

**Whitewater Township Board
Minutes of Regular Meeting held July 14, 2020**

Call to Order/Pledge of Allegiance

After lengthy technical difficulties, Supervisor Popp called the meeting to order at 7:30 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 Lawson, Popp

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

Board members absent: Trustee Hubbell

Others present in person: John Nolan, Mike Jacobson, Tim Shaffer, and 1 other

Others present via the Zoom app: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, Zoom Facilitator Lois MacLean, Tom Packer, Bob Reider, Bruce Moore, Dave Hauser, Tom Slopsema, Linda Slopsema, toptd@hotmail.com, Ron Bachi, Jill Kuznicki, Elizabeth Borger, Sue McCraven, Gary and Debbie Clark, Vaughn Harshfield, Mary Ellen Borovich, 15176993821, Heidi Vollmuth, Pat Laramie, 13132207637.

Set/Adjust Meeting Agenda

There was no objection to Popp adding a roll call vote on whether or not to continue the meeting even though Zoom is not functioning correctly.

Motion by Popp for the board to determine whether or not to conduct this meeting without the Zoom functioning 100%; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.

Motion by Benak to continue the meeting even though the Zoom is not working at 100%; second by Goss. Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Goss requested the addition of Approval of Dugout Quotes.

With board consensus, Approval of Dugout Quotes was added as New Business #9.

Declaration of Conflict of Interest

None

Public Comment (37:18)

Mike Jacobson, Skegemog Point Road, addressed the suggestion at the last meeting that he does not own the land that the trail uses as it crosses his property and does not pay taxes on it, and detailed his research on the issue. He further stated he believes there is no reason that a parking lot cannot be put at the traditional place that the parking lot has always been, and that is northwest of his property, down at the turnaround where the trail turns and heads almost directly west. People have been parking there forever and still do to this day. The parcel where the turnaround is located is owned by the Williams, not the township. He also expressed concern for

the new owners of the school property, noting that the Lossie Road Trail, where it leaves Skegemog Point Road, is mostly on the school property. He further raised the issue of discrimination against elderly people and hunting and fishing by not putting a parking lot somewhere closer to the interior and not letting people into the swamp to drag out big game. He would like to see the paperwork that the township has that says they have acquired this piece of property and would like to verify if they actually own the property. Referring to a survey description of the Lossie Road Trail in county road commission meeting minutes, he questioned if that is the description the township used a few years ago when they had the trail re-surveyed, and noted that is the description that should have been used when it was re-surveyed.

There was board consensus that issues raised by Jacobson will be addressed as an agenda item at a different meeting.

(47:52)

Dave Hauser said he cannot hear us well and only heard about 20% of what was said in public comment. He will speak when it comes to the Skegemog Point Road agenda item.

(48:55)

Heidi Vollmuth said we cannot hear you very well.

(51:10)

Bob Reider said he will save his comments for Skegemog Point Road.

Public Hearing (51:23)

None

Reports/Presentations/Announcements/Comments (51:36)

County Board of Commissioners Report

Gordie LaPointe gave the following report:

- The county has received the audit and there were no major findings. The person who prepared the audit was not present for questions, but they will try to meet with him later this month.
- They got the MERS report on the pension. Although they made significant additional contributions to the pension, they only moved a couple points. They are around low 50% funded. (LaPointe's audio stopped briefly)
- Senior Center, there are still a number of sticking points. There is an August 11 deadline for millage language. He listed various issues, i.e., a county-wide millage to build a structure owned by an entity other than the county, the county funding a building on city-owned property, a long-term agreement with the city, usage by entities outside of the city. Acme and Whitewater combined make up 8.1% of the population of the county, but the usage is only 5.7%.
- A road millage will be on the ballot for a 4-year renewal (in November).

There were no questions for Commissioner LaPointe.

County Road Commissioner Report (58:24)

No one is present from the County Road Commission.

Mobile Medical Response Report (58:24)

No one is present from Mobile Medical Response. June activity reports were provided.

