both. This leads me to believe the renegotiation is less about revenue losses, and more about boosting profits of American Tower. As a Board we periodically review this question to determine if technology advances have somehow affected the leases and if the proposed lease rate reductions are necessary.

In 2015 the Township commissioned a local company to perform a lease [analysis](#) of both leases. In early 2021 the board asked for proposals to update the 2015 analysis. During that process the author of the 2015 report, verbally recommended no changes from his previous report. Here is a copy of the [2021 business item](#).

Other local units in the County have cell tower leases too, a recent straw poll of lease rates indicated a range from \$1,900.00 to more than \$7K per month for a single vendor non-collocated tower. Additional information about how the industry is changing and growing can be found on numerous websites like this one [Home - Steel In The Air](#). Before making any decision, the Board may wish to commission another lease analysis or continue upon its path of not accepting any changes to the original leases.

Motion: Motion to reject the proposed changes to the lease rate for site ID 414727 Elk Lake Road offered by Tower Alliance LLC, dated November 8, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. J. [unclear]", written in a cursive style.

Recording Secretary
Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township



November 8, 2023

Whitewater Township
Attn: Ron Popp
P.O. Box 159
Williamsburg, MI 49690

Subject: American Tower Site #: 414727 / Site Name: Elk Lake Rd – Williamsburg MI

Dear Ron,

Tower Alliance has been engaged by American Towers LLC (together with its affiliates and subsidiaries, “American Tower”) to discuss with you the need to amend the lease for the Tower Site. The goal of this discussion is to identify alternatives to the current arrangement and determine how we can work together to strengthen the position of the Tower Site.

Recent Industry Developments: In the past, wireless carriers primarily focused on rapidly building out their networks to provide the best coverage and were less focused on operating costs. Currently, while consumers are enjoying greater services and better coverage, operating costs have come under greater scrutiny. Business consolidations such as the T-Mobile-Sprint merger are also affecting the tower industry as carriers continue to streamline their operations. Below are two options that can improve the long-term security of the Tower Site:

Option 1:

- Rent Change from \$1,98341 per month to \$1,685.00 per month upon full execution of a lease amendment
- Add Limited Language for a Right of First Refusal only for offers the Township accepts from a 3rd party competitor of American Tower
- Add Non-Compete language for within only ¼ mile of this site
- Modify current escalator from 3% per year to 2% per year in 9/2024
- One-Time Signing Bonus of \$5,000.00

Option 2:

- Convert your lease to a 99- year term in lump sum payment of \$425,000.00 in lieu of your rent payments or paid over 10 years with 120 payments of \$4,280.00.

I look forward to talking with you in the coming days, after you’ve had an opportunity to review this letter.

Sincerely,

Susan Swatek-Buege

Lease Consultant

Tower Alliance LLC, an authorized vendor of American Towers LLC and its subsidiaries and affiliates
1200 North Federal Highway, Suite 325

Boca Raton, FL 33432

(866) 272-9313 – Office

(866) 236-1216 – Fax

**PLEASE NOTE: This Letter is not intended to create, nor does it create any legally binding obligations on the part of you or American Tower, or any of their respective affiliates, and no such obligations will exist unless and until a definitive agreement with respect to a transaction is executed and delivered by the parties or their affiliates in their sole discretion, and then only as and to the extent provided in such definitive agreement. All offers subject to approval by American Tower Finance. **

Memo

To: Whitewater Township Board
From: Ron Popp
CC:
Date: 12-18-2023
Re: Park & Recreation Advisory Committee Re-appointments

Colleagues,

I am recommending:

Thomas Cosgrove, 10300 Miami Beach Road, Williamsburg, Michigan 49690 to a position on the Whitewater Township Parks and Recreation Advisory Committee. The term will end on December 31, 2026.

An appropriate motion might be:

A motion to confirm the recommendation of the supervisor appointing Thomas Cosgrove to a 3-year position on the Whitewater Township Parks and Recreation Advisory Committee. The term will end on December 31, 2026.

Roll Call Vote

Respectfully submitted,



Recording Secretary
Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 12-27-2023
Re: Ordinance Violation List – 1.2024

Board Members,

This business item is presented to the Board to discuss possible refinements to the newly created list of ordinance violations generated by Zoning Administrator Bob Hall. Thank you to Mr. Hall for creating this list for our review.

One of the Board's initial concerns was maintaining a certain level of discretion regarding the detail any list would contain. For this reason, the list provided by Mr. Hall was redacted in the November 14, 2023 board packet and provided under separate cover. Pending adoption of the form and the data contained within it, the information becomes a public record and therefore is subject to FOIA. If adopted the list format should become part of the Policy & Procedure Manual as a form. Appendix I appears to contain forms and may be a logical placement for the document.

In using this data for the first time, on a subsequent business item on the January 9, 2024 agenda, it was difficult to discern what violations needed board action and what ones were *pending*. If the form could more closely follow the four steps outlined in the Whitewater Township Code Enforcement Manual (WTCEM) Section X, that would clear up some uncertainty. The proposed data fields were on point with the Board's request and the use of dates in the columns was very helpful in establishing a time line of events. However, it is unclear if these dates are commencement or completion in nature.

Implementing a direct correlation between the form and WTCEM could look like this:

Heading Fields Below:

Date	Parcel/Location	Nature of Concern	Level 1	Level 2	Level 3	Level 4	Final
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Data Fields Below:

Legend Fields Below:

Level 1. Obtaining voluntary compliance after initial contact.

Level 2. Written Notice to Correct.

Level 3. Second Written Notice to Correct.

Level 4. Township Board directs the Grand Traverse County Sheriff's Department to issue a ticket or to file action with the Circuit Court

Any other useful information, like list title, page number, and approval date are recommended to be included in the final version of the report. The Board may want to consider creating the list in excel allowing for a running or historical type of list to be kept. Additional columns for commencement/next follow up/completion dates, internal use, notes, time and cost tracking, image linking are easy to add without changing the look of the report.

Motion: Motion to adopt the Ordinance Violation Report as amended as an official part of the Whitewater Township Policy and Procedure Manual Appendix I.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ron Popp', with a stylized, flowing script.

Ron Popp
Recording Secretary
FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 12-27-2023
Re: Short Term Rental Use - Ordinance Enforcement – 1.2024

Board Members,

This Business item is presented in compliance with Section X of the [Whitewater Township Code Enforcement Manual](#) and seeks Board approval to begin the final phases of Zoning Ordinance Enforcement regarding 3 Short Term Rentals (STR) violations.

Board Members received Mr. Hall's October 2023 Report via email on October 26, 2023. Some information in that report which appeared in our November 14, 2023 board packet was redacted and remains as such upon legal advice.

Of the 24 listed violations Mr. Hall is tracking, 13 of them involve STR uses and appear to be marked "pending." According to the list, 3 of the STR violations have received multiple correspondence from the Township without voluntary compliance. Thus, in accordance with Section X of the Whitewater Township Code Enforcement Manual, the next step is a Board Action directing the Grand Traverse County Sheriff's Department to issue a ticket or to file action with the 13th Circuit Court.

Two of the 3 violations will require additional investigation such as a search of the numerous STR rental sites like Airbnb, VRBO, Plum Guide, Expedia, Homestay, Agoda, Flipkey, Kid and Coe, and HomeToGo to determine if the parcels are being marketed for the 2024 rental season. Thinking there are only two violations in this status, the investigation could be handled internally by staff. Attorney Chris Patterson has offered his search service which sets up a monitoring protocol of various websites looking for specific zip codes and/or address numbers. Once Chris's team builds the search protocol, each address search would take about an hour of a paralegal's time. Granicus is another service that provides this type of investigative work along with many other STR compliance tracking measures that the township may find useful if problems continue.

Motion One: Motion to have staff and/or legal investigate the following sites Airbnb, VRBO, Plum Guide, Expedia, Homestay, Agoda, Flipkey, Kid and Coe, and HomeToGo to verify the two addresses are not being marketed for the 2024 season.

The third violation elevated to the board for action generated a legal challenge to our zoning ordinance regarding STR. This document was included in Mr. Hall's October Report and remains confidential pending this discussion. A copy of Mr. Hall's entire October 2023 Report was forwarded to attorney Chris Patterson for an opinion on the legal challenge. That opinion was shared with all Board Members via confidential email on November 13, 2023. Both Mr. Hall's October Report and the November 13, 2023 confidential legal opinion have been provided again under separate cover and labeled confidential.

