

**Whitewater Township Board
Minutes of Special Meeting held September 19, 2023**

Call to Order

Supervisor Popp called the meeting to order at 9:01 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: 8

Others present via Zoom: Attorney Chris Patterson and 9 others

Set/Adjust Meeting Agenda

None

Declaration of Conflict of Interest

None

Public Comment

Public comment began at 9:03 a.m.

Joseph Clasgens
Deborah Gale
Connie Hymore
Karin Boyd
Vicki Beam
Kim Elliott
Michael Herring
Ryan Sheffer
Derek Van Solkema
Chris Modrack
Michelle Pescatello

Public comment ended at 9:40 a.m.

Agenda Items as Listed in Special Meeting Notice

ZONING ADMINISTRATOR'S REQUEST FOR ACTION RE: PARCEL #28-13-136-001-02 (CONTINUED FROM 9/12 TOWNSHIP BOARD MEETING) – POSSIBLE CLOSED SESSION

Popp stated he put this matter on the agenda as #4.

REVIEW LEGAL OPINION LIST

Goss noted the only opinion relevant to what the board is here for today is the e-mail dated 08/25/2023.

REVIEW VOLLMUTH SUBMITTAL

- a. Heidi E-mail Agenda Packet 1
- b. Heidi E-mail Agenda Packet 2
- c. Heidi E-mail Agenda Packet 3
- d. Heidi E-mail Agenda Packet 4
- e. Heidi E-mail Agenda Packet 5
- f. Heidi E-mail Agenda Packet 6
- g. Heidi E-mail Agenda Packet 7

Motion by Popp to discuss Vollmuth submittals 2a through 2g; second by Vollmuth. Roll call vote: Vollmuth, yes; Benak, no; Popp, yes; Glenn, yes; Goss, no. Motion carried.

Discussion followed.

Motion by Vollmuth to declare that the decision of the Whitewater Township Board made on 06/20/2023 to send this appeal for variance to the ZBA was in error. The parcel #28-13-136-001-02 cannot be sent to the Zoning Board of Appeals for variance relief per General Ordinance 26. Any decision made by the ZBA is null and void. The Whitewater Township Board decision on 05/03/2023 remains intact. The subject property remains noncompliant with the Whitewater Township ordinances; second by Popp.

After discussion, Vollmuth amended her motion: *Motion by Vollmuth to declare that the decision of the Whitewater Township Board made on 06/20/2023 to send an appeal for variance to the ZBA was in error; second by Popp.*

Discussion followed.

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

Motion by Popp that the Whitewater Township Board decision on 05/03/2023 remains intact; second by Vollmuth.

Popp inquired if anyone wants to go into closed session to discuss the opinion.

Motion by Popp to enter closed session pursuant to MCL 15.268(I)(h) to discuss a confidential written legal opinion from the township attorney regarding township land divisions and the 8/24 decision of the Zoning Board of Appeals regarding 6631 Baggs Rd, Williamsburg, MI; second by Glenn.

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

The prior motion and second (re: the 5/3 decision) were rescinded by Popp and Vollmuth.

Vollmuth noted that the (closed session) vote required a supermajority and the motion failed.

Popp restated his prior motion: Motion by Popp that the Whitewater Township Board decision on 05/03/2023 remains intact; second by Vollmuth.

Discussion followed.

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

REVIEW AUGUST 2023-WHTWTR-ZA REPORT-RESCIND

Motion by Goss to rescind the 05/03/2023 Whitewater Township Board decision declaring Parcel 28-13-136-001-02 not eligible for any building permits or zoning approvals such as special land use approval or site plan approval, and further finding that, based upon the variance from the 4:1 width to depth ratio requirements granted by the Zoning Board of Appeals on 08/24/2023, the subject property is now in compliance with the township's land division ordinance; second by Benak.

Discussion followed.

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

DISCUSS PARKS/RECREATION ITEMS RELEVANT TO WTP CAMPGROUND OR PROJECT 842850

Motion by Vollmuth to discuss Change Order No. 3 for the park; second by Benak.

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

Popp summarized 9/12 discussion about parking lot drainage.

After further discussion:

- There was general agreement to remove the pullover spot on the drive to the ramp.
- Pulverizing the existing asphalt on the hill down to the ramp is required, per Walton from Molon Excavating.
- Area 2, green island (turning radius), there was general agreement to leave as currently proposed and get a price.

Motion by Popp to accept Change Order 3 to Project 842850, which reduces the work scope in the park entrance and dump station roadway area, and addresses stormwater sewer runoff in the new parking lot, net effect -\$4,343.39; second by Benak.

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

Board Comments/Discussion

Vollmuth commented that updated drawings have been requested.

Public Comment

Public comment began at 11:37 a.m.

Connie Hymore
Vicki Beam
Frank Hymore
Heidi Vollmuth
Denise Peltonen
Derek Van Solkema

Public comment ended at 11:49 a.m.

Adjournment

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

Meeting adjourned at 11:50 a.m.

Cheryl A. Goss
Whitewater Township Clerk