Fire Department Report (58:32)

Brandon Flynn gave the following report:

- They had a busy month in June with 12 emergency calls and four training sessions.
- He has not heard from Elmer's yet (on the paving project). They did another utility locate, which has since expired. He is not sure what is going on with that.
- Last month, they worked with the Michigan State Fire Marshal and EGLE to have all of their Class B PFAS foam collected. They had 20 gallons at the station. They have not used Class B foam on any fires here. It had been sitting in the station collecting dust and was expired. The state has picked it up and are disposing of it properly.
- They received the new fire engine last night and had a training session on it from CSI. As soon as COVID-19 restrictions lift, they will invite people to see it.

Flynn clarified that the new apparatus is both a fire engine and a pumper tanker.

Planning Commission Report (1:02:30)

Due to Lawson's absence from the meeting, Ron Popp gave the following report:

- They met on 7/1, their first meeting in quite a while. They determined how they wanted to proceed with their meeting flow chart. They have decided to suspend their meetings if the township hall is closed to public traffic, but they will otherwise take place.
- Mangus forwarded a letter to the board asking the board to amend the adoption process for zoning ordinances to follow the state guidelines a little closer. The PC, through the liaison or zoning administrator, would be the legal contact to send language to the attorney, get the response, massage it if necessary, and pose it to the board for adoption, modification, or rejection.

Discussion followed clarifying that the planning commission will recommend to the board rep or the zoning administrator legal review.

Parks & Recreation Advisory Committee Report (1:06:23)

Cheryl Goss gave the following report:

- The committee met last night; five members were present.
- Mike Jacobson provided public comment on the non-motorized restriction on the Lossie Road Nature Trail, and the committee spent some time discussing that issue.
- There was discussion of the batting cage. It will be online to the public very soon. Preliminary rules were decided on. A fee will not be charged; instead, there is a suggested donation of \$10 per hour.
- Main topic of discussion was the dugouts. They made a decision on one of the quotes, as well as created a list of expenses, and have recommended that the board approve spending up to \$18,000 on getting the dugouts installed.

- Regarding Whitewater Township Park trail signs, they finalized a couple details and the signs will be ordered. Brandon Hubbell has picked up the posts.
- They abbreviated their agenda due to the late hour.

There were no questions.

Consent Calendar (1:08:38)

Receive and File

1. Supervisor's Report for June 2020
2. Clerk/Parks & Recreation Administrator's Report for June/July 2020
3. Zoning Administrator Staff Report July 2020
4. Mobile Medical Response June 2020 Activity Reports
5. Fire Department June 2020 Report
6. Historical Society Report for June 2020
7. Approved 01/23/2020 Zoning Board of Appeals Minutes
8. Approved 03/04/2020 Planning Commission Minutes
9. Approved 03/11/2020 Historical Society Minutes
10. Approved 04/13/2020 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for June 2020 (not available)
2. Letter 06/18/2020 NPO Litigation re: Filing Proof of Claim in Purdue Bankruptcy
3. June 2020 Communications re: Lake Skegemog Boat Access Site Update
4. Memo 06/30/2020 Recycle Right or Lose It

Minutes

1. Recommend approval of 06/09/2020 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 45366 through 45494
2. Approval of First Community Bank Miami Beach voucher # 1269
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

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

Unfinished Business (1:09:22)

Update on Miami Beach Sewer System Transfer (verbal)

John Nolan, 9933 Miami Beach Road, said over the last 10 days they have agreed to the terms and conditions with the BPW. The Miami Beach Road Association board has approved the

terms, and last Thursday the Board of Public Works unanimously approved it. They look to have it signed this week and he will provide a copy to the township in order to finalize the transition. One thing that is pending is when is the exact cutoff for billings and receivables, which is in the works by John Divozzo, Director of the BPW. He noted it has been two years.

There were no questions.

Amendment of COVID-19 Preparedness Plan (Designation of Work Site) (1:11:25)

Goss provided a document with her revisions and comments on the proposed plan.

Discussion followed.

