

## CHARTER TOWNSHIP OF WHITE LAKE

### Approved Minutes of the Regular Board of Trustees Meeting

November 15, 2011

Supervisor Baroni called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present:: Gregory Baroni, Supervisor  
Terry Lilley, Clerk  
David Lewsley, Trustee  
Carol Burkard, Trustee  
Todd Birkle, Trustee  
Forrest J. Brendel, Treasurer

Absent: Mike Powell, Trustee

Also Present: Greg Need, Attorney  
Sean O'Neil, Planning Director  
Amy Bertin, Recording Secretary

#### PUBLIC COMMENTS:

Marge Sawruk, 667 Oxhill Court, White Lake. She read into the record a short note congratulating the Board on their efforts in restoring the Old Town Hall.

"Kudos to the White Lake Township Board. Wow! was all I could say when I saw the Old Town Hall, now White Lake Community Hall, freshly painted a few weeks ago. It is unique and holds a very special place in the history of White Lake Township. Over the years it has undergone many changes, and if only the walls could talk I am sure it saw everything from early political wrangling to weddings and other social gatherings. And don't forget, it served as our first library in 1981. It even survived a floor collapse in 1931 prompting the basement addition. And they say that today's population is overweight. I for one am very thankful that the Board had the foresight to take care of one of its own. It certainly improved what was becoming quite an eyesore along our business corridor and a personal embarrassment as I often will recommend to people that they rent it when looking for a location to have an event. Hopefully, the façade improvement will increase its revenue. As funds or grants become available, I would suggest refinishing the floor, adding historic lighting, and perhaps some window shades as you definitely get blinded by the sun setting at evening events. Again, three cheers to the Board for stepping up to the plate, choosing to refresh and reuse over letting it decay and seeing its demise."

Mary Voorheis, 6700 Brendel Road. She wanted to second that. She has gone past that building for fifty years and this is the best it's looked in a long time. Thank you.

Marge Mosser. She would like to reiterate what was said. The sign looks fabulous. It looks like we are back on the map.

Supervisor Baroni mentioned that a few letters were also received in the mail stating the same sentiments regarding the Township Hall.

Irene Jacobs, 2020 Kingston. She has a concern regarding ordinance enforcement. Her neighbor keeps putting up illegal structures and gets told he must tear it down. As of November 11, this is two years she's lived with the problem. He gets told he has to tear it down, he fights it and it gets to stay until he gets approval. It went up without a permit and it stays. She has a ten foot, two inch wall down her yard. Can anything be done about this? If you build without a permit, it should be torn down. When you do get permission, put it back.

Wade Paris, 2000 Kingston. He is the neighbor on the other side of the residence. Many residents have come to the Township Hall and talked to the officials. We're told it is not allowed, it is being dealt with. The construction takes place on weekends and on the evenings at night. There is no corrective action taken and another project is started. On his side they built an illegal structure down near the water with a retaining wall. They knocked it down but in the process he built a four foot high plywood wall all the way down to the water's edge which is a solid fence. There is a semi parked on their property. The problem is it is lowering his property value. There is no enforcement of the ordinances.

Sean O'Neil, Planning Director. He has spoken to the neighbors about the issues of trailers and fences and sheds and other structures. There have been problems with enforcement on this neighbor for a number of months. The township does not have an ordinance against recreational vehicles, trailers or boats being stored on property. The Fire Department told them they were in violation of the fire code and needed to move the trailer for safety reasons away from the property line. Things just can't be removed from property without legal action. It takes time. Compliance is being pursued. He will request a full inspection be done and a report provided. It is not a closed issue. It is much better to try to resolve it in the office as opposed to the court room as it is much easier, faster and cheaper for the township to do so.

Supervisor Baroni stated he and three or four other board members will definitely go over tomorrow to view the property for themselves.

Karen Stankye, 2030 Kingston. Her concern is that the neighbor knows the process for not properly following the ordinances. Is there not some way to say, you cannot start another new project without approval.

Chief Maltese informed the Board it is not a semi trailer but is more of a fifth wheel hauling trailer. If the trailer had a toilet, a galley and sleeping facilities it would be considered an RV. It is strictly a storage building right now and it is against code to store combustibles in that close of a proximity to a structure.

Trustee Burkard gave kudos to the supervisor and Mr. O'Neil. When driving down M-59 just this past week she noticed a lot of papers and junk strewn all over in front of buildings. It looked really messy. The supervisor went to Mr. O'Neil whose entire department went out Monday morning to clean up. Two dumpsters were filled. If you have a business in White

Lake and papers are being blown around, clean it up. Hopefully, this will be the beginning of opening their eyes and people doing something about it.

Supervisor Baroni announced that White Lake was the recipient of the Best IT Project Award for 2011. It was awarded last night by the Michigan Government Management Information Sciences Group. This was for the collaboration we currently have for our computer systems with Waterford Township who received an award as well as us.

Clerk Lilley listed some changes and additions for tonight's Agenda. Number one, there was a new list of bills handed out. A copy of the 2011 special assessments were dropped off. Also, the December meeting date and the Village Acres rebate needs to be put on the Agenda.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the Agenda with the following corrections and additions: 11G, December meeting date; 11H Village Acres Tax Rebate; remove 11A Request to waive massage regulation fee; move up under Consent Agenda 11E, Purchase of Replacement Turn Out Gear. The **MOTION PASSED** by a voice vote (6 yes votes).

#### **MINUTES**

- A. OCTOBER 5, 2011
- B. OCTOBER 12, 2011
- C. OCTOBER 18, 2011

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Burkard to approve the Minutes of October 5, 2011, October 12, 2011 & October 18, 2011. The **MOTION PASSED** by a voice vote (6 yes votes).

Trustee Burkard commented that she, again, suggested that whenever there is a No Vote on a motion within the Minutes that it be stated who makes the No Vote.

#### **COMMUNITY DEVELOPMENT**

- A. **SECOND READING, ORDINANCE 133, ORDINANCE TO CONFIRM THE ESTABLISHMENT OF THE PLANNING COMMISSION**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Lewsley to move to Second Reading, Ordinance 133, Ordinance to Confirm the Establishment of the Planning Commission. The **MOTION PASSED** by a voice vote (6 yes votes).

- B. **SECOND READING, PROPOSED AMENDMENT TO ZONING ORDINANCE NO. 58 (#58-13)**

It was **MOVED** by Trustee Lewsley, **SUPPORTED** by Trustee Burkard to remove from Table Ordinance No. 58-13. The **MOTION PASSED** by a voice vote (6 yes votes).

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Burkard to approve Ordinance No. 58-13, Proposed Amendment to Zoning. The MOTION PASSED by a voice vote (5 yes votes, 1 no vote-Birkle).

**C. PARKS AND RECREATION PROPOSED UPDATES TO RULES AND REGULATIONS**

It was MOVED by Trustee Lewsley, SUPPORTED by Treasurer Brendel to approve the Parks and Recreation Proposed Updates to Rules and Regulations. The MOTION PASSED by a voice vote (6 yes votes).

**D. WHITE LAKE PRESBYTERIAN ORDINANCE 88 PERMIT EXTENSION**

It was MOVED by Treasurer Brendel, SUPPORTED by Trustee Burkard, to approve the Mining Permit for the White Lake Presbyterian Church, Ordinance 88 Permit Extension, subject to the conditions in the staff and engineer's report. The MOTION PASSED with a voice vote (6 yes votes).

**CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
  - 1. COMMUNITY DEVELOPMENT**
  - 2. POLICE DEPARTMENT REPORT**
  - 3. FIRE DEPARTMENT**
  - 4. TREASURER'S REPORT**
  - 5. 2011 SPECIAL ASSESSMENT DISTRICTS**
  - 6. MUNICIPAL CREDIT CONTRACT**

Trustee Birkle had concerns with the Water Department budget in the fact that the revenues generated are so much higher than the expenditures budgeted. The monies need to be set aside for a capital plan or something needs to be done with the actual water rates. The monies need to be earmarked to go to certain areas.

