

Gregory R. Baroni, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Carol J. Burkard
Scott Ruggles
Andrea C. Voorheis
Rik Kowall

WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting
7525 Highland Road
White Lake, MI 48383
July 17, 2014 @ 7:00 p.m.

Mr. Meagher called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Pegg was excused.

ROLL CALL: Steve Anderson
Matt Carr
Debby Dehart, Secretary
Rik Kowall, Board Liaison
David Lewsley
Sarah McNulty, Vice Chairperson
Peter Meagher, Chairperson
Gail Novak-Phelps
David Pegg - Excused

Also Present: Sean O'Neil, AICP, Community Development Director
David Birchler, AICP, Clearzoning
Greg Gucwa, Township Engineer
Lynn Hinton, Recording Secretary

Visitors: 5

Approval of Agenda

Ms. Novak-Phelps moved to approve the agenda as presented. Mr. Anderson supported and the MOTION CARRIED with a voice vote. (8 yes votes)

Approval of Minutes

a. June 5, 2014

Ms. Novak-Phelps moved to approve the minutes of June 5, 2014 as submitted. Mr. Lewsley supported and the MOTION CARRIED with a voice vote. (8 yes votes)

Call to the Public (for items not on the agenda)

Mr. Meagher opened the discussion for public comment on items not listed on the agenda, but none was offered.

New Business:

a. Consideration of revised Planning Commission By-Laws

Mr. O'Neil indicated that the Planning Commission By-Laws had not been revised since January 2007. The enabling legislation has changed since then and the By-Laws need to reflect that.

The existing By-Laws with the proposed revisions were reviewed in-depth by the commission. There was discussion on Article II, 2.2 pertaining to procedures for filling vacancies, and whether commission members should be qualified electors in the township. Mr. O'Neil stated it is not uncommon for qualified electors to serve on DDA's, but he hasn't seen this with Planning Commissions and he would like the commission to make a determination this evening.

Mr. Lewsley feels this would be an appropriate change by the Township Board of being able to serve on the Commission and provide valuable insight. When reviewing the packet, virtually all the changes are housekeeping. The Conflict of Interest section was also revised and he feels this is a better interpretation.

Ms. Novak-Phelps feels a commission member owner should have a vested interest in the township, whether it be a person with a business in White Lake who may or may not own the property, or a real property owner in the township. She wants to restrict this section to that effect.

Mr. Anderson would like to see a stipulation that if an individual comes in on the Planning Commission and when positions are rotated, a Chairperson cannot be someone who is not living in the township.

Mr. Carr feels these are special circumstances and would like to see this section omitted all together until such time the township is presented with this situation. There is nothing driving the need for changing this. Ms. Novak-Phelps agreed.

Mr. Birchler noted that the Township Board, under its statute, has the authority to appoint whomever to the Planning Commission and he likes that there are a few qualifiers in the section that give the board options. The township attorney feels the By-Laws say something different from the statute. There is nothing that states the township has to have a business person or non-electors on the board. Individuals have to be selected by the supervisor and approved by a majority of the board. He doubts someone would be appointed because they own a business somewhere else, but rather someone with a business in the township that can contribute to the commission.

Discussion continued with reference to Section 3.3, which states "the Secretary shall keep a record of the minutes of all meetings", etc. Ms. Novak-Phelps noted that the secretary does not officially keep the records and she feels this should be changed. Mr. O'Neil stated that the Township Clerk is the custodian of all the records.

There were several minor housekeeping items with regard to typos and grammatical changes that were mentioned and will be addressed in the final draft.

There was discussion with regard to Article IV, 4.2, Conflict of Interest.

Mr. Birchler feels what's important is the member that has a conflict and it's agreed there's a conflict, would not deliberate on an issue and should notify the commission prior to the start of the meeting.

Mr. Kowall stated that as a general rule at the Township Board level, you can only recuse yourself if it would result in financial gain. His opinion is that this should also be done when someone feels uncomfortable with deliberating an issue. Time and notification of the conflict should happen at the meeting with a courtesy call to the Planning Director beforehand.

Mr. Meagher had a few housekeeping revisions. He also referenced "Annual Budgets" and the Planning Commission having to provide an annual report. He asked for clarification. Mr. O'Neil responded that the Planning Commission cannot authorize expenditures and have to recommend to the township board. He added that he personally prepares an annual report encompassing the department which includes the Planning Commission and ZBA. This year and going forward will be an annual report.

Mr. Anderson feels verbage is needed that would not suggest the Planning Commission actually prepares the report. Mr. Birchler stated that technically it is a requirement of the statute, but the only body that would call you out is the Township Board. Mr. Meagher noted there is wording that states the commission can designate the Planning Director to do this.

Mr. Meagher also referenced Section 5.4, which strongly suggests that the Chairperson give an 18 hour notice before cancelling a meeting. He, as Chairperson, has never done this and it's been the responsibility of the internal staff. Mr. Birchler again stated that there is a technicality. You can't call or cancel a meeting without 18 hour notice under the Open Meetings Act. You'd be required to have non-quorum show up, call it to order, and then adjourn.

Mr. Kowall comments are that he agrees that anyone serving on the commission, whether business owner in the community or property owner, have a vested interest in the township.

Mr. O'Neil will make the necessary changes brought about this evening and bring amendments back to the commission at the next meeting.

Mr. Lewsley moved to take an advisory vote on Article II, Section 2.2, whether to expand the Planning Commission to allow a non-electror of the township, but is a business owner or property owner, and cannot serve as an officer. Ms. Novak Phelps supported and the MOTION CARRIED with a voice vote (6 yes votes, 2 no votes); Mr. Anderson and Mr. Carr were opposed.

b. Discussion on the implementation of the Master Plan

Mr. Birchler reported that since the last update of the Master Plan 3-4 years ago, the commission has had a list of items that were prioritized that revolved around the focus areas, i.e., Pontiac Lake Gateway, the Town Center area, the 4-Towns area, and neighborhood centers. The commission determined that it would tackle the Gateway project first and there has been some progress. With regard to the Town Center, the idea is that unlike some other townships in the area that have a historical development at the center of the community as an identifier, White Lake lacks this. Through the public visioning sessions and surveys, the public wants to see this. The Planning Commission recognized the importance of placemaking and being more identifiable in the future if it to sustain the community over the long term.

Regarding Pontiac Lake Gateway, we are still waiting for a determination on the posting of signs. There are 7 property owners in the gateway and some of them may or may not be on board with the idea of rezoning. The Planning Commission and Township Board have the authority by state law to rezone, but the ordinance states you have to post sign on each property, and some of those property owners may resist. The only body with the authority to change or determine zoning is the Township Board, not the property owner. You can't by default give the power to the property owner by them saying the township can't put the sign up. The township attorney will have to clarify this.

There have been thoughts lately that have revolved around the K-Mart property being up for sale, and there has been interest by Gershenson, who thought the Town Center was a good idea, but they didn't know how incremental they could be. The thoughts now are to partner with them to bring more intense development, such as building the anchor tenants first, which are still valid in any town center.

Mr. Lewsley noted that it's been suggested the Planning Commission amend the sign ordinance. Rather than having a sign on each parcel, possibly require the township to post the notice on the website. Mr. O'Neil stated in this instance, if found that one property owner says no, the ZBA can grant a variance from the ordinance. In January, the Township Board gave direction to proceed, without rush. He likes the ordinance amendment for the signs, but doesn't think it works well for township initiated rezoning requests. Bottom line is that the township can't be held hostage over the signs when it has legislative authority to make this happen. The ZBA is fastest route at this time and we will wait to hear back from the attorney.

Mr. Carr indicated that he has had a chance to read the Planning Commission book. He noted there is 4 big plans for 4 different areas in the township. He questioned what the priority order was and

indicated there were residents present this evening living near those areas. He further stated that he is not a traditionalist and there is great potential here, but he also recognizes the age of the residents living here. The age is not the young demographic coming, but rather older citizens. He feels the township has done a poor job getting this plan out to the residents and there is a lot of resentment. A little blurb in the Oakland Press doesn't get attention. He referenced a situation that happened in his subdivision with regard to sewers coming in, at which will be discussed after the meeting. Mr. Carr would like to see more disclosure on projects coming into White Lake and would also like to see social media used, i.e. Facebook, Twitter, etc.

Mr. O'Neil responded that the township is limited in that the meetings aren't televised, but it does post notices in the paper and on the website, sends emails to those on list service, and does surveys. Birchler added that it is difficult to reach people Mr. Carr's age because they are not in the group that is used to coming to a public meeting. They'd rather participate with smart phones and social media.

Mr. Birchler continued that the PD Review process should be looked at again because there are instances recently where that process doesn't really apply. The Oakland County One Stop Ready Program helps communities to be nimble so when someone comes in with a great opportunity, the township can get it going as quickly as possible. This saves the developer money and makes the community more desirable for a developer to come if they think the township will partner with them in getting it off the ground quickly.

He referenced the Jeep Dealership, where they won't be making changes to driveways that serve the site, and the requirement for a traffic study would be a waste of money. There would be nothing the township can require them to do that would mitigate that. There are also some small scale projects of 20 homes or less that would be required by the ordinance to do a traffic study if it's a PD. In that case, the development could not produce enough turning movements to warrant a study. Ordinance amendments are needed to alleviate this requirement in certain situations and to continue let the Planning Development department handle this administratively. The long term solution would be to look at the PDR Process and streamline with the Oakland County One Stop Ready program.

Liaison's Report

Mr. Kowall reported the Township Board had an issue come up at a public hearing regarding Meadow Lane road maintenance. There was a concern from the fire department that there isn't adequate area for their trucks to turn around. Even though it is a private road, vehicles have to be able to get back there in an emergency.

They approved requests for weed control, signed a Resolution for a block party, moved the Ivy Glen PD forward, and did the technical end of a condo agreement. They had the first reading of the new fee ordinance as well. They also approved to facilitate Marine Patrol for Cedar Island Lake.

White Lake Presbyterian Church is in the process of extracting piles of dirt and cleaning up the area.

Quake on the Lake this weekend and the Board voted to waive fees for hours charged for Police and Fire protection at the event. This is an investment in the community that puts WL on the map. This is a charitable event and hosting these events gets people going.

The township sold a few pieces of property, one off Teggerdine and the other by Hidden Pines Park. The Board is looking at trying to liquidate other properties as well.

Ms. Novak-Phelps noted that the ZBA had 2 cases last month, one was denied due to no hardship being presented.

Consultant's Report

Mr. Birchler had nothing further to add.

Director's Report

Mr. O'Neil indicated that the Movie in the Park event occurred last month and had a disappointing turnout. Other ways to cross promote the event will be looked at in the future.

The CIP will be coming, and a public hearing will be held at the 2nd September meeting. The public hearing for the Pontiac Lake Gateway project will be held soon as well.

Gin Mill Party Store project is behind schedule a few months.

There is high interest in the Meijer outlot.

There is also interest in the portion of Fisk Corners between Sonic and the bank and we expect those projects to submit soon, the end user not public yet.

The Oakland County One Stop Ready program has its 2nd session on July 23 at 6:00 pm. Go on line and register if interested.

Communications:

Next meeting dates:

- Regular Meeting – August 7, 2014
- Regular Meeting – August 21, 2014

Adjournment

Ms. Novak-Phelps moved to adjourn the meeting at 8:52 p.m. Mr. Carr supported and the MOTION CARRIED with a unanimous voice vote. (8 yes votes)