

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

February 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, Water Dept. Superintendent
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Move Item 9-0, New Digital Monument Sign for Township, to first item under New Business. Add Item 6A, New List of Bills dated 2-20-18. Also, just an FYI, Houghton School will be undergoing renovations during the August primary elections. That precinct will be moved to another location. The Township will send out notifications as soon as the alternate location is determined.

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

PUBLIC COMMENTS

August Baecker, 6347 Ellinwood Drive. He moved out here because he loved the area and has voted for many of the current Trustees. He is a member of the Lakewood Village Association which represents 350 homes. We are all behind you and want to encourage you to move this community in a positive direction.

CONSENT AGENDA

- A. LIST OF BILLS
- B. REVENUE AND EXPENSES
- C. CHECK DISBURSEMENTS
- D. DEPARTMENT REPORTS
 - 1. POLICE

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

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to approve the Consent Agenda as amended, Removing Item D1, Police Report, for discussion. The MOTION PASSED by a voice vote (7 yes votes).

Trustee Powell noticed in the Police Report there were a number of items which have increased substantially over this past month which may be impacting the residents. In January of 2017 220 traffic warnings were given, this year 296; tickets issued in 2017 278, this year 437; and under Accident and Private Property the number almost doubled. He questioned the reason for the increase in these numbers.

Chief Keller responded that currently White Lake is fully staffed for the first time in many years and so there are more officers. The new officers are excited to arrest bad guys and write tickets when needed. This Department prides itself on not writing every single person pulled over a ticket. Our priority is to write tickets for the appropriate reasons.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to approve Item D1, Police Report, as presented. The MOTION PASSED by a voice vote (7 yes votes).

PRESENTATION

Chief Keller gave a brief PowerPoint presentation providing an overview of the activities, services and accomplishments by the Police Department in 2017 and goals for 2018.

This year he implemented designing a new uniform patch, integrating the Township logo with the Police Dept. which is One Team One Fight. It's the Police Dept. and the community together which create a high quality of life. Our mission statement is, "It is the mission of the White Lake Police Dept. to serve our citizens with professionalism, courage and integrity. To uphold the quality of life, preservation of safety, and protection of property in the highest regard." It was an extremely busy year. There were many retirements, new hires and promotions. We are now fully staffed with 20 police officers; 15 patrol, 2 detectives, 1 DARE/crime prevention officer, a school liaison officer, and one officer on the Narcotics Enforcement Team. We responded to over 26,000 complaints resulting in over 2,000 formal written reports. Investigated over 700 traffic crashes and issued over 3600 traffic violations. We do vacation house checks, special attentions, and neighborhood checks.

There are many programs with which we serve the community. Each sergeant has a quadrant of the township and they contact every subdivision within their area to make sure everything is all right so we can pass information back and forth. We have a 5K run. We have over 5,400

followers on Facebook. We do the prescription drug drop-off. We have a school liaison and a DARE officer. We do a lot of community education. We teach the Citizens Academy. We have an open house in June, the newly created White Lake Police Foundation, and our Youth Police Academy. Regarding crime statistics, home invasions went down, larceny violations were down, and motor vehicle thefts were down.

New for 2018, we are working towards an accreditation. It is a two year process. This time next year we will be accredited at the MACP Winter Conference in Grand Rapids. We are in the process of trying a dispatch coordinator. In the spring we will be starting with 12 hr. shifts for the patrol officers which will provide more road coverage. We are looking to purchase a new radar trailer. Officer Snow went to Sexual Harassment and Rape Prevention training for female citizens. We are hoping to release it to the public this summer to train women of all ages. Also, as an outreach project for this year we are attempting to raise \$5000 through the Torch Run for the Special Olympics of Michigan.

MINUTES

A. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JANUARY 16, 2018

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to approve the Minutes dated January 16, 2018 as presented. The MOTION PASSED by a voice vote (7 yes votes).

NEW BUSINESS

O. NEW DIGITAL MONUMENT SIGN FOR TOWNSHIP

Mr. Baecker. An informed community is the best thing. Thousands of friends, relatives and neighbors in the area all drive on M-59. It is a great idea.

Bob Lessa, 350 Farnsworth. What is the ordinance requirement in terms of signage size?

Thomas Johnson, 9136 Buckingham. Watch how long the message is. If it is too long to read and a driver is distracted it can be a problem. Keep it brief and to the point.

Pete Piccinato, 8771 Townsend Drive. His question is about the process. Aren't you supposed to come and ask the Board to go out for bids and then you come in with the quotes and they say you cannot spend more than this amount of money?

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to authorize the Supervisor and Planning Dept. to purchase a new moveable sign for the Township, amount not to exceed \$52,000. The MOTION PASSED by a voice vote (7 yes votes).

A. STULBERG REZONING, FILE NO. 17-021 (FIRST READING)

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve moving to Second Reading, Stulberg Rezoning, File No. 17-021, rezoning of property from R1-A Single Family Residential to RM-1 Attached Single Family Residential. The MOTION PASSED by a voice vote (7 yes votes).

B. MINI REZONING, FILE NO. 18-002 (FIRST READING)

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Voorheis to approve moving to Second Reading, Mini Rezoning, File No. 18-002. The MOTION PASSED by a voice vote (7 yes votes).

C. FARMLAND & OPEN SPACE PRESERVATION PROGRAM, PA 116 REQUEST (PARCEL NO. 12-05-400-029)

Trustee Ruggles requested to recuse himself from discussion and vote on Item 9C, Farmland & Open Space Preservation Program as he has a conflict of interest with this item.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to recuse Trustee Ruggles from discussion and vote on Item 9C, Farmland & Open Space Preservation Program, PA 116 Request (Parcel No. 12-05-400-029). The MOTION PASSED by a voice vote (6 yes votes).

Mr. O'Neil stated that an application came into the Assessing Office on January 16, 2018 for PA 116 Farmland & Open Space Preservation Program approval. Effectively, it is a tax relief program for farmers that are truly engaged in farming. A memo outlining some State information such as the property value, the completed application from the property owner, and an aerial map of the property was supplied to the Board members.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the application for Farmland & Open Space Preservation Program, Public Act 116 Request (Parcel 12-05-400-029) consisting of 85.67 acres. The MOTION PASSED by a voice vote (6 yes votes).

D. RECOMMENDATION FOR 2018-2024 PARKS AND RECREATION MILLAGE

Mr. O'Neil. Before the Board tonight is not an actual request to approve specific millage language. It is more of a request to authorize Parks and Rec to move ahead with the Clerk's Office and Township Attorney to compile all the appropriate information and language for voter consideration on the August ballot.

Clerk Lilley clarified if the language is to be placed on the August primary ballot it must be placed by 4:00 p.m. of May 15, 2018. If the wording is to be submitted for the November

general election it must be submitted by 4:00 p.m. of August 14, 2018.

It was determined to move forward with this item. No motion was required at this time. This item will be brought back before the Board next month.

E. REQUEST TO PURCHASE NEW MAINTENANCE VEHICLE

Mr. Johnson. He's pushed snow himself for a long time. He can't tell you how many pounds of welding rods he's used keeping the front end of his truck together as well as the plow. They take a tremendous beating.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve the purchase of a **New Maintenance Vehicle**, amount not to exceed \$33,000. The **MOTION PASSED** by a voice vote (6 yes votes/1 no vote-Powell).

F. REQUEST TO PURCHASE NEW VEHICLE FOR POLICE DEPARTMENT

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Purchase of a **New Vehicle for Police Department**, amount not to exceed \$48,500. The **MOTION PASSED** by a voice vote (7 yes votes).

G. REQUEST TO PURCHASE RADAR TRAILER FOR POLICE DEPARTMENT

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Smith to approve the Purchase of the **Radar Trailer for Police Department**, amount not to exceed \$16,000. The **MOTION PASSED** by a voice vote (7 yes votes).

H. REQUEST FOR GENERAL FUND TRANSFER

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Trustee Powell to approve the General Fund Transfer to pay for Phase One Sewer Debt, amount not to exceed \$100,000. The **MOTION PASSED** by a voice vote (7 yes votes).

I. REQUEST APPROVAL OF J&A SCADA TRENDING AND REPORTING APPLICATION PROPOSAL

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to authorize the **J&A SCADA Trending and Reporting Application Proposal**, amount not to exceed \$8,000. The **MOTION PASSED** by a voice vote (7 yes votes).

J. REQUEST APPROVAL OF NATIONAL WASH AUTHORITY WATER TOWER 1 CLEANING PROPOSAL

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to approve the National Wash Authority Water Tower 1 Cleaning Proposal, amount not to exceed \$6,500. The MOTION PASSED by a voice vote (7 yes votes).

K. REQUEST APPROVAL OF J&A PHASE 2 SCADA AND NETWORK UPGRADE PROPOSAL

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the J&A Phase 2 SCADA and Network Upgrade Proposal, amount not to exceed \$172,850. The MOTION PASSED by a voice vote (7 yes votes).

L. REQUEST APPROVAL TO AWARD WELL PUMP AND MAINTENANCE CONTRACT TO PEERLESS MIDWEST

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve awarding the Well Pump and Maintenance Contract to Peerless Midwest for four (4) years, amount not to exceed \$400,000; subject to Township Attorney review of the contract, authorize the Supervisor to sign the contract and approve emergency expenditures, advising the Board of such at the next Township Board meeting. The MOTION PASSED by a voice vote (7 yes votes).

M. DEPARTMENT OF PUBLIC SERVICES DIRECTOR

Clerk Lilley read into the record a memo outlining his recommendations for Aaron Potter, Water Dept. Superintendent, to be promoted to Public Services Director. Attached was a job description. As Mr. Potter is under contract for his current services it will need to be reviewed and presented at the next upcoming meeting regarding his wages.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to approve promoting Aaron Potter to Public Services Director, with the pay scale to be determined at a later date. The MOTION PASSED by a voice vote (7 yes votes).

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to take a brief recess. The MOTION PASSED by a voice vote (7 yes votes).

(Whereupon a recess was taken from 9:46 p.m. to 9:57 p.m.)

N. AGREEMENT FOR WHITE LAKE TOWNSHIP LIBRARY BUILDING PROJECT

Treasurer Roman. This is an agreement that defines the mechanisms, the responsibilities and the custodianship of funds once the library bonds are sold. It goes into the fact that monies will go into a principal and interest fund that will be used to make the bond payments and then we'll have a construction fund that will be used to actually fund the construction and pay the

contractors. This agreement puts the responsibility on the library to submit for payments to contractors and at the same time keeps the funds within the custodianship of the Township. It was drafted by bond counsel. It doesn't appear the Library Board will have any issues with it at this point.

Trustee Powell. He has a basic concern and wants there to be no ambiguity at all on how the agreement will work. This Agreement is for the sale of the bonds and how they are going to be paid back and logistically run through the Township. Item 9P, Library Reimbursement Agreement, looks to have the library repay the funds the Township has loaned them up to this date for operating costs and expenses when and if the bonds are sold.

His concern is the money generated by the bond sale is solely to defray the cost of the project including engineering, legal and other expenses incidental to the project itself. It does not allow for reimbursement of operating costs. How will the Township and the Library Board work out using the money from these bonds to pay back the operating costs they borrowed from the Township when this agreement precludes that?

Supervisor Kowall responded that a motion was made some time ago that allowed the library to pay itself back out of the bond proceeds for funds that it's utilizing to reimburse anything that they spent towards this project including the cost of the land. So they are able to reimburse themselves out of the bond proceeds for the cost of the land which then frees up their money. That is the legal mechanism that has already been set in motion to allow that to happen.

Trustee Powell. He had some further concerns regarding the language in the Item 9N Agreement. Pg. 2, Para. 1, first sentence "...which shall be approved by the Township Planning Commission." The word 'shall' sounds as though it is directing or demanding the Planning Commission it must approve it. It does not give them any leeway at all. He would suggest substituting 'must be' or 'must first be' approved. Pg. 2, Para. 1, end of the second sentence add the words 'and engineering design standards'. Pg. 2, Para. 1, within the fifth sentence do the words 'in the name of' mean the library is solely responsible for that? He would suggest adding the language, in the name and 'responsibility' of the library. Or Pg. 2, Para. 1, sentence 8 add "The library shall be 'solely' responsible for the administration...".

Atty. Hamameh. As the language changes are becoming more substantive, it would be her suggestion to articulate the concerns and suggested changes and authorize the Supervisor to approve the agreement subject to changes as agreed upon by bond counsel.

Mr. Baecker. Has a new library been approved? He likes libraries but like it or not the phone is the future. He personally stopped at the Highland Library today and you could have shot a canon through it. The new library in Commerce has very few cars. You've got to really consider the budget. We are growing but we've got to look at the big picture.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to authorize Supervisor Kowall to sign the agreement as amended today after consultation with Bond Counsel. The MOTION PASSED by a voice vote (7 yes votes).

P. LIBRARY REIMBURSEMENT AGREEMENT

Atty. Hamameh. This is the agreement for reimbursement of temporary advance of funds. Once approved by both Boards this agreement would set forth what the authority for that is in the Whereas provisions and then the agreement part of it essentially lays out the terms of payment going forward and that there is no further deficit in the outstanding balance as of January 1st. All payments will go towards the outstanding balance. There is language in the agreement to ensure once the library's funds are replenished they will have the ability and agree to immediately reimburse the Township.

Supervisor Kowall noted the only amendment is in Section C, change 2019 to 2020.

Trustee Powell would suggest in the event the bonds aren't sold, give the library through the end of this year interest free to pay off the amount due. After that we ought to charge them at least what we charge our own citizens for SAD loans which is 5%. Has the amount of \$370,785.69 that they currently owe us grown since January 1, 2018? Has the library sent us \$10,000? He is unhappy with the repayment language, the repayment of only \$10,000 a month, and the fact we aren't charging them interest.

Clerk Lilley was told by the Accounting Dept. the library owed us at this date \$417,648. He has no intention of voting for this pay back when they've been given almost a million dollars to date and we are going to get a dribble back to us. It isn't right. He's personally had every intention whenever purchasing property has been talked about to buy property for the library. It wasn't good enough for the library because the Township would own the property instead of the library. If they would have agreed to that they would today be building a library with a future attachment to a Township Hall.

Treasurer Roman. It isn't a perfect agreement and we will never have a perfect agreement. Supervisor Kowall is our legal representative and he's been working hard to get something to bring to the Board. We just need to move forward.

Trustee Smith. We need to take some kind of positive action forward, otherwise we're going to be stuck in a vicious cycle. If the Board wants to discuss the agreement and dissect it until we all feel comfortable then we could move forward tonight with something.

Sharon Keranen, 9393 Steephollow Drive. She voted for and believes in the library but she's had concerns from the beginning regarding the fiduciary responsibility of this Township Board.

You wonder why we lose trust in politicians. Where is the library's fiduciary responsibility to this Township Board? That's the problem in politics. You're playing with our tax dollars.

Mary Earley, 5925 Pine Ridge Court. This issue was passed a year and a half ago. The library had every reasonable expectation that the bonds would be coming right away. This wouldn't be going on now if the bonds had been sold a long time ago.

Mr. Lessa. He was surprised to hear the library has \$900,000. What is wrong with telling them to pay \$400,000? That gives them \$500,000 to meet their expenses until the bond is issued. We could get all our money back right now. Once they start with the process of building, the library wants to be autonomous. I would suggest they be 100% autonomous, they pay all their own bills, hire their own payroll company, get their own insurance. They are not connected with the Township other than by name.

Theresa Johns. She doesn't understand why the Board doesn't understand why the residents are so upset as to what's been happening. She commends Mr. Powell as he's the only one who has said anything in reference to protecting this Township, the residents and our tax money.

Susan Diehl, 9170 Twin Lakes Drive. She sent out an email back in August stating that it was clear the Township was going to be in a hold hostage position because the library is going to run out of money and you'd be forced to pay their payroll. Whatever the library has wanted to do, the Township has had to take a back seat. To prevent the library from moving forward to get the bond money will only continue to put us in this rat race that we're not getting out of. We need to move forward with something.

Denise Stefanick, Library Co-Director. Once we receive the bond money, we will be paying the total amount back. It won't be \$10,000 a month.

It was MOVED by Treasurer Roman to approve the Library Reimbursement Agreement, authorizing Supervisor Kowall to make amendments as needed. The MOTION FAILED.

Trustee Smith. She clarified a few points that were mentioned. The \$10,000 proposed and voted upon by the Library Board was until the bonds are issued and then they will cure their debt in full. The \$10,000 was voted on by the Library Board, that's where the amount came from. Our Board gave authority to Supervisor Kowall to negotiate this agreement. If we are uncomfortable with this agreement, we should take the time to go through it and make it a workable document we are all comfortable with. Otherwise, we need to be willing to give authority back to Supervisor Kowall as our representative. Regarding the payback process, she's asked many times for things to be in writing for clarity. There is no requirement or necessity that the library's payroll go through the Township. It doesn't have to happen. If it

does continue, she'd recommend it be in writing.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to Amend the Library Reimbursement Agreement under Paragraph 3A, changing the dollar amount from \$10,000 to \$37,700; 3B, change both days to three (3); authorize the Supervisor to negotiate the proposed changes and sign the agreement. The MOTION PASSED by a roll call vote (Voorheis-yes/Smith-yes/Powell-yes/Ruggles-yes/Roman-yes/Lilley-no/Kowall-yes).

10. DANGEROUS BUILDINGS - A SHOW CAUSE HEARING WILL BE HELD DURING THE MARCH 2018 BOARD MEETING

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to set the Dangerous Buildings - Show Cause Hearing for March 13, 2018 at the Regular Township Board Meeting. The MOTION PASSED by a voice vote (7 yes votes).

TRUSTEE COMMENTS

Trustee Smith. The next regular monthly Library Board Meeting is Wednesday, February 21st at 6:45 in the lower level. She recently attended the State of the County Address and it was very informational and we should be proud of our county. It was a great presentation. Congratulations to Mr. Ruggles as his family is now the owner of a Centennial Farm. In the wake of the Florida school shooting tragedy this past week, if any students in our community are struggling or having a challenge, she as well as all the members on this Board are willing to talk to them and be a safe adult for them to reach out to. She thanked Officer Snow for her heroic lifesaving efforts in saving a resident by performing the Heimlich Maneuver. Thank you to all the residents for their patience and understanding as we hashed out this difficult issue.

Trustee Ruggles. As Ms. Smith mentioned, he spent the last three months applying for becoming a certified Centennial Farm with the Historical Society of the State of Michigan. It took some time going down to the Register of Deeds and tracking the sale of parcels going back to 1833. He got the ownership going back to 1904.

Trustee Powell. All our hearts go out to the residents of Florida for what they went through. He is glad for Chief Keller's presentation and that they are involved in the community. He is thankful the schools allow us still to go in and work with them.

Supervisor Kowall thanked everyone for attending tonight's meeting. There are a lot of decisions to be made. They are not always popular or easy. His heart goes out to all the families in Florida. He is glad our liaison officer is diligent in our schools.

EXECUTIVE SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATION IN ACCORDANCE WITH MCL 15.268 (h).

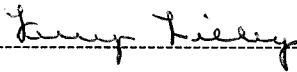
It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Trustee Smith to approve adjourning into Closed Session to Consider Attorney/Client Privileged Communication in Accordance with MCL 15.268 (h). The **MOTION PASSED** by a roll call vote (Smith-yes/Voorheis-yes/Powell-yes/Ruggles-yes/Roman-yes/Lilley-yes/Kowall-yes).

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

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

The meeting was adjourned at 12:10 a.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 February 20, 2018 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan