

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

April 21, 2015

Supervisor Baroni called the meeting to order at 7:00 p.m.

Supervisor Baroni led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Greg Baroni, Supervisor
Terry Lilley, Clerk
Carol Burkard, Trustee
Rik Kowall, Trustee
Andrea Voorheis, Trustee

Absent: Mike Roman, Treasurer
Scott Ruggles, Trustee

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

Clerk Lilley added the following Items to the Agenda: Item 5A, New List of Bills dated 4-21-15; Item 8B, Corrected Copy of Resolution #15-008, Duck Lake Goose Round Up; Item 8F, Resolution #15-012, Charitable Gaming Licenses for Huron Valley Optimist Club.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Kowall to approve the following Amendments to the Agenda: Add Item 5A, New List of Bills dated 4-21-15; Item 8B, Corrected Copy of Resolution #15-008, Duck Lake Goose Round Up; Item 8F, Resolution #15-012, Charitable Gaming Licenses for Huron Valley Optimist Club. The MOTION PASSED by a voice vote (5 yes votes).

PUBLIC COMMENTS

Peter Piccinato, 8771 Townsend Drive. He did submit a FOIA request to the Township regarding 2444 Porter Road. He thanked the Township for responding promptly to his request. In the documents he received, he did not see an appraisal of the property before it was bought and there were no Agenda items or Meeting Minutes in which the purchase was discussed. He never saw anywhere else mentioned the supposed reason for the purchase which was creating a nature preserve. The Board needs to do a better job of handling the taxpayers money. Also, he is still looking for a meeting to discuss resolving the sewer issue. Additionally, he would suggest the Township revisit the subject of instituting a NO HAZ collection. People are dumping illegally. Other communities offer this but he would like to see our own community institute something to

make it easier for people to do.

Ann & Richard Keith, 8661 Highland Road, White Lake. Their residence is next door to Randy Hebert's Diesel Repair Shop. They have been asking for a privacy fence for over twenty years. They were told he would install a green fence, which never happened. In the back of their property there is a broken fence panel which now they are forced to look at trucks, boats and garbage in his yard. He is not in compliance. He is parking semis. During the weekend, loud generators are running constantly day and night. They are frustrated and would like something done.

Martin Ciurlik, 4050 Orr Road. In his opinion, Scott Ruggles, current Board member, is running an illegal business. He cited from page 12 of the deposition of Sean O'Neil, Planning Director, which was taken in the case of White Lake v Ciurlik Enterprises. The questions and answers were, in part, regarding Agricultural Zoning Ordinance 58.3-11, Lands Zoned Agricultural and what is legally permitted to be sold.

Sean O'Neil, Planning Director, responded that he did investigate the complaint. He spoke with people at MSU Extension Dept. of Ag as to how the Right to Farm Act might pertain to Mr. Ruggles operation. The selling of colored chips is protected by the Right to Farm Act and is not a violation of our ordinance because it has protection. The selling of sand and gravel, those kinds of materials, would not be permitted but that is not going on. After a recent inspection of the site, he found no violation of the Zoning Ordinance.

Mr. Ciurlik questioned whether he could now sell colored wood chips on his property. He was told the issue would not be discussed further in this forum and to please schedule an appointment to meet with Mr. O'Neil and/or Mr. Baroni during regular township business hours.

Larry Ostrowski, Library Director. He announced that the DIA Inside/Out artwork pieces are now installed and can be viewed at 10 different locations throughout the township. Flyers are available for more information. Bus tour trips will be set up for seniors and young people. The library will have programs offering further information about the artists and time periods of the pieces of artwork and maybe some scavenger hunts.

Supervisor Baroni stated that in conjunction with the DIA project, local artists will be encouraged to display their artwork in the Township Offices. The offices will be open during the DIA bus tours so people can also view local artist's work.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. TREASURER**

2. POLICE
3. FIRE
4. WATER
5. COMMUNITY DEVELOPMENT
6. OVERTIME REPORT

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the Consent Agenda as amended. The **MOTION PASSED** by a voice vote (5 yes votes).

PRESENTATION

A. AUDIT REPORT FROM PLANTE MORAN

The Plante Moran audit team members presented to the Township Board members the results from the 2014 audit. They spent over 300 hours auditing the Township's books and records. This year the Township received an Unmodified Opinion in the Audit Letter which is the highest level of assurance you can receive from your audit firm, similar to receiving an A on a report card.

A brief overview of Township's revenues was discussed. The revenue sources have been fairly consistent with a slight increase over 2013. The largest source continues to be the State shared revenue. The expenditures were similar to last year, only increasing 2%. Taking capital expenditures out of the picture, they actually were able to decrease operating expenses. In comparing the General Fund balance to the expenditures, the unassigned portion is approximately 65% of the total. This number is important to the State and bond rating agencies. The Township has done a great job of keeping their debt low. The last expense looked at were pension and health care costs. It is important when budgeting to consider future legacy costs as a new accounting standard this year forces you to account for the pension liability on the Township's financial statements

The Township Board also received an End of Audit Letter. There were no new accounting policies adopted by the Township during the year, meaning you can compare financial statements to last year. There were no transactions that had a lack of authoritative guidance or were recorded in an incorrect period. There were no difficulties or disagreements with management during the audit. There were no misstatements detected. There were no internal control deficiencies. Your team does a very good job. It is very rare to do an audit and find no adjustments. The integrity of the day to day accounting information is reliable which is good for budgeting and making financial decisions throughout the year.

MINUTES

A. MARCH 17, 2015

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Kowall to approve the Minutes dated March 17, 2015. The **MOTION PASSED** by a voice vote (5 yes votes).

RESOLUTIONS

A. RESOLUTION #15-007, CEDAR ISLAND LAKE GOOSE ROUND UP

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve Resolution #15-007, Cedar Island Lake Goose Round Up. The **MOTION PASSED** by a voice vote (5 yes votes).

B. RESOLUTION #15-008, DUCK LAKE GOOSE ROUND UP

Clerk Lilley clarified that although it is the Duck Lake property owners that are making the request for the Resolution, a portion of the lake lies within White Lake Township.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the corrected copy of Resolution #15-008, Duck Lake Goose Round Up. The **MOTION PASSED** by a voice vote (5 yes votes).

C. RESOLUTION #15-009, TULL LAKE GOOSE ROUND UP

It was **MOVED** by Trustee Voorheis, **SUPPORTED** by Trustee Burkard to approve Resolution #15-009, Tull Lake Goose Round Up. The **MOTION PASSED** by a voice vote (5 yes votes).

D. RESOLUTION #15-010, MENTAL HEALTH MONTH

It was **MOVED** by Trustee Voorheis, **SUPPORTED** by Trustee Kowall to approve Resolution #15-010, Mental Health Month. The **MOTION PASSED** by a voice vote (5 yes votes).

E. RESOLUTION #15-011, MOTORCYCLE AWARENESS MONTH

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve Resolution #15-011, Motorcycle Awareness Month. The **MOTION PASSED** by a voice vote (5 yes votes).

F. RESOLUTION #15-012, CHARITABLE GAMING LICENSES FOR HURON VALLEY OPTIMIST CLUB

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve Resolution #15-012, Charitable Gaming Licenses for Huron Valley Optimist Club. The **MOTION PASSED** by a voice vote (5 yes votes).

NEW BUSINESS

A. APPEAL OF SOLICITATION DENIAL PER ORDINANCE

Atty. Hamameh stated that the Township does have a Solicitation Ordinance in which a permit must be applied for and obtained before soliciting door to door. The Township Clerk performs an investigation and decides whether or not the application is approved. A few of the stated purposes of the Ordinance is to improve and protect the public health, safety and welfare by protecting the privacy of citizens, the quiet enjoyment of homes from unwanted solicitation, fraud, deceptive practices, crime, et cetera.

The Township Clerk reviewed two applications for a solicitation permit. Based upon his investigation, he denied both applications. The ordinance does provide that if the applicant is aggrieved by the decision, they have the right to appeal. The applicants have requested an opportunity to be heard and present their side of the case to the Board and are requesting the Board reverse the decision of denial.

Tim Dinverno and Jonathan Parton applied for a Solicitation Permit to promote the business known as 20th Century Stone. It is a family owned and operated home improvement business. It has an A plus rating and is licensed, insured and bonded. Mr. Dinverno has battled with drug usage and mental illness in the past. Since 2010 he has turned his life around with the support of family, friends and medical professionals. Mr. Parton also within the last few years lost everything due to his involvement with drug usage. It is his criminal record which resulted in the permit denial. He appreciated this opportunity to stand before the community and the Board to show them that he is a different person.

The Board members commended and applauded the young men for their courage in coming before the public to state their case. The Ordinance is in place to protect the citizens from fraud and deception. The two are business partners, relying on one another, so to consider their cases separately wouldn't be right. It was felt more time needs to pass to prove their good character to the community before reapplying. It was suggested they compile a list and submit it to the Clerk's Office within the next month of the places they have canvassed in the past or are currently doing business in so the Board can research their track record in those communities.

The two applicants are agreeable to supplying a list of the communities they have canvassed and tabling the decision until the next scheduled Township Board Meeting.

It was MOVED by Trustee Kowall, SUPPORTED by Clerk Lilley to Table the Appeal of Solicitation Denial Per Ordinance for further review until the next scheduled Township Board Meeting to take place May 19, 2015. The MOTION PASSED by a voice vote (5 yes votes).

B. REQUEST FOR PART-TIME OFFICE ASSISTANT/CLERICAL

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Kowall to approve the request for Part-Time Office Assistant/Clerical position. The MOTION PASSED by a voice vote (5 yes votes).

C. WHITE LAKE PRESBYTERIAN CHURCH PROPOSAL FOR PROPERTY RESTORATION

It was MOVED by Trustee Kowall, SUPPORTED by Trustee Burkard to approve the White Lake Presbyterian Church Proposal for Property Restoration be done to its original intent.

The MOTION was stricken.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Burkard to approve the April 6, 2015 request of Mr. Currin, with the stipulation that Item 5 be amended to include seed and mulch in the flat areas. The MOTION PASSED by a voice vote (5 yes votes).

D. APPROVAL OF CHMP SERVICES

Trustee Burkard will be voting 'no' on Items 9D and E as the procurement policy was not properly followed in the bidding process. It is stated that three bids must be obtained for comparison purposes.

It was MOVED by Trustee Kowall, SUPPORTED by Trustee Voorheis to approve CHMP Services performing a facilities study on the Township Fire Department buildings and the Dublin Senior Center. The MOTION PASSED by a voice vote (4 yes votes/1-no vote by Burkard as the procurement policy was not properly followed).

E. TECHNICAL SUPPORT FOR COMPUTER SYSTEM

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Kowall to Table the bid for Technical Support for Computer System until the next scheduled Township Board Meeting on May 19, 2015. The MOTION PASSED by a voice vote (5 yes votes).

F. MAINTENANCE EQUIPMENT PURCHASE

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Kowall to approve the request for Maintenance Equipment Purchase of a lawn mower from D&G in the amount of \$9679.00 The MOTION PASSED by a voice vote (5 yes votes).

G. B-59 CROSSING DEVELOPMENT AGREEMENT

It was MOVED by Supervisor Baroni, SUPPORTED by Trustee Burkard to approve the Development Agreement conditioned on the consultant's reviews and recommendations being satisfied except for Item 4 from ClearZoning. The MOTION PASSED by a voice vote (5 yes votes).

H. MEIJER FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the Good Will Co./Meijer First Amendment to the Development Agreement, making all revisions as outlined in the planning, engineering, and legal reviews, in particular:

Item #2a in the legal review pertaining to future land division requests and modification of Exhibit E to comply with the State Land Division Act and the Township's Land Division Act Ordinance.

Item #2e in the legal review regarding clarification of the terminology used to describe the parties involved in the agreement as well as clarifying the definition of public utilities.

Item #3 in the legal review pertaining to cross-access for future outlots.

Item B in the engineering review pertaining to utility and access easements.

That the required revisions be reviewed by staff and consultants to determine that all conditions are met prior to formal execution of this agreement.

The execution of the 1st Amendment to the Development Agreement for Good Will Co. is required prior to the issuance of a building permit.

The **MOTION PASSED** by a voice vote (5 yes votes).

I. BACK-UP GENERATOR FOR DUBLIN SENIOR CENTER

It was **MOVED** by Trustee Burkard to approve the purchase of a Back-Up Generator for Dublin Senior Center from Oak Electric in the amount of \$28,485.

There was general discussion on what type and size generator is most appropriate for the Dublin Senior Center.

The **MOTION** was stricken.

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Kowall to Table the purchase of a Back-Up Generator for Dublin Senior Center to further investigate the best type and size. The **MOTION PASSED** by a voice vote (5 yes votes).

J. PLANNING AND DESIGN SERVICES

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the appointment of McKenna & Associates as the new township planner. The **MOTION PASSED** by a voice vote (5 yes votes).

FYI

A. SEWER DEPARTMENT AUDIT

During the audit there were many questions posed to Mike McAdams regarding the definition of administration fees and general sewer fund expenses. A list was prepared for clarification and informational purposes.

B. HISTORICAL SOCIETY

The Historical Society would like to rent out the pavilion and barn at Fisk Farm for various events. The Board was given a copy of the Rental Agreement to review.

EXECUTIVE SESSION

**A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT
PRIVILEGED COMMUNICATION PURSUANT TO SECTION 8 OF THE OPEN MEETINGS ACT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to adjourn into Executive Session to consider attorney/client privileged communication in accordance with MCL 15.268 (h). The **MOTION PASSED** by a roll call vote Burkard-yes/Voorheis-yes/Kowall-yes/Lilley-yes/Baroni-yes).

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

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Burkard to return to general session. The **MOTION PASSED** by a voice vote (5 yes votes).

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Burkard to adjourn. The **MOTION PASSED** by a voice vote (5 yes votes).

The meeting was adjourned at 10:45 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 21, 2015 regular board meeting minutes.

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Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan