

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

April 18, 2017

Supervisor Kowall called the meeting to order at 7:04 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
Amy Bertin, Recording Secretary

Clerk Lilley advised the Board members there was an FYI memo from a citizen in their packets regarding the 4 Corners Development. He amended the Agenda as follows: Add Items 8C, Minutes 3-28-17; 10J, Resolution #17-006, Property Purchase. Remove Item 12B, Approval to Recess into Closed Session to Discuss Labor Negotiations In Accordance with MCL 15.268 (c).

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the Agenda as amended: Add Items 8C, Minutes dated 3-28-17; 10J, Resolution #17-006, Property Purchase. Remove Item 12B, Approval to Recess Into Closed Session to Discuss Labor Negotiations in Accordance with MCL 15.268 (c). The MOTION PASSED by a voice vote (7 yes votes).

PUBLIC COMMENTS

Douglas Hanks. Within the last week he sent the Board members an email concerning his appeal regarding permit fees in the amount of \$966. \$200 was for a re-occupancy fee he didn't need to pay because he didn't need to change his apartment into a retail space. He would like that amount refunded. The other item was a permit to convert space in his building into an apartment that was previously storage space. That permit fee was \$716. Because he was prevented from getting this permit for three years he would like that amount reduced.

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to add as the last item on the Agenda, discussion regarding refunding permit fees to Mr. Hanks. The MOTION PASSED by a voice vote (7 yes votes).

Debbie Wertz, Program Director for White Lake Community Coalition. We are a non-profit organization that works with the community to help empower youth to make positive life choices, maneuver through life, avoid drug and alcohol use and strengthen families. We offer programs regarding family education, drugs, bullying, cyber safety, and suicide awareness. We are looking to get the community involved from different sectors whether as a concerned citizen, parent, teacher, and possibly a liaison from the Township Board. We offer many different events and classes and camps. Their group differs from Huron Valley Youth Assistance as they specialize particularly in White Lake residents and are more prevention education based rather than counseling. She would love input from the Township regarding specific needs they see. If anyone would like to meet with her to discuss things or get further information please contact her.

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**
 - 5. OVERTIME REPORT**
- E. CIVIL SERVICE APPOINTMENT (6 YEAR TERM)**
- F. SENIOR ADVISORY COUNCIL APPOINTMENT**

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

PRESENTATIONS

A. SWEARING IN OF OFFICER WADE D. SWALWELL

Chief Keller introduced Officer Wade Swalwell who was then sworn in by Clerk Lilley. He was born and raised in Clarkston. He graduated from Oakland Community College with a criminal justice degree and Oakland Police Academy in 2008. He has worked in Saginaw County as a Sheriff for the past eight years. We are lucky to have him as an officer in our department.

B. FINANCIAL REPORT, PLANTE MORAN

Pam Hill, Audit Partner, Plante Moran. Also present is Amanda Cronk who was the manager on the audit. Tonight they are here to give a brief graph presentation concerning the

December 2016 Audit. The Township did receive an unmodified opinion which is the highest level of assurance they can receive from their audit firm.

Amanda Cronk discussed the graphs in a power point presentation. The General Fund revenue increased about 12% over the past year. Included within that was one unique transaction in the sale of the Redwood Property which is the driving force of the increase in revenue. The other revenue streams were fairly consistent within the past year. The largest revenue source is state shared revenue, the second being property taxes. Property values will take until approximately 2024 to rebound to their high level in 2009. These slow value increases are important to consider during budget time. Even if values rise, the taxable value is limited by the Headlee Act and Proposal A.

General Fund expenditures for 2016 did increase slightly. All the activities were fairly consistent with the exception of the transfers line. This is, again, a one time thing being the revenue from the property transfers line. There was approximately 44% of unassigned fund balance in the General Fund, meaning there is approximately five month's worth of expenditures available for Township operational purposes which is a very healthy place to be. The reason for the increase in expenditures was the conscious decision to pre-fund the post-employment benefits. Within the Water Fund, the amount of billings are equal to the operating expenses. The Sewer Fund is being shown as a special revenue fund. Currently the charges to the users of that system do not cover anywhere near the costs of running that system. If those facts and circumstances change, there may be a presentation change in the future.

Tom Johnson, 9136 Buckingham. The graph is nice but over that period of time, by the time 2024 comes around we are going to be behind it even more because the rest of it is going up. Do you have a projection as to when it will come back even with what the Township is actually experiencing as far as expenditures?

Doug Hanks. Recently he understood through the paper that White Lake had just spent 1.3 - 1.4 million for a piece of land. Is that reflected in any of this or is that for last year?

Ms. Hill mentioned they spent 300-400 hours at the Township working on the audit. She would like to thank Elaine, Dawn, Terry, Rik and Mike. Elaine is top notch. You are very lucky to have her. There was nothing significant to point out in the letter this year. There were no deviations from the plan. To make the Board aware, there is a new accounting standard that will be implemented for the Township next year related to the retiree health care obligation. There was a new Public Act 530 that was passed in December of 2016 which will require the Township to file something with the State outlining your plan as to how you are going to get your retiree health care funded up to 60%.

Clerk Lilley commented the graph presentation shows there has been a lot of consistency by the leadership as well as current and past Board members to maintain an adequate fund equity. When it was time to cut, we cut. When it was time to grow, we grew. Elaine and Dawn are to be commended for what they do for the Township. Also, Plante Moran have been great to work with throughout the audit as well as bringing things to our attention along the way.

Treasurer Roman also thanked Lisa Reaser, Deputy Treasurer. She supervises all of the receipts that come into the Township, including tax receipts. She is always helping out the auditors as well.

MINUTES

A. FEBRUARY 21, 2017 (UNAPPROVED)

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to approve the Minutes dated February 21, 2017 w/amendment attached. The **MOTION PASSED** by a voice vote (7 yes votes).

B. MARCH 14, 2017

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the Minutes dated March 14, 2017 as presented. The **MOTION PASSED** by a voice vote (7 yes votes).

C. MARCH 28, 2017

Trustee Powell requested a correction to be made on page 6, carried over to page 7. The current wording is, "He would like to see an outdoor area with benches and landscaping that people could sit outside." To the end of that sentence add, 'at the restaurant'.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to approve the Minutes dated March 28, 2017 with the noted correction. The **MOTION PASSED** by a voice vote (7 yes votes).

OLD BUSINESS

A. SECOND READING, AMENDMENT TO CHAPTER 18 OF THE FIRE CODE

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve Amendment to Chapter 18 of the Fire Code. The **MOTION PASSED** by a voice vote (7 yes votes).

NEW BUSINESS

A. COPY MACHINE PURCHASE (DUBLIN)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve the Copy Machine Purchase, Machine MPC2504, with a lease payment of \$137.59. The **MOTION PASSED** by a voice vote (7 yes votes).

B. JOB RECLASSIFICATION/PAY SCALE CHANGE

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Job Reclassification with Pay Scale Change, effective May 1, 2017. The **MOTION PASSED** by a voice vote (7 yes votes).

C. 2017 OPEB EMPLOYER CONTRIBUTIONS

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve the 2017 OPEB Employer Contributions in the amount of \$777,500 as broken down in the Item 10C Memo. The **MOTION PASSED** by a voice vote (7 yes votes).

D. BUDGET AMENDMENT FOR PROPERTY PURCHASE

It was **MOVED** Clerk Lilley, **SUPPORTED** by Trustee Powell to approve the Budget Amendment for Property Purchase. The **MOTION PASSED** by a voice vote (7 yes votes).

E. CONSIDER SALE OF PROPERTY: 1408 CAPRICE

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the sale of property at 1408 Caprice to Danielle Bensek in the amount of \$7770, authorizing the Supervisor to enter into a Purchase Agreement and sign any relevant documents necessary to close on the property. The **MOTION PASSED** by a voice vote (7 yes votes).

**F. RESOLUTION #17-004, ADJOURNING PUBLIC HEARING REGARDING
CASTLEWOOD SEWER CONNECTIONS**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman approve Resolution #17-004, Adjourning Public Hearing Regarding Castlewood Sewer Connections to the Reg. Twp. Board Meeting on May 23, 2017 @ 7 p.m. The **MOTION PASSED** by a voice vote (7 yes votes).

**G. RESOLUTION #17-005, AGREEMENTS WITH OAKLAND COUNTY N.E.T.
OVERTIME AGREEMENTS**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve Resolution #17-005, Agreements with Oakland County N.E.T. Overtime Agreements, the Supervisor to

sign the Medical Marijuana and Drug Trafficking Agreements and the Clerk to sign Resolution #17-005. The MOTION PASSED by a voice vote (7 yes votes).

H. JOHNSON & ANDERSON PROPOSAL - WATER ASSET MANAGEMENT PLAN

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the J&A Proposal - Water Asset Management Plan, Project #18351. The MOTION PASSED by a voice vote (7 yes votes).

I. ENGINEERING AGREEMENT AMENDMENT, VILLAGE ACRES WATER TREATMENT IRON REMOVAL DESIGN AND CONSTRUCTION ENGINEERING

It was MOVED Clerk Lilley, SUPPORTED by Supervisor Kowall to approve Engineering Agreement Amendment, Village Acres Water Treatment Iron Removal Design and Construction Engineering, File #17489 in the amount of \$32,500. The MOTION PASSED by a voice vote (7 yes votes).

J. RESOLUTION #17-006, PARCEL PURCHASE

Atty. Hamameh noted a correction on page 2, paragraph 3, change the word 'City' to 'Township'.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve Resolution #17-006, Parcel Purchase with the noted correction. The MOTION PASSED by a roll call vote (Kowall-yes/Lilley-yes/Roman-yes/Ruggles-yes/Powell-yes/Voorheis-yes/Smith-yes).

DISCUSSION REGARDING REFUND OF PERMIT FEES FOR DOUG HANKES PROPERTY

Trustee Powell wanted to give Mr. Hanks due time to represent himself if he has anything further to say on the subject of why he believed he should receive a refund. Each one of us has pulled building permits in this Township and none of us have received any free building permits. We've had to pay all our fees, whether or not we felt they were justified. Mr. Hanks has received a service from the Township for the funds.

Mr. Hanks. He is not questioning the fact that he received something in return for the funds spent. What he is asking for is consideration regarding the occupancy fee. He previously presented law that it was illegal. The law was misrepresented and it was obstruction of justice so he is asking for a favor because he has been deeply penalized for this.

Trustee Powell stated that residents think they've been wronged by communities all the time. They claim they were treated illegally and misrepresented. We, as a Board, can't take a homeowner's or business owner's statement that the Board acted illegally. We rely on our

staff, administration and legal counsel. We have nothing to go on except for the fact that he received a benefit for the services from the Township.

Treasurer Roman commented that Supervisor Kowall did ask him to look at the Ordinance. He did do so and his interpretation was totally in agreement with Mr. O'Neil and Atty. Hamameh.

Trustee Powell wanted to offer Mr. Hanks an opportunity to air his grievance and they have responded. In Mr. Hanks' email to the Township he gave us the option of putting him on the Agenda or we could email each other and come up with a decision. We can't do that. That is not allowed by the Open Meetings Act. We do not discuss things via email or in private groups. That is one of the main reasons he made a motion to allow Mr. Hanks to appeal directly to the Board in an open meeting.

Clerk Lilley stated we are talking about fees and services. He is not personally at the point to talk about the services that were provided without the opportunity to talk to the people who issued the permit. He would feel more comfortable to have an opportunity to talk to those people first and put this item on next month's agenda for a decision.

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to deny refund of permit fees paid by Doug Hanks regarding his property. The MOTION PASSED by a voice vote (6 yes votes, 1 no vote-Lilley, for the reasons stated).

TRUSTEE COMMENTS

Trustee Voorheis. The Parks and Rec Committee is in the process of starting a five year master plan. We have just started a Survey Monkey Questionnaire. It will go online starting next week and it will be up for two months. The next meeting is scheduled for May 10th at which time a public visioning session will be held.

Trustee Smith. The Library had a special board meeting on April 6th where they interviewed architects and chose a firm to get started. The next meeting is April 26th at 6:45 p.m. The library and the new municipal complex will be neighbors. She would like to thank the previous library board for being very futuristic and taking this big step forward for the library.

To clear up any ambiguity regarding comments made at a previous meeting she read the following statement into the record: "A recent issue was brought to this Board last month. And though it was not an appropriate venue and I would not normally respond to such a vicious false allegation, I do believe they were just merely politically motivated by someone you may all know, it gives me an opportunity to respond and speak to a very important issue.

I am a very passionate and competent child advocate and senior advocate on my own personal

time unrelated to my township duties. I have spent countless hours for years with no fanfare in attempting to protect the rights of those who often have no voice, our children and our seniors and those with disabilities and needs of protection. I am proud to advocate for life at all ages, all stages. I raised a foster child from toddler age with severe medical and educational disabilities and I'm very proud to say she will be graduating this year. I have a family member who struggles with disabilities from birth and I watched while others mistreat and deny their rights. I've worked on many senior issues and in nursing homes where neglect and lack of care would break your heart. This can be very heart wrenching as one witnesses many indecencies and harm that should not be bestowed on these individuals. It can also be rewarding when you can right a wrong or restore rights of others and see protections put back in place.

As of recent, I've been working very hard to try to protect a young little girl who has severe life threatening food allergies at a local school district. I wish to note that four out of five of the districts we serve in our community do a good job in dealing with this issue. One school community has been difficult and non-compliant in the opinion of parents and others. I work and collaborate with other advocacy agencies, child advocates, civil rights authorities and U.S. Dept. of Education.