Given the legal challenge of the third parcel, it would seem the owner intends to continue the STR use. If the Township moves forward with Ordinance Enforcement, the Board may want legal to create a Voluntary Compliance Agreement pursuant to Section XI of the Whitewater Township Code Enforcement Manual before filing a with the 13th Circuit Court.

Motion Two: Motion directing the Zoning Administrator to provide attorney Chris Patterson with all information regarding this complaint to facilitate compliance with Whitewater Township Zoning Ordinance in accordance with the Whitewater Township Code Enforcement Manual.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Ron Popp', with a stylized flourish at the end.

Ron Popp
Recording Secretary
FOIA Coordinator
Supervisor, Whitewater Township

Memo

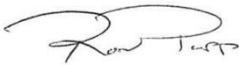
To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 12-27-2023
Re: Park Fund Budgeted Transfer 1.2024

Board Members,

The [2023/2024 Whitewater Township Budget](#) approved March 21, 2023 allocated \$602,934 to the Whitewater Township Park Boat Launch/Entryway Improvement Project. \$325,894.69 of that amount was transferred from the Park Fund 208.000.001 on 12.31.2022 in compliance with [Resolution 22-17](#).

Motion One: Motion to make a Budgeted Transfer from General Fund 101.966.999 in the amount of \$609,934.00 to the Park Fund 208.000.699.

Respectfully,



Ron Popp
Recording Secretary
FOIA Coordinator
Supervisor, Whitewater Township

Memo

To: Whitewater Township Board
From: Ron Popp, Supervisor
CC: None
Date: 12-27-2023
Re: Park Fund Resolution 22-17 Transfer 1.2024

Board Members,

[Resolution 22-17](#) was adopted 10.11.2022 and sought to align Whitewater Township Park with other revenue generating properties in the Township. This would be accomplished by directing a percentage of the annual residual revenue to the General Fund. This business item is presented in compliance with Resolution 22-17.

Normally in the application of resolution 22-17 fund values for Park Fund 208.000.001 and Park Money Market Fund 208.000.003 are analyzed on the last day of the *calendar year*. Then 85 % of each fund value is transferred to the corresponding General Fund line item. This year the Board may want to consider *estimating* the fund values to the *Fiscal Year End (FYE) 3.31.2024* before making the transfer. In support of the one-time modification, I ask the Board to consider the following. First, costs associated with the ongoing Park Expansion Project 842850 are expected before FYE 03.31.2024. Beyond those costs directly related to the project, are the costs of relocating buildings and utilities that were in the way of the improvements and not included in the project cost estimate. They too are expected to hit before FYE 3.31.2024. Second, we have an extremely capable staff at the park and good weather has allowed for outdoor maintenance to continue thru December of 2023. Thirdly, the expansion project has opened up a lot of area that was not visible to the public before. Getting a head start on this cleanup very early in 2024 is a must. This is a departure from the norm as once the park is closed in October, expenses have a sharp decline until middle to late June of the following year. The following is a list of the major items and associated costs that are expected before FYE 3.31.2024:

208 Park Fund 208.000.001 Balance as of 12.31.2022	\$54,742.32
2023/2024 Park Revenue as of 10.31.2023	\$251,983.38

2023/2024 <u>Park Total Expense as of 11.30.2023</u>	(\$558,014.90)
Budgeted Transfer from General Fund	<u>\$609,934.00</u>
Estimated Park Fund Balance as of 12.31.2023	\$358,644.80

If the math of resolution 22-17 was applied at this point $\$358,644.80 \times .85 = \$304,848.08$ would be transferred out leaving a \$53,796.72 Park Fund Balance. Under normal circumstances, that would be an ample amount of money to see the Park thru the end of the fiscal year.

Estimated amount owed to Fleis & Vandenbrink for capital project 842850	(\$13,400.00)
Estimated Site Work Cost to Relocate Ranger Station & Storage Shed	(\$10,000.00)
Estimated Cost to Relocate Ranger Station & Storage Shed	(\$10,000.00)
Estimated Electric Service to Ranger Station & Storage Shed	(\$10,000.00)
Estimated Reservation Site Expense	(\$5,000.00)
Estimated Final Project 842850 Payment	<u>(\$174,415.05)</u>
Estimated Salary & Wages thru fiscal year end	(\$40,000.00)
Estimated Park Fund Value as of 03.31.2024	\$59,829.00

If we apply math of Resolution 22-17 at this point $\$59,829.00 \times .85 = \$50,854.65$, incoming revenue for the 2024 camping season will hit the following day making other adjustments unlikely.

Motion One: In a one-time modified compliance with Resolution 22-17 motion to transfer \$50,854.65 from Park Fund 208.000.001 to General Fund 101.000.001 by 1.31.2024

Turning our attention to the Park's Money Market Fund there are not so many variables to contend with. Therefore, compliance with Resolution 22-17 is easy.

Park Money Market

Fund [208-000-003 Balance as of 12.31.2022](#) \$2,768.50

No Estimated expenses to this account for FYE 2024.03.31

Estimated Park Money Market Fund Value 12.31.2023 \$2,768.50

Math of Resolution 22-17: $\$2,768.50 \times .85 = \$2,353.23$

Motion Two: In compliance with Resolution 22-17 motion to transfer \$2,353.23 from Park Fund 208.000.003 to General Fund 101.000.003 by 1.31.2024

Respectfully,

A handwritten signature in black ink, appearing to read 'Ron Popp', with a stylized flourish at the end.

Ron Popp
Recording Secretary
FOIA Coordinator
Supervisor, Whitewater Township

Memo

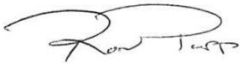
To: Whitewater Township Board of Trustees
CC: None
Date: 12.29.2023
Re: Don Glenn Resignation from PRAC

Board Members –

Please see attached.

Motion to accept Don Glenn's resignation email dated December 15, 2023.

Respectfully submitted,



Recording Secretary
Whitewater Township FOIA Coordinator
Supervisor, Whitewater Township

**Whitewater Township
Trustee**

Memo

To: Ron Popp / Whitewater Township Supervisor
From: Don Glenn, Trustee
Date: December 15, 2023
Re: PRAC liaison resignation

Ron, I am writing to formally resign from my position as the liaison for the Township Parks and Recreation Advisory Committee, effective with the date of this correspondence. This decision has not been an easy one, but after thoughtful consideration, I find it necessary to step down from my role.

Unfortunately, personal circumstances have arisen that require my attention and commitment, leaving me unable to fulfill my responsibilities as the liaison effectively. I believe that stepping down at this time is in the best interest of both the Committee and myself.

Thank you and the Board for the opportunity to serve in this capacity. I am appreciative of the experiences that I have gained during my time with the Township Parks and Recreation Advisory Committee.

Wishing the Committee continued success in its endeavors.

Memo

To: Whitewater Township Board of Trustees
CC: None
Date: 12.29.2023
Re: Zoning Administrator Job Posting

Board Members –

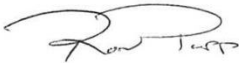
Last month the Board approved a [Zoning Administrator Job Description](#) and discussed a pay range between \$30K~\$50K annually for the work. This business item is presented for board approval to publish a newspaper advertisement referencing that job description.

Motion One: Motion to place a newspaper advertisement for a Zoning Administrator referencing the Zoning Administrator Job Description approved 12.12.2023 in two local newspapers, over two consecutive weekends with a beginning date of 1.12.2024 and 1.19.2024.

Motion Two: Motion to have the Clerk issue a purchase order to Traverse city Record Eagle Newspaper in the amount not to exceed \$800.00.

Motion Three: Motion to have the Clerk issue a purchase order to the Elk Rapids News Newspaper in the amount not to exceed \$300.00.

Respectfully submitted,



Recording Secretary
FOIA Coordinator
Supervisor, Whitewater Township

Zoning Administrator

Whitewater Township, Grand Traverse County, is seeking a part time qualified individual for the position of Zoning Administrator.

The zoning administrator is responsible for, but not limited to, the administration and enforcement of the zoning ordinance, subdivision control, and other zoning and land use related ordinances precisely as written.

For a detailed job description, please visit our web site: whitewatertownship.org

Salary Range is between \$30K~\$50K. Email resume to: resumewwt@gmail.com