Motion by Goss to appoint Ron Popp as Workplace Coordinator for the Whitewater Township Hall; second by Lawson. Roll call vote: Lawson, yes; Popp, no; Benak, no; Goss, yes; Hubbell, absent. Motion failed.

Motion by Popp to have Ardella Benak be the Workplace Coordinator for the township hall; second by Goss.

Discussion followed.

The motion was re-read.

Further brief discussion took place.

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

Motion by Benak that the treasurer and the supervisor work together as the Workplace Coordinator for the township hall; second by Lawson. Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.

Discussion turned to the revisions suggested by Goss and Popp.

Motion by Goss to approve the updated COVID-19 Preparedness and Response Plan as proposed in the 7/14/2020 board packet and as revised by the clerk; second by Lawson. Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Discuss/Forward Attorney Redline of ZO Article 28 Condominium Regulations (1:25:08)
Motion by Goss to forward attorney and board recommendations on Zoning Ordinance Article 28 proposed amendments to the Whitewater Township Planning Commission for future action; second by Benak. Roll call vote: Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.

New Business (1:25:53)**Approval of Probationary Firefighter****Motion by Goss to approve Samuel Rojewski as a probationary firefighter for the Whitewater Township Fire Department; second by Benak.**

Upon questioning, Flynn said he cannot hear the rest of the board, only Popp.

Flynn said Rojewski has completed Firefighter I and II and is working on some of the medical part of it. He is a township resident who is young and ambitious and ready to help out.

(Upon MacLean unmuting the rest of the township board members, there was microphone feedback.)

Discussion followed concerning the audio issue.

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

Review Quotes/Award Contract re: Township Hall Parking Lot Repairs (1:28:27)**Motion by Benak to accept Picture Perfect Asphalt Restoration's estimate dated June 18, 2020, in the amount of \$1,885 for parking lot maintenance and repairs at the Township Hall; second by Lawson.**

Discussion followed regarding details of the quotes.

Popp said he amends his motion to still recommend Picture Perfect and have them stripe all available spaces.

Further discussion ensued.

Popp said he is still going to make the motion as written.

Goss noted the motion has already been made by Benak and Lawson.

Goss re-read the motion.

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

Goss noted she spoke with Picture Perfect and found out they are scheduled past the August 4th election.

Designation of Facilitator for Township Board Electronic and Telephonic Meetings (1:39:58)

Motion by Goss to designate Lois MacLean as the facilitator for township board electronic and telephonic meetings; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.

Request to Initiate Skegemog Point Road Repairs (1:40:59)

Popp said the process is that the township has to pay \$1,000, of which \$500 could be refundable, to get an estimate for any road project, gravel or blacktop. Popp represented that there are some savable sections of the road and 7,300 feet requires reconstruction.

Discussion turned to dollar amounts listed in Popp's memo, with Popp stating that the 75% (township responsibility) is part of the new county program for partnership project.

Benak asked if anyone else will be partnering with the township.

Popp replied that we don't know, because we don't know what the project is until we get some basic estimate dollars.

Benak stated the township having to come up with \$900,000 is not realistic, and asked Popp if he knows of any other partners who are looking to help us with this, and noted that Popp mentioned special assessment in his memo.

Popp mentioned the tribe, the township, and people who actually use the road as sources of funding.

Benak asked Popp how they feel about it.

Popp referred to the WMDLS Special Assessment and said he does not want to go down that road. The county has indicated that once they give an engineer's estimate, it is good for a year.

Benak said that she just knows that Whitewater Township cannot spend the \$900,000 on a single road.

Goss added that the township does not have a big pool of money to throw at this, and thinks that somewhat of a precedent has been set by the \$89,460 which the township contributed to the Baggs Road project. She stated that, knowing what is in the fund, she does not see that the township could ever commit more than approximately that same amount to any one road. The tribe can be asked, but she does not see the township taking out any type of loan, which probably leaves a special assessment district.

Goss also expressed concern about language in the Request to Initiate which appears to obligate the township for costs beyond the \$1,000, "to complete surveys, design, prepare opinion of probably (sic) cost, obtain necessary permits and verify or acquire right-of-ways (sic)."

Benak pointed out the last paragraph and read, "The Township agrees to the scheduling stated above and agrees to pay its portion of the cost share of the actual survey, filed (sic) work,

design costs as previously agreed. These costs are receivable 30 days after the invoice date.” Benak said it sounds like that is above the \$1,000.

Popp said no, he believes the \$1,000 is going to cover their time, and stated the road right of way is already in existence. He stated if you take a look at the agreement, that is if we are going to construct a new road, so that verbiage has to be in there; we have to acquire the road right of way, and stated the additional road right-of-ways have been set aside since the McNitt Act.

Discussion followed.

Benak asked if Popp can get clarification on some of the questions from the road commission.

Goss posed the following question: We are going to give them a check for \$1,000 and they are going to come back with an opinion of probable cost, and there are going to be no other fees to the township to get the opinion of probable cost?

Popp said that is how he interprets this agreement, and said a portion of it is a deposit and \$500 is nonrefundable.

Lawson said a deposit does not pay the whole bill.

After brief further discussion, **motion by Popp to authorize supervisor, clerk, and treasurer to execute request to initiate a local road improvement project and other right of way improvements from the Grand Traverse County Road Commission agreement as provided in the 7/14/2020 packet, provided total costs are \$1,000 or less; second by Benak.**

Goss re-read the motion.

Goss again expressed concern that the document gives the road commission authority to bill the township beyond \$1,000 and we have not approved that.

Popp proposed adding to the motion “for an estimated probable cost.”

Goss clarified that the motion would say “. . . **provided total costs are \$1,000 or less for an estimated probable cost.**”

Benak seconded the amended motion.

Brief discussion followed.

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

Approval of Park Ranger Wages (2:03:44)

Motion by Goss to approve wages as recommended for Isaiah Send, Kelsey Davis, and Scott Lindsay; second by Benak.

Popp said this is a variance to what we adopted at the budget public hearing.

Goss said she is asking to start these park rangers at a higher wage than the \$12 an hour starting wage because economic conditions call for it.

Brief discussion followed.

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

Sale of Tanker 3 (2:06:40)

Motion by Benak to permit Chief Flynn to attempt to sell Tanker 3 on Govdeals.net auction website after Pumper/Tanker 3 is officially placed in service; second by Popp.

Flynn stated he has nothing to add.

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

Amendment of Parks and Recreation Ranger Job Description (2:07:47)

Motion by Popp that we create a new job description for the youth that Goss wishes to access.

There was no second. Motion failed.

Motion by Benak to adopt the Parks and Recreation Ranger Job Description as amended 07/14/2020; second by Lawson.

Discussion followed.

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

Annual Review of Certified Zoning Services Agreement (2:13:55)

Motion by Benak to approve updated service agreement between Whitewater Township and Certified Zoning Services with monthly fees to be \$1,311.29 and additional hours, if needed, invoiced at a rate of \$25.41 per hour; second by Popp.

Goss noted two date changes from 2019 to 2020, and requested that a sentence be added to the 7.a. paragraph stating that the activities which require the additional hours must be summarized on the invoice.

Benak, Popp, and Lawson consented to the additional wording.

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

Approval of Dugout Quotes (added) (2:17:08)

Goss provided a short memo and noted the Parks & Recreation Advisory Committee asked her to bring this to the board today. They would like to get expenditures approved so we can get going on the dugout project.

Motion by Popp to approve the expenditure of up to \$18,000 from the Recreation Fund to install two dugouts at Hi Pray Park, as requested by the Parks & Recreation Advisory Committee; second by Benak.

Discussion ensued as follows:

- Popp proposed approving a substitute package but leave the money already approved alone, and noted he did not receive a quote from Perfect Fence.
- Goss provided a summary of the quote, which is an 8' x 24' galvanized post and metal roof structure. A sketch will be obtained and provided to an engineer.
- Other costs associated with the project were discussed.

Linda Slopsema, now present in person, said they looked at other alternatives to try and reduce the cost, with vinyl tops, poly tops, wood framing, and it was not saving much money, so they decided to go with galvanized steel and a steel roof so we would not have maintenance costs or annual put up/take down problems. This should be good for 20 years.

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

Tabled Items (2:26:00)

None

Board Comments/Discussion (2:26:03)

None

Announcements (2:26:10)

07/21/2020 @ 6:00 p.m. - July Board of Review

08/04/2020 @ 7:00 a.m. to 8:00 p.m. - State and Local Primary Election

08/11/2020 @ 7:00 p.m. - Township Board Regular Meeting

Public Comment (2:26:34)

Tim Shaffer, 5309 Moore Road, suggested there be a public hearing of the residents on Skegemog Point Road. If they are going to have to make a payment on this, is that going to be based on road frontage footage or taxable value, and questioned how far the improvements would extend.

(2:28:37)

Dave Hauser stated the acoustics have been terrible, could barely hear Goss or Benak, could not hear the public speakers at the township hall. Regarding Skegemog Point Road, he stated it has steep hills, short site distances, the road crumbling on the sides. He stated he walks the road daily and has seen many occasions of vehicles pushed to the middle of the road coming over the steep hills because of the terrible road conditions on the sides, crossing the centerline, and we are going to have a head-on one of these days because this has been ignored by the township and the county. He detailed previous attempts to repair the road. Multiple e-mails to the township and road commission have been ignored. He appreciates the fact that the township is finally moving forward. They turned in 110 signatures of people on Skegemog Point Road, Fairview Road, and Drake Lane who supported our letter.

(2:33:13)

Gary and Debbie Clark, 8977 Skegemog Point Road, thanked the board for taking this up and thanked Dave for getting it going. It is terrible, full of walkers and bike riders. Because it is a bus route, it needs to be addressed.

(2:33:51)

Vaughn Harshfield stated the only people he could hear tonight was Popp and Flynn. Everybody else was very hard to hear. He stated you have got to get the audio fixed on these Zoom meetings to be effective; he really does not know what happened tonight.

(2:34:29)

Bob Reider stated he agrees 100% it is a huge safety issue on Skegemog Point Road, people trying to dodge potholes, walkers at risk, oncoming drivers, broken asphalt, people trip on it. He appreciates the township for voting as it did to move forward.

(2:35:39)

Jill Kuznicki thanked the board for voting to pursue this. It is a horrible road, especially the last mile that there are so many issues. She also thanked Dave Hauser for initiating this so hopefully they can have their road repaired.

(2:36:11)

Sue McCraven thanked Dave Hauser for taking the initiative with the beat-up road and thanked the board for going forward and spending \$1,000 so the Grand Traverse County Road Commission will look at the situation. She rides her bike and has fallen many times because the road is narrow and there is no shoulder. With the Elmer's gravel pit, it is bad.

(2:37:27)

Ron Bachi, 6987 Cook Road, said it is disturbing that we waste money on projects that are not necessary, but when we ask the township to spend \$1,000 for health, safety and welfare of roads, it is like pulling teeth. Roads should be priority number one. Number one, we need to make sure Skegemog Point Road is safe to travel on right now. Number two, we need to take the necessary motions to create a plan to fix Skegemog Point Road. Number three, let's create a fund right now in our budget for Skegemog Point Road and start saving for matching funds. Or number

four, do nothing at all and that would be a shame because the residents of Skegemog Point deserve better than that.

(2:38:55)

Heidi Vollmuth, 8388 Winnie Lane, said she has walked Skegemog Point and talked to people on Skegemog Point. The thousand dollars should be pennies to you people. We need a better plan. You have taken \$1,000; we are going to get an estimate, but we need to go one step further. In the meantime, start a directive, have an objective, have goals. You have 110 people that are working for you. Use it to your advantage. This way, they get what they want. Their needs and wants are taken care of and you have done your job.

Adjournment (2:40:00)

Meeting adjourned at 9:38 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk