

*APPROVED MINUTES***Whitewater Township Board
Minutes of Regular Meeting held April 12, 2022****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: Popp, Goss, Benak

Board Members absent: Vollmuth

Others present in person: 18

Others present via Zoom: 12

Set/Adjust Meeting Agenda

There were no adjustments

Declaration of Conflict of Interest

None

Public Comment

Public comment began at 9:02 a.m.

Vicki Beam, 6847 Baggs Road, opposed to proposed Baggs Road development, not opposed to development, referenced zoning and the master plan, conflict of interest of the PC Chair Mangus, the board represents the people of the township, pause and get things in order.

Connie Hymore, Baggs Road, opposed to Baggs Road proposal, referenced zoning, impose the moratorium on Article 25.

Linda Slopsema, resident, impose the moratorium on Article 25, referenced master plan rural character.

Karin Boyd, 6303 Baggs Road, opposed to the Baggs Road development.

Name Not Provided, has lived here for three years, concerned about developers coming in and developing rural areas and area schools.

Paul Jackowski, Rickerd Court, do the right thing, get professional assistance.

Amber Voice, 5999 Baggs Road, opposed to the Baggs Road development.

Charlie Young, five-acre parcels off Supply Road, opposes the Baggs Road development, noted concerns of crime, traffic, changing rules.

Vickie Emerson, agree with those that have spoken already, expressed concerns about Park Road and the park, willing to help, will give info to the park administrator.

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Via Zoom:

Tom McElwee, 8016 Lakeside Trail, concerns: PC, zoning, master plan, would like a moratorium on Article 25.

Richard Singer, 8644 Skegemog Point Road, concerns noted: development, water run-off, light scape, health of the lakes, please do not yield to the pressure.

Rod Rebant, the larger issues in Whitewater Township is the growth, supports the pause.

Joe Dupuie, 11428 Lossie Road, opposed to Baggs Road development, follow the master plan.

Emails read by Popp:

Jill & Al Koester, residents, concerns noted: development of the area, preserving open spaces, master plan issues, vote for moratorium.

Gina Dellatte, concerned about the development on Baggs Road, housing is needed, congestion in rural area, needs of community, setbacks from the road, traffic, water access.

Lisa Bowerman, zoning ordinance and master plan issues need to be addressed, approves the moratorium on site plan and special use permits (Article 25).

Popp relayed a list of people he has received telephone calls from and a summary of their concerns.

More emails read by Popp:

Kim and Deanna Elliott, opposed to proposed Baggs Road development and others like it.

Tom Sleder (sp?), in favor of this with dedicated sewage plant and units not for short term rentals.

Trustee Vollmuth, unable to attend meeting due to injury, set in place a responsible policy to allow remote access to the meetings, more to remote attendance than covid.

Jan Fox, pause the marijuana application acceptance until the vote of the people, concerned about the number of permits and setbacks, aquifer issues.

Mark Rickey, Baggs Road, condo concerns: deer/traffic accidents, traffic, land conservancy, trees, drainage, wetland.

Public comment ended at 10:00 a.m.

Public Hearing

None

*APPROVED MINUTES***Reports/Presentations/Announcements/Comments (10:01 a.m.)****County Commissioner Report**

Darryl Nelson gave the following report:

- GTC is going to attempt to transfer Twin Lakes Park to the township alleviating county (including Whitewater Township) funds from being used
- ARPA fund process, rules keep changing, communication is important.
- April 16, meeting regarding strategic planning.
- Budget process is being moved up before the June deadline with new software.
- County received an award for excellence in procedures.
- Election integrity is being addressed using thumb drives vs over the web/internet.

Nelson answered board member questions concerning the proposed distribution of ARPA funds, and will follow up with information regarding the criteria to be used by the county.

Fire Department Report (10:24 a.m.)

Brandon Flynn gave the following report:

- First quarter runs are up, trainings are up, and staffing is low.
- Air Paks are in service. North Central Michigan College will get the old ones for their training.
- Roof repair and fence repairs are in progress.

Goss shared that a fire chief from another community commented that the township is fortunate to have Chief Flynn, and thanked Chief Flynn for his efforts.

(Applause)

Planning Commission Report (10:29 a.m.)

No report. The township board representative to the planning commission position is currently vacant.

Parks & Recreation Advisory Committee Report (10:29 a.m.)

Cheryl Goss noted she was not able to attend last night's Parks & Recreation Advisory Committee meeting.

Karen Robinson - Motorcycle Awareness

Karen Robinson is present and relayed that it is National Motorcycle Awareness month and her group is looking to put two "Look Twice Save a Life" signs in Whitewater Township in the road right of way, one on Williamsburg Road near Supply, and one on Supply near the Woodland school, at no cost to the township.

Consent Calendar (10:36)

Receive and File

1. Supervisor's Report for April 2022
2. Clerk/Parks & Recreation Administrator's Report for March/April 2022
3. Trustee Vollmuth April 2022 Report (*not available*)
4. Zoning Administrator's Report for March 2022 (*not available*)

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5. Mobile Medical Response March 2022 Activity Reports
6. Fire Department March 2022 Monthly Report
7. Historical Society Report for March 2022 (*not available*)
8. Approved 01/24/2022 Parks & Recreation Advisory Committee Minutes
9. Approved 02/04/2022 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for March 2022 and 1st Quarter Totals
2. FERC Order 02/28/2022 re: Elk Rapids Hydroelectric Project
3. Letter 03/02/2022 County of Antrim Planning Department re: Notice of Intent to Plan
4. Letter 03/25/2022 Charter Communications re: Channel Changes
5. Amber Voice 04/03/2022 Application for Appointment to Parks & Recreation Advisory Committee
6. E-mail 04/07/2022 Clerk's Resignation as FOIA Coordinator
7. Bowerman 03/11/2022 Planning Commission Meeting Comments
8. Kelly (sic) Website Issues
9. Grobbel Termination Letter
10. C. Hymore 03/11/2022 Planning Commission Meeting Comments
11. Moggenberg (sic) Community Service
12. F. Hymore 03/11/2022 Planning Commission Comments
13. Rebant Township Governance
14. Beam 03/11/2022 Planning Commission Comments
15. Gallagher Baggs Road Condos
16. Supervisor Township Focus Rural Article
17. Beam Classic Equine
18. E-mail 04/07/2022 from Ron Popp

Minutes

1. Recommend approval of 02/28/2022 special meeting minutes, 03/07/2022 special meeting minutes, 03/08/2022 regular meeting minutes, 03/09/2022 special meeting minutes, 03/21/2022 special meeting minutes, and 03/28/2022 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 47577 through 47681

Budget Amendments (none)

Revenue & Expenditure Report (none)

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

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

Comments followed that a recent change in planning commission bylaws concerning training may need to be addressed as an agenda item next month.

Unfinished Business (10:39)**ARPA REPORTING - VERBAL UPDATE BENAK AND POPP**

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Discussion. On track for the April 30 reporting deadline. Two townships are taking the deduction and putting their funds into their general fund for general use.

EQUAL ACCESS POLICY

Motion by Goss to abandon an Equal Access Policy allowing for remote board member participation at this time; second by Popp.

Discussion: Open Meetings Act is very specific regarding ADA. We do not have the authority to disregard the laws. Proving a disability requires a doctor determination. Emergency type situations can cause someone to be absent. The law does need to be updated at the state level.

Popp will work on a letter to the state representatives and bring back a resolution next month.

Roll call vote: Goss-yes; Vollmuth-NA; Popp-yes; Benak-yes. Motion carried.

New Business (10:52)**RESOLUTION #22-10 AUTHORIZING EXECUTION OF BOATING ACCESS SITE AGREEMENT ADDENDUM (TIME EXTENSION)**

Motion by Goss to adopt Resolution #22-10; second by Benak.

Roll call vote: Benak-yes; Goss-yes; Vollmuth-NA; Popp-yes. Motion carried.

RESOLUTION #22-11 ELK RAPIDS SCHOOLS SUMMER TAX COLLECTION

Motion by Goss to approve Resolution #22-11 for collection of Elk Rapids Public Schools taxes for 2022/2023 fiscal year; second by Popp.

Roll call vote: Popp-yes; Goss-yes; Vollmuth-NA; Benak-yes. Motion carried.

RESOLUTION #22-12 TCAPS AND NORTHWEST EDUCATION SERVICES SUMMER TAX COLLECTION

Motion by Popp to adopt Resolution #22-12 for collection of TCAPS and Northwest Education Services taxes for 2022; second by Benak.

Roll call vote: Popp-yes; Benak-yes; Goss-yes; Vollmuth-NA. Motion carried.

RESOLUTION #22-13 RECREATIONAL MARIHUANA BALLOT LANGUAGE FOR 08/02/2022

Motion by Goss to adopt Resolution #22-13; second by Benak.

It was noted that the language which appears on the ballot is taken from the petition language.

Roll call vote: Benak-yes; Vollmuth-NA; Popp-yes; Goss-yes. Motion carried.

PROPOSED MORATORIUM ON SITE PLAN AND SPECIAL USE PERMITS

Motion by Popp to adopt a 60-day moratorium on all site plan and special use permit reviews; second by Goss.

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Lengthy board discussion followed.

Roll call vote: Popp-yes; Benak-no; Vollmuth-NA; Goss-no. Motion failed.

Motion by Popp to send proposed Zoning Ordinance Amendment #82 to legal counsel for review and schedule new public hearing if required upon its return to the planning commission; second by Goss.

Discussion followed.

Goss suggested ending the motion after the words “to legal counsel for review.”

Popp agreed with the revision.

Goss re-seconded the motion.

Goss suggested we ask for expedited review so it can go to public hearing at the May meeting.

Discussion followed.

Roll call vote: Vollmuth-NA; Goss-yes; Benak-yes; Popp-yes. Motion carried.

Goss will send the Amendment #82 language to the attorney for review.

HAZARDOUS TREE INVENTORY PROPOSED REMOVAL AGREEMENT

The proposed RFQ was discussed, with several changes made. Map needs to be provided. Bids in by June 1. Open the bids on June 7 to include in the packet for the June 14 regular meeting. Notify successful bidder within 48 hours. Deadline for completion is September 30, giving 90 days to complete the project. Completion verification by Parshall by the 15th of October. Contractor invoice to be received by the 30th of October.

Popp will have the bid packet ready Thursday, 4/14, to go in the paper and to known bidders.

Motion by Popp to approve invitation to bid hazardous tree removal and mitigation project as amended 4/12/2022; second by Goss.

Roll call: Goss-yes; Benak-yes; Popp-yes; Vollmuth-NA. Motion carried.

Meeting recessed at 12:12 p.m. and reconvened at 12:22 p.m.

PROPOSED BRINE AGREEMENT

Motion by Goss to authorize the clerk and supervisor to execute the annual County Road Improvement Agreement (brine agreement) between Whitewater Township and the Grand Traverses County Road Commission for the 2022/2023 fiscal year capped at three (3) applications or \$35,000 total expenditure, whichever is less; second by Benak.

Roll call vote: Popp-yes; Goss-yes; Vollmuth-NA; Benak-yes. Motion carried.

APPROVED MINUTES**BOAT LAUNCH/ENTRYWAY IMPROVEMENT PROJECT - FINAL PLANS AND PROJECT MANUAL**

Motion by Goss to authorize the clerk to work with Fleis & VandenBrink to finalize the project manual and thereafter to seek formal sealed bids for the boat launch/entryway improvement project; second by Benak.

Discussion followed.

Goss will forward the new plans to the board. This agenda item will be moved to the May meeting.

Goss rescinded her motion. Benak rescinded her second.

Popp will send Stout his questions.

Stout will make adjustments regarding the advertisement to bid.

PROPOSED PURCHASE OF TWO ESLA DESIGNED BOAT WASH SIGNS

Motion by Popp for Whitewater Township to purchase and install two (2) ESLA designed Boat Wash signs at the Park Road Public Boat Ramp at an estimated total cost of \$3,000, installation timing and location to be determined by the Whitewater Township Board; second by Benak.

Discussion followed.

Roll call vote: Vollmuth-NA; Benak-no; Popp-yes; Goss-no. Motion failed.

HI PRAY PARK DUGOUTS - CAPITAL EXPENDITURE

Motion by Goss to approve the expenditure of up to \$15,000 from the Recreation Fund to install two 8' x 24' dugouts at Hi Pray Park, as budgeted; second by Benak.

Discussion followed, including increased pricing.

Goss agreed to bring the agenda item back in May, along with a proposed contract with the builder.

Goss rescinded her motion. Benak rescinded her second.

PROPOSED MOTORCYCLE AWARENESS SIGNS

Motion by Popp to adopt Whitewater Township Resolution #22-14 in support of installing MDOT compliant "Look Twice Save a Life" motorcycle awareness signs along main roads in Whitewater Township as allowed by Grand Traverse County Road Commission and the Michigan Department of Transportation; second by Benak.

Brief discussion followed.

Roll call vote: Goss-yes; Vollmuth-NA; Popp-yes; Benak-yes. Motion carried.

APPROVED MINUTES**WHITEWATER TOWNSHIP PARK PLAYGROUND**

Motion by Benak to approve the expenditure of \$13,850 from the Park Fund, as budgeted; second by Goss.

Discussion followed.

Roll call vote: Benak-yes; Goss-yes; Vollmuth-NA; Popp-no. Motion carried.

ZOOM CLOUD STORAGE

There was board consensus to remove this item from the agenda.

ADVERTISING BANNERS AT HI PRAY PARK

Motion by Goss to approve Elk Rapids Youth Baseball Association's request to install no more than 20 (twenty) 5' x 3' advertising banners at Hi Pray Park for the 2022 baseball season; second by Popp.

Amber Voice is present.

Discussion followed.

Roll call vote: Popp-yes; Goss-yes; Vollmuth-NA; Benak-yes. Motion carried.

HI PRAY PARK DRIVEWAY IMPROVEMENTS

Motion by Goss to approve the expenditure of \$5,935 from the Recreation Fund to gravel/grade driveway and remove burn pile at Hi Pray Park; second by Popp.

Discussion followed.

Roll call vote: Popp-yes; Benak-yes; Goss-yes; Vollmuth-NA. Motion carried.

TREE WORK AT WILLIAMSBURG CEDAR RAPIDS CEMETERY

Motion by Goss to approve the 01/07/2022 quote for tree work at Williamsburg Cedar Rapids Cemetery; second by Benak.

Discussion followed.

Goss amended the motion to place a cap of \$16,135 on the amount expended.

Several reasons were listed for deviating from the bid policy.

Chief Flynn will call Matt to see if they can get it done before Memorial Day.

Roll call vote: Benak-yes; Vollmuth-NA; Popp-yes; Goss-yes.

Benak seconded the amendment.

All votes were confirmed.

APPROVED MINUTES**FIRE DEPARTMENT - PARTICIPATE IN MULTIJURISDICTIONAL EQUIPMENT PURCHASE (FIT TESTER)**

Motion by Goss to allow Chief Flynn to enter into an agreement with Grand Traverse Metro Fire Department for shared fit test equipment in the amount of \$1,479; second by Benak.

Roll call vote: Popp-yes; Benak-yes; Vollmuth-NA; Goss-yes. Motion carried.

FIRE DEPARTMENT - DISPOSITION OF 2009 EXPEDITION

Motion by Popp to allow Chief Flynn to sell the 2009 Ford Expedition on GOVDEALS.com at his discretion; second by Benak.

Roll call vote: Vollmuth-NA; Goss-yes; Benak-yes; Popp-yes. Motion carried.

FIRE DEPARTMENT - AIR 3 COMPRESSOR GRANT PROJECT

Motion by Goss to allow Chief Flynn to proceed with the Air 3 Compressor Project with Spencer Manufacturing in the amount of \$28,503.00; second by Popp.

Discussion followed.

Chief Flynn noted the Whitewater Emergency Services Auxiliary has agreed to contribute \$3,000 toward the purchase; he is hoping to keep the fire department's portion to \$5,000.

Roll call vote: Goss-yes; Benak-yes; Popp-yes; Vollmuth-NA. Motion carried.

CLEANUP DAY 2022

Motion by Popp to set cleanup day for June 11, 2022, at from 8 a.m. to 12 noon; second by Goss.

Roll call vote: Popp-yes; Goss-yes; Vollmuth-NA; Benak-yes. Motion carried.

Motion by Goss to contract with Bay Area Disposal for 2022 Annual Clean-up Day services at \$700 per container, estimated to be between 8 and 10 containers and \$1,500 for labor, total estimated cost of \$8,500; second by Benak.

Roll call vote: Goss-yes; Vollmuth-NA; Benak-yes; Popp-yes. Motion carried.

Tabled Items (1:41)

None

Board Comments/Discussion (1:41)

None

Announcements (1:41)

Next regular meeting 05/10/2022 @ 9:00 a.m.

Public Comment (1:41 p.m.)

Public comment began at 1:41 p.m.

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In person:

Vicky Beam, thank you all for supporting the motorcycle signs. It was the right thing to do to vote for the moratorium. What is the Baggs Rd. project? PUD? Site Condo? Please take the time to look at the project.

Connie Hymore, asking the zoning administrator, the PC and the Board please do what is right regarding Baggs Rd. project. The proposed project does not follow the zoning ordinance 31.25. Concerned about drainage and the moratorium.

Zoom:

Karin, opposes the Baggs Rd. project. Concerns: rural character

Kim Mangus, 5101 Brown Bear, notes the interchangeable terms, PUD and site condo.

Moratorium would not have affected the Baggs Rd. project. The developer decides how they want to present their development. Site Condo requires no special use permit, follows the zoning ordinance. A PUD requires open space and requests something that is not following the ordinance.

In person:

Vicky Beam, developer choses how they want to develop?

Popp suggested reading of Article 28.11 and then Article 31.

Public comment ended at 2:02 p.m.

Adjournment (2:03)

Motion by Goss to adjourn; second by Benak. Roll call vote: Vollmuth-NA, Popp-yes, Benak-yes; Goss-yes.

Meeting adjourned at 2:03 p.m.

Lois MacLean
Recording Secretary