

# **CHARTER TOWNSHIP OF WHITE LAKE**

## **Approved Minutes of the Regular Board of Trustees Meeting**

**November 20, 2018**

Supervisor Kowall called the meeting to order at 7:00 p.m. He then led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor  
Terry Lilley, Clerk  
Mike Roman, Treasurer  
Mike Powell, Trustee  
Scott Ruggles, Trustee  
Liz Smith, Trustee  
Andrea Voorheis, Trustee

Also Present: Lisa Hamameh, Attorney  
Sean O'Neil, Planning Director  
Aaron Potter, DPS Director  
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Combine Item 11E, 2019 Budget Approval with Item 9E, General Appropriations Act. Add 11I, Pollack Agreement. Remove Item 11C, Redstone Planning Proposal for New Public Safety Building; 11G, Commerce v White Lake V Huron Valley School District, OCCC Case No. 16-155404-CK. After Consent Agenda, Clerk Lilley to make a few comments.

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the Agenda as amended. The MOTION PASSED by a voice vote (7 yes votes).**

### **PUBLIC COMMENTS**

There were no comments by the Public at this time.

### **CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. CHECK DISBURSEMENT**
- D. BUDGET AMENDMENTS**
- E. SPECIAL ASSESSMENT ON TAX ROLL FOR 2018**
- F. ASSESSING BOARD OF REVIEW, APPOINTMENTS 2019-2020**
- G. DEPARTMENT REPORTS**
  - 1. POLICE**

2. FIRE
3. COMMUNITY DEVELOPMENT
4. TREASURER'S REPORT

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Consent Agenda. The MOTION PASSED by a voice vote (7 yes votes).**

Clerk Lilley presented Amy Bertin, Recording Secretary, with a Certificate of Appreciation. She has been the Recording Secretary for the Township Board for the last 10 years. She has attended over 150 Regular and Special Board meetings and spent over 300 hours documenting motions and Township history. She has spent countless hours making sure her work is accurate and professional. He thanked Amy for the work she has done and let her know her work is much appreciated.

Supervisor Kowall announced the appointees to the Board of Review for a two year term: Gerald Jessup, Kim McFadden, Rita LaFaive with Alternate Nick Grabowski.

## **MINUTES**

### **A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, OCTOBER 12, 2018**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to approve the Minutes dated October 12, 2018 as presented. The MOTION PASSED by a voice vote (7 yes votes).**

### **B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, OCTOBER 16, 2018**

Trustee Smith noted a clarification regarding her comments on Page 7, Item H. Regarding the timeliness of the document provided, it was given to all the Board members just prior to the meeting, not just herself.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to approve the Minutes dated October 16, 2018 as amended. The MOTION PASSED by a voice vote (7 yes votes).**

## **PUBLIC HEARING**

### **A. 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

Supervisor Kowall. The overall goal of the CDBG funds is to strengthen neighborhoods by supplying local revitalization projects, home improvement and public service to senior citizens, low income persons, families, disadvantaged youth and disabled residents. White Lake will be submitting applications to the county in December for 2019 CDBG funds. The maximum number of projects allowed is four. The Township plans to submit applications for minor home

repairs, senior services, youth services, and a public facility improvement project for the senior center.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to Open Public Hearing on 2019 Community Development Block Grant Funds. Public Hearing opened at 7:18 PM. The MOTION PASSED by a voice vote (7 yes votes).**

Brent Davidson, representative of Haven. Thanks to the Township for all the help and support they've given to Haven in the past. Haven is an agency that works with issues of domestic violence and sexual assault. Your support last year enabled us to serve 56 individuals, with 26 crisis calls from White Lake Twp. citizens. We ask that you continue that support again. We serve to break the silence that has kept the crimes of domestic violence and sexual assault behind closed doors. Our agency is reaching out for the support provided in the past wherein you've given a block grant for \$10,000. Please remember that Federal government presumes domestic violence victims are considered to be low income and therefore qualify for inclusion in block grant public service requests.

Gail Innis, Huron Valley Youth Assistance caseworker. She thanked the Board for their ongoing support for youth services. With the block grants in the past, we have utilized those for young people who are less fortunate and at risk for delinquency or other social, emotional and economic needs, having issues that might escalate into something such as juvenile delinquency. Examples of activities made available through grant funds are summer camp programs, youth enrichment and skill building programs involving tutoring and substance abuse awareness. This is done in hopes of boosting a young person's self-esteem and preventing issues from escalating. We appreciate the help and support the Township has given in the past.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to Close Public Hearing for 2019 Community Development Block Grant Funds. Public Hearing Closed at 7:24 PM. The MOTION PASSED by a voice vote (7 yes votes).**

#### **RESOLUTIONS**

##### **A. RESOLUTION #18-035, APPROVING THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

**It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve Resolution #18-035, Approving 2019 Community Development Block Grant Application. The MOTION PASSED by a voice vote (7 yes votes).**

##### **B. RESOLUTION #18-032, SPECIAL RE-ASSESSMENT ROLL FOR NORDIC DRIVE, WATER SYSTEM IMPROVEMENTS SAD**

Clerk Lilley commented that on this project there was an overage on the sewer or water project and an underage on the other. Now that we know the total cost of that project it is hard to believe that we're not able to blend those together and only charge them for the overage. He understands the law doesn't permit us to do that. We need to be more careful in the future when we are doing those overage and underages that we're not charging those people money that they're going to get back ten years from now. We find that most of the construction projects like this, the people are going to be selling those properties and rebating the money back to another owner rather than the owner that was deserving that put up the money to start with.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve Resolution #18-032, Special Re-Assessment Roll for Nordic Drive Water System Improvements SAD. The MOTION PASSED by a voice vote (7 yes votes).**

**C. RESOLUTION #18-033, 2019 POVERTY EXEMPTION FOR PROPERTY TAXES**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to approve Resolution #18-033, 2019 Poverty Exemption for Property. The MOTION PASSED by a voice vote (7 yes votes).**

**D. RESOLUTION #18-034, DECLARING THE TOWNSHIP'S INTENTION TO ESTABLISH SAD FOR SETTLER'S POINT**

Aaron Potter, DPS Director. In Spring of this year we received a call about the detention pond at Settler's Point. We found that the storm water management system contains three detention ponds. Two of the ponds were severely overgrown and flooded to the overflow level. We contacted the Homeowner's Association as it is part of their Master Deed to repair and maintain this system. He's been working with them throughout the summer and they are having a hard time getting bids for the work. The Association voted to approve asking the Township to handle the project for them. At this time they are asking for the Township to resolve to intend to create a SAD on behalf of the Association so they can assess all the properties that receive benefit of this system, not just the ones identified in the Master Deed. Also, we have an engineering services agreement we would like the Township to authorize the Supervisor to sign to begin work.

Clerk Lilley doesn't see in the proposal any fees that normally the Township would charge to a Special Assessment District that are part of these costs.

Trustee Powell. Clerk Lilley is referring to bond counsel, sale of bonds and administrative costs. We are being asked to pass a motion of intent to establish a SAD. Normally, we don't have engineering and constructions costs at this stage because we haven't developed any way

to forward costs and have costs reimbursed. He would be hesitant to approve an entire contract by J&A. That should be done after the establishment of the SAD but before the assessment roll being confirmed.

Mr. Potter. What we would like to do is pass an intent resolution to start the process of creating the SAD. For us to create the bid package and request bids we will need to spend some money to do a survey and quantify what needs to be done to bring this project into compliance.

Rick Brown, Vice President of Settler's Point Homeowner's Association. We wouldn't have the funds to cover the full amount that J&A has requested. Before agreeing to spend any money a meeting would have to be held with the members of the Association. We are only 33 homes. If we pass a petition, it would preclude four homes outside our Association from being involved.

Trustee Powell clarified that if this Board passes this Resolution, there are still two more public hearings that have to be held before we can actually cause the work to begin. If twenty percent of the people in the benefited area signed a petition against it, it kills the project. Whereas, we need 51% of the people to petition to make it happen. We ought to pass the Resolution.

Trustee Ruggles. He's been part of Township initiation on SADs before. There is a good chance there will be some push back. He would be much more comfortable if a signed petition was brought to us. It would be nice if somehow we can inform the residents how a SAD works, what is going to take place, the time frame and the expense. If everybody is educated and informed it would go better.

Clerk Lilley. He would like to go on record to express his support for the SAD no matter how long the process takes. The only issue he's concerned about is the fact that we are going to be spending money on this project. He would like to have some reassurance from the Association to make sure that those costs have been covered. If we can resolve that issue, we can move this process along.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve Resolution #18-034, Declaring the Township's Intention to Establish SAD for Settler's Point. The MOTION PASSED by a voice vote (7 yes votes).**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to authorize the Township engineer to provide the topographic survey and design development document phases of their proposal at a cost not to exceed \$8000.00; subject to an agreement be established between the Subdivision Association and the Township to reimburse the costs; authorizing the Supervisor and Township Attorney to proceed. The MOTION PASSED by a voice vote (7**

yes votes).

**E. RESOLUTION #18-036, 2019 GENERAL APPROPRIATIONS ACT & 2019 BUDGET  
APPROVAL**

Clerk Lilley. Chief Gurka submitted a request to the Board for an air boat, amount \$85,000; a grant position, \$69,500; promotions, \$52,000; and a command vehicle, \$60,000. For several years the Board has discussed the possibility of getting Station #3 open. We've been told in order to accomplish that we would have to hire at least six additional firemen. He is not supportive of the four items mentioned above which total approximately \$300,000. That money could be utilized to hire at least three additional individuals. The items listed above are important but they should be removed from the expenditure portion of the budget and further talks and negotiations take place regarding alternatives to accomplish hiring the additional people needed to man Station #3. He will not stand in the way of the budget or Appropriations Act being passed but he feels strongly that now is the time we start the process of manning Station #3.

Trustee Ruggles questioned whether this is the time to discuss the Safer Grant that is in the budget or at a later date.

Supervisor Kowall stated the items are funding requests. Each item would have to come before the Board for approval.

Trustee Powell. He thanked Chief Gurka for providing written responses to the questions he posed at last month's meeting. If these items are projections only, why aren't three to six firemen included to man Station #3? It appears the Chief is not prioritizing the opening of Station #3.

Clerk Lilley commented that he and the Supervisor have a different philosophy regarding the money being placed in the budget. He prefers his philosophy which is if we are not agreeing to pay for something, leave it in the savings account until such time as there is serious consideration for approval of the purchase.

Trustee Voorheis is in favor of the Safer Grant position. He is an awesome resource for the Township.

Treasurer Roman. It is his belief the budget should be as conservative as possible, meaning you lightly or understate the revenues and overstate your expenses. Once you start to remove expenses from a budget, out of sight out of mind.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Smith to approve Resolution #18-036, General Appropriations Act and the 2019 Budget. The **MOTION PASSED** by a roll call vote (Smith-yes/Powell-yes/Voorheis-yes/Ruggles-yes/Roman-yes/Lilley-yes/Kowall-yes, with the understanding that any expenditure items will have to come back before the Board.)

**F. RESOLUTION #18-037, 2019 TOWNSHIP BOARD SALARIES**

Peter Piccinato. What percentage does the salary increase represent? He dislikes that the elected officials get to determine their own salary increases. He would like to make a request that this Board consider putting together a compensation committee made up of residents from the Township so we actually get to review and determine the increase. It is a conflict of interest the way this is handled.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve Resolution #18-037, 2019 Township Board Salaries. The **MOTION PASSED** by a voice vote (6 yes votes/1 no vote - Smith).

**OLD BUSINESS**

**A. SECOND READING, AMENDMENT TO ZONING ORDINANCE #58**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Ruggles to approve the Amendment to Zoning Ordinance #58 as presented. The **MOTION PASSED** by a voice vote (7 yes votes).

**NEW BUSINESS**

**A. REQUEST FOR DEFERRAL OF SEWER REQUIREMENT - 7290 MISTWOOD**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to authorize the Supervisor, Township Attorney and DPS to move forward with a deferral agreement; the applicant to pay for the cost of the document; authorizing the Supervisor to sign the document. The **MOTION PASSED** by a voice vote (7 yes votes).

**B. FIRST READING, AMENDMENT TO CHAPTER 26, ARTICLE VIII - SECTION 26-239 OF THE CODE OF ORDINANCES - YOUTH TOBACCO**

It was **MOVED** by Trustee Smith, **SUPPORTED** by Treasurer Roman to approve moving to Second Reading, Amendment to Chapter 26, Article VIII - Section 26-239 of the Code of Ordinances - Youth Tobacco. The **MOTION PASSED** by a voice vote (7 yes votes).

**D. POLC PAID ON CALL TENTATIVE AGREEMENT.**

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the POLC Paid on Call Tentative Agreement. The MOTION PASSED by a voice vote (7 yes votes).**

**F. WHITE LAKE V JOHN VOLKERT, et al, OCCC CASE NO. 18-164285-CZ-CONSENT JUDGMENT**

**It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Powell to approve the Consent Judgment. The MOTION PASSED by a voice vote (7 yes votes).**

**H. CGI COMMUNICATIONS 2018 COMMUNITY VIDEO PROGRAM**

Supervisor Kowall. This is an FYI item but he would like the Board's input for future consideration. In addition to our website this is another way to communicate with the public and also to promote businesses within the community. The program is of no cost to the Township. They will create a tab on our existing website and take you to a video tour of the Township. They would produce videos that would introduce residents to fire, police, DPS, whatever we decide and prioritize to have done. It would be a one year agreement and we also have a say on who can advertise.

**I. POLLACK AGREEMENT**

**It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve the Option to Purchase Agreement for the Pollack Property; authorizing the Supervisor to sign the agreement. The MOTION PASSED by a voice vote (7 yes votes).**

**FYI**

**A. RENTAL ORDINANCE**

Supervisor Kowall. When he first came into office two years ago, he was concerned there be safe and adequate housing for all individuals in the community. That is not just persons that have the privilege of owning their own home but also renters. They deserve protection under the law. We've looked at other communities' rental ordinances. It protects tenants and landlords. It will assist us in maintaining a quality of life for persons that rent in our community. A landlord has the responsibility to provide clean and secure housing.

**B. MOJAVE CANTINA LIQUOR LICENSE DISCUSSION**

Clerk Lilley. There has been discussion about the possibility of a Mexican restaurant and banquet facility coming to White Lake. As part of this package, the gentleman is buying the complex and is spending money to hook to water and sewer. The project could be as long as eight months away. He is moving forward to make a substantial investment in the community.



We do have a liquor license request pending. He would like the Board to support this going smoothly when the application is presented.

Haley Stevens, Congresswoman-Elect for District 11. She will be replacing Dave Trott on January 3, 2019. Her office will have a focus on constituent services. She is an economic development professional with a workforce background and has spent a lot of time with the manufacturing community. She is looking to be an effective and responsible partner with the Township. One of the Federal posts she held was a White House appointment in the U.S. Dept. of Commerce in the Economic Development Administration which is a grant making agency. She mentions that as one example of a way in which we can work together. She is proud and honored to be serving in the U.S. Congress and representing our community.

#### **TRUSTEE COMMENTS**

Trustee Voorheis. On behalf of the Parks & Path promoters and Parks & Rec Committee members, thanks to taxpayers of White Lake for supporting our millage. We will continue to be good stewards of your tax money. Happy Thanksgiving to all.

Trustee Smith. Thanks to VFW Post 4156 for hosting our Board and the community for a ceremony and luncheon on Veteran's Day. They also hosted homeless Veterans this past Saturday. It was a wonderful experience. The Library Board meeting was yesterday. They bid farewell to Treasurer, Joe Fennell and have appointed a new Board member, Beth Ravis. It is No Shave November at the Police Dept. If you would like to support them you can purchase a paper beard for a dollar. The funds go to support two families for Christmas. The White Lake Twp. Tree Lighting is December 7<sup>th</sup> from 6 to 8 p.m. at Fisk Farm. Please email herself or the committee if you are interested in volunteering or sponsoring the event. Part of that event is a coloring contest and gingerbread house contest. Those entries can be dropped off at the library on December 5<sup>th</sup>. Thanks to Congresswoman-Elect Haley Stevens for joining us this evening and welcome to White Lake. Happy Thanksgiving.

Trustee Ruggles. He was able to attend the Veteran's Day Ceremony. Mr. Kowall gave a great speech. Happy Thanksgiving.

Clerk Lilley. He'd like to wish everybody a Happy Thanksgiving. And thanks to Amy again for her professionalism and thoughtfulness. Cathy and I will miss her.

Trustee Powell. He attended a meeting for very wealthy people who are looking to invest in the state for the cannabis law that will be passed. It is attracting a great deal of out of state and out of country money in anticipation of windfall profits. This community is going to be under pressure to participate in that. Everyone should get their ideas together because we will be asked to make some modifications here in the Township. Happy Thanksgiving to all his

fellow residents. Thank you Congresswoman for attending. Thank you Board members for a great year.

Treasurer Roman. Happy Thanksgiving. Those traveling, be safe. Thanks to Amy for all her years of service and best of wishes.

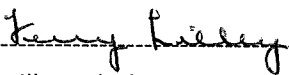
Supervisor Kowall. Thanks again to Amy. Her dedication to the community has been exemplary. We wish you well. He would like to thank all the residents for their continued support for the community. Some of our precincts had record turnouts on election day. We received very strong support for our police, fire, library and Parks & Rec millages. It is our responsibility as a Board to try to use the funds appropriately and provide the best services we can. Hopefully, we will continue to do a good job in the future. Thank you to everyone for being here tonight. Thank you Congresswoman- Elect for showing up. God Bless. Have a great evening.

#### **ADJOURNMENT**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to Adjourn the meeting. The MOTION PASSED by a voice vote (7 yes votes).**

The meeting was adjourned at 9:40 p.m.

I, Terry Lilley, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the November 20, 2018 regular board meeting minutes.

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Terry Lilley, Clerk

White Lake Township

Oakland County, Michigan