

**Whitewater Township Board
Minutes of Regular Meeting held October 12, 2021**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 9:01 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call of Board Members

Board Members present in person: Benak, Goss, Hubbell, Popp, Vollmuth

Board Members present via Zoom: Popp

Board Members absent: None

Others present in person: County Commissioner Darryl Nelson, Fire Chief Brandon Flynn, MMR Representative Steve Myers, Recording Secretary/Zoom Facilitator Lois MacLean, and 14 others

Others present via Zoom: 10

Set/Adjust Meeting Agenda

None

Declaration of Conflict of Interest

None

Vollmuth indicated she wants to discuss conflict of interest.

Conflict of Interest Discussion was added to New Business.

Public Comment (10:28)

Public comment began at 9:05 p.m.

Rod Rebant spoke on Grobbel and the PC, the public vote, marihuana, legal fees, and the RC-1 5-acre minimum.

Brian Kelley, Acme Township resident, spoke on board packets, written reports, master plan effort, recreational marihuana, and ambulance services.

Norman Bell, 6659 Cook Road, spoke on no addresses from Zoom people, conflict of interest, and Chris Hubbell.

Tom Slopsema, 9693 Miami Beach Road, spoke on litigation, legal costs, marihuana applications and fees, ordinance deadlines, delay application date, and put all marihuana activity on hold until vote.

Michelle Mueller, 7482 Cook Road, spoke on field trips, master plan consultant, delay accepting permit applications until citizens vote.

Carl Wroubel, 9806 Elk Lake Trail, member of planning commission, spoke on updating township master plan, number of PC members, fill openings, including one member of the board.

Steven Mangus (letter read by Kim Mangus) spoke on referendum vote and moratorium.

Denny Corrado, 2555 Kettle Lake Road, Kalkaska, Regal Security Consultants, spoke on cannabis industry, making sure anyone who comes into community complies with all ordinances, and proposed provisioning center.

Bob Ziecina, 6951 Cook Road, spoke on being anti-marihuana, Don Bailey, legal expenses, survey offered, provisioning centers in Kalkaska, odor, farmers doing something ethically wrong, cut losses now.

Lois MacLean, 5919 Linderleaf Lane, spoke on legal fees, judge stopped the vote, grow facilities without issues in Marne, sharing of wrong information.

Renee Savage, 9833 Pineneedle Lane, spoke on people voted it down in 2018, published wrong in newsletter, rather have subdivisions than commercial marihuana, crime increase, legal fees, and take back our voice.

Chris Hubbell, 8055 Angell Road, spoke on maraschino plant, closed business, smell from pond, not going to grow marihuana, will sell property, marihuana, hogs, no intention to move out of area, 10 or 12 people here.

Linda Slopsema, 9693 Miami Beach Road, spoke on moratorium on recreational marihuana, history of marihuana in township, concerns voiced, requested moratorium on permits and applications until vote, work on master plan, zoning requirements, law enforcement funding.

Brad Boals, 10091 Munro Road, spoke on not accepting applications until vote of people and planning commission rules and regulations, and appearance of conflict of interest.

Kim Mangus, 1214 Cerro Drive and 5101 Brown Bear Lane, spoke on lack of transparency, conflict of interest, four members on planning commission, consider applicants, right of voters to have a say, do not accept applications without guidelines.

Vicky Emerson spoke on fiduciary duties and requested no applications until vote.

Heidi Vollmuth, 8388 Winnie Lane, spoke on field trips, simple and humble, number against, far behind on master plan.

Denny and Jan Fox, 10423 Elk Lake Road (letter read by Linda Slopsema), spoke on marihuana concerns, no applications till after vote, not a unanimous board vote, more work needs to be done, provide information to people, budget for legal services, waste of effort and dollars.

Denise Peltonen, 10610 Elk Lake Road, spoke on Kalkaska building sale, asked board to sign statements regarding sale or purchase of marihuana plant or permit.

Carl Wroubel spoke again on the master plan.

Public comment ended at 10:07 a.m.

Public Hearing (1:13:36)

None

Reports/Presentations/Announcements/Comments (1:13:48)

County Commissioner Report

Darryl Nelson gave the following report:

- County reapportionment commission has voted for 9 districts, currently 7. Whitewater Township will still be in District 6. District 6 is growing toward Fife Lake. One Acme precinct is moving into new East Bay 5.
- Regarding statewide redistricting, the concern is about splitting up Grand Traverse County. Whitewater would go into a different area. Comments can be made to the statewide redistricting commission. Nelson is not a fan of seeing Grand Traverse County broken up.
- Staffing changes at the county health department have been made. BOC did not have input on the changes but voted unanimously to support administration on the change.
- Budgeting process, the county looks to be in very good shape financially. Wage and compensation study results are coming back. They are expecting increases to wages.
- BOC is exploring hiring an outside firm to help organize input and federal reporting for the \$18.6 million of ARPA funds. They are looking for input from citizens and township people.
- They have signed contracts with Workday to move the county to a more modern computer system. It will take months to complete.
- They took the next step on bonding the pension.
- Nelson and Drain Commissioner Andy Smits were in Whitewater Township yesterday regarding beaver dams blocking a culvert.

There were no questions for Commissioner Nelson.

Fire Department Report (1:21:54)

Brandon Flynn gave the following report:

- He has been meeting to get the AFG grant settled. Our portion of the cost is approximately \$10,900 for 12 new air packs, 24 bottles, and 12 new masks.
- Call volume was low in September. There were three training sessions. A lot of meetings were cancelled.

Brief discussion followed.

Planning Commission Report (1:26:42)

The township board representative to the planning commission position is vacant. The planning commission report is in writing.

Parks & Recreation Advisory Committee Report (1:26:48)

Cheryl Goss gave the following report:

- The committee met last night; 4 of 5 members were present.
- Steve Lagerquist from the Grand Traverse Regional Land Conservancy was present to give a presentation about trail design options in the Battle Creek Natural Area. The committee has a goal of creating a loop trail in BCNA, which is the type of trail that is attractive to most hikers, instead of a dead-end trail. Due to the terrain and wetness, there are not a lot of options. If the township board formally requests assistance with trail design and construction, their volunteers would not be able to help until 2023. Having recently been on the BCNA trails, he confirmed that there are a lot of downed trees.
- Regarding the Hi Pray Park dugouts, the committee reviewed various options that have been pursued and decided that metal frame/roof dugouts are too expensive. They wish to get an updated quote on wood dugouts from Lynn Bartosik. Goss will follow up.
- With little time left, a couple other projects were briefly discussed.

Consent Calendar (1:28:18)**Receive and File**

1. Supervisor's Report for September 2021
2. Clerk/Parks & Recreation Administrator's Report for September/October 2021
3. Zoning Administrator Staff Report October 2021
4. Mobile Medical Response September 2021 Activity Reports
5. Fire Department September 2021 Monthly Report
6. Historical Society Report for September 2021
7. Approved 02/25/2021 Zoning Board of Appeals Minutes
8. Approved 08/09/2021 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for September 2021 and 3rd Quarter Totals 2021
2. Steven Holl Presentation to Zoning Board re Citizen Climate Lobby

Minutes

1. Recommend approval of 09/14/2021 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 47072 through 47175

Budget Amendments (10/12/2021)**Revenue & Expenditure Report (none)**

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

Language in the 09/14/2021 minutes under the Conflict of Interest and New Business #1 and #4 sections was discussed.

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

Motion by Popp to abandon all marihuana business pursuits in the township until the public's vote.

Board comments and discussion followed.

Second by Vollmuth.

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

Hubbell stated that, right now, he is abstaining from anything that pertains to medical marihuana until the board can see that he has no conflict of interest.

Board comments and discussion followed.

Goss explained her recommendation to discontinue the services of the Fahey Schultz firm in matters related to the Northpoint Farms lawsuit.

Motion by Goss to discontinue the services of the Fahey Schultz firm in matters directly related to the Northpoint Farms vs Whitewater Township lawsuit; second by Benak.

Board comments and discussion followed.

Roll call vote: Benak, yes; Hubbell, I'm not here; Goss, yes; Vollmuth, no; Popp, no. Motion failed.

Unfinished Business (1:52:32)

MOBILE MEDICAL RESPONSE UPDATED SHARED AMBULANCE AGREEMENT - REVIEW/APPROVE

Motion by Benak to approve Mobile Medical Response's Shared Ambulance Service Agreement between Acme and Whitewater Townships as amended; second by Hubbell.