Trustee Burkard agreed with Mr. Birkle's comments that there is a large amount of money that doesn't have a line item. When your revenues are so much higher than the expenditures, the water users should have some accountability for that, what the plans are for that money.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Burkard to approve the Consent Agenda. The MOTION PASSED by a voice vote (6 yes votes).

**NEW BUSINESS**

**E. PURCHASE OF REPLACEMENT TURNOUT GEAR (FIRE DEPARTMENT)**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve Purchase of Replacement Turnout Gear for the Fire Department. The **MOTION PASSED** with a voice vote (5 yes votes, 1 no vote-Birkle).

**PUBLIC HEARING**

**A. LAKE NEVA STANDPIPE REPAIR B**

**1. RESOLUTION #11-027, CONFIRM SPECIAL ASSESSMENT ROLL FOR LAKE NEVA STANDPIPE REPAIR B**

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Burkard to open Public Hearing, Lake Neva Standpipe Repair B. The **MOTION PASSED** by a voice vote (6 yes votes).

There were no comments made by the public on this issue.

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to close Public Hearing, Lake Neva Standpipe Repair B. The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve Resolution #11-027, Confirm Special Assessment Roll for Lake Neva Standpipe Repair B. The **MOTION PASSED** by a voice vote (6 yes votes).

**B. 2012 BUDGET**

Clerk Lilley listed for public information the following budget numbers. The General Fund, \$3,862,350; Fire Millage, \$2,378,181; Police Millage, \$4,326,171; Building Fund, \$254,940; Parks & Rec, \$8,500; Special Assessment Fund, \$1,939,663; Public Act 188 Fund, \$41,000; Improvement Revolving Fund, \$200; Drug Forfeiture Fund, \$100; Community Development Fund \$75,830; Sewer Maintenance Fund, \$203,800; Water Enterprise Fund, \$795,041.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Birkle to open Public Hearing, 2012 Budget. The **MOTION PASSED** by a voice vote (6 yes votes).

Ronald Voorheis. Will there be enough money for the Township to break even next year?

Supervisor Baroni responded that the budget looked good and he thanked the department heads as well as the Township Board for their help in getting the 2012 budget together.

Trustee Burkard thanked the supervisor as he did an outstanding job on his first budget.

**It was MOVED by Trustee Birkle, SUPPORTED by Treasurer Brendel to close Public Hearing, 2012 Budget. The MOTION PASSED by a voice vote (6 yes votes).**

**It was MOVED by Treasurer Brendel, SUPPORTED by Trustee Burkard, to approve Resolution #11-029, General Appropriations Act 2012 General Budget. The MOTION PASSED by a voice vote (6 yes votes).**

## **RESOLUTIONS**

### **A RESOLUTION #11-030, BOARD SALARIES**

Clerk Lilley stated for public informational purposes the supervisor's salary will be set at \$75,039; the clerk and treasurer will be \$69,707; the trustee's salary is \$8,175.

**It was MOVED by Treasurer Brendel, SUPPORTED by Trustee Lewsley to approve Resolution #11-030, Board Salaries. The MOTION PASSED by a voice vote (6 yes votes).**

## **OLD BUSINESS**

### **A. SECOND READING, AMENDMENT TO ORDINANCE 32-A, TRAFFIC CODE ORDINANCE**

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Birkle to approve the Amendments to Ordinance 32-A, Traffic Code Ordinance. The MOTION PASSED by a voice vote (6 yes votes).**

## **NEW BUSINESS**

### **B. REQUEST FOR LEGAL OPINION**

Trustee Lewsley expressed that there has been a lot of controversy about the handling of the cemeteries. There are really two issues that we're faced with right now. The first being whether or not the Township is going to modernize and add an ordinance for the regulation of cemeteries. There was an ordinance proposed a while back which was put together based on a model ordinance with Mr. Need's advice and assistance. Shortly thereafter, there was a proposal that we should look at a new way of handling the maintenance and sexton activities for our cemeteries. Mr. Brendel has done a fine job as sexton. He has done it very cost effectively. Once an ordinance gets put in place, graves are going to be routed through the Treasurer's Office which is his day job. So at that point in time he can't really be sexton anymore because he would be paying himself. The apparent conflict is very obvious when you stand back and look at the situation. Once the new ordinance gets passed, Jay has done a fine job for a long time but he can't do it anymore at that point.

Clerk Lilley had a couple comments regarding Mr. Brendel's situation. The way the monies

have been handled, they have directly flowed from the funeral homes to Mr. Brendel. He and Mr. Brendel went to the conference this year and found a more appropriate way to incorporate an ordinance. By having the money funneling to the township, it certainly answers a majority of the questions that are dealing with Mr. Brendel as far as how much money he is making. The perception is that he is making a huge killing out of this cemetery fund that the Township hasn't kept track of. By allowing the funds to now go to the township, it certainly will bring that perception into real perspective because now we'll know how much money is being handled. The difficulty with changing at this time is it has not been proven that the new contractor is going to be cheaper. The major thing was to get the ordinance and the fee schedule together and then we could answer the appropriate questions that people had regarding how much money Jay is making at this point. The fact that he has served as sexton for over 25 years deserves some consideration in this issue.

Trustee Burkard stated that there is new information regarding this situation which is our population went to 30,000 and Mr. Brendel went from being trustee to treasurer. Jay would be cheaper than another company, but my voting and my decision is not going to be on what is cheaper, it is going to be what is legal or what is perceived to be legal to the people out there. The verbal decision from MTA is that you cannot do this. Our own attorney said there are certain things you can and can't do. I'm sitting up here representing the people, and the people want us to be legal in what we do. That is how I have to vote. It is nothing to do with Mr. Brendel or his businesses, it has to do with his position here on the Board. Our cemetery is not a money making profit organization, it is where we bury our residents with respect and dignity and there should be no question that we do it legally.

Treasurer Brendel would like it noted for the record that he officially requests an opinion from the Attorney General on this issue.

**It was MOVED by Treasurer Brendel, SUPPORTED by Trustee Burkard to request a legal opinion from MTA. The MOTION WAS DENIED by a roll call vote (Lewsley-no/Birkle-no/Burkard-yes/Brendel-no/Lilley-no/Baroni-yes).**

#### **C. BUDGET AMENDMENTS**

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Burkard to approve the Budget Amendments as submitted. The MOTION PASSED by a voice vote (6 yes votes).**

#### **D. CODIFICATION**

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Burkard to approve Municipal Code to be our representative for codification. The MOTION PASSED by a voice vote (5 yes votes, 1 no vote-Birkle).**

**F. DOCUMENT MANAGEMENT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Brendel to approve Document Management by OnBase Document Management System as proposed by Waterford Township. The **MOTION PASSED** by a voice vote (6 yes votes).

Trustee Burkard would like to suggest that the paper copy of the Books of Minutes be given to the Historical Society.

**G. DECEMBER MEETING DATE**

It was **MOVED** by Supervisor Baroni, **SUPPORTED** by Trustee Burkard to move the December meeting date from December 13<sup>th</sup> to December 20<sup>th</sup>. The **MOTION PASSED** by a voice vote (6 yes votes).

**H. VILLAGE ACRES REBATE**

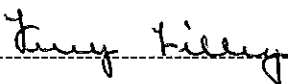
It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Brendel to process the Village Acres Rebate and get the checks out by mail ASAP. The **MOTION PASSED** by a voice vote (6 yes votes).

**ADJOURNMENT**

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Birkle to adjourn the meeting. The **MOTION PASSED** by a voice vote (6 yes votes).

The meeting was adjourned at 8:28 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 November 15, 2011 regular board meeting minutes.

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Terry Lilley, Clerk  
White Lake Township  
Oakland County, Michigan