

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

August 21, 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
Brent Bonnivier, Building Official
Aaron Potter, Water Director
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Add as an Item after Public Comment discussion regarding the election.

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

PUBLIC COMMENTS

Sharon Keller, 4606 Grass Lake Road, White Lake. She would ask the Trustees to take their fiduciary and fiscal responsibilities seriously and make sure they please investigate all resolutions and business put before them. She is not upset about going after money to improve safety in this community, it is how it was gone about and how the money will be used. If the Supervisor, as the public safety director, is truly concerned with safety in this community it seems he would have obtained maps of township incidents to locate the most dangerous places and then the Board would determine if something could be done to prevent future injury. She would like to trust all the Trustees to do what is right by all of the citizens in this Township, not just those on Rik's friends and family plan.

Clerk Lilley commented many Oakland County communities experienced a ballot shortage during this last election cycle. The ballots are ordered by the Oakland County Clerk's Office. We have little input in regards to how many ballots are issued. He does support the Oakland

County Clerk's Association but is not going to lash out at the Oakland County Clerk's Office because of the shortage and the inconveniences that were caused. Personally, he doesn't feel there is a need for a countywide investigation. It is simply a matter of who will pay for additional ballots.

(Clerk Lilley read a full statement regarding the election ballot shortage into the record.)

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. CHECK DISBURSEMENT**
- D. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. TREASURER'S REPORT**

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

MINUTES

A. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JULY 17, 2018

Trustee Voorheis noted a correction on Page 4, Item E, Resolution #18-021. Correct the spelling of the name Ejan Phillippe Loew to Jean Phillippe Loew.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Minutes dated July 17, 2018 as amended. The **MOTION PASSED** by a voice vote (7 yes votes).

B. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, AUGUST 8, 2018

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Treasurer Roman to approve the Minutes dated August 8, 2018 as presented. The **MOTION PASSED** by a voice vote (7 yes votes).

RESOLUTIONS

A. RESOLUTION #18-023, TO APPROVE AGREEMENTS WITH OAKLAND COUNTY N.E.T. OVERTIME AGREEMENTS

It was **MOVED** by Trustee Smith, **SUPPORTED** by Trustee Voorheis to approve Resolution #18-023, Agreements with Oakland County N.E.T. Overtime Agreements with the Charter Twp. of White Lake. The **MOTION PASSED** by a voice vote (7 yes votes).

B. RESOLUTION #18-024, CONFIRM SPECIAL REASSESSMENT ROLL FOR SAD - CASTLEWOOD SEWER MAIN EXTENSION

Jeanine Smith, Assessor. The Castlewood SAD had a shortfall resulting in a 7% increase in the assessments of \$36,000. The law requires that we reassess the residents. It will be spread over 101 properties resulting in \$354 over eight years.

Ralph Keller, 4606 Grass Lake Road. You were off 7% off by the estimate?

Joe Seta, 1296 Castlewood. The question I have is how can you come back two years later after the contract has been signed and we paid for it? You are coming back two years later and saying it is going to be another \$350, \$400. The contractor gave you a price to do the work. We're getting charged another \$50 a year for eight years and you're charging us interest along with that. Why are we getting stuck with interest? Will this be the last time we're charged for this or two years later we're going to get charged again?

Jessica Wood, 1330 Castlewood. The original estimate stated there were 103 parcels involved and the assessor just stated 101. What is the correct number? The SAD amount was \$512,859 on the estimate and the actual cost of the SAD the amount is \$502,901. Why is there a \$10,000 difference?

Al Kovacic, 1329 Castlewood. Is there any way we can pay off the full amount rather than be assessed?

Treasurer Roman responded yes.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve Resolution #18-024, Confirm Special Re-Assessment Roll for SAD - Castlewood Sewer Main Extension. The MOTION PASSED by a voice vote (7 yes votes).

C. RESOLUTION #18-027, CRANBERRY LAKE GOOSE ROUND-UP - 2018-2023

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve Resolution #18-027, Cranberry Lake Goose Round-Up, 2018-2023. The MOTION PASSED by a voice vote (7 yes votes).

NEW BUSINESS

A. FIRST READING, MOJAVE CANTINA REZONING REQUEST (LB TO GB), FILE #18-013

It was MOVED by Trustee Powell, SUPPORTED by Clerk Lilley to approve moving to Second Reading, Mojave Cantina Rezoning Request (LB to GB), File #18-013. The MOTION PASSED by a voice vote (7 yes votes).

