WHITEWATER TOWNSHIP BOARD
Whitewater Township Hall, 5177 Vinton Road, Williamsburg, MI 49690
231-267-5141 Phone

SPECIAL MEETING MINUTES
Tuesday, June 30, 2026, 6:00 p.m.

CALL TO ORDER: Supervisor Slopsema called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

ROLL CALL: Supervisor Slopsema called Roll.

Present:
Supervisor Linda Slopsema
Treasurer Jill Koester
Trustee Tim Arends
Trustee Randy Mielnik

A quorum was established.

Absent: Clerk Wendy Hoeksema (excused, will join meeting late due to election commitment)

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST/APPROVE AGENDA: No changes.

Board Action: Ms. Slopsema made a motion to approve the Agenda as presented. Ms. Koester seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

1 **DECLARATION OF CONFLICT OF INTEREST:** None.

PRESENTATIONS / ANNOUNCEMENTS:

Civil Infraction Presentation – Attorney Peter Wendling:
Attorney Wendling of Bauckham, Thall, Seeber, Kaufman & Koches, PC, provided a brief history of his background and delivered a lengthy presentation on Ordinance Enforcement and Civil Infractions.

The primary portions of his presentation addressed:

Framework of Michigan Law in Enforcing Township Ordinances
Civil Infraction Enforcement or Misdemeanor
Enforcing Ordinances through Civil Ordinance Enforcement
Requirements for Civil Enforcement under Michigan Law
Municipal Prosecution Options
Police Power vs. Zoning Ordinances
Civil Infraction Hearings (Formal/Informal)
Citation Service
Available Remedies
Enforcement Process

There was discussion between Attorney Wendling and Board Members regarding due process in the court system, clarification/enforcement of items that may be grandfathered with examples, the levy of fees/fines and clarifying the proposed language to be adopted.

Board Members also asked about violations within an Ordinance, compliance, how a CIO would benefit a township in enforcing Ordinances, and gaining support from the public.

Note: Clerk Hoeksema arrived at 6:55 p.m.

PUBLIC COMMENT:

Ms. H. Vollmuth: Said the ordinance isn't creating new zoning and doesn't take away property rights while applying the same rules to everyone. The speaker encouraged the Board to adopt the Civil Infraction Ordinance.

Ms. D. Heidish: Questioned why ordinance violations could be treated as criminal offenses. She raised concerns about property rights, enforcement actions, and residents not being allowed to vote on ordinances.

Ms. M. Rohraff: Discussed concerns about past Township enforcement, incorrect information, and the cost of hiring an attorney. She said the proposed ordinance could harm residents and the community and asked the Board to reconsider it.

Mr. R. Bachi: Opposed the ordinance and expressed concern about residents being prosecuted. He also raised concerns about the public-comment time limit and the ordinance's possible effect on the community.

Ms. J. Mangus: Said community feedback differed from the attorney's presentation. She expressed concern that the ordinance could move the Township away from its rural character and asked the Board to reconsider it.

Mr. R. Popp: Opposed the ordinance and raised concerns about due process, fines, enforcement, staffing, costs, public input, and transparency. He also questioned the administration's performance and the limited time for public comment.

Mr. D. Soper: Said the ordinance had both pros and cons. He stated that ordinance violations already exist and that the Township may need a way to enforce its rules.

Mr. "Elmer J. Fudd": Expressed concern that the ordinance could create conflict between neighbors. He said residents elected the Board to serve the community and described the ordinance as unnecessary.

Mr. N. Shelagowski: Expressed concern that the ordinance could affect residents who keep work-related materials on their property. He questioned the amount of the fines and how the ordinance would be enforced.

Mr. J. Gaskin: Questioned the public comment time limit and suggested letting the voters decide on the ordinance. He also raised concerns about enforcement officers entering private property and residents being unfairly targeted.

Mr. J. Snider, Jr.: Discussed his outdoor storage violation and his efforts to clean up his property. He questioned whether other Board members had similar violations and asked what types or amounts of stored items would be considered a violation.

2

Ms. R. Steelman: Said she had previously supported a civil infraction ordinance but now opposed it. She raised concerns about zoning decisions, enforcement practices, and the need for more public input before creating additional enforcement authority.

Ms. J. Gaskin: Questioned the possible fines and the rule allowing a new offense for each day a violation continues. She asked how the Township would separate true health and safety concerns from issues based only on personal preference.

Ms. K. Bowman: Opposed the ordinance and said the fines could create financial hardship, especially for residents with limited resources. She suggested creating a committee or assistance program to help residents clean up their properties.

Mr. R. Steelman: Said not everything left out of the Zoning Ordinance should be considered illegal. He supported simple, clear rules and some enforcement but believed current zoning enforcement was too aggressive.

Ms. B. Baker: Opposed the Civil Infraction Ordinance and asked the Board to listen to residents. She said the Township should first clearly define what is allowed and provide more information about the number and types of complaints received.

Ms. K. Mangus: Said the Zoning and General Ordinances should be corrected before stronger enforcement is considered. She also raised concerns about recent enforcement involving cottage rentals and said residents did not trust the process.

Ms. B. Dean: Opposed the ordinance and said it could create conflict and mistrust between neighbors. She was especially concerned about the strict language and the use of anonymous complaints.

Mr. M. Jacobson: Objected to the two-minute public comment limit and said anonymous complaints should not be allowed. He also questioned whether the Board followed its rules when scheduling the meeting and said residents should be allowed to question the attorney at the meeting.

Ms. J. Jacobson: Questioned where the Township Board receives its lawmaking authority. She referred to the Michigan Constitution and an Attorney General opinion and challenged the Board's authority to regulate private property.

Mr. M. Williams: Said items described as “junk” can have useful purposes. He explained that old engines and equipment helped him teach his son and others how to repair machinery.

Mr. D. Williams: Discussed his experience as a welder, mechanic, builder, and gravel-pit operator, because of items in his parent’s yard. He said the definitions of “junk” and “blight” were unclear and asked the Board to respect the Township’s existing character.

Mr. J. Boucher: Raised concerns about the long-term effects of short-term rental restrictions. He said outside investors could purchase lakefront homes, remove existing buildings, and construct expensive new properties.

Note: A five-minute break was announced at 7:58 p.m. The meeting reconvened at 8:06 p.m.

Ms. J. Zenas: Supported the ordinance as a fair and efficient way to enforce Township rules. She expressed confidence in the Zoning Administrator and asked the Board to judge the ordinance on fairness and merit rather than the loudest public comments.

Ms. C. Hymore: Discussed the investigation involving Clerk Hoeksema and said Board members had known about and approved the payments involved. She stated that the prosecutor declined to file charges. She expressed disgust that the Board had not publicly acknowledged the outcome or apologized to the Clerk and stated her support for Clerk Hoeksema.

Mr. M. Bak: Said the proposed ordinance was already creating conflict between neighbors. He explained that although he disliked items kept in a neighbor’s yard, he did not file a complaint and instead tried to lead by example. He said people seeking stricter property standards may prefer a gated community.

Ms. B. Williams: Said she expected the meeting to explain what conditions would count as violations. She stated that residents need clear information about what offenses they could be charged with and how those offenses would be handled.

Mr. T. Slopsema: Supported the Civil Infraction Ordinance. He said the current misdemeanor process could result in high legal costs, jail time, and a criminal record. He stated that civil citations would allow an informal hearing and that several efforts are made to resolve violations before a ticket is issued. He encouraged residents to work with the Planning Commission and Board to create fair ordinances.

Mr. R. Davey: Said the Junk Ordinance should clearly define what is considered junk. He raised concerns about private-property rights, warrants, and limits on entering private property. He questioned the legal advice given to the Board and warned that enforcement actions against him could lead to conflict.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Consideration of Zoning Ordinance Enforcement Language:
Supervisor Slopsema clarified the current Zoning Ordinance penalty language indicates criminal misdemeanor. The discussion is to change this to Civil Infraction so it would be a civil process.

Board Action: Mr. Mielnik made a motion to direct the Planning Commission to review and amend the Zoning Ordinance Article 22 – Violations per attorney recommendation, conduct Public Hearing and provide recommendation to the Township Board as presented. Mr. Arends seconded the motion.

DISCUSSION:

The Board discussed whether a Civil Infraction Ordinance would provide a clearer and less costly way to enforce zoning rules. Members noted that the enforcement process is separate from the requirements in the Zoning Ordinance. It was also noted that other townships use civil infraction procedures, fines generally do not exceed $500, and the goal is to resolve violations before further action is needed.

Supporters stated that the current misdemeanor process can lead to lengthy and expensive court cases. Allowing cases to be reviewed by District Court could provide an independent review of the evidence. Members said most zoning issues are resolved through education and communication and that targeting individuals or groups would not be acceptable.

The Board reviewed work completed by the Planning Commission to clarify and improve the Zoning Ordinance, including assistance from a professional planner and adoption of a new Master Plan. Members encourage residents to attend meetings, question ordinance language, and help identify rules that are unclear or inappropriate. It was agreed that unclear requirements should be corrected.

Members discussed public trust, the cost of enforcement, and whether a small number of problem properties justified the proposed change.

The Board and attorney also discussed short-term rentals and how they are treated under a permissive zoning ordinance. Questions were raised by Treasurer Koester about the difference between short-term rentals and longer residential rentals, whether the current ordinance clearly addresses short-term rentals, and whether the ordinance should be amended. She had concerns and voiced that the ordinances should be better defined before a new enforcement process is adopted.

It was noted by Attorney Wendling that a court order found short-term rentals were not permitted in Whitewater Township. He clarified that the proposed civil infraction process would apply to many types of zoning violations and was not limited to short-term rentals.

ROLL VOTE: Koester-Y, Mielnik-Y, Arends-Y, Slopsema-Y, Hoeksema-Y. Motion carried.

Consideration of Update to Current Enforcement Policy:

Board Action: Mr. Arends made a motion to approve the amended Ordinance Enforcement Policy as presented. Mr. Mielnik seconded the motion.

4

DISCUSSION:

It was noted the 2012 existing Ordinance and the 7/2026 proposed Ordinance are in the meeting packet.
Also in the packet is a detailed flow chart for the Zoning Administrator to follow, which is different from the current policy.

ROLL CALL VOTE: Hoeksema-Y, Slopsema-Y, Arends-Y, Mielnik-Y, Koester-N. Motion carried.

Consideration of General Ordinance Enforcement Language:

Board Action: Mr. Arends made a motion to approve Amendment to the Whitewater Township Junk Ordinance – Ordinance #38 as presented. Mr. Mielnik seconded the motion.

DISCUSSION:
Discussion included clarification that the proposed enforcement language was being incorporated into two General Ordinances, separate from the Zoning Ordinance, as recommended by legal counsel. It was noted that ordinance definitions are available in the ordinance and on the ordinance is on the Township website.
The amendment does not change the current fine but adds a reference to state law and clarifies the Township's enforcement authority and procedures. It creates uniformity in language and better informs the public on their rights and understanding of how to relate the statutes.

ROLL CALL VOTE: Mielnik-Y, Arends-Y, Hoeksema-Y, Koester-N, Slopsema-Y. Motion carried.

Board Action: Mr. Arends made a motion to extend the meeting beyond the three-hour mark. Ms. Slopsema seconded the motion. VOTE: YEAS: All. NAYES: None.

Board Action: Mr. Arends made a motion to approve Amendment to the Whitewater Township Parking of Vehicles Ordinance - Ordinance #63 as presented. Ms. Slopsema seconded the motion.

VOTE: YEAS: All. NAYES: None.

DISCUSSION:

Supervisor Slopsema clarified this adds the MCL reference, and the fine for parking violations was changed to $500. The only designated roads this parking requirement applies to are Lakeside Trail and Baggs Road. This Ordinance was created four years ago in response to blocking of the roadway by temporary parking primarily associated with the Baggs Road boat launch. The 11/22 Resolution restricts which side of the road may be parked on and that driveways may not be blocked.

Ms. Koester inquired whether there were any recent problems. Supervisor Slopsema has not heard of problems since signage was posted.

ROLL CALL VOTE: Arends-Y, Mielnik-Y, Hoeksema-Y, Slopsema-Y, Koester-Y. Motion carried.

ANNOUNCEMENTS:

Township Board Regular Meeting: Thursday, July 9, 2026, 6:30 p.m., Township Hall

Board Member Announcements: Mr. Mielnik noted the deadline for the Short-term Rental survey response is 7/3/26.

PUBLIC COMMENT:

Ms. C. Hymore: Supported Zoning Administrator Graber and said she handled enforcement professionally. She asked the Supervisor to publicly apologize to Ms. Graber for earlier treatment at a Board meeting. She also repeated that charges against Clerk Hoeksema had been declined. She criticized the Board for not sharing that outcome or apologizing to the Clerk. She raised concerns about Board text messages, legal costs, and the use of taxpayer money and requested a public apology to the Clerk at the next meeting.

Mr. R. Davey: Asked how setback rules would affect his ability to build a fence to screen items that are legally stored in his yard. He also questioned the Township's use of surveillance cameras and said tax money should not be spent on evidence that may not be allowed in court.

Ms. B. Dean: Thanked Zoning Administrator Graber for trying to resolve issues before taking enforcement action. She said some items stored on her farm are reused and that building a fence to block them from view would be too expensive. She also raised concerns about delays in residents receiving the short-term rental survey.

Mr. M. Jacobson: Apologized to Clerk Hoeksema and criticized the Board's handling of the matter. He questioned statements about possible fines and said strong voices or animated behavior should not automatically be treated as threats. He said the Board should listen when many residents share the same concerns. He also raised concerns about neighbor complaints, property items being labeled as junk, and residents being treated as guilty before a violation is proven.

Mr. D. Williams: Said the ordinance definitions were unclear and could classify many common items as junk. He raised concerns about daily fines and said changing violations from criminal to civil could place the financial burden on residents. He asked the Board to delay the enforcement change.

Ms. M. Rohraff: Said the ordinances and the answers provided were unclear and open to different interpretations. She said she had been afraid to speak but felt supported after hearing other residents raise similar concerns.

Mr. R. Steelman: Said the Zoning Ordinance still needed work and supported efforts to update it. He questioned enforcement involving short-term rentals when the ordinance does not clearly address them. He said the Township should define violations before adopting a new enforcement process.

Mr. J. Snider: Discussed a court case he won involving items that had been labeled as junk. He accused the Township of selective enforcement and said the case cost the Township about $40,000. He also raised concerns about trespassing, harassment, property damage, surveillance, and residents who did not receive the short-term rental survey.

Mr. K. Mangus: Said the ordinance was originally written to clearly state what was and was not allowed but had changed over time. She also said the Township was enforcing short-term rental rules even though short-term rentals were not listed in an ordinance. She raised concerns about the draft status of the Zoning Ordinance, possible daily fines, limits on property owners building fences, and whether all ordinances were fair. She encouraged residents and officials to work together.

Ms. J. Mangus: Asked the Board to provide a visual timer for public speakers. She thanked the attorney, Board, and public and said hearing residents' personal experiences was valuable.

Mr. Mielnik addressed a recent Elk Rapids News letter to the editor regarding Whitewater Township which he felt was not helpful. It is equally disturbing that in 2022 the PC's attempts to update the Master Plan imploded; a Commissioner and the consultant walked away and it made state and local news.

The Elk Rapids News letter also mentions the lawsuit; no current PC or Township Board Member is involved in this case. He states there are good people here trying to be a professional local government that reflects what people want. The enforcement mechanism is separate from Ordinance requirements. The Board and Planning Commission both encourage people to get involved.

ADJOURNMENT:

Board Action: Ms. Slopsema made a motion to adjourn the meeting. Mr. Mielnik seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 9:45 p.m.

Submitted by
6
Kay Z. Held, Recording Secretary
Wendy Hoeksema, Clerk