Board comments and discussion followed.

Myers will make the changes and send both townships a clean copy.

Patterson's redline will not be forwarded to Acme.

Benak withdrew her motion. Hubbell withdrew his second.

Several board members exited the table briefly between approximately 11:20 and 11:24 a.m.

Hubbell reminded he has to leave by 12:20 p.m.

ARBORIST REQUEST FOR BID RE: 08/10/2021 STORM DAMAGE AT BCNA AND LRNT - REVIEW/APPROVE (2:31:02)

Motion by Benak to approve updated request for arborist services in the Battle Creek Natural Area and Lossie Road Nature Trail parks; second by Goss.

Board comments and discussion followed.

No verbiage will be changed with the exception of the storm date being August 2021 and bids to be received by 12/1. Advertisements will be placed in the Traverse City Record-Eagle and Elk Rapids News.

Popp will contact the DNR and local conservation district.

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

TEMPORARY DELAY IN ACCEPTANCE OF MMFLA/MRTMA APPLICATIONS (2:40:51)

Motion by Goss to delay the acceptance of MMFLA and MRTMA applications until 12/15/2021; second by Benak.

Benak prefers a second motion to keep this moving forward, to assign at least two people from the board as a subcommittee, and possibly others from outside the board, to develop the proposed items, and the zoning administrator should be involved for the interview process and the administrative checklist.

Board comments and discussion followed.

Benak proposed an amendment of the motion to add assignment of two board members (Goss, Vollmuth), one planning commission member, zoning administrator, citizen at large, and an industry consultant to develop the interview process and administrative checklist.

Payment to be approved for the citizen at large and the industry consultant. There was a suggestion to appropriate \$2500.

Goss and Benak confirmed the motion and amendment.

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

After further discussion, Goss will communicate with the planning commission chair to see if there are any volunteers. Benak will send an e-mail to the township e-mail list stating the township is looking for one citizen to serve on a subcommittee, what they are going to be doing, how to respond, due within 10 business days. One name will be drawn from a hat to become the citizen at large.

New Business (3:20:46)**POSTPONE RECEIVING MARIHUANA APPLICATIONS**

Motion by Vollmuth to place a moratorium on acceptance of any recreational marihuana grow or processing license applications until after the referendum vote of the people in 2022; second by Popp.

Board comments and discussion followed.

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

Motion by Popp to delay receiving marihuana business applications of any kind until November 12, 2021; second by Vollmuth.

Board comments and discussion followed.

Popp withdrew his motion; Vollmuth withdrew her second.

There was consensus to get the attorney's opinion on the effect of accepting and approving marihuana applications before the vote.

There was consensus that the remainder of the agenda will be adjourned to a special meeting on 10/19/2021 at 9:00 a.m.

Motion by Hubbell to adjourn, second by Vollmuth.

Hubbell rescinded his motion.

At 12:29 p.m., Hubbell left the meeting.

Tabled Items (3:35:04)

None

Board Comments/Discussion (3:35:14)

None

Announcements (3:35:21)

1. Special meeting 10/19/2021 at 9:00 a.m.
2. Next regular meeting 11/09/2021 at 9:00 a.m.

Public Comment (3:35:28)

Public comment began at 12:30 p.m.

Linda Slopsema, 9693 Miami Beach Road, spoke on final permit approval.

Heidi Vollmuth, 8388 Winnie Lane, trustee, spoke on conflict of interest.

Cheryl Goss spoke on receipt of e-mail.

Ron Popp spoke on unusable e-mail.

Vern Gutknecht, 6801 Bunker Hill, spoke on an apology, clerk campaign letter, calls from Colorado, interviews, and meeting minutes.

Kim Mangus, 1214 Cerro Drive and 5101 Brown Bear Lane, spoke on leaving room while someone is speaking.

Brian Kelley, Acme Township, spoke on addresses for public comment and meeting minutes.

Public comment ended at 12:47 p.m.

Adjournment (3:52:27)

Motion by Goss to adjourn; second by Benak. Roll call vote: Popp, yes; Benak, yes; Vollmuth, yes; Goss, yes; Hubbell, absent. Meeting adjourned at 12:47 p.m.

Cheryl A. Goss
Whitewater Township Clerk