

**Whitewater Township Board
Minutes of Regular Meeting held August 11, 2020**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:00 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 absent: Trustee Hubbell

Others present in person: Zoom Facilitator Lois MacLean, Fire Chief Brandon Flynn, and 5 others

Others present via the Zoom app: Zoom Facilitator Lois MacLean, County Commissioner Gordie LaPointe, and 9 others

Set/Adjust Meeting Agenda

Benak requested to add Early Termination of Development Rights Restrictions for WMDLS to New Business.

Added as New Business No. 8.

Popp requested to add approval or denial of Fire Prevention Ordinance.

Added as New Business No. 9.

Declaration of Conflict of Interest

None

Public Comment (4:19)

Mike Jacobson, 7031 Skegemog Point Road, spoke about Lossie Road Trail maps he was recently given which were prepared by Grand Traverse County. He noted both maps have an accuracy disclaimer. He stated he is returning the maps but would like to field check them when he has more time. He indicated that in his research to figure out who owns the land that the Lossie Road Trail is on, he has not found one thing that says Whitewater Township owns that land. He further pointed out that in the Battle Creek Natural Area Management Plan, it states a document and a place to find the document for the easement that was granted to the main parking lot at the Moore property, but it does not state a document or a place to find a document about the Lossie Road Trail. He has found board meeting minutes of Whitewater Township that state that the county road commission has given the right of way to the township, and he found Grand Traverse County Road Commission meeting minutes that say they are going to do that same thing. In his opinion, there is a document somewhere. He would like to see the document. He further commented on various aspects of the BCNA Management Plan, and pointed out misleading information where it says the public may use the south branch of the trail where it splits in two on the west side of Bottle Creek. He stated only the north trail is on the township's easement. The south trail is on private property and is in no way incorporated into the trail that the township has the easement to. Also, on page 16, article 6, the heading says "allow access for

adjoining property owners.” He stated the people who put this together were mindful of the property owners that use that trail to access their property, and they were willing to make sure that those people’s rights were not trampled on. He also referred to a letter from the Grand Traverse County Road Commission to Terry Snowday, when he was inquiring about the rights of the easement, and it states the landowners who have traditionally used this 2-track to access their properties still have that right.

Popp asked if it explicitly says motorized.

Jacobson said he would have to reread it, and noted this is something that needs to be corrected.

(13:12)

Heidi Vollmuth, 8388 Winnie Lane, said there are a couple things missing on the agenda, she is concerned about the fire ordinance, she is disappointed that none of you have masks on, not very nice to the rest of us in the room; shame on you, said the board should think about the process used for the fire ordinance.

(14:35)

Persons present via Zoom declined public comment with the exception of:

(16:03)

Michael Corcoran, attorney, 800 Cottageview Drive, Traverse City, stated he sent a letter to Popp today with a proposed ordinance they would like to have the township consider at the next available meeting. The ordinance asks the township to partially opt in when it comes to recreational marijuana grow and processing. He stated he represents North Point Farms on Angell Road, formerly Cherry Blossom, and provided a history of the use of the property and why they are requesting a change.

(22:08)

Michael Jantz, Kalkaska, stated he met with Popp a week ago to discuss a project the Village of Kalkaska has submitted a grant application for. The village is reaching out to surrounding municipalities and he is here to see if Whitewater Township would be interested in providing a letter of support to the Village of Kalkaska for the MITTIN project. It is money for planning to look at utilizing existing MDOT-owned rail and improving it to handle freight and passenger traffic and other transportation.

(25:40)

Dave Hauser, Skegemog Point Road, asked for clarification of the WMDLS agenda item.

(27:05)

Bruce Moore, East Bay Township, identified himself as a candidate for county commission district 6 and stated he feels compelled to urge you to wear masks in this particular setting and relayed details of his knowledge of persons who have contracted coronavirus in conference room settings.

(28:50)

John Harvey (no audible comments).

(30:10)

Board of Commissioners Report (moved up to accommodate LaPointe)

Gordie LaPointe gave the following report:

- Regarding the discussion of the millage for the new senior center, the conclusion is there will not be a millage on the ballot. There was no support by any member of the board. He gave brief background of the sticking points for the project.

There were no board questions.

Public Hearing on Proposed Ordinance No. 57 - Fire Prevention Ordinance (37:37)

Popp opened the public hearing at 7:38 p.m., reminded those present to sign in, and noted that legal notice of the public hearing was published in the Traverse City Record-Eagle on July 1, 2020, as well as posted at the township hall and on the township website.

Goss verified that no written comments have been received.

Tim Shaffer, 5309 Moore Road, spoke in favor of the ordinance.