Parties with junk food, candy and other unsafe food seems to have become important to a handful of parents and staff who can be loud and intimidating with their objections. Unfortunately, we were all witness to that false diatribe a month ago at our last meeting. Can you close your eyes for a moment and picture what it must be like for a parent to send their little child off to school every day who possesses this life threatening condition and go into a school community that has issues of trust or does not keep her safe. Worse yet, these children and their families have to endure bullying. Last year I witnessed a parent, Bethany Dannewitz, who actually spoke here before this board who apparently by her laugh thought it was funny to bring in a donut containing the killer allergen, then added M&Ms to it to make it worse and then placed it in front of this little six year old child telling her it was okay for her to eat and walked away knowing that this young child has a life threatening allergy. Who does that?

I can assure you I have the support of our Supervisor along with those who graciously took the time to review the proofs that assuredly demonstrate my proper conduct and professionalism in this matter. Our chief of police has confirmed that I was not creating a disturbance. There is no official police report and I simply left the school on my own volition.

I'd like to refer you to a site online, FARE. It is a food allergy advocacy and resource group that issued a PSA that shows allergens children endure while going to school. They can endure peer torment and real bullying. The Public Service Announcement is called, Food Allergies, It's No Joke.

Thank you for all those who reached out to me with kind support. Thank you for listening. We all have a responsibility to protect our residents including our children. And I'm honored to be this child's advocate and her shield. I want to thank you all for allowing me to read this and this Board this opportunity to right another wrong."

Her teacher also spoke before our Board. The community didn't get to share but the Spinal Column did a great job highlighting that. If anyone would like to review her statement, please let me know. I just would like to sum it up that she did speak that sometimes parents, they interject when they don't know. And she was her teacher and she did come here and supported me and I appreciate that. Thank you so much.

Trustee Ruggles. Last Monday at approximately 7 p.m. he got a call from his sister-in-law who is a Township water user. She said her water quit working. He recommended first thing in the morning to put a call into the Township and somebody will come out. Mr. Potter came out the next morning and went through the house and somehow found out that the lever had been shut turning off all water coming into the house. After he left, her 5 yr. old son said, Mom, I was playing with that lever yesterday. So thanks. They had nothing but good things to say about you.

Trustee Powell. He enjoyed being with everyone at the MTA. He learned a great deal and he wanted to thank the public for allowing him to attend the meetings this past week. It was a great time. We have a great deal of past history here in the township and some incredible people who have instigated and helped get us where we are today. We should have a memorial plaque or monument somewhere in the township to place names on it to memorialize various individuals and this can be carried on into the future. Also, he would suggest they scan certain items and project them on the TVs so members of the audience and the public watching can see some of the Agenda items and information. He would hope to institute that for future meetings.

Treasurer Roman. He shared an incident he came across last week. He would like to get the Board's input on it as well as Chief Keller. He was going home for lunch and noticed a gentleman out of his car alone trying to steer and push it at the same time across M-59. He questioned the best way to help in that situation and was told to call 911.

Clerk Lilley. He also enjoyed his opportunity to meet with everyone socially and get away from their roles in the Township. The friendly conversation was great. He thanked the Board for allowing him to attend the MTA meetings as well. He had an opportunity to visit the pump house the last couple of weeks. There is a lot of work going on there. It is great to have Mr. Potter working for the Township in that he has that kind of knowledge to give us. He thanked this Board as well as former members and supervisors. 20 years has been a long time on this

property. It will be so nice to be in a focal area for White Lake Township. There are some great plans moving forward. He is looking forward to it.

Supervisor Kowall. It's been an interesting first 100 days. It's been a learning curve. Being on the Board as a trustee was an immense help. Coming from the private sector, which is no discredit to his fellow board members, but because of the bureaucracy involved things tend to move at a snails speed whereas as an independent business man you need to make snap decisions. The decisions we make here are made carefully and we take them very seriously. He knows they will be good stewards of this new era we are going into. We will hopefully be closing on the property on the 26th of April. It will be an interesting ride and he is hoping to be a part of it.

EXECUTIVE SESSION

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

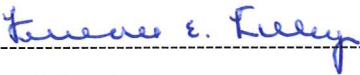
It was **MOVED** by Trustee Smith, **SUPPORTED** by Trustee Powell to approve adjourning into Executive Closed Session to consider attorney/client privileged communication in accordance with MCL 15.268 (h). The **MOTION PASSED** by a voice vote (7 yes votes).

It was **MOVED** by Trustee Smith, **SUPPORTED** by Trustee Powell to approve returning into Regular Session. The **MOTION PASSED** by a voice vote (7 yes votes).

Motion by Supervisor Kowall supported by Trustee Ruggles to adjourn the meeting. The **MOTION PASSED** by a voice vote (7 yes votes)

The meeting was adjourned into Executive Session at 11:03 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 April 18, 2017 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan