

# **CHARTER TOWNSHIP OF WHITE LAKE**

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

**August 16, 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  
Mike Powell, Trustee  
David Lewsley, Trustee  
Carol Burkard, Trustee  
Todd Birkle, Trustee

Absent: Forrest J. Brendel, Treasurer

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

### **PRESENTATIONS:**

Supervisor Baroni presented a special tribute to the Kaines Family, Lee and Wilma, in honor of their 74<sup>th</sup> Wedding Anniversary. He also presented a special tribute to the Kaiser Family, Bob and Jeannine, to celebrate their 70<sup>th</sup> Wedding Anniversary. Husband and wife in both families have been a constant source of guidance and inspiration. Congratulations to them on attaining this great milestone. Their example and commitment have warmed the hearts of all those fortunate enough to know these outstanding couples.

Jim Runestad, Oakland County Commissioner, presented a certificate of recognition to Bob & Jeannine Kaiser on behalf of the citizens of Oakland County and the County Board of Commissioners. He congratulated them for achieving this landmark anniversary and believes they should receive public recognition for this accomplishment. He would also like to present a certificate to Lee & Wilma Kaines at a later point if they would contact the county. Best wishes and continued joy in the years to come.

Supervisor Baroni presented a Certificate of Completion to Clerk Lilley from the International Institute of Municipal Clerks. Congratulations on completing and passing all the courses required for receiving the certificate.

### **PUBLIC COMMENTS**

There were no public comments at this time.

## MINUTES

- A. July 19, 2011
- B. July 26, 2011
- C. August 3, 2011

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Clerk Lilley to approve the Minutes of July 19, 2011, July 26, 2011 and August 3, 2011 w/corrections. The **MOTION PASSED** by a voice vote (6 yes votes).

## PRESENTATION

### C. FRIENDS OF HIGHLAND RECREATION AREA

Dick Russell, President of the Friends of Highland Recreation Area, a non-profit organization within the State of Michigan. Tonight they shared their vision of what the non-profit corporation envisions for the Haven Hill project. They've been working on three different structures, the gate house, sheep barn, the carriage house, and what remains of the Haven Hill Lodge.

Larry Falardeau works in a volunteer role with the folks that initiated this project. The story started with Henry Ford & Clara and their children. They all lived up on the hill and had some very influential people that came to visit: Charles Lindbergh, Thomas Edison, Admiral Byrd, the Duke of Windsor. There is a whole history of people that came right here to White Lake. This particular site ties into the Edsel & Eleanor Ford house in the Pointes, the Henry Ford Museum, this being the third leg of the stool with the family being out here in White Lake. This has the potential to put this Huron River Valley on the map as far as its story to the rest of the world. Work has begun. A vision plan has been developed for the gate house. They work under the oversight of the DNR. There are all kinds of side stories right here that tie back in not only with the Ford family but the whole history of the Michigan state park system.

There are some conceptual plans for the facilities, a trail system from the front of the park all the way back, linking all the facilities to the beach. Going up the hill, they have repainted and resigned the gates. There is an observation deck on the footing area where the lodge is. There are opportunities to become a donor and we have a work program.

Mr. Russell mentioned there will be an upcoming celebration on August 27, 2011, called Pennies from Heaven. There will be pictures of the early Fords, early vehicles, pictures of the house itself. There will be an 1860's gentlemen's baseball game. Concession items will be for sale. The Livingston Model A Club is going to have 18 Model As and maybe two Model Ts displayed. It will be a great day to visit Haven Hill.

Trustee Burkard stated from her heart and from all of us that worked years ago, Thank You, because this is the history of White Lake Township and Highland. Thank you so very much.

Trustee Powell recalled that he did a lot of snow skiing adjacent to the sheep barn and wondered if they had any ideas of putting some pictures up of the old ski hill that was there. He thanked them as well.

#### **CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
  - 1. POLICE**
  - 2. FIRE**
  - 3. TREASURER**
  - 4. COMMUNITY DEVELOPMENT**
  - 5. OVERTIME REPORT**
  - 6. PLANNING COMMISSION APPOINTMENT**
  - 7. CLARIFICATION POLICY**
  - 8. OAKLAND COUNTY CLERK**

Supervisor Baroni made some additions to the Consent Agenda; Number 7, Clarification of Policy, Call In Pay and Number 8, Bill Bullard, Oakland County Clerk. Under New Business, 12F, Union Contracts and 12G, Huron Valley Cemetery Maintenance Company.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Burkard to approve adding Items 7 and 8 to the Consent Agenda and Items 12F & 12G to the regular Agenda. The MOTION PASSED by a voice vote (6 yes votes).**

Supervisor Baroni recommends the appointment of Sarah McNulty to the Planning Commission.

**It was MOVED by Trustee Burkard, SUPPORTED by Trustee Birkle to Table Item 7C7 of the Consent Agenda. The MOTION PASSED by a voice vote (6 yes votes).**

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

#### **PUBLIC HEARING**

- A. LAKE NEVA STANDPIPE REPAIR**
- B. RESOLUTION #11-017 SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS LAKE NEVA, STANDPIPE REPAIR**

Clerk Lilley outlined that there were two issues concerning this matter. One is the piece of pipe that runs underneath the road, the County has indicated that at their expense they are going to reline that pipe. The other issue is the drain that is currently in Lake Neva. There is an urgency to repair that because of deterioration. It may not make it through another winter. There have been many questions by residents regarding their legal responsibility, liability and obligation to get this drain in good repair. They deserve an answer to these questions and if the urgency is really what the county has indicated. The clerk's office has received some letters concerning this issue.

- \* Andrew Kozicki, 754 Bonita. He has no objections to the repairs being done.
- \* George and Linda Teheria, Lot 342. They do have an objection.

Supervisor Baroni stated that the DEQ looked at the dam on Biscayne Avenue. If the standpipe does not get repaired, they believe that this dam will collapse. It will not go through another freeze and thaw. That is the main reason for the special assessment. If the dam failed, we would have major flooding throughout our entire township as well as going all the way down to Ann Arbor. There is a sense of urgency. It needs to be addressed before winter sets in.

Attorney Need clarified that the standpipe in question is located on a parcel that is under the ownership of the Lakewood Village Improvement Association who would have the responsibility and liability if there were a collapse. That entity cannot borrow money from the county. The county can only use this program to loan to governmental entities such as White Lake Township which is how the township got involved. The township assessor will have to address how the particular properties were included in the assessment district.

Jeanine Smith, Assessor. The properties involved are all the properties that are part of Lakewood Village and also all parcels that are on Lake Neva that are not part of Lakewood Village. They were included because they benefit from this. They would lose water in their lake. They have an aeration well that they are paying for which is being overused because this dam is leaking.

Trustee Powell had two concerns. If the structure is not repaired, Lake Neva could drop instantly which would flood the downriver or the down lake areas leaving the property owners liable for not maintaining that facility and for the damage that might occur downstream. How can the township best be protected from liability during the construction phase of this project?

Attorney Need suggested a lease agreement. There would need to be some kind of indemnification agreement from Lakewood Village Association which would be included in the lease agreement. Also, there is governmental immunity which protects the township from most kinds of negligence claims in this kind of circumstance.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to open for Public Hearing**

**Lake Neva Standpipe Repair. The MOTION PASSED by a voice vote (6 yes votes).**

Al Kozlowski, 835 Bogie Lake Road. What is the assessment going to be per household?

Trustee Powell stated that in the worst case scenario it would be in the range of \$400 spread over five years.

Greg Assenmacher, 1450 Russ Roy Court. Where other dams have failed, the Wamiga Lake Dam in Springfield Township and partially in Independence Township, riparian owners paid a certain amount for that based on frontage foot. On White Lake, their special assessment district, the access properties pay \$18 per year, the riparians pay a \$150 a year. For those of us who are not lake front, we understand that we do have access but we do not have lake front and we do not understand why we should be paying the equal amount, especially since there are documented cases where that is not what they are charging.

Attorney Need stated that this is a two step process. Tonight is the hearing on creating the district. The amount of individual assessments is going to be determined next month in September. At that time he'll have the ability to talk to the Board as to what the assessment should be between riparian and non riparian owners. Tonight is not the time to discuss it because we don't have the final amount yet, and all the Board is doing tonight is deciding whether the district should be created or not.

Mr. Assenmacher feels there is not a lot of communication on exactly how this will happen and what the formula is and he doesn't agree with it.

Mike Jedynak, 1340 Corey Cove, Parcel 26. He has a unique piece of property that is off to the side which has nothing to do with Lakewood Village at all. He is in Cedar Creek. He has no access to the lake or the canal at all. There is a cyclone fence that protects the private beach between his property and the subdivision. He is asking that he be removed from the list and not contribute at all. He brought pictures of his property. He does not belong to the association. He does not have a dock or canoe on the lake. It belongs to his neighbor.

Jeanine Smith, Assessor, stated that his parcel does benefit from the Lake Neva augmentation well.

Charles Firby, 7341 Biscayne. The failure of the dam is the problem. If there is a failure, Neva will overflow. There will be a major water flow. It has nothing to do with whether you live on the lake. It has to do with where that water is going to flow to.

Robert Thompson, 770 Beachway Drive. He doesn't live on Lake Neva. He feels that all the residents of the village are obligated to participate in that collectively we own a boat launch site on Lake Neva and also a park. Those people not on the lake should be assessed at a lesser

amount in proportion to the common properties. There is an enhanced water system almost to Brendel Lake. This gentleman in Cedar Creek has been added to the district but none of the people over here. The district needs to be established more fairly, including everybody who benefits from the dam to the west.

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

#### **RESOLUTIONS**

##### **A. RESOLUTION #11-017, SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS LAKE NEVA STANDPIPE REPAIR**

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Clerk Lilley to approve Resolution #11-017, Special Assessment District to be known as Lake Neva Standpipe Repair. The **MOTION PASSED** by a roll call vote (Lewsley-yes/Birkle-yes/Powell-yes/Burkard-yes/Lilley-yes/Baroni-yes).

##### **B. RESOLUTION #11-016, REFUND OF OVERPAYMENT FOR VILLAGE ACRES SAD**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Clerk Lilley to approve Resolution #11-016, Refund of Overpayment for Village Acres SAD. The **MOTION PASSED** by a voice vote (6 yes votes).

#### **COMMUNITY DEVELOPMENT**

##### **A. CLEARZONING PROPOSAL FOR WHITE LAKE TOWNSHIP**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell to support the Clearzoning Proposal for \$32,700 to be split over the remainder of the 2011 fiscal year and the 2012 fiscal year. The **MOTION IS WITHDRAWN**.

It was **MOVED** by Trustee Lewsley, **SUPPORTED** by Trustee Birkle, that White Lake Township go forward with finalizing the agreement with Birchler Arroyo for Clearzoning, the township officials and attorney working out the final details of that agreement by next month's regular meeting along with a budget amendments, including discussions regarding future update issues and intellectual property issues. The **MOTION PASSED** by a voice vote (6 yes votes).

Bob Lessa, 350 Farnsworth, White Lake. He questioned the total cost of the clearzoning proposal and was told the amount was \$32,700.

##### **B. WHITE LAKE PRESBYTERIAN CHURCH RENEWAL OF MINING PERMIT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Birkle to Table the White Lake Presbyterian Church Renewal of Mining Permit. The **MOTION PASSED** by a voice vote (6 yes votes).

**C. RENEWAL OF TEMPORARY CERTIFICATE OF OCCUPANCY FOR THE  
ROOT RESTAURANT AND GNC**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to Renew the Temporary Certificate of Occupancy for 90 Days for the Root Restaurant and GNC. The **MOTION PASSED** by a voice vote (6 yes votes).

**D. WHITE LAKE MARKET PLACE RE-TENANT, FILE NO. 11-006 AMEND FINAL SITE PLAN  
AND DEVELOPMENT APPROVAL**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Lewsley to approve the amended development agreement and amend the final site plan subject to the Community Development Department verifying all conditions of review letters making sure they have all been met. The **MOTION PASSED** by a voice vote (6 yes votes).

Trustee Powell commented that for many, many years now Gershenson has pocketed a great deal of fees and not provided any service to the Township. By pocketing fees, meaning receiving rent and lease on that building and not had to provide anything to the Township. He has personally been very disappointed on the façade of the southern exposure. He would like to table this until they come back with a different façade along that southern side, otherwise we will never ever get it because they will not care.

Trustee Burkard stated that Ramco Gershenson brought this township sewer and water to M-59. You wouldn't be seeing Kohl's, Penney's or any of the development if that wasn't possible. We would not have been able to afford sewer and water coming down M-59. She would love to see some type of a façade on that building and requested that Ramco consider putting something nicer on that building. But Ramco Gershenson has brought our township forward and she would not think of stopping this project at this time.

**E. MICHIGAN DEPARTMENT OF TRANSPORTATION PATHWAYS (Tabled 6-19-11)**

Bob Lessa, 350 Farnsworth. It sounds like a wonderful idea. We already have pathways on the south side of 59. Who is going to take care of the maintenance once it is in? He would like the Board members to walk that area and tell him that it is nicely clean and the asphalt is taken care of. It is not. Would any of the Board members trust taking their grandchildren for a walk on that pathway? We need to maintain that pathway.

Trustee Powell would like to go on record as a member of the Township Board stating we're

going to hold them responsible for the maintenance which they haven't been doing for the past 25 years. He'd like an official letter from the Township Supervisor stating we have decided to go ahead but we are going to make sure that our legislature knows of your attitude and are going to hold MDOT responsible for the proper maintenance of what is installed.

Supervisor Baroni stated that this was just an informational topic tonight.

#### **NEW BUSINESS**

##### **B. HEALTH CARE AGREEMENT**

##### **F. UNION CONTRACT**

It was **MOVED** by Trustee Lewsley, **SUPPORTED** by Clerk Lilley to approve the Health Care Agreement with the non union employees. The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Birkle, to approve the Teamster's Local 214 Non Supervisory union contract. The **MOTION PASSED** by a voice vote (6 yes votes).

#### **OLD BUSINESS**

##### **A. SECOND READING, ORDINANCE NO. 132, CEMETERY ORDINANCE**

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Birkle to Table the Second Reading, Ordinance 132, Cemetery Ordinance, to investigate further the services provided in the Board's packet. The **MOTION PASSED** by a voice vote (5 yes votes/1 no vote-Lilley).

#### **NEW BUSINESS**

##### **A. TRAFFIC ENFORCEMENT AGREEMENTS**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to approve the Traffic Enforcement Agreements for Bocavina East Association, Whetherstone Condominium Association and Whispering Meadows. The **MOTION PASSED** by a voice vote (6 yes votes).

##### **C. BRENTWOOD TAX APPEAL**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Clerk Lilley, to approve retaining Craig Fuller to do an appraisal review at a cost not to exceed \$1000.00. The **MOTION PASSED** by a voice vote (6 yes votes).

##### **D. MEIJER -V- WHITE LAKE TAX TRIBUNAL APPEAL**



It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to authorize the Township Attorney to enter into a contract as proposed with the agreement. The **MOTION PASSED** by a voice vote (6 yes votes).

**E. FIRST READING, AMENDMENT TO ORDINANCE NO. 108, SEWER ORDINANCE**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to move to Second Reading, Amendment to Ordinance No. 108, Sewer Ordinance with the appropriate modifications. The **MOTION PASSED** by a voice vote (6 yes votes).

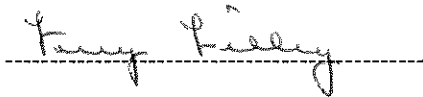
It was **MOVED** by Trustee Lewsley, **SUPPORTED** by Trustee Birkle to move to Second Reading, Amendment to Fee Ordinance No. 129. The **MOTION PASSED** by a voice vote (6 yes votes).

**ADJOURNMENT**

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

The meeting was adjourned at 10:03 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 August 16, 2011 regular board meeting minutes.

A handwritten signature in cursive script, appearing to read "Terry Lilley", is written over a horizontal dashed line.

Terry Lilley, Clerk  
White Lake Township  
Oakland County, Michigan