Heidi Vollmuth, 8388 Winnie Lane, spoke in favor of the ordinance.

Persons present via Zoom declined public comment with the exception of:

Vaughn Harshfield spoke in favor of the ordinance.

Fire Chief Flynn pointed out that on page 2 of the ordinance, paragraph E109.4, Violation Penalties, “punishable by a fine of more than \$500” should be changed to “by a fine of not more than \$500.”

The public hearing was closed at 7:44 p.m.

There were no board comments at this time.

Reports/Presentations/Announcements/Comments (46:30)

County Board of Commissioners Report

Report given earlier; see above.

County Road Commissioner Report (46:30))

No one is present from the County Road Commission.

Mobile Medical Response Report (46:30)

No one is present from Mobile Medical Response. July Activity Reports were provided.

Fire Department Report (46:32)

Brandon Flynn gave the following report:

- July was another busy month for emergency calls. They did conduct five training sessions, the fifth being training on the new fire truck when it was delivered.
- Most of the meetings were cancelled, but he was able to sneak in a few meetings last month.
- He provided pictures of the new snowmobile trailer and the new pumper tanker.
- They started on the asphalt paving project. They had a pre-construction meeting and starting working the next day. It is on schedule and looks like it might be a couple weeks. He said everything is going very well and Elmer's is taking very good care of the township and the fire department.

There were no questions.

Planning Commission Report (48:38)

Lloyd Lawson reported that the planning commission did not meet this month due to lack of a quorum. He noted a letter from Mangus about some changes they are proposing for process and procedures in adopting ordinance, and stated they are looking forward to some comment from the board and they want to move forward with correcting it to be in line with state statutes.

There were no questions.

Parks & Recreation Advisory Committee Report (49:23)

Cheryl Goss gave the following report:

- The committee met last night; all 5 members and the alternate were present.
- Regarding the batting cage, it is open for business. Rules for use and how to reserve signs have been posted at the Hi Pray Park pavilion and on the batting cage shed door. The application and rules will also be posted on the township website, and Goss will provide the text to Benak for an e-mail blast to township residents about this new facility available for use.
- Regarding the dugout project, the Perfect Fence specifications and sketch have been supplied to Fleis & VandenBrink with a request to provide an engineered drawing. David Capser will get back to Goss by the end of this week as to whether they can help with this project.
- Goss will look into possibly getting the dugout benches ordered now. Hubbell offered to store them if they arrive before they can be installed.
- Melton reported that she has installed all of the new Stay on Trail and Trail End signs at BCNA.
- Regarding the trail signs for Whitewater Township Park, Goss will get them ordered this week. Jahr Contractors will be asked to give a quote on installing the new 4x4 posts.
- Regarding trail signs for Lossie Road Nature Trail and BCNA, Melton will re-send to Goss a PDF with numbers and mileage markers. Goss will ask Image 360 to create the first draft of a map for those signs.
- Regarding the Whitewater Township Park campground playground equipment, an expensive quote was received from Jahr Contractors to move the stone and other elements of the project. This project is currently on hold due to budget concerns.

- The Whitewater Township Park beach was discussed. Due to the high-water level, a lot of erosion has taken place. Until the water level retreats, there is not much that can be done.
- The new tennis court hitting wall was briefly discussed.
- Dennis Leach reported that the kiosk at BCNA has fallen over. He had previously agreed to build the new Lossie Road Nature Trail kiosks, and will build a third kiosk for BCNA. He is planning to get material prices soon in order to obtain a purchase order and get started on this project.
- The committee began to discuss how they will tackle the 5-year review of the Recreation Plan. Melton will provide the DNR requirements for recreation plans to the committee. They plan to develop a short survey for public input at their next meeting, with a goal to have results by November.

There were no questions.

Consent Calendar (52:42)

Receive and File

1. Supervisor's Report for July 2020
2. Clerk/Parks & Recreation Administrator's Report for July/August 2020
3. Zoning Administrator's August 2020 Staff Report
4. Mobile Medical Response July 2020 Activity Reports
5. Fire Department July 2020 Monthly Report
6. Historical Society July 2020 Report
7. Approved 06/08/2020 Parks & Recreation Advisory Committee Minutes
8. Approved 06/10/2020 Historical Society Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for June 2020, 2nd Quarter 2020, and July 2020
2. Masking Up in Michigan 07/21/2020 by Fahey Schultz Burzych Rhodes PLC
3. Letter 07/01/2020 Planning Commission to Township Board re: Process
4. E-mail 07/15/2020 Networks Northwest re: Grant Applications for Small Business and Agricultural Processors
5. Memo 07/01/2020 Ron Popp re: Elk-Skegemog Lake Association Article Public Comment
6. Recycle Smart July 2020 Newsletter
7. Letter 07/23/2020 Zoning Administrator Hall re: Oosterhouse Property Access to Lossie Road
8. E-mail 07/24/2020 Kim Mangus re: Township Tablet and Sound System

Minutes

1. Recommend approval of 07/14/2020 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers #45495 through 45654
2. Approval of First Community Bank Miami Beach voucher # 1270

3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report – 1st Quarter Fiscal Year

Motion by Lawson to approve the Consent Calendar; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, no. Motion carried.

