

# CHARTER TOWNSHIP OF WHITE LAKE

## Approved Minutes of the Regular Board of Trustees Meeting

August 15, 2017

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 - Absent  
Liz Smith, Trustee  
Andrea Voorheis, Trustee

Also Present: Lisa Hamameh, Attorney  
Jason Iacoangeli, Staff Planner  
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Add Items 6A, List of Bills dated 8-15-17; 6F, Treasurer's Report dated 8-15-17, 10H, Property Committee Recommendations. Remove Item 10E, Request to Approve Proposal for Sexton Services from Huron Cemetery Maintenance for Years 2018-2020.

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Agenda as amended: Add Items 6A, List of Bills dated 8-15-17; 6F, Treasurer's Report dated 8-15-17; 10H, Property Committee Recommendations. Remove Item 10E, Request to Approve Proposal for Sexton Services from Huron Cemetery Maintenance for Years 2018-2020. The MOTION PASSED by a voice vote (6 yes votes).**

**It was MOVED by Trustee Smith, SUPPORTED by Trustee Powell to approve the Agenda as amended: Add Item 10I, Library Bond Process Discussion. The MOTION PASSED by a voice vote (6 yes votes).**

Additional discussion regarding item 10L took place at various points throughout the meeting.

### PUBLIC COMMENTS

Dennis Fiems, 9095 Satellite. He presented a list of questions which he doesn't expect the Board to answer tonight but hopefully will consider in the near future. 1. The Township Board has expressed a desire to create a Township services campus. To this end the Township bought property on Elizabeth Lake Road. Does the Township Board have a plan for the financing of such a Township center? Is so, what is that plan? 2. Does the Township have

an estimated cost for building such a campus? 3. Does the financial plan depend in any way on any funds from the Library bonds approved by the voters last year? 4. Are there any documented, authoritative estimates as to the savings, if any, to be found in a combined building? 5. If there are any savings, how will that be allocated between the library and Township? 6. Does the Township Board, or any of its members, know the source of the rumor that in excess of \$2,000,000 could be saved by having one building? 7. I have heard that there may be a "benefactor" who might pay for a basement or a second story for the library building. Is there any truth to this assertion? 8. Are the appropriate Township officials preparing the relevant documents to ensure the library bonds will be issued promptly when the approval is granted by the Township Board?

Cheryl Herrmann, 5611 Teton Trail. With regards to the library bond process, bonds have not been issued. There was some concern with regards to the library paying their bills and their budget. Without them being able to pay their outstanding balances, this delay in issuing the bond may result in the need for an emergency manager.

Theresa Johns, 9105 Steephollow Drive. Research has shown the library is in violation of MCL 1.438 Section 18.3 and has continued to cover up, misinform the public and spend taxpayers' dollars knowing their money will run out in October. At the July 28 Library Board meeting, the P&L statement of the library clearly shows if they stop spending today they will have the cash flow to carry them through this fiscal year. Not only did they spend in excess of a zero budgeted account, they also diverted funds from other accounts to pay for the building fund expenditures as they are now in a cash flow crisis. As of July 28, the library has not completed cost estimates yet they continue to spend money in violation of the Uniform Budgeting Act, continue to create a cash flow crisis which may cause the library to close and continue to blame the Township. The Library Board is an elected body and should be held fiscally accountable for their actions.

Anthony Noble, 3423 North Quarry Creek. It is a smart idea that the Township got an independent person to do a study on costs and the campus and combining everything. We've already got a police and fire millage, the library millage and to have another millage come at the taxpayers is not fiscally responsible. Also, he praised Police Chief Keller. His kids were out and one of his officers came by and stopped and spoke with them. It's a very community oriented Police Department and it is really great to see that.

#### **CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. CHECK DISBURSEMENTS**
- D. BUDGET AMENDMENT**
- E. DEPARTMENT REPORTS**

1. POLICE
2. FIRE
3. COMMUNITY DEVELOPMENT

**It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the Consent Agenda as amended. The MOTION PASSED by a voice vote (6 yes votes).**

#### **MINUTES**

##### **A. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JULY 18, 2017**

Trustee Powell noted some corrections to the Minutes. On page 1 under Public Comments, change the last name 'Harmon' to 'Herrmann'. On page 9 under Trustee Comments by Trustee Ruggles, change 'he' to 'Trustee Ruggles' and 'her' to 'Ms. Herrmann'.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve the Minutes dated July 18, 2017 as corrected. The MOTION PASSED by a voice vote (6 yes votes).**

#### **PUBLIC HEARING WITH RESOLUTION**

##### **A. PUBLIC HEARING FOR ESTABLISHMENT OF EMERGENCY SEWER CONNECTIONS 2017-01.**

###### **1. RESOLUTION #17-028, ESTABLISHMENT OF EMERGENCY SEWER CONNECTIONS 2017-01**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to Open Public Hearing for Establishment of Emergency Sewer Connections 2017-01. The MOTION PASSED by a voice vote (6 yes votes).**

There were no comments by the Public at this time.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to Close Public Hearing for Establishment of Emergency Sewer Connections 2017-01. The MOTION PASSED by a voice vote (6 yes votes).**

**It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve Resolution #17-028, Establishment of Emergency Sewer Connections 2017-01, the next hearing date for confirmation of the roll to take place 9-19-17 @ 7 p.m. The MOTION PASSED by a roll call vote (Smith- yes/Voorheis-yes/Powell-yes/Roman-yes/Lilley-yes/Kowall-yes).**

##### **B. PUBLIC HEARING TO UPDATE (5) YEAR RECREATION PLAN 2018-2022**

###### **1. RESOLUTION #17-031, ADOPTION OF THE TOWNSHIP RECREATION PLAN 2018-2022**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to Open Public Hearing**

**for Update (5) Year Recreation Plan 2018-2022. The MOTION PASSED by a voice vote (6 yes votes).**

Peter Piccinato, 8771 Townsend Dr., White Lake. Are any trails planned going to the newly proposed library? How do people get to it? He was informed it is included under Action Plan, Community/Central Park Development.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to Close Public Hearing for Update (5) Year Recreation Plan 2018-2022. The MOTION PASSED by a voice vote (6 yes votes).**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Resolution #17-031, Adoption of Township Recreation Plan 2018-2022. The MOTION PASSED by a roll call vote (Smith-yes/Voorheis-yes/Powell-yes/Roman-yes/Lilley-yes/Kowall-yes).**

## **RESOLUTION**

### **A. RESOLUTION #17-029, ALLOW WEB POSTINGS FOR CDBG PUBLIC HEARING NOTICES**

**It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith to approve Resolution #17-029, Allow Web Postings for CDBG Public Hearing Notices. The MOTION PASSED by a voice vote (6 yes votes).**

## **NEW BUSINESS**

### **A. WATER/SEWER APPROVALS**

#### **1. REQUEST TO OBTAIN BIDS FOR WELL CLEANING AND REPAIR FOR VILLAGE ACRES #1 AND #2, AND TWIN LAKES #1.**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the Water/Sewer Request to Obtain Bids for Well Cleaning and Repair for Village Acres #1 and #2 and Twin Lakes #1. The MOTION PASSED by a voice vote (6 yes votes).**

Ejanphilippe Loew, 247 Rosario Lane. What is the contingency if the last pump breaks down? He was informed there is a system in place with alternate water supplies available.

#### **2. REQUEST FOR APPROVAL OF J&A DESIGN AND ENGINEERING PROPOSAL FOR HILLVIEW WELLHOUSE REHABILITATION.**

**It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to approve the Water/Sewer Request for Approval of J&A Design and Engineering Proposal for Hillview Wellhouse Rehabilitation, amount not to exceed \$24,000. The MOTION PASSED by a voice**

vote (6 yes votes).

**3. REQUEST TO APPROVE OAKLAND COUNTY WATER RESOURCE COMMISSION TO ACCEPT BIDS AND BEGIN WORK ON RELINING UNION LAKE ROAD SEWER MAIN AND REBUILD/RELINING MANHOLE**

Sheldon Greenblatt, 9055 Huron Bluffs Drive. He questioned what was the source of the hydrogen sulfide and will the effect on the Shotwell pipe impact Twin Lakes Village? The hydrogen sulfide is methane gas that comes from the decomposition of human waste. Twin Lakes will not be impacted by the Shotwell pipe.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to approve the Request to Approve Oakland County Water Resource Commission to Award the contracts to CES for the lining of the 24 in. & 27 in. concrete pipe and D'Angelo Brothers for the replacement of the sanitary sewer manhole, authorizing the 10% contingency fee, the Supervisor to sign the contract, amount not to exceed \$110,000. The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to approve the Request to Approve Oakland County Water Resource Commission to Accept Bids and Begin Work on Relining Union Lake Road Sewer Main and Rebuild/Relining Manhole, amount not to exceed \$110,000, authorizing the 10% contingency fee and the Supervisor to sign the contract. The **MOTION PASSED** by a voice vote (6 yes votes).

**B. ASPHALT REPAIR OF TOWNSHIP PARKING LOT**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to approve the Asphalt Repair of Township Parking Lot, the rear parking lot and westerly side entrance, amount not to exceed \$40,000, authorizing the Supervisor to sign the contract. The **MOTION PASSED** by a voice vote (6 yes votes).

**C. ST. PATRICK'S ANNUAL FAIR**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve the St. Patrick's Annual Fair Permit, waiving the permit fee. The **MOTION PASSED** by a voice vote (6 yes votes).

**D. REQUEST TO TRANSFER FUNDS TO FLEXIBLE SPENDING ACCOUNT**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Powell to approve the Request to Transfer Funds to the Flexible Spending Account in the amount of \$5,000. The **MOTION PASSED** by a voice vote (6 yes votes).

#### **F. FOIA APPEAL**

**It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve Resolution #17-033, Grant in Part and Deny In Part A Freedom of Information Act Appeal. The MOTION PASSED by a voice vote (6 yes votes).**

#### **G. STATUS OF CIVIC CENTER CONSULTING PROJECT**

Mr. Iacoangeli, Staff Planner, updated the Board regarding the status of the Civic Center project. This was week one in what is going to be a 12 week process of putting together some comprehensive planning for the Civic Center complex. One item discussed was the timeline. It is going to be a 12 week process of putting together data and collecting stakeholder information from six groups including the library, the Township, public safety which is police and fire, local property owners and developers and the school district. There will be a meeting August 28 - 30 in which stakeholders will be brought in and interviewed regarding their concerns and challenges. The information will be used to formulate a comprehensive vision for that portion of the township, which is the area behind the new Kroger Store on Elizabeth Lake Road. The next meeting for the Steering Committee will also be the week of August 28-30. They will begin looking at the master plan and zoning ordinance and get data from SEMCOG. From this point things will move very rapidly.

Trustee Smith noted the consultants will be planning a public forum which will be one of the next agenda items. The public will be notified by mail and all social media avenues the Township has available.

Treasurer Roman is part of the Steering Committee. A few people representing the library at the meeting brought up the issue that there was an election they won and because of that they want the bond to be issued. What he would like to hear from the library staff are some other reasons the Township should have a separate stand-alone library. Some reasons he suggested for having a combined building would be economies of scale, cost savings, common roof, parking, roads, utilities, maintenance, one stop shop, more traffic into the library, more exposure, and easier to secure as one building. Also, there is some misinformation regarding what the election accomplished. His understanding, after speaking with the bonding attorney, is it requires our Township Board to levy a millage to service the debt on the bond if and when a bond issue is actually approved by the Township Board. The election does not require this Township Board to issue a bond. That said, I think everyone on this board has publicly stated they do support a new library.

#### **H. PROPERTY COMMITTEE RECOMMENDATIONS**

John Earley, 5925 Pine Ridge Court. He questioned how much it costs for one postcard mailing and was informed it could be as much as \$5000.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the Property Committee Recommendations of an amount not to exceed \$10,000 to be used for Civic Center Communications. The MOTION PASSED by a voice vote (6 yes votes).**

#### **I. LIBRARY BOND PROCESS DISCUSSION**

Trustee Smith relayed as the Library Liaison it is her understanding the Library had emailed the Supervisor and Clerk on August 3rd and 7<sup>th</sup> asking to be placed on the August 15<sup>th</sup> Agenda. The item to be discussed are the documents that would be needed to prepare the bond such as a timeline, a budget, a narrative of the project and supportive documentation to prepare for the bond.

