

**Whitewater Township Board
Minutes of Special Meeting held May 3, 2023**

Call to Order

Supervisor Popp called the meeting to order at 9:00 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board Members present in person: Clerk Goss, Treasurer Benak, Trustee Glenn, Trustee Vollmuth, Popp

Board Members absent: None

Others present in person: Zoom Facilitator Lois MacLean and 4 others

Others present via Zoom: Attorney Matt Kuschel and 6 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment

Public comment began at 9:01 a.m.

Vicki Beam

Tom McElwee

Karin Boyd

Connie Hymore (read statement of Frank Hymore)

Public comment ended at 9:13 a.m.

Agenda Items as Listed in Special Meeting Notice**HYMORE COMPLAINT – CLOSED SESSION**

Motion by Goss to enter closed session pursuant to MCL 15.268(1)(h) and MCL 15.243(1)(g) to discuss a confidential written legal opinion from the Township Attorney regarding township land divisions and specifically parcel 13-136-001-02; second by Benak.

Roll call vote: Vollmuth (did not vote); Benak, yes; Popp, no; Glenn, no; Goss, yes. Motion failed.

Benak stated she is going to exercise her right to leave the meeting.

Kuschel confirmed the motion to go into closed session failed.

At 9:16 a.m., Benak left the meeting in protest of the closed session vote.

At 9:17 a.m., Popp left the meeting to take a phone call.

At 9:19 a.m., Popp returned to the meeting.

Kuschel provided several options to discuss the legal opinion.

Lengthy discussion followed.

Motion by Popp to uphold the elements of general ordinance 26, amendment 3, as written.

Findings of fact:

1. Request for variance is nonexistent.
2. Parcel B could have been divided in a manner to make it comply with the ordinance, moving the north line.
3. No record of topographical or environmental adverse circumstances.
4. The ordinance is a local law, flawed or unflawed.
5. Following township ordinance is important to the greater good.

Based on the findings of fact, we find parcel 28-13-136-001-02 noncompliant with Whitewater Township general ordinance number 26, amendment 3, effective 03/19/2011, specifically section 7(d), and is not eligible for any building permits or zoning approvals such as special land use approval or site plan approval.

Popp stated he will make that motion.

Glenn seconded.

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

FINAL SIGNATURES – WHITEWATER TOWNSHIP PARK IMPROVEMENTS PROJECT

Motion by Popp to award Molon Excavating the bid dated 01/30/2023 for phase one (items 1 through 19) at a cost of \$461,034.71, plus the correction letter dated 02/13/2023 in the amount of \$23,900, as well as Alternate Price Bids A, B, D and E at a cost of \$39,562.64, of the Whitewater Township Park Improvement Project, for a total cost of \$524,497.35, based on the recommendations of Fleis & VandenBrink engineering firm; second by Glenn.

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

Various contract provisions were discussed.

Popp will accept designated representative duties, per policy. He confirmed if he needs help, he will ask for it.

Motion by Glenn to authorize Supervisor Popp to sign the Molon contract with an effective date of 03/10/2023 for the Whitewater Township Park Improvement Project, contract number 842850, in the amount of \$484,934.71; second by Vollmuth.

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

Various contract provisions were reviewed.

Popp withdrew his name as project representative.

At 12:50 p.m., Popp left the meeting.

Motion by Vollmuth to nominate Goss to take over the meeting; second by Glenn.

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

Motion by Glenn to table review of the Whitewater Township boat ramp expansion contract; second by Vollmuth.

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

APPROVE PARK RANGERS

Motion by Glenn to approve the three (3) park ranger pay rates as presented for the 2023 park season and to approve 05/01/2023 as the effective date of employment for Andrew Butler Parks & Recreation Manager; second by Goss.

Glenn revised the motion to add the names of David (Tripp) Wagner, Vickie Emerson, and Mike Dwyer for park rangers.

Goss re-seconded the motion.

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

OTHER CAMPING PARK OPENING ITEMS NEEDING BOARD INPUT/ACTION

Glenn thanked the following volunteers who have helped out at the park, Vickie Emerson, Lorie North, Carol Wakely, Hilary Modica, Rod Rebant, Al Keaton, Randy Mielnik, Denise Peltonen, Jay Holden, Andrew Butler, and commented on free camping weekend and credit card processing.

Board Comments/Discussion

Vollmuth wants a copy of the tribe's boat wash.

Public Comment

Public comment began at 1:13 p.m.

Rachel Steelman
Connie Hymore
Vicki Beam

Public comment ended at 1:19 p.m.

Adjournment

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

Meeting adjourned at 1:19 p.m.

Cheryl A. Goss
Whitewater Township Clerk