Unfinished Business (53:38)

Miami Beach Sewer System - Termination of Maintenance Agreement with Grand Traverse County DPW

John Nolan is present and stated there is nothing to report.

Motion by Benak to authorize supervisor and clerk to generate and execute all necessary documents to terminate the Miami Beach Road Sewer System Operations Agreement between Grand Traverse County Board of Public Works and Whitewater Township in accordance with section 16 of said agreement; second by Lawson.

Goss noted the termination letter is in the packet; it was sent in February. The agreement has already been terminated.

Discussion followed.

Motion by Popp authorizing the treasurer and clerk to complete final audits and payments necessary to fully satisfy any liability attributed to the Miami Beach Road Sewer System and to refund all remaining balances of the Miami Beach Road Receiving Fund to Miami Beach Road Association; second by Benak.

Benak noted we have a motion and a second which needs to be abandoned. Benak withdrew her motion.

Lawson withdrew his support.

Popp repeated his motion.

Benak reiterated her second.

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

New Business (58:27)

Planning Commission Appointment - Carl Wroubel

Carlyle Wroubel is present.

Pursuant to questions from Goss, Wroubel replied as follows:

- He does not have any problem with the planning commission meeting schedule, length of meetings, or compensation.
- His reason for wanting to be on the planning commission is that he has the time to do so, family lives away, been a property owner since 1976, retired in 2000, degree in mechanical engineering from Michigan Tech, some background in government regulations. His wife passed away about 10 years ago; he is engaged. Other than that, he has plenty of time.
- Regarding growth in the township, residential and commercial, he said it is going to depend what it is. He does not have any real opinions of his own. He would rather listen to other people. He is pretty easy going. There have been rental properties next to his home that people have rented seasonally or through the winter, and he has not had any issues with anybody with that. He would just have to listen to what the issues are. As far as commercial growth, it would depend what it is. He is not opposed to growth in the township.
- He has not had a chance to look at the township master plan or the zoning ordinance.
- He attended the last planning commission meeting.
- He understands that, if selected, he will be required to take an oath swearing or affirming that he will support the U.S. Constitution and the Michigan Constitution.

There were no other questions for Wroubel.

Motion by Goss to appoint Carlyle Wroubel to a 3-year term on the Whitewater Township Planning Commission; second by Lawson. Roll call vote: Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.

Approval of Park Ranger Wages (1:05:05)

Motion by Benak to approve wages as recommended for Alexandria DeVol and Kinzie Gallo; second by Lawson. Roll call vote: Lawson, yes; Popp, no; Benak, yes; Goss, yes; Hubbell, absent. Motion carried.

Approval of Updated Flood Insurance Study and Maps July 2020 (1:06:04)

Motion by Popp to have the zoning administrator and supervisor review and respond as necessary to the Preliminary Flood Insurance Study and Flood Insurance Rate Map by August 17, 2020; second by Benak. Roll call vote: Popp, yes; Benak, no; Goss, yes; Lawson, yes; Hubbell, absent. Motion carried.

MITTIN Project Support Letter (1:07:10)

Popp noted materials did not get into the electronic packet, but copies are available. Popp says it is a multifaceted program or proposal, design engineer for Kalkaska. It affects Whitewater Township; we become the place that the talent seeks to live.

Discussion followed, including with Zoom participant Michael Jantz.

The \$8.72 million in grant money will not be used for infrastructure. It is for a master plan with multiple components. Funding is coming from the U.S. Department of Transportation. The master plan will outline how infrastructure will ultimately get financed and how it will be

maintained. It has an estimated economic impact within a 3- to 4-hour drive from Kalkaska. The grant request has already been submitted.

Motion by Popp authorizing a letter of support for the Kalkaska MITTIN project as presented; second by Benak.

Benak commented that we sit in this township with horrible roads and the U.S. Department of Transportation is handing out almost \$9 million to one firm just to plan; no infrastructure.

Jantz said the planning is for a potential capital investment up to a billion dollars in the future.

Further discussion ensued.

Jantz will keep the township board updated on the project. The township will not be asked to contribute any money. It has the potential to bring money to Whitewater Township. The winner will be announced on September 15th. If they do not get it this year, they plan to resubmit in 2021.

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

Set Public Hearing Date for Repeal of Ordinance No. 28 Miami Beach Rate Ordinance (1:28:58)

Motion by Goss to hold a public hearing on repeal of Ordinance No. 28 on September 8, 2020; second by Lawson. Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Approval of Supply Island Lake Road Signs (1:29:57)

Motion by Benak to authorize Grand Traverse County Road Commission to install two intersection signs on Supply Road locating Island Lake Road at a maximum cost to the township of \$450; second by Popp.

Goss pointed out there really are four signs, two T intersection signs and two advance street warning signs.

Brief discussion followed.

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

Request for Hazard Pay for 08/04/2020 Election Inspectors (1:32:39)

Motion by Benak to award hazard pay at the rate of \$2 per hour for the deputy clerk and election inspectors as outlined, not to exceed \$600; second by Lawson. Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, absent. Motion carried.

Early Termination of Development Rights Restrictions WMDLS (added) (1:33:37)

Popp questioned Benak about how the money was calculated, specifically the interest.

Brief discussion ensued between Popp and Benak.

Benak stated the question before us today is: Are we allowing it? If we are allowing it, we will come up with the numbers. If we are not allowing it, that is a moot point. The property owners have a court date on the 18th.

Popp and Lawson stated they currently own property in the special assessment district.

Discussion followed.

Motion by Lawson to go with option 2, the township would be completely justified in refusing to terminate the agreement before June 2021.

Benak said she offered to Doris to come to the meeting; she chose not to.

Second by Goss.

Goss raised a question about the wording of the motion.

Lawson indicated he will modify his motion to say the township will refuse to terminate the agreement.

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

Ordinance No. 57 - Fire Prevention Ordinance (added) (1:46:30)

Goss inquired about the cost of copies of the 2018 edition of the International Fire Code.

Popp indicated \$500 or less for three copies.

Motion by Popp to adopt Ordinance No. 57, Fire Prevention Ordinance, as amended with not to exceed \$500 in penalties; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.

Goss noted the resolution for fees should be brought before the board at the September meeting.

Tabled Items (1:50:06)

None

Board Comments/Discussion (1:50:07)

Goss raised the issue of placement of electronic equipment in the township hall and suggested it all be consolidated in the copy room, including for the new outdoor video cameras.

There was no objection to installation of a lockable, wall-mounted rack in the copy room to consolidate all of this type of equipment.

Goss also noted that a township Zoom account has been set up for MacLean to use for scheduling of meetings, generation of meeting invitations, etc. Any generated from here on out can be generated by her; she is the licensed user on the account.

Popp will cancel his account and request reimbursement for whatever is left on August.

Announcements (1:52:44)

Next regular meeting date is 09/08/2020 at 7:00 p.m.

Public Comment (1:52:54)

Pursuant to a request to read an article in the ESLA newsletter written by township resident Bob Campbell entitled *Riparians Needed for Local Commissions*, Popp read the article out loud.

(1:58:01)

Tim Shaffer, 5309 Moore Road, expressed concern about the lack of maintenance of rail and roads and requesting funding for improvements.

(1:59:49)

Heidi Vollmuth, 8388 Winnie Lane, referred to grants, street funds, and the MITTIN project, and stated the railroad doesn't want people anywhere near their stuff, all the railroads would like to eliminate people permanently because they can't mitigate quick enough to save lives. We should look at the road maintenance agreement from 2004 unless there is a better one, we need to look at other avenues and not put our money in other funds and leave them in the road funds, the poor people on Skegemog Point in 2004 were low priority. They came to you and asked for \$1,000; it's still peanuts, people. It's their money; they need their road fixed; we should fix their road.

(2:02:08)

Persons present via Zoom declined public comment with the exception of:

Vaughn Harshfield stated the audio tonight was much better than last time.

(2:02:50)

Dave Hauser expressed thanks for getting the questions answered that came up at the last board meeting so we can move forward and get the engineering studies started through the county road commission.

(2:03:29)

Bruce Moore detailed some county commissioners' frustration with the senior center issue, and is glad the board approved the letter of support for the Kalkaska effort.

(2:06:28)

Pat Pierce said thank you for reading the ESLA letter from Bob Kingon (sic).

(2:06:57)

John Harvey thanked everyone for their time.

Adjournment (00:00)

Motion by Lawson to adjourn; second by Popp. Meeting adjourned at 9:06 p.m.

Respectfully submitted,

Cheryl A. Goss

Whitewater Township Clerk