

**Whitewater Township Board
Minutes of Regular Meeting held March 9, 2021**

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, Popp, Trustee Vollmuth

Board members present via Zoom: Trustee Hubbell (Whitewater Township), Popp

Board members absent: None

Others present in person: 4

Others present via Zoom: County Commissioner Darryl Nelson, Fire Chief Brandon Flynn, and 10 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment (3:18)

Renee Savage, 9833 Pineneedle Lane, commented on the marijuana issue and said it needs to go before a public vote.

Linda Slopsema, 9693 Miami Beach Road, stated petitions were submitted on 01/13/2021 with 138 signatures, there are many opinions regarding recreational marijuana in the township, and urged the board to allow the people to vote what they feel is appropriate for their community.

Rod Rebant, 648 Island View Drive, said he feels very strongly that the marijuana vote should be by the people.

John Mater, 464 Island View Drive, noted this definitely needs to be put to a vote so people can make a decision and not two or three members of the board.

Glenn Savage, 9833 Pineneedle Lane, said he is opposed to the marijuana issue, in February the attorneys were paid \$3,826 on the marijuana issue, questioned how much they will be paid other months, and said fees would be less if it was taken before the people.

Chris Hubbell, 8055 Angell Road, questioned why do we have a board if a few people who do not like it can put it up for a vote. He disagrees with the vote and does not want anyone telling him what to do with his property; just because they do not like it should not block him from doing what he wants to do.

Public Hearing (15:20)

None

Reports/Presentations/Announcements/Comments (15:20)**County Commissioner Report**

District 6 Commissioner Darryl Nelson gave the following report:

- Introduced himself and provided a summary of his history in the area.
- Gave permission for his cell phone number to be shared and gave his e-mail address, dnelson@gtcountymi.gov.
- He reported on the county's immunization scheduling, the statistics for vaccinations given, and offered to answer COVID-related questions.
- He sits on the criminal justice committee board and notes that defense attorneys, judges, and prosecutors are working toward a plan to address the huge backlog of cases.

Fire Department Report (24:10)

Fire Chief Brandon Flynn gave the following report:

- Uneventful month in February. Meetings are firing up again.
- They were successful in receiving a 2% grant, \$14,700, to replace one of the two ailing snowmobiles.
- They are anxious for spring.

Planning Commission Report (25:08)

None

Parks & Recreation Advisory Committee Report (25:20)

Parks & Recreation Administrator Cheryl Goss gave the following report:

- The committee met last night; all five members were present.
- Minutes of 01/11/2021 and 02/08/2021 meetings were approved.
- Regarding the Hi Pray Park dugouts, it has been difficult to get a response from Perfect Fence over the winter. Former supervisor Larry Lake recently was asked to assist due to his relationship with the owners. Perfect Fence has been notified that the building permit expires 4/21 and the practice season starts in early May. The committee has selected the bench style that they want for the dugouts and those will be ordered.
- The committee would like to have a grand opening for the batting cage and Melton will contact the head of the youth baseball organization to coordinate a date.
- The style of trail benches for Whitewater Township Park and Battle Creek Natural Area has been decided on and those will be ordered.
- The committee discussed a few items on the proposed Recreation Fund budget and added some funds for new tennis nets.
- Installation of the Battle Creek Natural Area and Lossie Road Nature Trail kiosks will be scheduled.
- The committee will return to working on the Recreation Plan at their next meeting, with hopes that it will come to the board in June.

Paddle Antrim - Update by Deana Jerdee (26:51)

Deana Jerdee, Executive Director of Paddle Antrim, provided some slides and an update on the Chain of Lakes Water Trail, including:

- The trail now covers 99 miles throughout the Chain of Lakes, in four counties, and 84 approved access sites.
- Whitewater Township Park and Battle Creek Natural Area are on the trail. Grand Traverse County Road Commission approved putting Angell Road and Carns Road on the water trail.
- They have installed signs at all 84 access sites, with kiosks installed at larger sites.
- 911 dispatch offices in all four counties have the access sites located in their databases.
- They have developed a website for the water trail, a 30-page waterproof flipbook map for paddlers out on the water, as well as a digital map app through Avenza.
- She expressed their commitment to continue to work with partners to maintain and improve the trail. They have developed a water trail champions program with opportunities for individuals and businesses to sponsor a sign, and they are looking for volunteers to adopt a water trail access site to keep an eye on the site.
- They will be doing a ribbon cutting in May and will send an invitation to the township. She thanked the township for their support.

Consent Calendar (35:20)

Receive and File

1. Supervisor's Report for February 2021
2. Clerk/Parks & Recreation Administrator's Report for February 2021
3. Whitewater Township Planning and Zoning 2020 Annual Report
4. Mobile Medical Response February 2021 Activity Reports
5. Fire Department February 2021 Report
6. Historical Society February 2021 Report
7. Approved 06/25/2020 Zoning Board of Appeals Minutes
8. Approved 10/07/2020 Planning Commission Minutes
9. Approved 01/06/2021 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for February 2021
2. Foster Swift MDHHS 2021.02.11 Orders
3. Foster Swift COVID-19 Occupational Disease or Personal Injury
4. Greg Sova – Grand Traverse County Road Millage Sharing
5. Networks Northwest Newsletter
6. The Community Survey – Grand Traverse County

Minutes

1. Recommend approval of 02/09/2021 regular meeting minutes and 02/04/2021, 02/16/2021, and 02/23/2021 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 46334 through 46416

Budget Amendments – 03/09/2021 Consent Calendar

Revenue & Expenditure Report (none)

Motion by Benak to approve Consent Calendar items as presented; second by Vollmuth.

Referring to e-page 68, Popp disagreed with a statement regarding the addition of a line item in the Assessor department for labor to scan documents in parcel files, claiming the assessing files are the supervisor's responsibility, there was not a consensus, and also claiming an incompatible office issue.

Discussion followed.

The minutes will be corrected as follows, "A Professional Services line item ~~will be added~~ **is recommended** under department 209 Assessor to pay for labor to scan documents in parcel files."

Benak and Vollmuth agreed to amend their motion and second to "approve Consent Calendar items as amended."

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

Unfinished Business (39:58)**Discussion of Cell Tower Lease Proposals**

Motion by Popp to decline any cell tower lease modifications options at this time; second by Benak. Roll call vote: Goss, yes; Hubbell, yes; Popp, yes; Vollmuth, yes; Benak, yes. Motion carried.

COVID-19 Preparedness and Response Plan Update (40:42)

Motion by Goss to adopt the Whitewater Township COVID-19 Preparedness and Response Plan as amended 03/09/2021; second by Benak.

Popp said all future changes need to be reviewed and approved by the board.

Goss noted that is a different motion and asked if Popp is saying he does not agree with the revision in this packet.

Popp stated he agrees with the revisions of the document.

There were no questions on the plan.

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

Motion by Goss for permission for all future modifications to be made by the workplace coordinator and the board notified of changes via e-mail and board packets; second by Hubbell.

Benak stated she does not see the point of coming to the board for things directed by the CDC or MDHHS, but notifying the board of plan changes has to happen. She offered to e-mail everyone

with proposed changes, and if there are questions, it can be addressed before it is changed. If there is a big change, she will bring it to the board.

Discussion followed.

Popp reiterated that all policy should come before the board.

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

New Business (47:18)

Proposed Zoning Ordinance Amendment No. 78

Motion by Benak to adopt Zoning Ordinance Amendment No. 78 as presented; second by Popp. Roll call vote: Vollmuth, yes; Benak, yes; Goss, yes; Hubbell, yes; Popp, yes. Motion carried.

Resolution #21-04 Elk Rapids Schools 2021 Summer Tax Collection (48:28)

Motion by Goss to adopt Resolution #21-04 for collection of Elk Rapids Schools taxes for the 2021 tax year; second by Benak. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Popp, yes; Vollmuth, yes. Motion carried.

Resolution #21-05 Traverse City Area Public Schools 2021 and 2022 Summer Tax Collection (49:17)

Motion by Benak to adopt Resolution #21-05 for collection of TCAPS and TBAISD taxes for 2021 and 2022; second by Hubbell. Roll call vote: Goss, yes; Hubbell, yes; Popp, yes; Vollmuth, yes; Benak, yes. Motion carried.

Proposed Sale of Township Property at 6400 Elk Lake Road (50:38)

Motion by Benak to authorize Clerk to obtain an appraisal of the parcel located at 6400 Elk Lake Road; second by Goss.

Discussion followed.

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

Budgeted Transfer - Fire Fund to Fire Capital Improvement Fund (56:53)

Motion by Goss to transfer \$23,000 from the Fire Fund to the Fire Capital Improvement Fund; second by Popp. Roll call vote: Popp, yes; Vollmuth, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.

Fire Department Purchase of Chief's Vehicle (57:37)

Motion by Benak to approve Fire Capital Improvement Fund expenditures of up to \$50,000 for a replacement fire chief vehicle and related expenses; second by Hubbell.

In response to Popp's question as to whether the dollar amount is still acceptable, Chief Flynn replied yes.

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

Cleanup Day 2021 (58:52)

Motion by Benak to contract with American Waste for 2021 annual cleanup day services at \$47 per compacted yard; second by Vollmuth.

Popp inquired if there is any discussion with respect to the dollar per compacted cubic yard.

There was no discussion.

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

Motion by Benak to set cleanup day for 2021 as June 12, 2021, from 8:00 a.m. to 12:00 p.m.; second by Goss. Roll call vote: Goss, yes; Hubbell, yes; Popp, yes; Vollmuth, yes; Benak, yes. Motion carried.

Initiative Petition to Prohibit Adult-Use Marihuana Establishments (Closed Session) (1:00:30)

Motion by Goss to go into closed session to discuss a written confidential legal opinion from the township attorney concerning a recreational marihuana petition; second by Benak.

Popp proposed not going into closed session and either vote to follow the recommendations or vote to not follow the recommendations.

Goss indicated that Attorney Kuschel is waiting and there may be more to talk about.

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

At 8:02 p.m., the board went into closed session in the treasurer/zoning office.

At 8:37 p.m., the board reconvened in open session in the meeting room.

Motion by Popp to accept attorney Matt Kuschel's March 3, 2021 recommendation to reject the duly received petition and notify petitioner of deficiencies with explanation and resubmittal deadline of Friday, April 23, 2021; second by Benak.

Goss noted it is not the attorney's office recommendation. It is their legal opinion that the petition does not meet the law.

Discussion followed.

Roll call vote: Popp, yes; Vollmuth, yes; Benak, yes; Goss, no; Hubbell (did not respond).

Hubbell indicated he did not unmute and did not hear the discussion or motion and asked that it be repeated.

Goss repeated the motion.

Hubbell, yes. Motion carried.

Tabled Items (1:44:24)

None

Board Comments/Discussion (1:44:28)

Goss noted Popp has not brought a recommendation to appoint a township board representative to the planning commission and advised Popp that it is of concern to the risk control people for the township and they have advised that Popp's failure to fill that position should be reported to the attorney. Goss further noted there is a liability issue for the township regarding the planning commission being in a tenuous position with the limited number of members.

Discussion followed, with Popp claiming it is not a legal requirement.

Popp brought up a request from Anthony Denha to make a pitch regarding the sale of marijuana in the township, and asked the board if they wished to see or hear additional marijuana questions at this time.

Benak, Goss, Vollmuth, and Hubbell declined.

Announcements (1:51:42)

1. Budget work session on 03/16/2021 at 6:00 p.m.
2. Budget public hearing on 03/23/2021 at 6:00 p.m.
3. Regular meeting on 04/13/2021 at 9:00 a.m.

Public Comment (1:51:56)

Linda Slopsema said the board had the opportunity to let the people vote on the marijuana issue; the easy way out is to let the people vote; we will see where this goes.

Rebant asked if the dates could be restated regarding resubmittal of the petition.

Goss replied that a letter will be sent to Linda Slopsema with the information.

Vern Gutknecht said he sent correspondence to the board and that Goss made a childish, derogatory comment at the January board meeting and he is waiting for an apology.

John Mater said it would be better if he did not add anything at this time.

Adjournment (1:57:45)

Motion by Hubbell to adjourn; second by Popp. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Popp, yes; Vollmuth, yes. Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk