

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

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 9:00 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: Benak, Goss, Popp

Board Members present via Zoom: Popp, Vollmuth (Northern Clay County, AL)

Board Members absent: Hubbell

Others present in person: Fire Chief Brandon Flynn, County Commissioner Darryl Nelson, MMR Representative Steve Myers, Zoom Facilitator Lois MacLean, and 9 others

Others present via Zoom: 9

**Set/Adjust Meeting Agenda**

Benak requested to add picking two names for the marihuana subcommittee.

Added as Unfinished Business #2.

Popp requested addition of Resolution #21-17.

Added as New Business #10.

**Declaration of Conflict of Interest**

None

**Public Comment (9:09)**

Public comment began at 9:07 a.m.

Norm Bell spoke on the topics of marihuana applications and high-density housing.

There was board consensus to change number 2 under Public Comment rules (name and address not required).

Linda Slopsema spoke on the topics of retail marihuana pressure, power shortages, marihuana permits prior to zoning and vote, master plan, attorney's legal perspective, stop all development.

Denise Peltonen spoke to master plan, understaffed planning commission, development pressures.

Rod Rebant spoke to the meeting, major concerns township should be dealing with, focus on marihuana, growth, feels unrepresented.

Carol Williams spoke to support for Roland Oosterhouse easement.

Public comment ended at 9:21 a.m.

**Public Hearing (23:19)**

None

**Reports/Presentations/Announcements/Comments (23:21)****County Commissioner Report**

Darryl Nelson gave the following report:

- Cherry Capital Airport Authority is now official, 3rd busiest airport in state by number of passengers all year. They have planned another section of gates, with room for others in the future.
- County has signed contract with PSC for the ARPA funds. There are a lot of restrictions and a process to go through in getting it done right. They will start with a public input phase. They would like to work in concert with the townships, maybe some joint projects.
- There are five senior centers in the county. 95% of senior services are not in any of those five locations. Nelson explained the BOC's thoughts on the Front Street building.

Brief discussion followed.

**Fire Department Report (35:00)**

Brandon Flynn gave the following report:

- October was a busy month. He had a class the last two weeks of October.
- Several meetings were cancelled at the county level.
- They did public education at Mill Creek Elementary.
- Flynn met on 11/3 with the state fire marshal. Public Act 291, training rules for fire departments, now requires continuing education credits for firefighters. He is waiting to hear some of the details and hopes we do not lose anybody over this. It is extra work and more demanding on the crew.
- The Iceman Cometh race took place on 11/6. They had a handful of patient interactions, bringing people off the trail to EMS; 5,000 racers participated.

Brief discussion followed.

**Planning Commission Report (41:27)**

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

PC Chairperson Mangus submitted the following e-mail report to Popp on 11/08/2021.

Update 10/06/2021

- Grobbel moving forward with master plan and checklist of missing/insufficient items.
- Reviewed observations of marihuana field trips to other communities.
- Discussed YouTube training on pitfalls/recommendations of marihuana ordinances.
- Will review proposed marihuana ZO amendments applying knowledge from other communities and input from August public hearing.
- Educational information from zoning administrator.
- Wroubel attended risk management training.
- Discussed moving to map for Article 5 districts.

- Changed meeting dates to first Friday through January, to be reevaluated at annual review.

Update 11/05/2021:

- Grobbel is working on demographics and becoming familiar with township.
- PC will begin immediate review and amendment of Article 5 to create a map, per state law.
- Recommend Wroubel as PC representative to ZBA.
- Wroubel summarized risk management training.
- Proposed large residential/RV park development on M72, Moore and Crisp Roads was introduced by a representative; will return in December for additional preliminary review.
- Jacobson agreed to serve on marijuana committee, with Mangus or another member as alternate.

### **Parks & Recreation Advisory Committee Report (46:23)**

No report; Goss was unable to attend the 11/8 meeting.

### **Roland Oosterhouse - Prescriptive Easements Vest Automatically (46:50)**

Roland Oosterhouse detailed the situation with property he owns adjacent to Lossie Road Nature Trail, the no motorized vehicle sign, his belief that adjacent property owners can use the road with motorized vehicles, a letter signed by Popp sent to the attorney stating people who have property adjacent to Lossie Trail could use motorized vehicles on it, agreed by the board, and a Supreme Court case in Upper Michigan saying if property has been used as an easement for more than 15 years, it continues as an easement. He is requesting something in writing from the board stating property owners have a right to use vehicles on the trail if necessary and to help with trail maintenance, also the right to bring in necessary equipment to build and improve, with future adjacent property owners having the same opportunities. He also stated concerns about loss of value of his property, loss of value from inability to take care of trees he has been nurturing for 15 years, plus taxes based on a higher value than it actually is if the road cannot be used with vehicles. He also suggested a public parking area at a turnaround, with appropriate signage.

Board comments and discussion followed.

Regarding a time frame for addressing Mr. Oosterhouse's issues, Popp said they are almost there, maybe another day of research.

### **Patrick Ertel, DNR, Natural Rivers Program (1:04:48)**

Patrick Ertel is present via Zoom and presented a Power Point overview of the Natural Rivers Program. Approximately three miles of the north branch of the Boardman River in Whitewater Township falls into the Natural Rivers administration, much of which is state land. Whitewater Township has the authority delegated from the DNR to administer the Natural Rivers Program on their behalf for the protection of the river. He noted that home setbacks and the vegetative buffer in the Whitewater Township Zoning Ordinance are the two key components of where the township's ordinance protects the Boardman River. The DNR retains authority on public utility projects. Ertel described two recent projects in Whitewater Township, rehabilitation of a sand trap upstream from Broomhead Road to prevent stream bank erosion, as well as replacement of

the Broomhead Road crossing over the north branch of the Boardman with a larger timber bridge.

Ertel said the reports for 2019, 2020, and 2021 can be combined. If something goes to the ZBA, they would ask for the documentation.

Goss noted the report will be completed and returned to Ertel.

Popp asked Ertel to reach out to the zoning administrator and planning commission chairperson regarding information that might need to be included in the master plan, and also recommended identification of the private parcels to be reported on.

Ertel agreed to assist if needed.

### **Consent Calendar (1:26:26)**

#### **Receive and File**

1. Supervisor's Report for October 2021
2. Clerk/Parks & Recreation Administrator's Report for October/November 2021
3. Zoning Administrator November 2021 Staff Report
4. Mobile Medical Response October 2021 Activity Reports
5. Fire Department October 2021 Monthly Report
6. Historical Society Report for October 2021
7. Approved 09/13/2021 Parks & Recreation Advisory Committee Minutes
8. Approved 09/23/2021 Zoning Board of Appeals Minutes

#### **Correspondence**

1. Grand Traverse County Sheriff Department Statistics for October 2021
2. Foster Swift – Census and Redistricting
3. ARPA Funds Announcement Letter
4. CapCon News Source – Significant Periods with No Power
5. GT Conservation District – October eNewsletter
6. Marian Saur – 55 mph Speed Limit Sign Vinton Road
7. Letter to Michigan Independent Citizens Redistricting Commission (MICRC)
8. EGLE Press Release – Hyperlocal Recycling Education
9. Township Insight – Bills Provide Local Marihuana Authority

#### **Minutes**

1. Recommend approval of 10/12/2021 regular meeting minutes and 10/19/2021 special meeting minutes

#### **Bills for Approval**

1. Approval of Alden State Bank vouchers # 47072 through 47267

#### **Budget Amendments (none)**

#### **Revenue & Expenditure Report (none)**

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

Board comments and discussion followed.

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

**Unfinished Business (1:29:30)**

**MOBILE MEDICAL RESPONSE - REVIEW/APPROVE SHARED AMBULANCE AGREEMENTS**

*Motion by Goss to approve Ambulance Service Agreement between Mobile Medical Response, Acme Township, and Whitewater Township as written, and to authorize the supervisor and clerk to sign the agreement; second by Benak.*

Board comments followed, with a few minor changes noted.

*Goss will amend the motion to say “as amended” instead of “as written.” Benak seconded the change.*

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

*Motion by Goss to approve the Motor Vehicle Lease Agreement between Mobile Medical Response and Whitewater Township and to authorize the supervisor and clerk to sign the agreement; second by Benak.*

Board comments followed, with a few minor changes noted.

Setting of a value for the 2010 ambulance will be brought back to the board.

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

*Motion by Goss to approve Real Estate Lease Agreement between Mobile Medical Response and Whitewater Township and to authorize the supervisor and clerk to sign the agreement; second by Vollmuth.*

Board comments followed, with a few minor changes noted.

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

**PICKING NAMES FOR MARIHUANA SUBCOMMITTEE (added) (2:03:05)**

Benak provided a list of nine volunteers.

Board comments and discussion followed regarding composition of the committee, limited scope of committee.

MacLean’s name will be removed from the list.

Two names will be chosen in case the first person has changed their mind.

Further discussion followed with respect to composition of committee and who will vote.

First name chosen, David Mellor; second name chosen, Wally Weir.

Goss will notify Mellor and Weir, as well as those whose names were not drawn.

**New Business (2:23:53)**

**ACCEPTANCE OF TRUSTEE PAUL HUBBELL RESIGNATION**

***Motion by Goss to accept Paul Hubbell's resignation letter dated 10/18/2021; second by Vollmuth.***

Brief board comments followed.

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

A letter thanking Hubbell for his service will be prepared by Popp and Benak.

A plaque will be purchased. Flynn and Popp will work together on it.

**REVIEW/APPROVE PUBLIC RELEASE OF TOWNSHIP ATTORNEY'S SYNOPSIS  
RE: ACCEPTING/APPROVING MARIHUANA APPLICATIONS PRIOR TO  
COMPLETION OF ZONING ORDINANCE AND VOTE (2:29:20)**

***Motion by Popp to accept and release to the public Attorney Patterson's public version of the above two opinions; second by Vollmuth.***

Board comments and discussion followed.

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

Goss noted the board should discuss the opinions at a different meeting.

**PROCESS FOR SELECTING REPLACEMENT BOARD MEMBER (2:37:32)**

***Motion by Benak to advertise in the Traverse City Record-Eagle and Elk Rapids News requesting all interested Whitewater Township registered voters who wish to be considered for appointment to the open trustee post on the Whitewater Township Board of Trustees send a letter of intent and/or resume to Clerk, P.O. Box 159, Williamsburg, MI 49690 by 12/01/2021; second by Goss.***

Board comments and discussion followed.

A special meeting will be held on 12/02/2021 at 9:00 a.m. to review applicants' letters and resumes.

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

**PLANNING COMMISSION RECOMMENDATION FOR APPOINTMENT – RODNEY CHALLENGER (2:48:28)**

Mr. Challenger is not present.

There was consensus to bring this agenda item back in December.

**RESOLUTION #21-16 LOCAL GOVERNMENT APPROVAL CLASS C LICENSE (2:49:05)**

*Motion by Benak to adopt Resolution #21-16 recommending approval of a Class C license for Myrtle & Maude's Farm Market, 10937 Elk Lake Road, Williamsburg, MI; second by Goss.*

Sue Hubbell, co-owner of Myrtle & Maude's, spoke to the recent opening of their farm market and their request for board approval for Class C. Their plan is to promote agricultural, local hard ciders, wines, and possibly beers, something their customers have asked for. They are promoting local and Michigan made products. It is not a neighborhood subdivision. They are farmers in this rural community trying to promote agricultural tourism, something people are looking for.

There was clarification that a Class C license allows on-premises consumption.

Board comments and discussion took place.

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

Popp recommended the applicant go to the zoning administrator to find out how to get it done under a commercial entity.

**(3:13:15)**

After discussion, there was consensus to move New Business items 6, 7, and 8 to December and to continue beyond the 3-hour mark to handle the appointment of Denny Corrado and Resolution #21-17.

**TOWNSHIP AUDIO SYSTEM - NEW COMPONENTS/TRAINING**

Moved to December.

**APPROVE COOK ROAD BUS STOP SIGN**

Moved to December.

**PROPOSED CONTINUATION OF ZOOM IN 2022**

Moved to December.

**APPOINTMENT OF DENNY CORRADO, REGAL SECURITY CONSULTANTS, TO MARIHUANA COMMITTEE (3:15:14)**

Mr. Corrado is not present.

Popp reported he knows Corrado from the sheriff department days, they do not have any business together here, nor has he been asked for consulting services in the marihuana industry.

***Motion by Benak to appoint Denny Corrado from Regal Security Consultants to the Industry Consultant position on the newly created Marihuana Committee and to approve the Retainer Agreement; second by Popp.***

Brief comments and discussion followed.

There was consensus to bring this matter back at the 12/2 special meeting.

Goss will contact Corrado to explain the need for a contract specific to serving on the committee, costs and expenses he would bill for, and a deliverable paragraph describing attendance at committee meetings and providing input on topics as requested by committee members.

***Benak withdrew her motion. Popp withdrew his second.***

**RESOLUTION #21-17 MICHIGAN TOWNSHIP PARTICIPATING PLAN GRANT APPLICATION (added) (3:26:58)**

***Motion by Goss to adopt Resolution #21-17 approving Chief Flynn's application for a Michigan Township Participating Plan grant for emergency service vehicle cameras; second by Vollmuth.***

Board and Chief Flynn comments and discussion followed.

An exact dollar amount will be inserted in the application.

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

**Tabled Items (3:32:00)**

None

**Board Comments/Discussion (3:32:02)**

None

**Announcements (3:32:06)**

1. Next meeting 12/02/2021 at 9:00 a.m.
2. Next regular meeting 12/14/2021 at 9:00 a.m.

**Public Comment (3:32:25)**

Public comment began at 12:30 p.m.

Brian Kelley, Acme Township, spoke on marihuana, engineer of record, marihuana consultants, resident conflicts with use.

Denise Peltonen spoke on growth of township, publicity, climate change, migration to water, population density increase, wish to prevent road widening.

Chris Hubbell spoke on going in front of the planning commission, kicking it down the road, conflicts of planning commission chair, infringement on property rights and ability to sell property, going to court.



Public comment ended at 12:39 p.m.

**Adjournment (3:41:13)**

***Motion by Benak to adjourn; second by Popp. Roll call vote: Benak, yes; Vollmuth, yes; Popp, yes; Goss, yes. Meeting adjourned at 12:39 p.m.***

Cheryl A. Goss  
Whitewater Township Clerk