B. REQUEST TO PURCHASE POLICE VEHICLES

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the Request to Purchase Police Vehicles, amount not to exceed \$112,000.00. The MOTION PASSED by a voice vote (7 yes votes).

C. APPROVAL OF COST PARTICIPATION AGREEMENT WITH RCOC FOR GRASS LAKE ROAD IMPROVEMENTS

Chris Pertojia. If this study is not done, what would happen to the grant money? Would it be used for another road in another area? He voiced his support for the project.

Mike Kowall, State Senator. This situation started in the mid '90s. We knew at that point in time Grass Lake Road needed to be improved. There was an agreement with the County through Tri Party funds to address the intersection of Grass Lk. Rd. and Ormond. Phase 2 was to finish it up but we couldn't do it for lack of funding. He has long been asking the County and the State to finish the road up, fix the dust problems, the run off into the wetlands which are under stress right now and in the process of dying, fix the site line for the school buses and cars, the drainage and generally just make it safer for all the residents. He's procured funding for many roads in the State, the County and the Township. There have been some accusations being thrown around but he will continue working on projects to make this state better. He's never been approached by anyone or asked any questions. He had to find out on Facebook he was being accused of many things. If anyone wants to ask any questions, come and talk to him.

Bob Gosselin, 2377 Cumberland. There are many issues concerning this road such as potholes, dust and mud. To fix this road with a SAD, there are only seven houses on that road. Fortunately we've got these grants coming from the state. This is a big improvement for the area.

Aaron Potter. He and his family drove down that section of the road recently. As he was cresting the hill and going over the first curve, he was almost hit head on by somebody else trying to avoid a pothole.

Julie Fentner, 5000 Grass Lk. Rd. The potholes are bad and the speed limit is horrendous. There is a subdivision nearby this area with paved roads which are full of potholes. At least dirt roads can be graded. Once it is paved, who will maintain it? If this grant is approved, what happens if there is not enough money? Who pays for additional costs? Why weren't all the residents who live on Grass Lake notified? A few weeks ago was the first she heard of it. How was it determined that section of Grass Lk. Rd. as there are several blind curves? If the survey shows they can't straighten this section can that money be used for another dangerous section?

Mary Smith. These potholes slow people down. Her concern is paving this section will create a cut-through from Ormond to M-59. She doesn't want to see traffic increase. She disagrees it's a safety factor. You live on back roads, you're going to have potholes.

Nancy Homeister, 4900 Grass Lk. Rd. It is \$1.65 million to improve a third of a mile of gravel road. She chose to move out there because she enjoys living in a country area. People drive this road incredibly fast. Paving it will not make it any safer. If you do proceed with the project, get the speed limit reduced.

Dave Gurke, 2360 Canyon Ridge Road. He is the president of the homeowner's association for Cumberland Valley. For the 15 yrs. he's lived there, we've desired that section of road to be paved. The road is dangerous. Overwhelmingly, the homeowner's association and its members want this project done.

Ted Neff, 2501 Cumberland. He is in favor of the project. He is a professional civil engineer. In his professional opinion that section of roadway does not meet current geometric and safety standards for the traffic it has. In wintertime, the road conditions are even more unsafe.

Anthony Noble, 3423 Wingate Estates. Thank you to Sen. Kowall. It is very important for public officials to capture funds and bring it back to the community. Its safety issue.

Randy Crawford, 2740 Steeple Hill. He drives that road every day. The potholes cause people to veer into the opposite lane. He is fully supportive of paving the road.

Jean Phillippe Loew, 247 Rosario Lane. It was said that if the road is paved people might drive faster. Maybe a speed bump would force people to slow down. If the road is paved, maybe a sidewalk could be put in for pedestrians.

Ralph Keller, 4606 Grass Lake Rd. This grant money will only benefit one percent of the community. From West Meadow to Cumberland, there were a total of six accidents on that section of road from 2004 to 2017. You can use the money to widen the existing dirt roads. There are many roads that are worse.

(Supervisor Kowall read into the record a letter from Clyde and Kim Rickinen, 2880 Steeple Hill, White Lake.)

Clerk Lilley. All the roads in White Lake are bad. He was tickled to see Bogie Lake Road was blacktopped and the Road Commission was finally doing a road in White Lake. The Board a year ago put aside \$1 million for potential road improvements but that has to be used in conjunction with other money to make it work for our benefit. He is happy Senator Kowall was able to secure the money for this project. It is money we don't have to spend out of our General Fund. He is more than in favor of this project.

Trustee Ruggles. He loves the dirt roads as much as anyone but they are dangerous. If we can do anything to make them safer for everyone, it's a no brainer.

Trustee Powell. He has been personally involved in paving miles of gravel roads. This is a county owned road. The County is responsible to maintain it. In a subdivision, the people have to band together and establish a SAD. County streets are paid for by the County as required by their mandates. One drawback is they do not allow speed bumps on a main County roadway. In obtaining and applying for grants, it's got to be done just right. If you call it cajoling or politicking to bring federal and state funds into the township, that's why you elect people, for what they will do for us here in White Lake Township. He supports all our politicians and Township staff for doing what they can for our residents. He is in full favor of this project.

Trustee Voorheis. She lives on the east end of Grass Lake. This needs to be done.

Trustee Smith. Public safety is always her number one priority. She was only contacted by one resident prior to this meeting. She'd like to take this opportunity to remind the residents they aren't going to get accurate information and answers on social media. We are all here and available to answer your questions. She doesn't like the air of impropriety and that is not what happened here. This is just a great opportunity for grant money we would be foolish to not use to improve our roads. She is in full support of it.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Cost Participation Agreement with RCOC for preliminary engineering of Grass Lake Road from Ormond Road to Steeple Hill Drive, Project 54062 with Attorney review and authorizing the Supervisor to sign the contract. The MOTION PASSED by a voice vote (7 yes votes).

(Whereupon a brief recess was taken from 8:43 p.m. to 8:52 p.m.)

D. APPROVAL OF FISK FARM PATHWAY AND DRIVEWAY PROJECT

It was MOVED by Clerk Lilley to Table approval of Fisk Farm Pathway and Driveway Project to receive competitive bids before moving forward.

Clerk Lilley withdrew his motion.

Trustee Voorheis will support a motion with the request by the Historical Society being able see a visual aid of how it encroaches onto the Fisk Farm property. Also, consideration be given to the project being done in phases, Phase I the driveway and Phase II the sidewalk.

Clerk Lilley requested when future bids come before the Board from J&A they should come to the administration before they are placed on the Agenda so the costs can reflect any engineering fees.

Treasurer Roman would request that J&A send to himself and the rest of the Board members an overhead draft outlining the location of the proposed sidewalks.

Susan Thompson, 1655 Bogie Lake Road. She is a long time member of the Historical Society. Parks and Rec make plans and just present them to the Historical Society. We are not happy with having to give up our land. The sidewalk is for people to walk and go shopping. It doesn't benefit us. What we need is the driveway to be wide enough for people to enter and exit safely.

Barb Allison, 6455 Cooley Lake Road. On behalf of members of the Historical Society, as far as the visuals go, the staking is what we are looking for. It is easier for the members to be on the property and see it. Also, they would like further clarification of what the costs are. It would benefit us to have more conversation regarding the project.

Jean Phillippe Loew. Some suggestions to encroach on the property less could be to change the electrical wires to go straight down rather than at an angle. Residents of the mobile home subdivision have a safety issue crossing the road. If there was a sidewalk they might be more inclined to visit the Farm. The tornado siren is unsightly and could possibly be repositioned.

Sharon Bigelow, 5855 Jackson Blvd. She is a charter member of the Historical Society. She remembers when the Farm was in disarray. Over the years we've worked on it. It got to be perfect. Why are we changing it? It is supposed to be an old original farm house. Things are getting too modernized.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to reject the bids presented for the Fisk Farm Pathway and Driveway Improvement Project, authorizing the Community Development Dept. to reanalyze, get advice from the Historical Society and rebid the project in Fall 2018. The MOTION PASSED by a voice vote (7 yes votes).

E. APPROVAL OF WALKING TRACK SEALCOATING VETTER/HAWLEY

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Walking Track Sealcoating Vetter/Hawley, amount not to exceed \$9125.00. The MOTION PASSED by a voice vote (7 yes votes).

F. FIRST READING, CHAPTER 38, ARTICLE IV OF CODE OF ORDINANCES SEWER

Clerk Lilley. 38-479 refers to the Pontiac Lake District. He questioned why it is still in there when all of the people that were involved in the original district were required to finance their capital fees and hook up. He would request Paragraph D be reviewed. In order to be part of the Pontiac Lake District you had to finance your connection and capital charges. If they paid

neither one of those, they aren't part of the district anymore and are to be treated like a regular customer.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to move to Second Reading, Chapter 38, Article IV of Code of Ordinances - Sewer. The MOTION PASSED by a voice vote (7 yes votes).

OLD BUSINESS

A. DANGEROUS BUILDINGS, GALE ISLAND

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to move forward with the Dangerous Building Gale Island tear down, having the Title work rerun three (3) days prior to the beginning of demolition. The MOTION PASSED by a voice vote (7 yes votes).

B. DANGEROUS BUILDING, 1111 ROUND LAKE ROAD

Brent Bonnivier, Building Director. There was Board action taken back in October 2016. Since that date, the present owners have been in compliance with the Township Board order. Recently the Township Ordinance Officer, Jason Hudson, has received a number of complaints from neighbors concerning the condition and shape of the building. We are back in front of the Board tonight to get some more direction.

Dave Swerka. He has been asked by the current property owners to help them out. The owners received a letter dated July 31, 2018 from Mr. Hudson. It states the building is currently in violation of White Lake Twp. Ordinances. They are questioning what violations. No one has told the owners what is wrong. They are looking for specifics on what needs to be addressed and are willing to do whatever is required to keep the property in reasonable condition until the property is sold. They have an offer on the table.

Trustee Smith. To clarify, the October 7, 2016 letter cited Items 1, 6, 7, 8, 9 and 10 of the ordinance were not in conformance. That is six. Now you said four, so what two things are corrected?

Mr. Bonnivier responded the items she is referring to were items from the dangerous hearing officer, not items in the dangerous building ordinance.

Atty. Hamameh suggested starting over. Look at all the Township ordinances. A determination was made they were compliant at one point. If it is a junk and debris issue then the ordinance enforcement officer should get involved and look at the property maintenance code simultaneously to running through the dangerous building process.

C, WELL AND PUMP MAINTENANCE REPORT 2018

Aaron Potter, Water Director. Back in February the Township Board authorized entering into agreement with Peerless Midwest for repair and maintenance of our water supply wells. As part of that the Township requested he come back to the Board with a report of our activities. We have completed our well work for this season. The work included pulling and overhauling Village Acres Well 1, the pulling and chemical cleaning of Village Acres Well 2 as well as the performance pump and well tests for the rest of the Township wells. The total cost was just under \$50,000. All those wells are currently producing at or better than their original capacity. We intend to have two wells overhauled next season.

D. PFAS MONITORING 2018

Mr. Potter. PFAS is an emerging contaminant that is mostly related to fire fighting foams. It is toxic and extremely prevalent in the environment. It is water soluble and lasts in the environment for a long time. The State of Michigan MDEQ started an initiative to sample municipal well systems to determine how prevalent this is in the environment so they could eventually work out some kind of maximum contaminant level and regulations be put into place to control it. We have completed sampling and we found no PFAS in any of our Township municipal wells. Along with this, the Fire Department has been doing inventory of all the older fire fighting foams they have in their inventory. At this time we don't know of any toxic PFAS fire fighting foams in the Township inventory.

E. EXTEND TERMS OF TRAINING AND RECRUITMENT OFFICER CONTRACT

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to allow the Supervisor to continue the position through October 3, 2018 or until the grant funds run out. The MOTION PASSED by a voice vote (7 yes votes).

FYI - CIVIC CENTER DEVELOPMENT COMMITTEE APPOINTMENTS

Supervisor Kowall commented he is in the process of compiling a list of nine individuals who will serve on the Civic Center Development Committee which will be a consulting committee to the Township Board. It will be made up of a cross section of individuals. As soon as the list is put together in its entirety he will notify all the Board Members. This group will work with the Planning Department going into the next step of the actual development of our Civic Center District.

TRUSTEE COMMENTS

Trustee Voorheis. The Lakes Area Chamber of Commerce is having a public forum Tuesday, September 25, 2018 at 8 a.m. at the Quality Inn in Waterford. Our Township has many

concerns regarding road care in our community. The cost is \$5. Oakland County experts will be there to field all questions relating to road plans, commitments to finances and how both of those decisions are made within the community from the Road Commission of Oakland County. Thank you to the voters for supporting the library, police and fire millages. The Fisk Farm Festival is taking place Sept. 8 & 9. Volunteers are needed. The Concert in the Park sponsored by the Library was a very nice evening. Happy Birthday to Trustee Liz Smith.

Trustee Smith. When we come together as a Board, we have an equal vote and so need equal information. She congratulated the police, fire and library on a successful millage renewal. The next Library Board Meeting is Wed., Aug. 22nd at 6:45 p.m. There is an open competitive examination for a firefighter. Applications are due August 27th at 4 p.m. Additional information can be found in the Clerk's Office. She would encourage everyone to sign up for the 4th annual Police Dept. Donut Dash 5K on Sept. 8th. The cost is \$25. Citizens Academy is starting in September on Thursday nights. It is free to attend. You can register at WhiteLakePolice.com. She highly recommends it as it is fun, you learn a lot about our township and it builds a good relationship with our Police Dept. The Fisk Farm Festival is coming up Sept. 8 and 9th. Volunteers are needed. As summer is coming to an end, best wishes to all the students and families for a successful and safe school year. Thanks to all residents for attending the meeting tonight.

Clerk Lilley. Although the Supervisor has taken some heat from a few residents in regards to the road issue, he supports his efforts. The residents don't realize behind the scenes the informational meetings that go on and what it takes to get an improvement done. One of his requests would be that a new section be added to the Agenda for issues involving in-house departments to address their concerns earlier in the meeting. As an update on the Library expense report, there were a couple changes since the last report. At the top of the long sheet, the contractual obligation for McCarthy and Smith has changed. It increased due to additional purchase of insurance as well as an item that was moved. Currently, it appears as though there is a \$366,000 difference in our accounting compared to the Library's. The Library budget indicates their General Fund contribution to additional funding of the bonds would be \$281,032. They have anticipated they would receive approximately \$35,000 in interest earnings over the period of the bond. Also, their General Fund is going to have to absorb another \$50,000 of money if the current contractual obligations all remain the same.

Trustee Ruggles thanked the voters for coming out. It would be good to get the speed limit on dirt roads lowered. He attended the police and fire golf outing which was a great experience.

Trustee Powell. Thank you to the voters for supporting the police and fire millages. Without them the Township would be in a world of hurt. Congratulations to the library on the passing of their millage as well.

Treasurer Roman. Thanks to the voters for coming out to the polls. It was a record turnout for a primary election. Also, congratulations to all those from the Grosse Pointe Woods area, the kids and families that are in the Little League World Series representing the Great Lakes. They are one of four teams left in the United States. Go Team.

Supervisor Kowall. The voters came out in record numbers. Mr. Lilley deserves a lot of credit for his running of the election. The Parks and Rec Millage will be on the November ballot which would help us with the projects the Township would like to do. Our police and fire golf outing was great. The White Lake Township Foundation did very well.

EXECUTIVE SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH COMMERCE TOWNSHIP v. WHITE LAKE TOWNSHIP v. HURON VALLEY SCHOOL DISTRICT, OAKLAND COUNTY CIRCUIT COURT CASE NO. 2016-155404-CK, IN ACCORDANCE WITH MCL 15.268 (e).

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to approve adjourning into Executive Closed Session to consult with its attorney regarding trial or settlement strategy in connection with Commerce Township v. White Lake Township v. Huron Valley School District, Oakland County Circuit Court Case No. 2016-155404-CK, in accordance with MCL 15.268 (e). The **MOTION PASSED** by a roll call vote (Voorheis-yes/Powell-yes/Roman-yes/Kowall-yes/Lilley-yes/Ruggles-yes/Smith-yes).

B. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH WHITE LAKE TOWNSHIP v. JOHN VOLKERT AND MARIE VOLKERT, OAKLAND COUNTY CIRCUIT COURT CASE NO. 2018-164285-CZ, IN ACCORDANCE WITH MCL 15.268 (e).

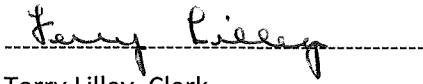
It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to approve adjourning into Executive Closed Session to consult with its attorney regarding trial or settlement strategy in connection with White Lake Township v. John Volkert and Marie Volkert, Oakland County Circuit Court Case No. 2018-164285-CZ, in accordance with MCL 15.268 (e). The **MOTION PASSED** by a roll call vote (Smith- yes/Ruggles-yes/Lilley-yes/Kowall-yes/Roman-yes/Powell-yes/Voorheis-yes).

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Supervisor Kowall to approve returning to open session. The **MOTION PASSED** by a roll call vote (Voorheis-yes/Powell-yes/Roman-yes/Kowall-yes/Lilley-yes/Ruggles-yes/Smith-yes).

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

The meeting was adjourned at 10:50 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
August 21, 2018 regular board meeting minutes.

A handwritten signature in cursive script, reading "Terry Lilley", is written over a horizontal dashed line.

Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan