**WHITEWATER TOWNSHIP PLANNING COMMISSION**
**Historic Elk Rapids Township Hall, 401 River Street, Elk Rapids, MI 49629**
**Whitewater Township Hall 231-267-5141 Phone / 231-267-9020 Fax**

# SPECIAL MEETING
# APPROVED MINUTES
**Wednesday, July 22, 2026, 6:00 p.m.**

**CALL TO ORDER:**
Chair Stratton called the meeting to order at 6:00 p.m.
The Pledge of Allegiance was recited.
A microphone check was done.

Public Attendance On-site: 16 (approximately)
YouTube Live Stream View: 15 (approximately)

**ROLL CALL:** Secretary Peltonen called Roll.

**Present:**
Rene Stratton, Chair
Sadie Merchant, Vice Chair
Denise Peltonen, Secretary
Scott Trumbull, Member
Rod Rebant, Member
Randy Mielnik, Township Board Trustee

A quorum was established.

**Absent:** Michael Sherman, Member (unexcused)

**ALSO PRESENT:** Recording Secretary Kay Held

**SET/ADJUST AGENDA:** No changes.

**Board Action:** Mr. Mielnik made a motion to approve the Agenda as presented. Ms. Merchant seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

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

**PUBLIC COMMENT:**

Mr. M. Jacobson: Complimented the PC, stating their last PC meeting was the best in a long time, particularly discussion regarding M-72. He noted Ms. Merchant's and Mr. Mielnik's input. The principles of following the majority of the public apply at every level of government. His interpretation of Mr. Rebant's opinions appeared that he would like deliberation on the issue and not make hasty decisions. The public has asked for a survey on this issue.

Ms. J. Mangus: The Elk Rapids Wednesday night event downtown made it challenging to get to this facility.

Mr. R. Steelman: The PC sounded open-minded at the past meeting and considered suggestions of the public.

Ms. B. Dean: Expressed concerns about her and others not receiving the STR survey; hers arrived the day before the deadline.

Mr. Jim Snider: His interpretation is that the CIO is focused primarily on the Junk Ordinance and the parking issue. He asked the PC to share urgent matters related to CIO.

Mr. Glen Savage: Inquired why this meeting was being held in Elk Rapids/Antrim County and not at the Whitewater Township Hall in Grand Traverse County.

**PUBLIC HEARING:**

**Open Public Hearing:** Ms. Merchant made a motion to open the Public Hearing. Mr. Rebant seconded the motion. VOTE: YEAS: All. NAYES: None.

Note: The Public Hearing opened at 6:16 p.m.

**Request those attending sign attendance sheet.**

**State Date of Public Hearing Notice Publication and Newspaper Published in:**
Traverse City Record Eagle on 7/7/26.

**State Purpose of Public Hearing:** To receive public input on Zoning Ordinance Amendment #2026-04, Article 22-Violations.

**Brief Introductory Presentation (PC Chair):**
Chair Stratton responded as to the multiple reasons this Special Meeting was chosen at this location; i.e., expected large turnout that couldn't be accommodated at the Whitewater Township Hall, technical service availability for LLIA and scheduling considerations.

The purpose for this meeting is to discuss Civil Infractions and misinformation that has been in the Township. The Township Board held a similar Special Meeting on this matter on June 30. The PC will be discussing an Amendment to the Zoning Ordinance, not the General Ordinance. Final determination on the PC's recommendation is made by the Township Board.

Chair Stratton provided a history on municipal civil infractions and criminal Ordinance infractions. The PC is in the process of updating the Ordinance per the requirement of the 2025 Master Plan. Amendment of Article 22 would bring the Township up to date with Zoning practices.

The Township attorney's 6/30/26 presentation is in the meeting packet comparing misdemeanor offenses to civil infractions including processes. Ms. Stratton went on to outline the accompanying flow chart.

The District Court's document clarifying several issues was received today, is in the meeting packet and will be added to the website.

**Read Any Written Comments Received:** Seven written comments were received opposing the amendment. Five written comments were received in support of the amendment.

**Receive Public Comment:**

**Opposed:**

Mr. R. Steelman: Opposes the CIO. The $500 daily violation is unrealistic. He questioned why it is in the Amendment if the attorney stated it is never applied. The verbiage sounds like that of an HOA. The Township is widely varied in its demographic. There are too many rules. The PC needs to look at this thoroughly, and it needs to be reasonable and tolerable.

Ms. G. Savage: Opposes the CIO. We are still a democracy. The Amendment proposes sentencing people on misdemeanors to a life of scrutiny. He has past law enforcement and PC experience and understands how it should function.

Ms. B. Dean: Opposes the CIO. It is targeted to people trying to survive. The area needs to diversify and support those trying to do things the legal way. The daily charge is a big concern. When people stay at her VRBO, she refers them to the great local businesses. We need to work together to solve this issue.

Ms. K. Mangus: Opposes the CIO. There have been five or six meetings with 75-125 attending. The small turnout tonight is because it's a foregone conclusion the Board is going to pass this and the PC can't do anything about it. The public remains overwhelmingly opposed.

The current ZA is asking people to take photos of neighbors when no complaint was brought forward by them. This change removes protections and reduces constitutional right to trial by jury. Recommending this Amendment is a violation of the Oath of Office. She asked the PC to hear the public, something the Board is not doing. The PC should remove the $500 per day fee. She asked the PC not to forward it to the Board with their support.

Mr. M. Jacobson: Read aloud Roberts Rules of Order, as reinforced by OMA and the PC's bylaws, verbiage regarding requirements to hold meetings within its Township. PC Members took an oath to uphold the Michigan and U.S. Constitutions. Zoning applies to health, safety and welfare.

He would like to know from where the PC derives legislative authority. He read aloud that legislative authority is held at the State's Senate and House. Subsequently he questioned whether the Michigan Zoning Enabling Act is constitutional. The PC has a duty to the public, not the Board. The Nuisance language is too vague.

Ms. J. Mangus: Opposes the CIO. She inquired about the time limits for Public Comment during each section and topics. She inquired about the cost to rent this venue; Chair Stratton replied $200. She is curious about the violation fee and the language using "shall."

Mr. J. Snider: The $500/each occurrence is unacceptable. If the attorney said he's never seen a judge assess that, it shouldn't be in the document. Agrees with the HOA references made by others. The definition of Junk is a matter of opinion. Let people live their lives as long as it is not affecting others.

Ms. R. Savage: She is on the fence for or against the CIO. Rules, regulations, consequences and how it is enforced are important. The $500/day is high and ridiculous. She wonders who determines the violation.

Ms. K. Mangus: - acknowledged by Chair Stratton. Ms. Mangus was asked to express the comments of others. She asked if the PC intends on reading Correspondence as it is stated on the Agenda. This is a Public Hearing; the PC should hear the public.

Mr. Mark Williams: Opposes the CIO. The $500/day fee is a concern as is verbiage "will" vs. "can." He addressed Junk and relayed a friend's experience buying scrap iron/junk, which resulted in $40k. In his own experience, the agent for his homeowner's insurance cancelled his policy due to what they deemed as Junk. He questioned who decides what is Junk.

Ms. Brenda Baker: Opposes the CIO. It is too vague, the $500/day penalty is not fair and the PC is putting the cart before the horse. Other hot topics include Junk and STRs which need to be figured out first.

**Chair Stratton Read Aloud the Public Comments Received in Opposition:**

Mr. E. Johnson: Opposes the CIO. Supports STR regulations. He owns a seasonal cottage on Island Lake and planned to do short-term renting to justify the investment at the time. He recognizes the need for an infraction Ordinance for parking and noise violations; however, does not understand regulations that punish responsible families. He has strong relationships with neighbors and sits on the Island Lake Association Board. It is prejudicial to be lumped in with irresponsible owners. He also addressed diversity bias.

Mr. G. Chadha: Opposes the current CIO draft language and agrees enforcement is necessary. The attorney stated a judge wouldn't assess the $500 daily fine; however, it remains in the current draft. He questioned who decides a violation has been resolved and whether the Township is responsible for covering a resident's legal fees if they are found to be correct.

Ms. K. Bowman: Opposes the CIO. Her correspondence outlined many points about cost ramifications and suggestions made that could resolve issues and promote community stewardship. She has asked to be on resident committees, without being contacted. She and her neighbors support others. Every meeting is full of opposition, people do not feel heard and there have been no words of compromise.

Ms. M. Rohraff: Opposes the CIO. It is in everyone's best interest to improve the Zoning Ordinance.

Mr. J. Rohraff: Opposes the CIO. It is imperative the Board listens to the community and crucial to improve the Zoning Ordinance.

"Tom": He provided a statement to the PC from a resident fearful to speak out. The resident is against the CIO with neighbors turning on neighbors, lawyers making all the money and the Township going to court. This is a no-win for the public. The Township is not an HOA.

Ms. R. Steelman: Opposes the CIO. The PC has encouraged the public to ask questions and hopes this continues. This Amendment is not ready, lacks an internal appeal process, has no clearly defined schedule or due process protection, encourages neighbor against neighbor complaints and grants enforcement authority without safeguards against abuse. The Zoning Ordinance needs to align with the Master Plan. These matters should be resolved prior to adopting an enforcement policy.

**In Support:**

Mr. T. Slopsema: Supports changing from criminal to civil infraction. At the 6/30/26 Special Township meeting, a property owner stated she spent a day in jail over a Zoning issue. This demonstrates the reason to switch to a civil infraction enforcement. Changing to civil infraction allows property owners an informal hearing, no threat of jail time or excessive attorney fees and no criminal records. An impartial party determines the outcome. It would also allow the ZA to do her job. Public Act 110 of the Michigan Zoning Enabling Public Act was to avoid residents being jailed over Zoning violations and treat them as civil in nature. Residents have the option to vote this down in a referendum.

Mr. D. Soper: He was misrepresented at the 6/30 meeting and is a long-term resident. He takes care of his property. The Zoning Administrator is trying to do her job and needs the authority to enforce. The civil infraction sounds like the way to achieve this.

**Note: Chair Stratton Read Aloud Correspondence Received in Support of the Amendment:**

Mr. G. Zenas: Supports the CIO and switching from municipal to civil infractions. It will save taxpayer money, make enforcement easier and allow the ZA to help people over dealing with the law.

Ms. H. Vollmuth: Supports the CIO. The CIO doesn't create new Zoning regulations or take away property rights. There is due process. Nearby townships have civil enforcement in place. Whitewater needs a way to enforce existing ordinances. The Township is a zoned community where the Board is to protect the health, safety and welfare and character of our neighborhoods. Without enforcement, Ordinances become optional. Surrounding communities all have civil enforcement.

Mr. J. Zenas: Supports the CIO and transferring from municipal to civil enforcement, making enforcement more effective. The current municipal infraction method is time consuming, is excessive in cost, and consumes Township resources. Civil Infraction is more efficient yet holds violators accountable. The ZA's role is to educate residents and help residents with compliance. Surrounding townships employ civil infraction enforcement.

Ms. J. Zenas: Supports the CIO. Whitewater is one of the few in the area to rely on a punitive municipal infraction process. This change is less punitive, ensures violations are addressed appropriately and focused on achieving compliance. It reduces enforcement costs and enables the ZA to perform in her role. It is a balanced approach for residents and brings the Township in line with other municipalities.

"Spence" (per email): Supports the CIO. Taxpayers should not be burdened with court costs from a small number of people who choose not to follow the Ordinances. He owns his home and pays his taxes, and should not have to pay for the consequences of others violating Ordinances. Whitewater is a zoned community.

**Close Public Hearing:** Ms. Merchant made a motion to close the Public Hearing. Mr. Trumbull seconded the motion. VOTE: YEAS: All. NAYES: None.

Note: The Public Hearing closed at 7:20 p.m.

**CORRESPONDENCE:** The following correspondence was received regarding Short-term Rentals. Chair Stratton read them aloud.

Ms. J. Hofer: Support keeping STRs legal. Protecting the community without banning STRs could include requiring owners to live in the home a minimum of six months during the year, preventing corporations or large investors from purchasing the property solely for short-term renting. She detailed benefits to STR property owners. She asked the Township to consider reasonable regulations to protect neighborhoods rather than an outright ban.

Ms. A. Wollangur: Opposes attempt to limit STRs. Her family owns five properties on Elk Lake, some of which have been rentals for two decades, with nominal issues. It is unjust for neighbors to limit financial opportunities. Objections related to noise, trespassing and loss of privacy can be dealt with through local enforcement. It is not neighbors' business how she uses her property so long as she doesn't disturb them and vice versa.

**NEXT MEETING:**
Planning Commission Regular Meeting: **Wednesday, August 5, 2026, at 7:00 p.m., Township Hall**

**PUBLIC COMMENT:**

Ms. K. Mangus: The PC stated they will discuss the proposed Amendment; she disagreed that, according to the order of the Agenda, Public Comment should be held after the PC's discussion. This is not typical. She asked the PC to reconsider this arrangement.

Chair Stratton queried PC Members for a consensus to reconsider this matter.

**Board Action:** Ms. Merchant made a motion to adjust the agenda to hold "PC Discussion" prior to the second "Public Comment." Mr. Trumbull seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

**PC DISCUSSION (Article 22):**

Ms. Peltonen: The PC's role is to establish Ordinances everyone can live by while balancing rights of property owners with the Township's responsibility to protect residents' health, safety and welfare. This is a zoned community, which has evolved. Ordinances reflect change while protecting property rights and values while maintaining rural character. She has listened to Public Comments and Correspondence.

Most area Townships have a CIO to ensure compliance with Zoning regulations and is considered best practice over criminal prosecution. It is also an efficient use of tax dollars. A CIO is an enforcement tool, but does not change any Ordinance. In the 1/2/12 Code Enforcement Policy & Procedure Manual, the ZA works toward compliance. Non-compliance tickets are a last resort. A CIO avoids criminal prosecution.

She supports changing from a criminal to a civil infraction. Verbiage regarding the $500 fee needs to be clarified. Public input is important by attending PC meetings and sharing comments.

Mr. Rebant: Many comments justify consideration of the CIO approach. The 2025 Master Plan demonstrates problems dealing with offenders. The civil infraction approach is the more appropriate one to deal with non-compliance over criminal court proceedings. The Township committed to deal with Junk and Blight. That time is now. Many ZAs resign due to poorly written Ordinances.

There is division in the community regarding Short-term Rentals. The Township entities set resolution of this matter as a short-term goal.

Ms. Merchant: Article 22 is outdated to the modern civil infraction system. The civil ticket system decriminalizes zoning violations and saves taxpayer dollars on legal costs. It also ensures corporations and commercial entities cannot hide behind loopholes to avoid property maintenance codes. Whitewater is a zoned community, not an HOA. She supports property rights and ensuring code enforcement is fair.

The updated Appendix C framework establishes a clear buffer. The ZA or Supervisor should be a neutral party. There is a process toward compliance without criminal action, which is extreme. The community perception that the CIO is to punish STRs is incorrect. It applies equally across the Township.

She represents the Agriculture community on the PC. The Definitions in Article 5 relating to Junk and Outdoor Storage are outdated and subjective, leading to a risk of arbitrary enforcement.

She encouraged residents to attend the August 5 Public Hearing.

Mr. Mielnik: His 30-year career includes that of a professional Planner and work as a Planning Consultant. He appreciates the Public Comments he has heard. There are technical issues and problematic language. He is concerned about the $500 fine issue as written. Township Ordinances are far from an HOA. He showcased a large, former Ordinance binder; much work has since been done by the PC in the past three years. A sensible enforcement mechanism is necessary without requiring jail time.

Mr. Trumbull: Changing Article 22 to allow municipal civil infractions holds people accountable to Zoning violations through a civil process rather than treating ordinary violations as crimes with a potential criminal record. It makes sense to have clear and fair consequences for everyone's actions. Nearly every nearby township uses civil infractions.

Ms. Stratton: Supports the change from criminal misdemeanor to civil infraction. It is the goal of the PC to amend the Zoning Ordinance to be clear and easy to use; this Amendment does not support that. The $500 daily fine section is unclear. She questioned the timeline of the flow chart, the nuisance language and presence of the severability clause. She believes this proposed Amendment needs work yet.

There was group consensus to table the matter.

**Board Action:** Ms. Stratton made a motion to table Zoning Ordinance Amendment #2026-04 until the Planning Commission is able to edit the Violations Article with the assistance of legal counsel. Mr. Trumbull seconded the motion. ROLL CALL VOTE: Mielnik-Y, Stratton-Y, Merchant-Y, Rebant-Y, Peltonen-Y, Trumbull-Y. Motion carried.

**PUBLIC COMMENT:**

Mr. R. Steelman: Thanked the PC for common sense in fixing portions of the proposed changes before executing a vote.

Ms. R. Savage: Thanked the PC for listening. Changing the fee structure of the $500 would be beneficial to all.

Ms. B. Baker: Thanked PC Members for listening to comments of the public.

Mr. G. Savage: Happy to see the PC acknowledged the public and decided to work on this further.

Ms. J. Mangus: Understands the reason to hold the meeting at this venue. The acoustics here, like Millbrook, may be difficult, particularly for a certain population of the public. She respects that the PC listened and took another look at the proposed Amendment. New PC Members in particular bring a fresh perspective, and she hopes the PC maintains the high standard shown tonight.

Mr. J. Snider: Appreciates thoughts expressed by each PC Member and listening to the people. He would like to speak at the August 5 meeting on the Junk Ordinance and Blight, which relates to health and safety on a different scale. He would like clarification on these two. He supports the PC's actions tonight.

Chair Stratton verified Junk and Blight are not part of the Zoning Ordinance. The Township Board handles the General Ordinance, unless the PC is otherwise directed. Outside Storage is part of the Zoning Ordinance under the purview of the PC.

Mr. M. Jacobson: Inquired if an individual can get any correspondence from the Township Hall. Chair Stratton replied he may do so at the Clerk's Office. Agrees with the Public Comments tonight and is glad to hear the comments made by PC Members. Also pleased the PC changed the order of "PC Comments" and "Public Comments" on the Agenda. The CIO give local government a heavy hand in requiring people to live like their neighbors. He is disappointed in the Board and PC's changing of the rules.

Ms. K. Mangus: The PC made people feel like they've been heard, something the Board has not been able to do. The Ordinance inherited by the PC/Mr. Mielnik was an abomination as evidenced by his binder. There have been improvements. People could have objected in the past when thing were approved; however, there were often no

opportunities to object; i.e., specifically STRs. Few homes in the Township are 100% compliant to Ordinances. She asked if the Township is prepared to enforce 100% of the current Ordinances 100% of the time. The answer is no.

Mr. D. Williams: This Amendment should not go forward in its current form, especially because of the $500 fine, and he appreciates the PC listening to people tonight. He would go to jail before losing his home to violations related to grass length, etc.

Mr. M. Williams: He addressed "junk," relaying a past story where an elderly relative viewed items outside a property as junk. People tailgate, speed and run red lights knowing it is wrong yet do it anyway, much like they do with Ordinances. He appreciates the PC did what is right tonight.

**PC DISCUSSION:**

Mr. Mielnik: Referenced the excessively large Ordinance binder on the desk previously spoken about and is pleased to see numerous improvements made by the PC thus far.

**ADJOURNMENT:**

**Board Action:** Ms. Stratton made a motion to adjourn the meeting. Ms. Peltonen seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 8:23 p.m.

**Submitted by: Kay Z. Held, Recording Secretary**