Approved 10/11/2022 - CG

Whitewater Township Board
Minutes of Special Meeting held September 21, 2022

Call to Order
Supervisor Popp called the meeting to order at 9:03 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members
Board Members present in person: Glenn, Goss, Popp, Vollmuth
Board Members absent: Benak
Others present in person: Zoom Facilitator Lois MacLean and 3 others
Others present via Zoom: Township Attorney Chris Patterson and 5 others

Set/Adjust Meeting Agenda
There were no adjustments.

Declaration of Conflict of Interest
None

Public Comment
Public comment began at 9:04 a.m.

Vicki Beam
Connie Hymore

Public comment ended at 9:16 a.m.

Agenda Items as Listed in Special Meeting Notice
MORATORIUM REVIEW
The Whitewater Township Board placed a moratorium on site plan reviews, site condominiums, planned unit developments, special use permits, plat approvals, and condominium conversions on 07/12/2022.

Discussion touched on these topics:

- A zoning ordinance amendment regarding site plan review and special use permit has been recently provided to the board.
- Lack of specificity to the moratorium, i.e., no delineation of the sections/articles of the zoning ordinance which need to be addressed, no delineation of what needs to be addressed in the master plan, no delineation of "get your house in order," no delineation of "ordinances are in shambles."
- Allegation of a problem with a lot split.
- Politics of personal gain, conflicts, agendas.
- Have an outline, checklist.
- Zoning Administrator indications of missing components in master plan, separation of site plan review and special use permit reviews.
- Goss will send Municode transcript to Don Glenn.

- What is broken, what needs to be fixed.
- Develop a plan for removing the moratorium.
- Attorney Patterson explained the issue with Article 25 and their recommendation to look at doing an amendment to Article 25 to further clarify the distinction between the site plan and special land use standards, explained some history with respect to the site plan process, site condominium and condominium subdivisions, and noted that if the board is satisfied with the amendment to Article 25, which includes amendments to special land use and the site plan process, those items could be removed from the motion. Patterson also recommended if the board moves forward with the motion or one similar, the board should come back and support the motion with an ordinance, either a police power ordinance or a zoning moratorium ordinance, which must come through the planning commission.
- Article III has no definition of major or minor, no inkling to go to Article 17 for a definition.
- Zoning ordinance not designed for any specific article to serve as its own; must read zoning ordinance in its entire context.
- Separate Article 25, site plan review and special land uses.
- Per Mangus, the PC was asked to separate the standards, but it was never proposed to separate them into separate articles. She encouraged the board to adopt the current amendment and then re-address the logistics of dividing the two.
- Patterson noted he had a conversation last fall about if there were concerns related to the special use permit process and the site plan review process, if they wanted to engage in a moratorium, that they could endeavor to explore that, but does not know the extent to which nor remember right now conversations about a moratorium related to the other items that are listed. He would defer to Hall and the PC chair to the extent they are aware of other issues that need to be explored in that area. He is not surprised by those items being in the motion because, in their history of working with the township, the township has consistently had questions in those areas. He does not know the answer nor been asked whether it requires a moratorium or not.
- Patterson additionally noted he agrees with the PC chair that Article 25 as presented provides a fix for the site plan and special land use permit review process.
- Regarding whether a project can be singled out and moved forward without throwing the whole moratorium in the trash, Patterson opined that the township could have a moratorium that provides for a standard as opposed to giving a specific waiver.
- Article 25 proposed language discussed.
- Consensus that board members are conceptually clear on how the site plan and special use permit work within the ordinance.
- Discussion regarding site condominiums.

POTENTIAL PERSONAL LAWSUITS STEMMING FROM MARIHUANA (moved up)
Attorney Patterson is still present via Zoom.

Patterson relayed the Northpoint Farms v Whitewater Township litigation has been dismissed with prejudice in favor of the township. Thereafter, Patterson's office received a draft complaint related to a lawsuit that would be filed against the PC chair with similar allegations. Question is are they defended by the township's legal counsel, or not. Township's policy should have

coverage related to officials, employees, etc. Claims made should be forwarded to insurance company.

Further information was provided by Patterson.

Discussion followed.

It was stated that the township will provide coverage, either through insurance or general fund revenues, as long as there are not illegal actions.

It was suggested the policy limits be raised and that it be put in writing for everyone.

ZONING ORDINANCE AMENDMENT 83 AND 84 REVIEW
Discussion of Amendment 83 was barely initiated before it got bogged down in Popp's first point.

Mangus suggested the Article 25 amendment be addressed first.

Alternate methods of reviewing the zoning ordinance amendments were discussed but not embraced.

Goss noted she is satisfied that a lot of work has been put into Article 25, it will serve the township, and will have no comments on Article 25.

Vollmuth said it should be split.

Glenn addressed keeping site plan review and special use permit together, and found the special use permit language to be very good.

Discussion followed.

Motion by Goss to adopt Zoning Ordinance Amendment No. 84 as presented; second by Glenn.

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

Goss left the board table at 12:20 p.m.

The meeting continued in Goss's absence.

Goss returned to the board table at 12:42 p.m.

Motion by Popp repeating Clerk Goss's motion to the best of my ability that we accept Zoning Ordinance Amendment #84 as presented; second by Glenn.

Discussion followed.

The motion was re-read.

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

Goss will get a notice of adoption from Patterson and get the amendment published.

Board Comments/Discussion
None

Public Comment
Public comment began at 12:52 p.m.

Connie Hymore
Vicki Beam
Karin Boyd

Public comment ended at 1:02 p.m.

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

Meeting adjourned at 1:04 p.m.

Cheryl A. Goss
Whitewater Township Clerk