

**Whitewater Township Board
Minutes of Regular Meeting held May 12, 2020**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:16 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Popp explained the Zoom meeting rules.

The Pledge of Allegiance was recited.

Roll Call of Board Members

Board Members present: Treasurer Benak, Clerk Goss, Trustee Hubbell, Trustee Lawson, Popp

Board Members present via Zoom app: Benak, Goss, Hubbell, Lawson, Popp

Board Members absent: None

Others present in person: None

Others present via the Zoom app: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, John Nolan, Jon Moothart, Isaac Moothart, Nancy Moothart, Janet Bachi, Ron Bachi, Dave Hauser, Vaughn Harshfield, iPad No. 1, Heidi Vollmuth, Bruce Moore

Set/Adjust Meeting Agenda

Goss requested the addition of discussion of Zoom meeting charges.

Added as New Business #8.

Declaration of Conflict of Interest

None

Public Comment (20:28)

Ronald Bachi, 6987 Cook Road, asked to have minutes attached verbatim and commented that the public was not able to participate in the 03/24/2020 budget public hearing and expressed his disagreement with salary increases voted on at the budget hearing.

Popp muted Bachi for exceeding the time limit and presented the clerk with an envelope from Bachi. (see attachment)

It was agreed that Gordie LaPointe would give his commissioner's report at this time.

County Board of Commissioners Report (26:58)

Gordie LaPointe gave the following report:

- The board has been focusing on the coronavirus and actions taken by the health department and the county. There are daily and weekly meetings which take place. Numbers are holding firm in Grand Traverse County. Munson is not overwhelmed; they are laying off people and have delayed elective surgeries. The hospital is losing

\$7-10 million a month. The lockdown is hurting a lot of people economically. The board voted in favor of sending a letter to the governor requesting she look at this on a regional basis.

- There was a request by a commissioner to give about 50% of county employees hazard pay in the amount of a \$1,000 bonus. The request was voted down, for reasons explained.
- LaPointe provided an update on the proposal to build a new senior center in Traverse City. Projected cost is around \$5 million. Originally, the money was to be raised through private donations, but now a county-wide millage is recommended. LaPointe expressed his concerns with the proposal.

There were no questions for LaPointe.

Public Comment (continued) (38:53)

Others present via the Zoom app declined public comment.

(42:15)

Ron Popp provided a copy of and read aloud a letter dated 05/12/2020 referring to a letter from Dave Hauser and supporting letters. (see attachment)

(45:04)

Cheryl Goss stated she stands by her memo of 05/05/2020 and the time frame in which her office was provided with the stack of letters.

(46:36)

Popp's public comment continued on the same topic. Bachi affirmed he provided a letter for public comment.

Public Hearing (47:40)

None

Reports/Presentations/Announcements/Comments (47:41)

County Board of Commissioners Report

See page 3612.

Fire Department Report (47:46)

Brandon Flynn gave the following report:

- They had another semi uneventful month. With the lockdown, it has been quiet. They had two illegal burns. The DNR did shut down the burn permit system while on lockdown. They have since opened it up but are keeping it closed due to dry conditions these last few days. MMR calls are down approximately 50% with the casino shut down.
- County fire chiefs are meeting once a week during the lockdown.
- He does not believe there are any COVID cases in Whitewater Township.

There were no questions for Chief Flynn.

Planning Commission Report (50:13)

Lloyd Lawson reported there was no meeting last Wednesday due to lack of a quorum.

Parks & Recreation Advisory Committee Report (51:33)

Cheryl Goss reported no meeting was held due to the inability to post notice of a teleconference meeting complying with 18 hours' minimum notice.

Consent Calendar (52:37)**Receive and File**

1. Supervisor's Report for April 2020
2. Clerk/Parks & Recreation Administrator's Report for April/May 2020
3. Zoning Administrator's May 2020 Staff Report
4. Mobile Medical Response April 2020 Activity Reports
5. Fire Department April 2020 Report
6. Historical Society April 2020 Report
7. Treasurer's April 2020 Reports
8. Approved 03/16/2020 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for April 2020 (not available)
2. 04/14/2020 E-mail Vaughn Harshfield re: Teleconferencing Meetings
3. 04/21/2020 E-mail MTA re: COVID-19 Update – Revenue Sharing
4. 04/28/2020 E-mail MTA re: COVID-19 Update – Preparing Workplaces
5. Grand Traverse County/Traverse City Joint Resolution 149-2018 to Build New Senior Center
6. 2020 County Road Improvement (Brine) Agreement
7. Undated Letter Garfield Charter Township to Governor Whitmer re: COVID-19
8. 04/30/2020 E-mail Sue McCraven re: Whitewater Township Approves Water Skiing Slalom Course, with Attachment
9. 05/05/2020 Clerk's Memo re: Correction of Misinformation Supplied by Ron Popp

Minutes

1. Recommend approval of 04/14/2020 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 45190 through 45272
2. Approval of First Community Bank Miami Beach voucher # 1267
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)**Revenue & Expenditure Report (none)**

**Motion by Hubbell to approve Consent Calendar items as presented; second by Lawson
Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, no. Motion carried.**

Unfinished Business (53:35)**Miami Beach Sewer System Transfer (verbal update only)**

John Nolan is present via the Zoom app. He reported little progress due to the extension of the stay order that happened in May. However, the BPW director stated he would request county counsel to prioritize the generation of the service agreement and a target date at the end of this

week. The plan is for the new service agreement to be presented at the BPW finance committee and the county director's June meeting. Hopefully, they will be able to get it all resolved in the month of June.

Popp indicated the township is keeping up their end of the bargain regarding maintenance, with about \$6,000 left in the fund for maintenance.

Proposed Electronic Meeting Rules (tabled 04/14/2020) (55:37)

Motion by Popp to adopt the Whitewater Township Electronic and Telephonic Meetings Rules as presented with subsequent amendments for the replacement executive orders; second by Benak.

After discussion, the following changes were made:

- Packet page 57, paragraph 3 will say, "A facilitator appointed by the township board is responsible for running the electronic or telephonic portion of the meetings."
- Page 58, paragraph 4, "supervisor" will be changed to "facilitator."
- Page 58, paragraph 5-i, "supervisor" will be changed to "moderator."
- Page 57, paragraph 5-iii, "supervisor" will be changed to "moderator."
- Page 59, paragraph 12, "supervisor" will be changed to "moderator."
- Page 59, paragraph 12, "as agreed to by the board" will be added to the end of the last sentence.

There was general discussion of electronic meetings.

The motion was re-read: **Motion to adopt the Whitewater Township Electronic and Telephonic Meetings Rules as presented with subsequent amendments for the replacement executive orders.**

Popp indicated the motion should say "as amended" instead of "as presented."

Benak affirmed her second of the motion.

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

Review Proposed Fire Ordinance; Set Public Hearing (1:18:05)

Popp proposed that the board review the ordinance and that it be scheduled for public hearing at the 06/09/2020 meeting.

Discussion ensued, with the following issues raised:

- The ordinance prescribes a civil infraction penalty, but a stand-alone municipal civil infraction ordinance was not adopted previously due to opposition. The township attorney has advised that there is some ambiguity whether a civil infraction penalty can be enforced without a stand-alone civil infraction ordinance. Some townships issue civil infraction tickets without a stand-alone MCI ordinance.

- The proposed ordinance does not indicate who will have authority to issue civil infraction tickets.
- Should the penalty be a misdemeanor?
- The ordinance prescribes a \$500 penalty. Does the township need to adopt the district court fee schedule?
- Page 67, paragraph H 506.1, reads like every single structure in the township has to have a key box on it. Flynn clarified that it applies to homes with a monitored fire alarm. Lawson's experience in working with a lot of alarm companies is that they do not put lock boxes on the outside of residential homes. Flynn said this code does not pertain to 1- and 2-family homes, and offered that another sentence could be added to make it optional on residential.
- Regarding the civil infraction penalty, Flynn said the township attorney wanted to leave it in to limit changes and amendments to what is proposed to be a 20- or 25-year ordinance.
- Who will do inspections? Flynn said PA 207 gives the fire chief the authority.
- Questions were raised about how the "board of appeals" works. Popp indicated the county construction code has a board of review with members from different disciplines and it is handled here in the county by county people.

Goss listed some typographical issues and areas of question but was not able to finish due to a computer lockup.

(1:43:10)

Brief intermission was taken to deal with computer issues.

(1:52:18)

There was board consensus that there are some changes that need to be made and the proposed ordinance will be brought back in June. Goss will supply her changes.

Proposed Sale of Vinton Road Parcel 13-004-065-00 (1:53:26)

An offer has been received. An aerial photo and a document showing setbacks were supplied.

Goss noted that a resolution is required for purchase or sale of property.

Discussion followed.

Motion by Popp to accept Mike Conlan's offer to purchase parcel 13-004-065-00 for the amount of \$6,500 with the purchaser paying all closing costs, including title insurance and authorize the supervisor and clerk to execute all necessary transfer documents.

Popp noted that will include the generation of the resolution.

Further discussion followed.

There was board consensus to make a counteroffer of \$12,000.

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.

Jon Moothart expressed their appreciation and commented on the importance of the course to them and the community.

Proposed Purchase of Skegemog Point Road Parcel 28-13-135-001-10 Adjacent to Lossie Road Trail (2:27:21)

There was consensus to bring this agenda item back in June.

Update on Whitewater Township Park Boat Launch/Entryway Improvements (2:27:46)

Goss offered to bring this agenda item back in June to receive board input and set it for public hearing in July.

Disposal of Surplus Equipment (2:28:16)

Goss supplied a list of outdated surplus items, including the Hasler postage machine, CPUs, monitors, a laptop, sound equipment and a phone system, and recommended disposal of all items.

Popp said the desktop PC in his office is his only link to the computer scanner and would like to keep it.

Goss noted that Popp chose to not get a replacement desktop PC, instead opting to get a new laptop to replace the desktop and an old laptop. The old desktop is a Windows 7 and should not be used on the network.

Discussion turned to the new laptop provided to Popp in November 2019. Popp complained it has passwords on it that he does not have access to and he cannot log into it.

Benak suggested Popp bring in the new laptop so it can be looked at by Netlink.

Discussion followed.

Motion by Goss to allow the clerk to arrange for disposal of all surplus equipment listed in the manner agreed on by the township board.

Benak suggested leaving Popp's desktop PC off for another month to give a chance to get Popp's laptop up and running as a replacement for the desktop.

Popp stated he is fine with that, if the board is agreeable to make the new machine work.

Second by Lawson.

Discussion ensued regarding the process of getting the laptop fixed.

Goss will issue a purchase order.

Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, no. Motion carried.

Street Light at M-72/Moore Road (2:36:20)

Benak reported that the street light at Williamsburg Road is blinding to traffic coming down Elk Lake Road and asked that new corner lights be pointed downward.

Motion by Benak to authorize the supervisor to execute all necessary documents with Cherryland Electric Cooperative for the installation of two new 70-watt LED luminaries with poles, increasing the township's financial liability at the rate of \$11.83 per month, with the exception of adding in the location, M-72 and Moore Road; second by Popp.

The lights will be installed on the southwest and northeast corners of M-72 and Moore Road.

Cost was discussed.

Benak amended the motion to remove "increasing the financial liability" and say "at a rate of \$11.83 each a month."

Benak repeated the motion: **Motion to authorize the supervisor to execute all necessary documents with Cherryland Electric Cooperative for the installation of two new 70-watt LED luminaries with poles at the rate of \$11.83 per month each.**

Second by Popp.

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

Discussion of Zoom Meeting Charges (added) (2:44:50)

Goss supplied documents related to Zoom charges which Popp turned in that she does not understand and needs explanation. Goss listed the charges shown on the invoices, which total \$210 for Zoom charges for one month.

Popp explained as follows:

- Charges on 3/20, standard monthly pro \$14.99 without tax, allows up to 10 hosts, the lowest membership. Zoom phone provided a dedicated number for people to call, \$15 a month.
- Charges on 3/23, fees for two 800 numbers at \$90.32 each without tax.
- Charges on 4/20, elimination of the \$15 toll line, the zoom phone, and dropped one of the 800 numbers.
- It is a learning curve, with very little time to set it up.

Benak suggested, in the future, some written explanation on what the charges are going to be, so the rest of the board is up to date on what is coming.

Popp stated he is fine with the required explanation and suggested dropping the 800 number if no one needs it.

There was consensus to authorize the charges as written.

Goss will issue a purchase order and Popp will be paid, but in the future better documentation is required of what the charges are. Goss will supply a tax exemption form for Zoom.

Tabled Items (2:57:06)

None

Board Comments/Discussion (2:57:06)

Hubbell brought up the issue of brine, that it looks like they put down water, and said it is not going to last. He'd like to have somebody check into it.

Discussion followed.

Announcements

Next regular meeting date is June 9, 2020, at 7:00 p.m.

Public Comment (2:59:08)

Heidi Vollmuth, 8371 Winnie Lane, commented on the water ski course, criticized the clerk regarding the fire prevention ordinance, commented on working as a team and personal property rights.

(3:02:27)

Ron Bachi, 6987 Cook Road, thanked Popp for leading the way on technology and meeting transparency, working as a team, public attending meetings, the clerk attacking the supervisor, bullying people, micromanager, deserves no respect, total opposite of professional, Goss is on a power trip, controls the parks, controls the vote, wants the power to write civil infraction tickets.

Popp muted Bachi and asked that the comments remain professional.

Bachi continued that we act in an adult manner, compared board to middle school cafeteria, constant attacks on supervisor, clerk called supervisor lame, unprofessional and embarrassing.

(3:05:33)

Isaac Moothart thanked the board for approving the letter of no objection. They will practice due diligence and be good neighbors on the lake.

(3:07:10)

Kim Mangus, 1214 Cerro Drive and 5101 Brown Bear, commented she agrees with what Bachi mentioned, could hear everyone for the most part, useable and understandable at this time, commented on lack of civility and suggested Robert's Rules.

Others present via the Zoom app declined public comment.

Adjournment (3:09:25)

Motion by Lawson to adjourn; second by Popp. Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Meeting adjourned at 10:19 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk

Ronald L Bachi 6987 Cook Rd, Please, attach to minutes verbatim.

March 24th2020, A Budget public hearing was held at the township hall.

A Township Budget public hearing should never be held if, either the public cannot attend in person, or cannot participate according to the online rules.

Were in lockdown, we cannot attend in person, and the online attempt was a complete failure. We could hear and see our Supervisor, but could not hear The Clerk, the Treasurer, or either Trustee. Ron Popp made sure the technology was available, so why could we not here from Cheryl Goss, Della Benak, Paul Hubble or Lloyd Lawson? Was it a choice not to participate or were you just not prepared? There's no excuse not to be prepared! You cannot and should not have a Public Budget Hearing if the Public cannot attend or participate.

Your spending the taxpayers money. Complete and full transparency never happened. This is completely unethical in every way.

Then this happened. The topic of salary increase came up. There was a vote. Cheryl Goss, Della Benak, Paul Hubble, and Lloyd Lawson all voted for the Salary increase, while only Ron Popp opposed the increase. Wow, at a time when our entire nation is uncertain of its economic future, people are worried about where their next paycheck is coming from, applying for unemployment, retirements taking a hit. not sure if their going to be able to pay their mortgage, or just worried about putting food on the table. They gave themselves a raise. I am embarrassed for you, as well as disappointed. At a time of struggle and confusion, the Board should set the tone, by not taking a raise. Showing the residents, of Whitewater township, that were in this together.

What's most upsetting, is they did all this, while the Whitewater township public could not attend the meeting. This is very disturbing. Where's the Accountability, or Transparency?

I asked Ron Popp, why did the rest of the board feel like they should get a salary increase, when the entire country is in economic trouble, and when the public could not attend? He didn't have any answer that could defend the board, he simply responded, I'm not sure why they felt it was appropriate under the circumstances. I then asked our Supervisor if that was the case. His reply was yes, but it wouldn't be right to keep it, because he voted against it, that would be like lying. So, what does he do? He donates the money right back to the township. That's what you call Character, and Integrity, which leads to accountability. That's how I expect a Whitewater Township board member to act.

To the rest of the board that felt voting themselves a salary increase was justified. Please, don't misunderstand what I'm saying here. I'm not saying that people don't deserve regular raises under completely normal circumstances. What I'm saying, is this is not a normal circumstance. The residents of Whitewater Township are in lockdown, they can't attend the meetings, they are worried about their families and friends, their safety and economic welfare. Its not rocket science, it's just not the time to be giving yourself a raise.

Cheryl Goss tried to defend this course of action by saying, that she's not sure who's going to be sitting in these chairs after the election in November and the increase is for the next people coming into office. If this is your response to the present situation, then you have totally just missed the boat! No one that is newly elected would expect a raise right out of the gate, if they do, we just elected the wrong person. As the Township Clerk, I'm pretty sure you haven't missed a check all through this crises, you should consider yourself blessed that you know that,you will receive your next paycheck and not skip a beat. But no, that's not enough, you feel you deserve a raise as well. It just can't wait till next year.

Let's not forget Cheryl, you also get your check from parks and recs, along with a raise.

While your quality of life increases, the taxpayers that pay your salary are not sure where their next paycheck is coming from. Sounds like typical government to me. Remember, you are elected by the people and must represent the people. You have to always ask yourself, is this what the people would want?

Thank you for your time.

5-12-2020

May 12, 2020

Whitewater Township Board Members
Mr. Dave Hauser
Other Concerned Citizens

Re: Clerk's Memo dated May 5, 2020

Please enter this Public Comment as written in to the minutes of Whitewater Township's Board Meeting Dated May 12, 2020

I want to thank Mr. Dave Hauser for his letter titled: Skegemog Point Road: A Fatality Waiting to Happening, a letter that was made public in March of this year at a Whitewater Township Board Meeting. His message and the 99 plus support letters that accompanied it were scanned for use in the Township Board Packet with the originals remaining with Mr. Hauser. None of the documents Mr. Hauser provided carry legal prominence, yet offered a very effective method for a group of citizens to inform the Township Board of a severe problem. All of the scanned documents were immediately available at the March 17, 2020 Meeting however, for unknown reasons at the time, Clerk Cheryl Goss requested the originals, which Mr. Hauser had.

The Township regularly accepts scanned images for record keeping, emails and similar electronic correspondence, many in front of the Board tonight which will become a matter of permanent record. Clerk Cheryl Goss accepted a scanned image of Mr. Hauser's letter, why not the support letters? With multiple Executive Orders in place since the March meeting, those original documents were recently provided and forwarded to the Clerk's Office the same day.

Now in her memo date May 5, 2020, Clerk Goss, stating partial events of the March 17, 2020 Township Board Meeting, wants to tarnish the hard work of others by labeling it fake news, fabrications, and misinformation.

Beware, the only fake news is being created by Clerk Cheryl Goss.

Submitted by



Ronald M. Popp