Trustee Roman questioned whether Dickinson Wright has given the Township a specific procedure and list of documents needed. He requested that Trustee Smith relay to the Library Board on his behalf that for this Board to vote on a bond request, we need to know how much money they are asking for. In one of the recent Library meetings, the Library Board President was asked if they would consider putting the Township below their building. If they would consider that, logically speaking, the Township will then contribute to the cost of the roof, the roads, utilities, parking lot, everything. Wouldn't then the cost and the money needed go down? If that is a possibility, then this Board should not be asked to approve a total of 8.5 million because we don't know how much that cost estimate is going to go down.

Trustee Powell has not personally seen a budget for their professional fees or detailed line itemed construction cost estimates. The concern he has is that the construction costs would be above and beyond the amount the people authorized the bonds to be sold for. Before he personally authorizes the sale of any bonds he would like to see the operation estimate for the cost to operate this 30,000 sq. ft. building so we can make sure they have it in their budget to operate it. He would hope the Library Board would be looking to lower their costs to where they didn't have to charge the residents the full amount of the bond. In the summer of 2017, the University of Virginia did a study on library sizes and they make a very strong case that the spatial needs for libraries has been reduced over the last ten years rather than increased.

Clerk Lilley advised that he will have a report for the Board at the next meeting. He will contact the bonding attorney and the financial advisor to find out what documentation for the bonds is required and then it will be relayed to the library. No matter what the estimates are for construction of the building, they will have to go before the Planning Commission as far as their site plan which will mostly likely change the cost estimates that are going to be provided by the library.

Trustee Smith stated the Library anticipated the bonds to be issued in July so to them it is past due. The gathering of these documents could be started, worked on and prepared so there isn't a delay whenever this Board is ready. Could a parameter of time be set on when Clerk Lilley will get back to the Library so if they need to supply anything else they have time to get it for his report back to the Board in September?

Roger Herrington, 2240 Wigger Lane. To alleviate all the anger that is going on in the Township over this issue, why not begin this process as opposed to wait until 12 weeks from now? If the Library Board is saying they've got the building designed and are ready to go out for bids in December and start construction in March of 2018, is this delay going to change things? It isn't going to change the fact that there's going to be a library, just where it is going to be located and to what degree the rest of the Township is going to share certain aspects of it.

Denise Stefanick, Library Deputy Director. She would like permission to talk to the bond attorney. She tried previously and was told it was not allowed until Clerk Lilley said it was okay. They just want to start the process and can't even talk to the attorney to figure out what the process is. The attorney asked for a meeting between herself, the Library Board and Clerk Lilley and permission wasn't granted so no meeting was scheduled. We don't have to continue with the same building project but there are people who have been contracted with who are expecting payment based on a July 1<sup>st</sup> bond issuance.

Treasurer Roman stated previously he would investigate the legality of the Township possibly loaning money to the library. No statutory law was found that specifically allows a loan. If the library attorneys can cite such statutory law, then he would welcome the library to make a formal request to the Township Board.

Mr. Fiems. The vote was held last year and to this night the library still doesn't know what is required for the bond. It seems that the Board could have at least found out what was necessary for the Library Board to present to the bond attorneys before this evening. Mr. Powell suggested nothing can be done until there are the detailed drawings and he also said the library should stop spending money. Those aren't compatible. How can you get detailed drawings for free?

Treasurer Roman questioned if it is a possibility that there is a combined building, putting the Township under the library and move the site, why would the Library Board come now with a preliminary site plan?

Trustee Powell clarified when you submit a plan to the Planning Commission, the township engineer reviews it, the township planner reviews it, staff approves it, and it goes out to the general public for public notification for site plan approval. All of that is additional funds that the library would be responsible for. If it could possibly change, that money is wasted.



Mr. Noble. If the Township wouldn't be opposed to going downstairs in the library building that is a great option. If you are in the same building, that is four million dollars you're going to save the taxpayers. It makes sense. What is so hard about this?

Ms. Stefanick. The problem is the voters were asked for a certain building in a certain location and now we are going to have a municipal building. It is kind of like a bait and switch. There is a legal problem in that the voters were asked for a single building. If there are two millages and one building, a lot of legal work has to be involved in making sure funds and facilities don't co-mingle. If that happens we could possibly not get tax exempt status for our bonds.

Ms. Jones. The bond was won by four votes, not 20 or 50. Time and again there has been a misappropriation of funds which you don't recognize. The library can stop the spending. It is a choice they are making that is being put upon the residents of White Lake.

## **OLD BUSINESS**

### **A. SECOND READING, AMENDMENT TO FEE ORDINANCE 129, SECTION 22, 30, 31 & 32**

**It was MOVED by Trustee Powell, SUPPORTED by Clerk Lilley to approve the Amendment to Fee Ordinance 129, Section 22, 30, 31 & 32. The MOTION PASSED by a voice vote (6 yes votes).**

## **TRUSTEE COMMENTS**

Trustee Voorheis. August 26, 2017 from 10 a.m. to 3 p.m. Highland Recreation Area is having an 1860 baseball exhibition game. There will be food and beverages, live music and vintage Model A cars. Fisk Farm Fall Festival is September 9-10 from 10 a.m. to 5 p.m. Volunteers are still needed. If you can help out please contact anyone in the Historical Society. Long time White Lake resident Rose Osborne recently passed away at 94 years old. She was one of the original supporters of the Fire Dept. as one of the original 911 operators. There was a phone in her house that was a landline for her own personal use and the other was for fire calls. She was one of the original Rosie the Riveters. She was a great lady.

Trustee Smith. Today was the first meeting for the Civic Center. The end date for the committee findings should be the first week of November. Residents should watch out for postcards and social media soon advising of the dates for the public forums. The Library Board's next meeting will be Wed., August 23<sup>rd</sup> at 6:45 p.m. The last meeting was July 26<sup>th</sup> which was videotaped and is on the Township and Library web site in which a detailed presentation was given on the proposed building. The library summer reading program wrapped up last Saturday and was a big success. The library will be at the Fisk Farm Festival and is having a book sale. The Donut Dash for the Police Dept. is Saturday, Sept. 9<sup>th</sup> at 8:30 a.m. It is \$25 for adults and \$5 for children. It is for all ages, you can walk or run.

Supervisor Kowall and she met with Faith in Action which is a program for helping seniors with home repairs. We will look into it a bit more and try to be supportive of their efforts. Thanks to Parks & Rec and the Planning Dept. for putting together such a great binder detailing the Five Year Recreation Plan.

Clerk Lilley also remembered Rose Osborne as a great dispatcher back in the early '60s. She spent a lot of dedicated time during the day to answer the telephone. Rose was also part of the absentee ballot committee and would spend the first half hour deciding the menu for election day and then got into election business. He was not prepared for the library discussion tonight but he will communicate with Bendzinski and Wyzgoski and let that information be known.

Treasurer Roman advised the Hazardous Waste Drop-Off Day is September 30<sup>th</sup> from 9 a.m. to 1 p.m. in the Kohl's parking lot.

Trustee Powell was recently made aware that disabled American veterans can apply for property tax exemption if they are 100 % disabled. During this meeting we passed the CDBG funds that the Township can use to help less able bodied people fix their houses up. There is also another opportunity for those who qualify which is the Oakland County Housing Development. If you meet a certain income, you can obtain loans through the county to replace your septic system, do major household repairs or connect to the sanitary sewer. It is a lien against your house but it is a zero interest loan and you don't have to pay it back until you sell.

Supervisor Kowall. With the passing of a senior citizen who was 94 years old it is a piece of our history that we've lost. We need to remember where we came from as that is what makes us what we are today. It is important to preserve our history. The Historical Society is always looking for new members. You can make a difference in your community by being involved in a lot of different ways. We are casting a die for the future of our community by the decisions we make today on this Civic Center Campus.

## **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 Powell to approve adjourning into Executive Closed Session to consider attorney/client privileged communication in accordance with MCL 15.268 (h). The MOTION PASSED by a roll call vote (Voorheis-yes/Smith-yes/Powell-yes/Roman-yes/Lilley-yes/Kowall-yes).**

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

**It was MOVED by Supervisor Kowall, SUPORTED by Treasurer Roman to adjourn the meeting. The MOTION PASSED by a voice vote. 6 yes votes.**

The meeting was adjourned into Executive Session at 10:00 p.m.

I, Terry Lilley, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, herby certify that the foregoing is a true copy of the August 15, 2017 regular board meeting minutes.

*Terry Lilley*

Terry Lilley, CMC, CMMC  
White Lake Township Clerk  
Oakland County, Michigan