

**Whitewater Township Board  
Minutes of Regular Meeting held June 9, 2020**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:05 p.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: Treasurer Benak, Clerk Goss, Trustee Hubbell, Trustee Lawson, Popp

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

Board Members absent: None

Others present in person: Lois MacLean, Mike Jacobson

Others present via the Zoom app: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, and 6 others

**Set/Adjust Meeting Agenda**

There were no adjustments to the agenda.

**Declaration of Conflict of Interest**

None

**Public Comment (7:08)**

Popp explained the public comment rules.

Persons present via the Zoom application were given the opportunity to comment.

**(8:57)**

Heidi Vollmuth, 8388 Winnie Lane, asked what ordinance is being followed with signs.

**(10:08)**

Pat Pierce had a couple questions regarding the new park plans and relocation of the beach.

**(12:00)**

Ronald Bachi, 6987 Cook Road, spoke on the topic of event barns. (see attachment)

**(16:57)**

Janet Bachi, 6987 Cook Road, asked when signs are supposed to be put up.

**(18:54)**

Mike Jacobson, Skegemog Point Road, touched on the topic of event barn public information, as well as provided many details regarding the 1-acre parcel on Skegemog Point Road which is under consideration by the township board for purchase.

**Public Hearing (25:52)**

None

**Reports/Presentations/Announcements/Comments (26:03)****County Board of Commissioners Report**

Gordie LaPointe gave the following report:

- The 4-year county road millage is due to expire at the end of this year. It will be on the ballot in November. They are asking for up to 1 mill. The millage will raise approximately \$5 million for the county and be dedicated only to primary roads, until a certain percentage reach a rating of good or better, after which the funds will be spent on local connector roads. For roads such as Skegemog Point Road, the road commission looks to the townships to come up with 75% of the financing for chip and seal or crush and shape.
- The executive order which allows remote meetings is set to expire at the end of this month but may be extended. The county is going to open up some of their buildings by appointment only. On 6/15, they are going to unlock the doors. There is a myriad of issues to address.
- Regarding the Senior Center, there have been some issues with the proposal, including parking, cost, the need for an agreement regarding how the facility will be managed long term, and what is the usage of the facility by people outside of a radius of five miles.
- A resolution is coming to the BOC on Wednesday to be sent to the governor in support of a letter from eight elected officials from Districts 6 and 8 concerning support for service workers. He explained the issues he has with it.
- There have been 114 executive orders which have come out to address the pandemic, more than one a day coming out of Lansing. He has real concerns on how are people keeping abreast of the do's and the don'ts that are coming forth and thinks we will have to cut people a lot of slack in that regard because it is a very difficult environment to operate in.

**Fire Department Report (38:28)**

Brandon Flynn gave the following report:

- They had another quiet month, one brush fire and a false alarm, and a couple training sessions completed.
- Regarding the asphalt paving project, he talked to Eric Sanborn from Elmer's on May 21, who said he did not have a schedule yet. On May 28, he asked Sanborn to not start next week, when he is going to be out of town, as vehicles and equipment need to be moved, but has not heard back.
- They are getting some things caught up around the station.

**Planning Commission Report (40:28)**

Lloyd Lawson reported that the planning commission did not meet in June due to lack of a quorum.

**Parks & Recreation Advisory Committee Report (40:40)**

Cheryl Goss gave the following report:

- The Parks & Recreation Advisory Committee met last night. Three members were present in person; three were present via the Zoom app.
- The 04/13/2020 minutes were approved. They did not meet in May.

- Regarding the batting cage, they plan to hang the net on Saturday, 6/13. A few items need to be obtained to finish the installation. There was some discussion about who will sanitize the equipment between users and how scheduling of use will work.
- Regarding the Whitewater Township Park playground equipment, Goss is seeking a quote from a contractor to correct the use zone issues. She will follow up with the contractor about the quote and about removing both sets of monkey bars due to the fact they are leaning.
- Regarding Whitewater Township Park trail signs, a motion was approved to order the revised signs. Numbers and arrows will be ordered at the same time. Brandon Hubbell will pick up 4x4 posts.
- Regarding Lossie Road Nature Trail, the “No Motorized Vehicles Beyond This Point” signs have been ordered. Slopsema and Leach have volunteered to install them.
- Regarding kiosks for Lossie Road Nature Trail, Leach volunteered to make them and will provide an estimate of the cost.
- For Battle Creek Natural Area, three “Trail End” and two “Stay On Trail, Respect Private Property” signs will be ordered.
- Melton reported that she has talked with Steve from the Land Conservancy about walking the BCNA trail to evaluate how to make it a circular trail.
- Regarding the Hi Pray Park dugouts, Slopsema provided details of prices she has gathered from three fence companies. Perfect Fence will build a structure for a steel or tarp roof. Price for the steel roof is \$8,700 for two dugouts with two gates, but they will not supply any drawings. Goss reported that Lynn Peterson has offered to draw plans and build the dugouts. Leach will contact the Amish community south of Manton to see what they can offer. Hubbell is in favor of a tarp roof which could be used for advertising. Melton will contact the Construction Code office to find out if a tarped dugout would be approved.
- The township’s Recreation Plan expires at the end of this year and will need to be revised and readopted by the township board. The committee will research if there are any new DNR requirements for recreation plans and come up with a method, probably a survey, to seek input from township residents.
- The meeting adjourned at 9:23 p.m.

### **Consent Calendar (44:47)**

#### Receive and File

1. Supervisor’s Report May 2020
2. Clerk/Parks & Recreation Administrator’s Report for May/June 2020
3. Zoning Administrator’s Staff Report May 2020
4. Mobile Medical Response May 2020 Activity Reports
5. Fire Department May 2020 Monthly Report
6. Historical Society May 2020 Report

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics for April and May 2020
2. Letter 05/15/2020 Clerk Goss to Dave Hauser and Skegemog Point Road Petitions
3. Letter 05/20/2020 Grand Traverse County Road Commission re: Rain and Loss of Brine

## 4. 05/28/2020 MTA COVID Update

## Minutes

1. Recommend approval of 05/12/2020 regular meeting minutes

## Bills for Approval

1. Approval of Alden State Bank vouchers # 45273 through 45365
2. Approval of First Community Bank Miami Beach vouchers # 1268
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

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

**Unfinished Business (45:26)****Miami Beach Sewer System Transfer**

John Nolan stated they are actively working with the BPW to reach a similar agreement and are awaiting an updated contract from the county counsel. They have not identified any issues or constraints at this time. Working remotely has caused a lot of difficulty in getting this completed.

**Review Proposed Fire Prevention Ordinance/Set Public Hearing (46:38)**

Goss raised the issue of allowing extra time before a public hearing date since the ordinance proposes to adopt the 2018 International Fire Code, a several hundred-page document.

Discussion followed.

**Motion by Benak to schedule a public hearing on the proposed Fire Prevention Ordinance Number \_\_\_\_\_ as written, at the Tuesday, August 11, 2020, regular township board meeting; second by Goss.**

Goss will prepare a legal notice.

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

**Proposed Sale of Vinton Road Parcel 28-13-004-065-00 (53:50)**

A final offer of \$7,000 was received from Mike Conlan.

Benak, Hubbell, Lawson, and Goss expressed that they are not interested in the offer.

Discussion followed.

Popp stated it will be considered finished; the township will not accept the \$7,000 offer.

**Amendment of COVID-19 Preparedness Plan (56:22)**

Popp provided a color-coded document detailing what is in the plan and what needs to be in the plan, and commented that although the scope was changed from preparedness to response, there is nothing about response in the document.

Discussion followed, including:

- Benak pointed out that the response for if an employee becomes sick or ill is in the plan.
- The title was changed to comply with the naming requirement.
- The documentation utilized by Benak and Goss did not list a need to notify the health department.
- The information provided by Popp comes from Executive Order 114.
- Benak would like to approve what we have tonight and then bring Popp's changes back and make an adjustment. Items inserted by Benak and Goss were recommended at an MTA webinar.
- The plan may need to be continually changed as executive orders come out.
- Three blanks to be filled in include: (1) the executive order number, (2) workplace coordinator at Whitewater Township Hall, and (3) who is doing the cleaning at the Emergency Services Building.
- There was discussion of the method by which Popp's amendments will be incorporated into the plan.
- Popp pointed out recordkeeping requirements.
- Goss suggested hiring someone to do the recordkeeping.

**Motion by Benak to adopt the COVID-19 Preparedness and Response Plan as amended; second by Lawson.**

Popp asked if that means with future changes.

Lawson said we can deal with that in the future.

It was clarified that it is not part of Benak's motion.

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

Popp agreed to add in his changes and bring it back to the board.

Goss will supply the amended Word document to Popp.

**Proposed Purchase of Skegemog Point Road Parcel 28-13-135-001-10 Adjacent to Lossie Road Nature Trail (1:08:15)**

Popp withdrew his proposed motion until previous requirements can be investigated.

Discussion followed, including:

- Jacobson restated that the BCNA parking was to be connected to Lossie Road Trail via a footpath. According to (former township supervisor) Larry Lake, it was a condition the DNR made that has not been met yet, and there were talks of buying the parcel that Williams now owns. To his knowledge, there is no footpath connecting that parking lot with the Lossie Trail. Also, the kiosk is falling over and needs attention.
- There is a trail on a map in the township showing hand-drawn lines in red, on private property.
- Any requirement that was a stipulation for getting the money is probably in the Battle Creek Natural Area plan.
- The 1-acre parcel slopes severely from the road level, making a new driveway off Skegemog Point Road expensive. Entire parcel is wooded. Land does not level out until approximately 200-300 feet off the road.

After brief further discussion, there was board consensus to abandon the purchase.

Goss will provide the Parks & Recreation Advisory Committee with the BCNA Management Plan.

#### **Whitewater Township Park Boat Launch/Entryway Improvements (1:20:43)**

Popp said there is one e-mail comment.

Goss noted that the new preliminary plan only deals with expansion of the boat launch, the additional parking for the boat launch, the re-working of the entryway to make it safer for boaters and campers, and the installation of the waterless boat wash. Everything else on the conceptual plan is not in the picture right now, i.e., building another beach, moving a beach, the fixed pier, the boat slips, new pavilion parking.

Referencing Janet Garvey's e-mail, Goss also noted the existing beach is not protected from damage and is in fact closed at this time.

Goss said she would like to get the plan out in the public so that people who want to comment on it are able to. A public hearing will be held eventually.

#### **Motion by Goss to set a public comment period for the Whitewater Township Park Boat Launch/ Entryway Improvements Preliminary Plan for July 1 to August 15; second by Lawson.**

Popp brought up the public charette offered by Fleis & VandenBrink.

Goss said the public comment period will not take the place of the charette. People can submit questions during the public comment period and we can get the answers.

Popp said his comments are that the boat wash station will create a bottleneck. His recommendation is to move the boat station to an area across from the ranger station. If there are four docks, we will likely need four boat wash stations. Otherwise, there will be a bottleneck.

Brief discussion followed.

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

**New Business (1:29:07)**

**Liability Insurance Renewal and Cyber Liability Coverage**

Goss noted there was no cost increase from last year. Agent Paul Olson is recommending the cyber liability coverage.

**Motion by Benak to add the Cyber Liability Coverage at a cost of \$895 annually for 2020/2021 fiscal year; second by Hubbell. Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

**Video Monitoring System Proposals (1:30:15)**

Popp provided quotes from two vendors, Mardex, Inc. and Internal Security Solutions.

Discussion followed, including:

- If used for security, it is a good system. Adding in Zoom might not work as well.
- Everybody is moving to video cameras on solid waste.
- There was unanimous support for installing outside security cameras, including to monitor the recycle bins.
- Number and types of cameras were discussed, as well as whether a monitor is needed. Using NVR, the cameras can be accessed from all computers in the building.
- Inside cameras can be added later. The existing meeting room camera will be plugged in to the system to see if it works.
- The changes to delete the monitor, eliminate inside cameras, and put four cameras outside may change the quote. It was suggested that if four cameras will be over \$1,800, have them install three cameras and buy the 4th camera at the next meeting.

**Motion by Popp to hire Internal Security Solutions to install a four camera video monitoring system with network NVR device in the amount of \$1,800 as detailed on estimate #5-20.**

Changes to the motion were discussed.

**Second by Benak.**

**Goss re-read the motion: Motion to hire Internal Security Solutions to install a four-camera video monitoring system with network NVR device in the amount of \$1,800 as detailed on estimate #5-20 but without the monitor.**

Further changes to the motion were discussed.

Final motion is: **Motion to hire Internal Security Solutions to install a four outdoor camera video monitoring system with network NVR device in the amount of \$1,800 but without the monitor. Benak confirmed her second of the motion.**

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

**Brick House Interactive Contracts re: Website Compliance with ADA (1:51:51)  
Motion by Benak to authorize the supervisor or clerk to sign the May 29, 2020, Brick House Interactive contract for Whitewater Township Park ADA Compliance, Phase Two; second by Goss.**

Popp stated links in the clerk's memo did not work, and the January contract to redesign the park website for \$3,760 included ADA compliance.

Goss replied that, as Sundberg explained, there was a small piece missing out of that, one of which was making documents ADA compliant.

Popp further stated the latest version is 2.1, and the proposal is for 2.0, as well as Sundberg is recommending we remove documents from the website. Also, the Adobe programs just bought are not ADA compliant. We cannot make an ADA compliant document; we will have to hire Sundberg.

Goss replied that she will be able to use Adobe Pro to make documents ADA compliant, and said we will be taking a lot of documents off the website, but they will still be available.

Discussion followed concerning old documents on the website, archiving of documents, and storage of documents on a cloud server.

Popp recommended we work on hiding the old documents that Sundberg has suggested be deleted and make them non-public.

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

Next addressed was the proposal to bring the township website into compliance with ADA.

**Motion by Lawson to approve the \$1,860 cost and to authorize the supervisor or clerk to sign the May 29, 2020, Brick House Interactive contract for Whitewater Township Website ADA Compliance; second by Benak.**

Popp asked that the motion be modified to hide, archive, not delete that information currently.

Discussion followed.

There was consensus that the board prefers to archive old documents instead of deleting them.

**Benak confirmed her second of the motion.**

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



**Board Consensus to Offer Zoom Application (2:08:55)**

Popp proposes to do Zoom until the end of the year, but it may change according to executive orders. Possible changes were detailed. At \$15 a month, it is a reasonable expenditure.

There was board consensus to use the Zoom application for meetings through the end of the year at \$15 a month.

**Set Date for Reopening of Township Hall (2:11:04)**

**Motion by Goss to reopen the township hall to foot traffic effective June 10, 2020; second by Lawson.**

Popp said we will have to have in place a plan that complies with MIOSHA and the executive order of the day; today it is 114, and we have agreed to work toward that.

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

**Board Consensus Regarding Deal-Ridgeway American Legion Post (2:12:09)**

Popp said he and Vaughn Harshfield (representative of the American Legion) talked about a possible private-public entity a few months back and asked the board if it is something they would like to pursue.

Goss said she is very sympathetic to the hardships faced by the American Legion post, but thinks there are a lot of issues. Questions include: Will the post become the primary worksite for the Historical Society chairperson? Would all of the historical records be moved over there?

Popp said he thinks eventually they could be, but it depends on whether or not Harshfield's group is interested in what this public-private collaboration could look like, and said we should think about future ownership of the building. What the building gets used for could be up to all of us, and someday would be just up to the township.

Harshfield indicated that he was approached by Popp for this particular venture between the post and the government of Whitewater Township. He is waiting for consensus from the board if they are interested. If they are, he will send a letter to his membership to see if they are interested. Currently, there is some interest. He talked about allowing visitation of the historical archives by the public. If the board is not interested, it is a moot point.

Additional issues raised by board members included:

- Has Luann Snider been consulted whether she would want to work in the building by herself?
- Who is going to carry the insurance on the building and the contents?
- How will the security of historical township records be maintained?
- The clerk's office records will not be stored at that location.
- Will the building need to maintain public office hours?
- It will be costly to maintain this building.

- Understanding that townships can only do that which they have been given statutory authority to do, the board needs to see the statutory authority that would allow the board to enter into this type of arrangement.
- Would like to see more of a concrete plan on what would be done with it.

Brief discussion followed, with further information from Harshfield on the current status of the American Legion.

Lawson, Hubbell, Benak, and Goss expressed that their consensus is no to the proposal.

**DTE v Whitewater Township - Michigan Tax Tribunal Action (2:22:41)**

Popp said this is for the year 2020. The prior action was for the year 2019. The value has diminished from 2019 to 2020, likely due to depreciation. Popp is not in favor of wasting attorney time on this.

**Motion by Popp authorizing township assessor to enter an appropriate response to State of Michigan Department of Licensing & Regulatory Affairs, Michigan Office of Administrative Hearings and Rules, Michigan Tax Tribunal Docket No. 20-001226; second by Goss. Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

Popp proposes the DTE representative draft a stipulation instead of having Karrie Zeits do it.

**Motion by Popp authorizing DTE Michigan Lateral Company Attorney, Steven P. Schneider of Honigman LLP, to generate a stipulation to agree lowering the personal property value of the above-named company from \$70,600 to \$21,750 for the taxable year 2020 in Whitewater Township; second by Benak. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.**

**Tabled Items (2:26:52)**

None

**Board Comments/Discussion (2:26:52)**

**Mini-Split HVAC Products for Township Hall**

Popp asked if there was any consensus on mini split heat pump HVAC products for the township hall.

Discussion followed, including that this expenditure was not budgeted in the 2020/2021 fiscal year.

There was consensus to start assembling quotes.

Hubbell said he thinks we did not get our money's worth on our brine job. It looked like water they put on Gay Road and Park Road.

Popp said he traveled some of the dirt roads and took pictures and talked to the road commission.

Discussion followed.

Goss read the May 20th road commission letter in the packet regarding loss of brine due to rain and their plan to re-brine by June 14th.

**Announcements (2:33:17)**

1. Next township board meeting on 07/14/2020 at 7:00 p.m.
2. July Board of Review on 07/21/2020 at 6:00 p.m.

**Public Comment (2:33:30)**

Mike Jacobson, Skegemog Point Road, detailed his concerns about no vehicular traffic on Lossie Road Trail.

**(2:38:33)**

Lloyd Lawson said he has a minor emergency and has to go.

(At about 9:38 p.m., Lawson left the meeting.)

**(2:38:50)**

Lois MacLean, 5919 Linderleaf, asked if the Zoom account is a township account or under an individual's name for access for people to run it.

**(2:39:24)**

Persons present via the Zoom application were given the opportunity to comment.

**(2:39:46)**

Ronald Bachi, 6987 Cook Road, said he could not hear Jacobson on his last public comment. He also responded to Jacobson's first public comment regarding an event center, talked about following executive orders, and thanked Harshfield and all veterans.

**Adjournment (2:43:50)**

**Motion by Hubbell to adjourn; second by Goss. Roll call vote: Hubbell, yes; Lawson, absent; Popp, yes; Benak, yes; Goss, yes. Motion carried.** Meeting adjourned at 9:44 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk

6-9-2020

Ronald Bachi-6987 Cook Rd-Please attach to the minutes verbatim.

The Event Barn ordinance, what is it truly? The Township Board has been programming our residents to think it's a supplementary source of income for our struggling farmers. They could rent out an existing agricultural barn for recreational events. However, to date, I have not seen or heard of any farmers interested or applying for any such request. So why do we need an Event Barn ordinance? The bottom line is, we don't! I would like to make an attempt at full transparency and rename The Event Barn Ordinance once and for all to what it really is. From now on we will call it The Commercialization of our Agricultural and Residential Districts Ordinance. Because that's what it really is.

You might ask me where I get my information, what do I base my decisions on? Its very simple, I take lots of notes, I listen to the people, I read all the minutes, and above all, I record all meetings on my phone so I can reference back for accuracy.

The Event Barn Ordinance became a very hot topic a few years back when it was purposed that an owner of a large piece of property between Cook Rd and M72 wanted to build an Event Center.

They needed the Event Barn Ordinance to pass to make this happen.

Remember, the ordinance that would allow our local farmer to make a little extra money, not build a commercial resort in our back yard.

There was pushback from the community, and they backed out, or did they?

On December 11<sup>th</sup> 2018 there was a township board meeting. After the meeting was over, my wife and I stayed behind and had further conversations with Cheryl Goss and Della Benak. Many topics pertaining to the Township were discussed. Something Cheryl Goss said to me stuck out. She stated that we should have an Event Barn Ordinance, that way we can control what goes on.

So despite huge community pushback and petitions, one thing was certain, Cheryl Goss was still strong on having an ordinance that only

one person needed, And if they truly backed out of it, why was there still a need for the Event Barn ordinance? A few meetings later, the topic of event barn ordinance came back up. There was public comment, many people assumed that the event center might be built on the cook rd. side. Cheryl Goss stated that the event barn was never intended to be built on the cook rd. side, it was always intended to be built on the M72 side. I asked how she knew so much about the project, after all there was never any plans available to the public, yet Cheryl Goss had privileged information that should have been shared with the concerned residents of whitewater township.

Now what I have come to understand about our board is that nothing goes on in our township without Cheryl Goss knowing exactly what it is. So now I ask you this Cheryl Goss, what was always intended to be built on the M72 side of that property? Is that still the intention?

There is a lot of construction going on at the M72 side of the property with the address of 10355 EM72. A 40 x 50 Pavilion complete with a large cooking area. And I'm not going to lie, people of whitewater are curious. Don't get me wrong, I am a firm believer in property rights. Anyone should be able to build what ever they want on their property within the laws set for that property.

However, if the Intent of this construction is for commercial use and not personal, one of two things must have happened. The owners of this really big structure are taking a big gamble, or somebody made some unethical promises. An event barn ordinance would need to be passed for this to happen. If this is truly the case, then that's called deception-It would be blatant non transparency.

I would like to think that this is not the case. I would also like to think that most people are honest and truthful. But unfortunately, that's not the world we live in. I would like to ask the people of whitewater township to pay attention to what goes on in their township. It is up to you alone to decide what is best for your community.

Thank You.