

**Whitewater Township Board  
Minutes of Regular Meeting held December 8, 2020**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:01 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 Vollmuth

Board Members present via Zoom: Trustee Hubbell, Popp

Board Members absent: None

Others present in person: 18

Others present via Zoom: Approximately 65

**Set/Adjust Meeting Agenda**

There were no adjustments.

**Declaration of Conflict of Interest**

None

**Public Comment (9:27)**

Tom Slopsema, 9693 Miami Beach Road, provided a 1-page document to the clerk and spoke in opposition to the marijuana ordinances.

Glenn Savage, 9833 Pineneedle Lane, spoke in opposition to the process for the marijuana ordinances.

Norm Bell, 6659 Cook Road, spoke in opposition to the marijuana ordinances.

John Nolan, 9933 Miami Beach Road, spoke in opposition to the repeal of Ordinance 55 and the marijuana ordinances.

Weston Hubbell, 10192 Munro Road, spoke in favor of allowing marijuana in the township.

Michael Corcoran, attorney on behalf of Northpoint Farms, 8055 Angell Road, spoke in favor of approving the marijuana ordinances.

Linda Slopsema, 9693 Miami Beach Road, spoke in opposition to the marijuana ordinances.

Eric Dean, 8778 Carns Road, spoke in favor of marijuana grows for farmers.

Chris Hubbell, 8055 Angell Road, spoke in favor of the marijuana ordinances and denied there was a conflict of interest.

Barbara Dean, 8778 Carns Road, spoke in favor of letting the farming community survive and diversifying the crops.

Emily Bruce, 5070 N Broomhead Road, spoke in favor of the farmer's choice in agricultural crop, especially industrial hemp.

Dennis Dean, 8778 Carns Road, spoke in favor of allowing the farmer to utilize his land to its best ability to keep the farms going from generation to generation by allowing hemp or marijuana.

Alex Darrow, 8601 Church Street, provided correspondence and e-mails earlier and spoke in favor of the allowance of marijuana in the township.

Turning to Zoom participants, the following people commented:

Mark Taylor said he would like to reserve his public opinion after hearing from the road commission on the proposed Skegemog Point Road project.

Dee Prabhaker said his biggest concern regarding the marijuana ordinances is safety.

Rebants (male voice) said the board continues to not listen to the voice of the people through the survey process.

Dave Hauser would like to talk after Mr. Wayne Schoonover speaks later in the meeting.

Mary Ann Varley expressed that personally she is not for it, but she feels bad for the farmers and is hoping at some point maybe there can be some other way.

Richard Gold said he is here for the Skegemog Point Road discussion.

Vern Gutknecht spoke regarding the planning commission appointments and said Benak has a conflict of interest and bias; to avoid legal action, the board should elect Vollmuth.

Audrey Thomas said she feels sorry for the farmers but dislikes the marijuana stores and billboards in Traverse City. Hoping we do not have to have that sort of business in our township. If farmers can do it discreetly and not let it escalate into retail sales, it is okay with her.

Angela Kirby Buser, 8596 Church Street, said she and her husband support Ordinance 60; it will benefit the community and Williamsburg taxes as well.

John King, no comment on the marijuana; he is here to talk about Skegemog Point Road.

Don Bailey, Traverse City, spoke in opposition to allowing marijuana.

Dillon Thompson spoke in favor of allowing marijuana.

Bob Reider, 9435 Fairview Road, no comment on marijuana issue other than he would like to see another survey if possible.

Charlene (last name not given) said she finds this very sad, uninformed, waiting for the next topic.

Mike Okma, 3303 Heiges Trail, said as a CBD user he can see both sides of the discussion but urged the board to take the pulse of the township residents one more time before they vote. If it passes, urged that zoning regulations be reviewed.

Corinne Prabhaker, 6925 Cook Road, urged the board to have discussion regarding the comments and said it seems the ordinance is not supported at this time by the majority of the public.

Jordan Travis asked those at the township hall who are on the board to identify themselves when they speak.

Sue McCraven said no comment, very interesting listening to both sides.

Bob Ziecina said the board knows his position, would like to see a new survey.

Gregory Buser, 8596 Church Street, spoke in favor of allowing marijuana and said representative democracy is not run by surveys.

Michigan State Police Trooper Andrew Sysko stated he is here on behalf of a call placed to his supervisor. He advised that new official guidelines state there are to be no public meetings in any township office; they have to be all virtual, and stated those present have to comply with that.

(A few of those present left the building.)

Discussion followed, with Goss asserting the Constitution's First Amendment right to peaceably assemble.

The Trooper replied no to Goss's question regarding making arrests but said he is asking that people be in compliance with the order. If people chose not to, that is within their right, but legally he has to send this to MDHHS.

Goss reiterated that the group is peaceably assembled, speculated the meeting will continue, and stated she swore an oath, as did the Trooper.

Board discussion followed.

At about 8:34 p.m., Vollmuth went outside the building and continued to participate via Zoom.

Board discussion continued.

Benak asked if there are more people online who want to comment and asked to get on with it.

After further discussion, there was board consensus to continue with public comment.

Pat Laramie said she does not have any obvious objection to it if grow operations are all indoors.

All other Zoom participants declined comment.

Remaining in-person participants declined further comment.

**Public Hearing (1:46:34)**

None

**Reports/Presentations/Announcements/Comments (1:46:34)**

**County Board of Commissioners Report**

Gordie LaPointe said he scratched off all the items he had planned to report on, noted this is his last meeting, he has enjoyed representing Whitewater Township, and is sure that Darryl Nelson will do a fantastic job.

Board members thanked LaPointe for his work on behalf of Whitewater Township.

**Fire Department Report (1:48:04)**

Brandon Flynn gave the following report:

- There were 11 calls.
- They shut down in-person training about halfway through the month.

**Planning Commission Report (1:48:38)**

Popp noted the planning commission's last meeting was cancelled due to lack of quorum.

**Parks & Recreation Advisory Committee Report (1:49:00)**

Goss advised that the parks and rec committee does not meet again until next Monday; there is no report.

**Consent Calendar (1:49:17)**

Receive and File

1. Supervisor's Report for November 2020
2. Clerk/Parks & Recreation Administrator's Report for November/December 2020
3. Zoning Administrator's December 2020 Staff Report
4. Mobile Medical Response November 2020 Activity Reports
5. Fire Department November 2020 Report
6. Historical Society Reports for October 2020 (November 2020 not available)
7. Approved 10/12/2020 Parks & Recreation Advisory Committee Regular Meeting Minutes
8. Approved 10/14/2020 Historical Society Minutes
9. Approved 10/26/2020 Parks & Recreation Advisory Committee Special Meeting Minutes

## Correspondence

1. Grand Traverse County Sheriff Department Statistics for November 2020 (not available)
2. Letter 11/05/2020 TCAPS re: 2021 Summer Tax Resolution
3. American Tower Communications
4. Grand Traverse County 2021 Recycle Dates
5. Networks Northwest 11/24/2020
6. E-mail Popp to Board and Others re: Ordinance 60 Needing Additional Review
7. E-mail 12/02/2020 Linda Slopsema re: Public Comment Marijuana Ordinances Linda Slopsema 12022020
8. E-mail 12/02/2020 Richard Hargreaves re: Marijuana Ordinance 55
9. E-mail 12/03/2020 John/Cathy Nolan re: Whitewater Township Marijuana Business Permits
10. E-mail 12/03/2020 Tom Slopsema re: Letter to Township Board re Marijuana Ordinance 3Dec2020
11. E-mail 12/03/2020 Alex Darrow re: Hobby to Craft: First Marijuana 'Microbusiness' License Awarded to Northern Michigan Man – [mlive.com](http://mlive.com)
12. E-mail 12/03/2020 Alex Darrow re: Michigan's Recreational Marijuana Industry Celebrates Birthday After 'Incredible' First Year – [mlive.com](http://mlive.com)

## Minutes

1. Recommend approval of 11/10/2020 regular meeting minutes and 11/17/2020 special meeting minutes

## Bills for Approval

1. Approval of Alden State Bank vouchers # 46045 through 46145
2. Approval of First Community Bank Miami Beach vouchers # (none)
3. Approval of First Community Bank WMDLS vouchers # (none)

## Budget Amendments (none)

Revenue & Expenditure Report – FY 2020/2021 – Revenue 09/30/2020/Expenditures 11/30/2020

**Motion by Goss to approve Consent Calendar items as presented; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Popp, yes; Vollmuth, yes. Motion carried.**

Vern Gutknecht questioned a valid roll call when you can't see Mr. Hubbell.

**Unfinished Business (1:51:48)****Revised Whitewater Township Park Boat Launch/Entryway Improvement Plans - Set Public Hearing**

**Motion by Benak to conduct a public hearing on 01/12/2021 regarding the Whitewater Township Park Boat Launch/Entryway Improvement Project; second by Hubbell. Roll call vote: Goss, yes; Hubbell, yes; Popp, yes.**

Vollmuth asked how the hearing would be held.

The motion was re-read.

Vollmuth again asked if the hearing would be held by Zoom only, (was told we do not know yet), then stated she was going to vote “present.”

Benak indicated she cannot do that.

Vollmuth then asked how many noes and yeses there had been.

Hubbell told Vollmuth this isn't a wrestling match; she is supposed to be prepared for the meeting.

**Vollmuth, yes; Benak, yes. Motion carried.**

Brief discussion followed.

**(1:55:34)**

**Skegemog Point Road Q&A Session with Grand Traverse County Road Commission**

Wayne Schoonover from the Grand Traverse County Road Commission is present via Zoom.

Popp said there are questions about the proposed opinion of probable cost to rework Skegemog Point Road, and offered that board members could ask their questions first.

A few previous concerns were listed by Goss and Benak, as well as Goss's repetition of concerns listed in the 11/10/2020 meeting minutes.

Schoonover provided information on how their process works, explained the proposal in more detail, and answered numerous questions.

Due to the number of Zoom participants who wish to speak on this issue, the idea of setting a special meeting was discussed.

There was board agreement that comments would be taken on this topic until 9:35 p.m.

Zoom participant comments raised the following issues:

- Is the township going to handle the cost, or will it be a shared expense. If shared, what is the expense to voters.
- Regarding 10-foot space for safety, if speed limit is lowered, can 10 foot be narrowed.
- Quality of life concern re: tree removal.
- What is process of the decision and how people pay.
- Where is existing travel way on north 1 mile and what is reflected in the opinion of costs.
- Very likely going to go to special assessment; don't see project getting off the ground in 2021 if there is a special assessment.

- Smoothing and widening encourages people to drive faster.
- Different county contribution on north and south sections; what is the criteria.
- Classification of road.

Due to the hour, there was consensus to set a special township board meeting on 12/15/2020 at 7:00 p.m. The sole agenda item will be Q&A session on Skegemog Point Road project.

**(2:52:15)**

**Proposed Ordinance No. 59 - Ordinance Authorizing and Permitting Commercial Medical Marijuana Facilities**

**Motion by Popp to table the adoption process of Proposed Ordinance 59 and Proposed Ordinance 60 for 6 months to allow for the creation of a new public survey regarding the possible future medical and adult use marihuana uses in Whitewater Township; second by Vollmuth.**

Vollmuth provided comments.

**Roll call vote: Hubbell, no; Popp, yes; Vollmuth, yes; Benak, no; Goss, no. Motion failed.**

Popp said his second motion, to have the planning commission generate a survey, is a motion to use the six months.

**Motion by Benak to adopt General Ordinance 59, Authorizing and Permitting Commercial Medical Marijuana Facilities; second by Goss.**

Board comments and discussion followed.

The motion was repeated.

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

**(3:28:05)**

**Proposed Ordinance No. 60 - Ordinance Authorizing and Permitting Adult-Use Marijuana Establishments**

Goss referred to page 9 of the proposed ordinance, e-packet page 202, paragraph 3, subparagraph B, 3rd line down, and suggested the insertion of "Township" in front of "Zoning Administrator" for consistency purposes.

There was no objection to the suggested change.

Popp referred to a missing item on page 136, an MMFLA or MRTMA label under co-location.

Popp confirmed the number of licenses is identical between the two ordinances.

Referring to e-packet page 239, section 3, paragraph 4, Popp questioned whether we want to require the farmer to have two licenses.

Benak, Hubbell, and Goss agreed to removal of the paragraph cited by Popp.

Popp suggested we consult with Attorney Matt for his opinion as to whether it is legal.

Benak summarized that it is the board's intention to remove paragraph 4 if legal counsel says it is allowable with state regulations.

Popp noted that it reappears on e-packet page 249, section 6, paragraph 1, and said both paragraphs may have to be addressed by the attorney.

Discussion followed.

Benak, Goss, and Hubbell voiced agreement with the removal.

**Motion by Benak to adopt General Ordinance 60 authorizing and permitting adult use marijuana establishments as amended.**

Benak added that whatever the attorney says is legal is what we will do.

Popp, Hubbell, Vollmuth, and Goss agreed.

Goss commented on the proposed ordinance.

The motion was repeated.

**Second by Goss.**

Brief discussion followed.

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

**New Business (3:52:25)**

**2020/2021 Budgeted Transfers**

This agenda item will be postponed to January.

**(3:52:50)**

**Reappointment Recommendations - Various Boards and Committees**

Popp noted the Board of Review appointments are good until December 31st.

**Motion by Popp to confirm the recommendation of the supervisor appointing Heidi Vollmuth to a position on the Whitewater Township Planning Commission. The term shall**



**coincide with her elected term of office for Whitewater Township Trustee; second by Vollmuth.**

Discussion followed.

**Roll call vote: Benak, no; Goss, no; Hubbell, no; Popp, yes; Vollmuth, yes. Motion failed.**

Popp stated other planning commission and PRAC appointments will be moved to the next meeting.

#### **Appointment of Township Board Representative to Planning Commission**

Benak listed her qualifications to serve on the planning commission.

Goss noted the board does not need a recommendation from the supervisor to appoint a representative to the planning commission, and stated it is a board decision.

Brief discussion followed.

**Motion by Goss to appoint Ardella Benak to the Planning Commission as the Township Board Representative; second by Hubbell.**

Discussion followed, with Hubbell expressing disappointment with the process and disagreement with Popp's statement that Vollmuth should automatically move into the position.

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

#### **Request to Purchase Fire Programs Software**

**Motion by Popp to permit Chief Flynn to purchase an annual subscription to Fire Programs incident reporting and records management software in the amount of \$2,359.00; second by Goss. Roll call vote: Hubbell, yes; Popp, yes; Vollmuth, yes; Benak, yes; Goss, yes. Motion carried.**

#### **Tabled Items (4:07:37)**

None

#### **Board Comments/Discussion (4:07:40)**

None

#### **Announcements (4:07:45)**

1. Next regular township board meeting 01/12/2021 at 7:00 p.m.
2. Special meeting on 12/15/2020 at 7:00 p.m.

**Public Comment (4:08:08)**

Kim Mangus, 1214 Cerro Drive, Traverse City, said she is very discouraged with the way the board handled this issue; the general public was run out of the building after an hour and a half of public comment, and went on to levy additional criticism.

John Boucher, Clearwater Township, gave huge mega dittos to what Kim just said.

Goss noted there is still public present in the township hall.

Those present in person declined public comment.

**Adjournment (4:14:37)**

**Motion by Hubbell to adjourn; second by Popp. Roll call vote: Popp, yes; Vollmuth, yes; Benak, yes; Goss, yes; Hubbell, yes.** Meeting adjourned at 11:08 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk