

WHITEWATER TOWNSHIP BOARD
Minutes of Regular Meeting held September 14, 2021

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Supervisor Popp called the meeting to order at 9:02 a.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, Popp, Trustee Vollmuth

Board Members present via Zoom: Popp

Board Members absent: None

Others present in person: County Commissioner Darryl Nelson, Fire Chief Brandon Flynn, and 10 others

Others present via Zoom: County Road Commissioner Jason Gillman and 10 others

SET/ADJUST MEETING AGENDA

Goss suggested reading one sentence from an e-mail from Attorney Chris Patterson.

Brief discussion ensued concerning waiving confidentiality.

Added under Conflict of Interest.

DECLARATION OF CONFLICT OF INTEREST

Paraphrasing an e-mail regarding alleged conflict of interest on the part of Hubbell regarding what is on the agenda, Goss stated there is none.

PUBLIC COMMENT (9:20)

Mike Jacobson, 7031 Skegemog Point Road, spoke about the planning commission operating with only four members, no one representing the PC on the board or the ZBA, raises question of legality of planning commission's actions, community needs this fixed. Also stated he is in favor of the marijuana industry getting a fair shake in the community, vote was an overwhelming yes, here to stay, 310 licenses is irresponsible, suggested a reduction to 1/3 or 1/4 of this number, and requested good leadership in the township. (handed document to Popp)

(12:46)

Linda Slopsema, 9693 Miami Beach Road, spoke on the topic of the vote being delayed, board needs to slow down until the vote can take place, board should place the issue on the ballot themselves as soon as possible, board should consider a survey, suggested reading public hearing comments from 8/4, sees no update in packet on educational tours, yet moving ahead to take applications, disrespectful to people to push things forward, not dealing with community impacts, costing a lot of money, legal fees mounting, packet not issued until late on Friday, slow down and listen to the people.

(17:01)

Denise Peltonen, 10610 Elk Lake Road, is glad the township obtained a second opinion on conflict of interest, noted 11/10/2020 letter from Corcoran regarding Northpoint Farms, Two Peninsulas Holding Company and Hemp Heaven of Michigan, community has done research. (handed document to Popp)

(20:58)

Vern Gutknecht, 6801 Bunker Hill, asked clerk for apology for accusations made to wife and him, read from Goss campaign letter regarding voting on zoning ordinance changes.

(23:33)

Jason Gillman (Grand Traverse County Road Commissioner) noted he is present for questions; they are moving forward on projects that have been talked about.

PUBLIC HEARING (25:00)

None

REPORTS/PRESENTATIONS/ANNOUNCEMENTS/COMMENTS (25:03)**County Commissioner Report**

Darryl Nelson gave the following report:

- Popp and he have not had a lot of conversations this month.
- They voted on body-worn cameras for sheriff's deputies a few months back. Working better than expected with the officers. They are working through issues with getting videos off the cameras quickly.
- They bonded for the pension and the pavilion debt last month, at a savings of about \$10 million just on the pension debt.
- In August, BOC had a resolution regarding health autonomy, widely misrepresented to the press. No mandated vaccines for employees and asked the public to check with their physician for benefits/risks of vaccinations. Trying to get the vaccination rate up; about 30% of the county has chosen not to do that. Health Department has changed their policy with schools and businesses. This year, the Health Department is saying follow CDC and MDHHS guidelines. No reason for Grand Traverse County to set up different or redundant guidelines.
- Regarding enterprise resource planning software, the county is using a very outdated and cumbersome software system. They are going to be spending about \$4 million over five years for new software; they have budgeted for it.
- There is new software for tracking permits, EPIC-GT. East Bay Township has been using it. They are still trying to work out the bugs before rolling it out county-wide.
- He has been working with Senator Schmidt and Representative Roth and speaker of the house chief of staff about money piled up in Lansing, coming to Grand Traverse County. He suspects about \$50 million coming from that money to Grand Traverse County, as well as the ARP money coming to the county and Whitewater Township. He has been pushing for study sessions at the board level to talk about things they would prioritize. He welcomes comment from trustees or the public on this money, and talks to Popp on a regular basis.
- Thanked members of the public who stand up and speak, as well as the trustees.

Discussion followed regarding payment on the bond, helping rural communities with broadband with the ARPA funds, county work sessions about how to use the money, i.e., broadband, water, sewer, roads, infrastructure.

Fire Department Report (45:30)

Brandon Flynn gave the following report:

- For the 8/10 storm, they took 38 storm-related incidents in just over a 24-hour period. They took care of all the calls themselves, all the guys showed up, they handled everything without mutual aid. The road commission helped with Skegemog Point and Baggs Road. Trees with power line entanglement could not be cut down. He indicated the struggle with Consumers continues, as it does every summer.
- Through a regional grant, the department will be getting 12 brand new air packs, 24 bottles and 12 masks, probably about \$88,000 worth. The township will be responsible for about 10% of that. It is something the department really needs; it will be a huge item taken off the capital item replacement list. He is working with other departments receiving the grant.

Brief discussion followed.

Planning Commission Report (54:25)

The township board representative to the planning commission position is currently vacant.

Kim Mangus noted the planning commission has opted to provide a written report, which will be available next month, and encouraged the board to watch the public hearings.

Parks & Recreation Advisory Committee Report (55:33)

Cheryl Goss gave the following report:

- The committee met last night; 4 members were present, 1 absent.
- August meeting minutes were approved.
- The entire meeting was spent putting the final touches on the Draft Recreation Plan.
- A resolution was adopted to send the plan to the township board. It will be on the board's agenda in October for review and to be set for public hearing at the November meeting.

CONSENT CALENDAR (56:18)

Receive and File

1. Supervisor's Report for August 2021
2. Clerk/Parks & Recreation Administrator's Report for August/September 2021
3. Zoning Administrator August 2021 Staff Report
4. Mobile Medical Response August 2021 Activity Reports
5. Fire Department August 2021 Monthly Report
6. Historical Society Report for August 2021
7. Approved 06/14/2021 Parks & Recreation Advisory Committee Minutes
8. Approved 07/07/2021 Planning Commission Minutes
9. Approved 08/04/2021 Planning Commission Minutes
10. Approved 08/24/2021 Planning Commission Special Meeting Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for July and August 2021
2. Letter 08/10/2021 John & Sherry Boucher re Marihuana
3. E-mail 08/19/2021 Michel Lehnert re: Marihuana
4. Leelanau Ticker 08/27/2021 Tribe Enters Marijuana Market
5. Boucher – Marihuana Comments
6. Consumers Power – Storm Related Power Outages
7. Denny and Jan Fox – Meeting Time Comments/Request
8. Recycle Smart Newsletter
9. Habitat – Newsletter
10. John Nolan – Request for Drop Off Site
11. John Mater – Representation and Respect for All
12. Whitewater Township – Notice of Change PC Meeting Date
13. Lake Association Summit
14. Linda Slopsema – Conflict of Interest
15. Denise Peltonen – Conflict of Interest

Minutes

1. Recommend approval of 08/06/2021 special meeting minutes, 08/06/2021 closed session minutes, and 08/10/2021 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 46933 through 47071

Budget Amendments (none)**Revenue & Expenditure Report (Rev 6/30 Exp 8/31)**

Popp asked that pages 9, 12, 22 and 31 be removed from the Consent Calendar.

All items were discussed.

Page 9, Popp will request the True North FOIA from the clerk.

Page 12, Goss will ask Steve to provide a monthly report showing all calls the Whitewater rig went on, no matter where they went to, including which ones are mutual aid or if MMR was dispatched by the county, as well as how calls under a minute happen.

Page 22, there was consensus that when Hall sends something to the attorney, he should ask for rationale behind the changes; Hall will be directed to forward changes to the PC chair, who will forward them to the members. The communication will be done with the planning commission and the zoning administrator.

Page 31, the issue of enforcement will be made an agenda item.

There was brief discussion of skid steer rental in Bills for Approval. Popp expects to see some proof of private homeowner paying for their own skid steer rental.

Vollmuth read Dean comments from 8/24 meeting minutes.

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

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

UNFINISHED BUSINESS (1:38:50)

Mobile Medical Response – Review Updated Shared Ambulance Agreement

Items discussed included:

- Length of contract.
- Ambulance designated solely to these townships, does not say what hours it is designated into Whitewater or Acme.
- Reports.

It was agreed that Acme Supervisor Doug White will set up a work session with 1 or 2 members of each board and Steve Myers to get things hammered out and let each board look at it afterwards.

Goss added that Myers has proposed MMR purchasing the Whitewater rig.

Brief discussion followed.

Grand Traverse Plastics – Industrial Facility Tax Exemption Application and Resolution #21-16 (2:11:00)

After some discussion, Goss noted that, per the instructions for Form 1012, Industrial Facilities Tax Exemption Application, the completed original application form and all required attachments must be filed with the clerk's office, and those documents have not been received.

Discussion followed.

Goss suggested they be notified that the original application and all required attachments be filed with the clerk's office as soon as they can.

Popp will advise Grand Traverse Plastics.

NEW BUSINESS (Part 2 Audio 18:36)

Resolution #21-13 Fee Schedule for Marihuana Facilities and Establishments

Motion by Benak to adopt Resolution #21-13, second by Goss.

Board comments and discussion followed.

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

MMFLA Application Form and Acceptance of Applications (Part 2 Audio 28:54)

Motion by Goss to approve the Application for Permit, Commercial Medical Marihuana Facility form, second by Benak.

Board comments, suggestions, and discussion followed.

Popp noted we are beyond the 3-hour mark.

Motion by Goss to continue the meeting until the agenda is completed; second by Benak.

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

Brief discussion continued on the application form.

Roll call vote (on MMFLA Application form): Popp, no; Goss, yes; Vollmuth, no; Benak, yes; Hubbell, yes. Motion carried.

Motion by Goss to begin accepting and processing applications for commercial medical marihuana facilities as of 10/15/2021; second by Benak.

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

MRTMA Application Form and Acceptance of Applications (Part 2 Audio 56:56)
Motion by Goss to approve the Application for Permit, Adult Use Marihuana Establishment form; second by Benak.

Board comment followed.

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

Motion by Benak to accept and process applications for adult use marihuana establishments as of 10/15/2021.

There was no discussion.

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

Resolution #21-15 Reduction of Medical and Recreational Marihuana Licenses/Permits (Part 2 Audio 1:00:06)
Motion by Benak to adopt Resolution #21-15 amending the maximum number of commercial medical marihuana facility and adult-use marihuana establishment permits; second by Goss.

Board comment and discussion followed.

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

Mini Disaster Plan Discussion (Part 2 Audio 1:09:23)

Popp stated his proposal is meant to deal with concerns about wood chips, brush, stumps, pumps, equipment, and if the county does not do something, he wants to know that we can do something, and wants to begin looking at what our plan might look like.

Board comments and discussion followed.

Popp will do some more work and bring something back.

AD Assessing Contract Renewal (Part 2 Audio 1:27:30)

Motion by Benak to approve Employment Agreement with Dawn Kuhns in the amount of \$1,200 per year as written; second by Popp.

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

Motion by Goss to approve a 2.5-year Independent Contractor Agreement with AD Assessing at the rate of \$12,750 for 10/01/2021 through 03/31/2022 (\$2,125/month), \$27,600 for 04/01/2022 through 03/31/2023 (\$2,300/month), and \$30,300 for 04/01/2023 through 03/31/2024 (\$2,525/month); second by Hubbell.

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

Request To Revert To 7:00 P.M. Meeting Times (Part 2 Audio 1:29:36)

Motion by Popp to reschedule all regular meetings of the Whitewater Township Board to the second Tuesday of each month beginning at 7:00 p.m., to be held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan; second by Vollmuth.

Board comments and discussion followed.

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

Additional comments followed.

Closure Of Storm-Damaged Parks and Cleanup Process (Part 2 Audio 1:37:30)

Motion by Goss to close Battle Creek Natural Area and Lossie Road Nature Trail for the length of time needed to accomplish trail cleanup; second by Hubbell.

Board comments and discussion followed.

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

Motion by Goss that she make contact with Corey Parshall of Parshall Tree Service to see if he is interested in the work, and if so, have him visit the two parks and provide a quote for his services; second by Benak.

Board comments and discussion followed.

Goss rescinded her motion.

Goss will supply the 2015 request for proposal to Popp for the next meeting.

Benak rescinded her second of the motion.

Board and Commission Compensation (Part 2 Audio 1:47:05)

There was consensus to move this agenda item to the next meeting.

Approval of Park Ranger Wage (Part 2 Audio 1:47:32)

Motion by Goss to approve 2021 wages for Rebecca Fleis, as recommended by the clerk, second by Hubbell.

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

Resolution #21-14 American Rescue Plan Act Funding for Broadband (Part 2 Audio 1:48:19)

Tim Maylone, CEO of Cherry Capital Connection, is present.

Motion by Benak to adopt Resolution #21-14; second by Hubbell

Board comments and discussion followed, including questions answered by Maylone.

Maylone will keep the Whitewater Township funds in a separate account and will provide monthly reporting and detail showing what they anticipate doing with those funds. He noted that, more than likely, the funds will be used to buy inventory.

Maylone previously supplied a contract and a METRO application and check to the clerk's office.

At 1:21 p.m., Hubbell indicated he had to leave and exited the building.)

Discussion continued.

Payment to Cherry Capital Connection will be remitted 30 days after the township's receipt of the ARPA funds.

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

Brief additional discussion ensued, including that the proposed contract will be reviewed by the township's legal counsel.

TABLED ITEMS (Part 3 Audio 10:42)

None

BOARD COMMENTS/DISCUSSION (Part 3 Audio 10:43)

Goss spoke to the false narrative concerning one person pushing the marijuana process in the township.

Board comments followed.

ANNOUNCEMENTS (Part 3 Audio 15:00)

Next regular meeting is October 12, 2021, at 9:00 a.m.

PUBLIC COMMENT (Part 3 Audio 15:06)**(15:55)**

Tim Maylone, 7781 Cram Road, resident of Whitewater Township, said he attends a lot of public meetings and one of the formats he enjoys is when a county or township does a working session where they set aside several hours to discuss an item in detail, then has a public meeting where it is put on the agenda with resolutions made up ahead of time.

(18:20)

Heidi Vollmuth, 8388 Winnie Lane, private citizen, noted Mr. Till skipped in March because it was not an outside grow.

(18:50)

Linda Slopsema, 9693 Miami Beach Road, spoke on the MRTMA application form with the 10/15/2021 date to start accepting and processing applications, cautioned the board to read its own Ordinance #60 and make sure you have not created a problem for yourself regarding timing.

ADJOURNMENT (Part 3 Audio 20:07)

Motion by Goss to adjourn; second by Benak. Roll call vote: Hubbell, absent; Popp, yes; Benak, yes; Goss, yes; Vollmuth, yes. Meeting adjourned at 1:48 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk