

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

August 17, 2010

Supervisor Kowall called the Board of Trustees regular meeting to order at 7:00 p.m. He led the Pledge of Allegiance. He asked for a few moments of silence to remember the troops that are serving for us overseas.

Clerk Lilley called the roll:

Present: Mike Kowall, Supervisor
Terry Lilley, Clerk
Carol Burkard, Trustee
Mike Powell, Trustee
Todd Birkle, Trustee

Absent: Forrest Jay Brendel, Trustee

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

PUBLIC COMMENTS

Annette Armstrong and Deborah Strahan. We are interested in the property on Porter Road. We've already put in a proposal and just wanted to put a face with it. We have a lot of ideas we want to bring to the township. We are hoping that we have a chance to go there and we intend on living there. We plan to be on site to take care of repairs and what needs to be done to get it up and running. If there is any way to help or if there is any further information that the Board needs we're going to welcome that.

Matt Sprader. I would like to approach the Board members with a packet that I'd like them to look at about our new police chief being Ed Harris. I certainly don't think he is qualified for the job.

Larry Ostrowski. On behalf of the Library Board of Trustees and the staff and myself, I'd like to thank you all for your insights regarding our millage campaign. It was quite a learning experience. We were stunned at the support we got from the community. We will continue to give you good service.

Beverly Spoor. I'm a retiring Treasurer for 18 years, a Township Board member for 20. I

wanted to let you know that it has been a pleasure for me to be able to work with this Board. They are very professional, they are extremely dedicated. This has been a good run for me and it has been a pleasure to know each and every one of you. Any committees you need help with, I'll be available to you. I just wanted to say thank you.

Clerk Lilley stated there is a revised list of bills to be paid. There are two additions, the grass cutting for the Parks and Rec Committee and also an emergency expenditure the Supervisor authorized for the Water Department. Also, the Treasurer's report needs to be added as Item E under Consent Agenda. Also, add under Resolutions Item B which is a Narcotics Enforcement Team Resolution.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to add two items to the List of Bills, also two items to the Agenda as Items 7E & 9B. The MOTION PASSED by a voice vote (5 yes votes).

MINUTES

A. July 13, 2010 and July 20, 2010

It was MOVED by Trustee Burkard, SUPPORTED by Trustee Birkle to approve the Minutes of July 13, 2010 and July 20, 2010. The MOTION PASSED by a voice vote (5 yes votes).

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. TREASURER**
 - 2. POLICE**
 - 3. BUILDING**
- D. BUDGET AMENDMENT**
- E. TREASURER'S REPORT**

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

PUBLIC HEARING

A. ROAD MAINTENANCE FOR SUNSET ST/TAYLOR TRAIL

- 1. RESOLUTION #10-024, ROAD MAINTENANCE SPECIAL ASSESSMENT**

It was MOVED by Trustee Powell, SUPPORTED by Trustee Burkard to open Public Hearing on Resolution #10-024 - Road Maintenance Special Assessment for Sunset St/Taylor Trail. The MOTION PASSED by a voice vote (5 yes votes).

Bob Cerri, 7122 Sunset Court. The document didn't include Sunset Court. In the past it has always fallen under the road maintenance section. I've always been part of it in the past.

It was MOVED by Trustee Burkard, SUPPORTED by Trustee Birkle to close Public Hearing on Resolution #10-024 - Road Maintenance Special Assessment for Sunset St/Taylor Trail. The MOTION PASSED by a voice vote (5 yes votes).

It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to approve Resolution #10-024 - Road Maintenance Special Assessment for Sunset St./ Sunset Court/Taylor Trail. MOTION PASSED by a roll call vote (Birkle-yes/Burkard-yes/Powell-yes/Lilley-yes/Kowall-yes).

B. 2011-2015 RESIDENTIAL REFUSE/GARBAGE COLLECTION

2. RESOLUTION #10-025, ADJOURNING PUBLIC HEARING FOR RESIDENTIAL REFUSE/GARBAGE COLLECTION

It was MOVED by Trustee Birkle, SUPPORTED by Trustee Powell to approve Resolution #10-025 - Adjourn Public Hearing for Residential Refuse/Garbage Collection. The MOTION PASSED by a roll call vote (Birkle-yes/Burkard-yes/Powell-yes/Lilley-yes/Kowall-yes).

C. MANDON LAKE IMPROVEMENT

3. RESOLUTION #10-023, MANDON LAKE IMPROVEMENT SPECIAL ASSESSMENT

It was MOVED by Trustee Burkard, SUPPORTED by Trustee Powell to open Public Hearing on Resolution #10-023 - Mandon Lake Improvement Special Assessment. The MOTION PASSED by a voice vote (5 yes votes).

Alan Wilson, 9480 Garforth. I have two lots. One lot is my home which is on the lake and the other one is across the road where my garage is located. If there is a special assessment, will I be charged for both lots?

Jeanine Smith stated that if he received two letters and the envelope has a parcel number, both of them are being assessed which was determined by your lake association. He can be assessed as long as the lot can be used for lake purposes.

Clerk Lilley would like noted for the record two protest letters.

*James Oakrey, 9394 Cedar Island.

*Vincent & Margaret Zytaki, Parcel ID# 12 35 252 017.

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Birkle to close Public Hearing on Resolution #10-023 - Mandon Lake Improvement Special Assessment. The **MOTION PASSED** by a voice vote (5 yes votes).

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to approve Resolution #10-023 - Mandon Lake Improvement Special Assessment The **MOTION PASSED** by a roll call vote (Burkard-yes/Powell-yes/Birkle-yes/Lilley-yes/Kowall-yes).

RESOLUTIONS

A. RESOLUTION #10-026 - CHILDHOOD OBESITY AWARENESS WEEK

Supervisor Kowall read into the record a letter from Medical Weight Loss Clinic.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Birkle to approve Resolution #10-026 - Childhood Obesity Awareness Week w/changes. The **MOTION PASSED** by a roll call vote (Powell-yes/Birkle-yes/Burkard-no/Lilley-yes/Kowall-yes).

B. RESOLUTION #10-027 - INTERLOCAL AGREEMENTS WITH THE SHERIFF'S NARCOTICS ENFORCEMENT TEAM

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Birkle to approve Resolution #10-027 - Interlocal Agreement with the Sheriff's Narcotics Enforcement Team. The **MOTION PASSED** by a roll call vote (Lilley-yes/Powell-yes/Burkard-yes/Birkle-yes/Kowall-yes).

PLANNING

A. WHITE LAKE FARMERS MARKET (PARKS AND REC)

Jeff Muck, Director of Recreation and Community Education for Huron Valley Schools. There have been discussions about having a Farmer's Market on the grounds at Lakeland High School. It would be a nice area to hold a community based activity on those grounds as they receive a lot of traffic every weekend between the high school sports, center for performing arts, the pool and fitness centers and other activities. We're not asking anything from the Township except your assistance in getting the word out to the residents. We would like to do a survey to see if there is interest. Number one, is it feasible? Do the residents want it? What does it look like? Do we just want food products or arts and crafts, food served, live music. We'd like to get the survey out this fall. Based on the results of the survey, over the winter begin formalizing the final plan, recruiting vendors, finalizing dates, times, permits and hopefully

launch in May 2011 on the grounds of Lakeland High School.

B. PARK BENCH RECOMMENDATION FROM PARKS AND REC

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to approve up to \$4,200.00 for the purchase of Park Benches. The **MOTION PASSED** by a voice vote (5 yes votes).

C. RESERVE AT TULL LAKE (REMOVED FROM JUNE 15, 2010, TABLED FROM JULY 20, 2010 AGENDA)

Mr. O'Neil stated this project was approved in 2003. The first punch list was done almost six years ago. The applicant doesn't have the resources to finish the punch list. There is approximately \$20,000 in repairs to complete. There is \$49,000 in the formal stand-by letter of credit that's been held for the completion of these items. The next step would be to cash the letter of credit, begin drafting the draws from the bank and then come back here to approve the bid specifications, go out to bid, find a contractor, come back to approve the contractor and move ahead with completing the work.

D. AMCOMM

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Birkle to let the Road Commission and the State Police make the determination whether or not a No Parking Sign should be placed on Glynn Road.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard as a Friendly Amendment to the previous motion that a more formal Resolution be prepared and presented at the next meeting for adoption to send on to the County Road Commission. The **MOTION PASSED** by a voice vote (5 yes votes).

E. TRINITY/WHITE LAKE REHAB AND WELLNESS CENTER, PDA AGREEMENT

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell, to approve File #10-004 Plan Business Development Agreement for Trinity/White Lake Rehab and Wellness Center, subject to the completion of all the items addressed in the staffing consultant's letter and the maintenance on outlot C1 as sited in the minutes of the Planning Commission from August 5, 2010. The **MOTION PASSED** by a voice vote (5 yes votes).

F. MASTER PLAN UPDATE

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to approve the expenditure of \$17,500 in the Planning Department, Professional Fees line item, for the update of the Master Plan. The **MOTION PASSED** by a voice vote (5 yes votes).

OLD BUSINESS

A. SECOND READING, AMENDMENT TO ORDINANCE NO. 129, FEE ORDINANCE

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the Amendment to Ordinance No. 129, new Fee Schedule for Sewer Administration. The **MOTION PASSED** by a voice vote (5 yes votes).

NEW BUSINESS

A. APPROVAL OF BALLOT LANGUAGE FOR POLICE AND FIRE MILLAGE

Clerk Lilley stated that several proposals for the ballot language have been done for both police and fire. Numbers have been run, proposed budgets submitted, several discussions have taken place with the chiefs about replacing that lost millage. The police and fire service cannot continue at the present level of service due to the loss of revenue and current budget constraints.

Just for the record, so that the people in the audience understand, the loss of revenue that supports both the police and fire department in 2011 was almost 14.5%. In 2012, 13.5%, and projected in 2013 an additional 5.3%. That is almost a 30% decrease in actual revenue that supports police and fire at the current levels. The department could absorb one year's cut and still provide service. But the police department's situation and the depth of the cuts that would have to be made in 2012 would literally destroy the integrity of the police department.

In the general fund, three people have been recently laid off, and seven people in the last three years. There may be a perception that we are not doing anything here to help, we just keep asking for more money to keep maintaining things. But we have, in fact, scrutinized our budgets well. People really need to know that we are committed to balancing our budget.

This is a delicate situation. It boils down to a referendum of whether the people of this township want to support the police or the fire department. It has got to be put to the voters to allow them the opportunity to express their opinion. I feel the millages questions should be separated and the two year for the fire department and the four year for the police department will give us what we need and let the people of the township decide the level of support our police and fire department.

Trustee Powell has also looked at this at length with help of the staff. There has been a substantial cut to fire and police already for the 2010 budget year, and the numbers point out that with additional cuts to the police and fire they can, in fact, survive 2011. However, in 2012 with the loss in revenues, it would decimate the police department and greatly hinder the

operation in the fire department.

I totally concur with the clerk that we need input from the people. It is critical because we have to make a decision tonight in order to get the ballot language on for the November election. My preference would be to put a ballot question up for the people for a four year new millage amount for the police department and a two year millage increase for the fire department just to maintain services until we can present the full request for the millages that are going to be ending in 2013.

Supervisor Kowall stated that a decision has to be made tonight because if we don't then we will absolutely have some dire circumstances. He would like to have it as one question and he'd like to have four years on both of them. He has concerns about having two separate questions.

Your taxes are still going to go down; you will see a decrease but not as much as a decrease. Property values continue to fall but the level of service continues to rise. We're seeing more and more calls with the police and fire department.

Trustee Birkle stated that, as far as the police goes, there are three things to be looked at. One, look at the four year and try to determine what that number is. The other thing is to get a plan from the police if, in fact, that millage should fail how we would operate. And third, not saying he's in favor of doing this, but get a written quote from the county for the sheriff at the same level of service that we presently have just to be prepared in case it should fail.

I think the questions need to be separate, not one whole, one for police and one for fire. If we combine them, it is a sizeable millage and police are really in dire need. Somebody may look and say, two mills, no. But then again if they look at it they might vote for police and not the fire or fire and not the police.

Trustee Burkard wondered if they could be two totally separate questions. Her concern is the police are in really dire circumstances. As a tax payer sitting out there on a fixed income, this amount, you start doubling that on top of what the library got, it is going into a couple hundred dollars.

Chief Stephens stated that without the millages the police department could run in 2011 but on a much smaller scale. The \$580,000 which was requested to be cut from the 2011 budget will reduce us by five police officers. That would reduce our response time and our patrol time considerably. To do that same thing over again the following year, it would probably be another four or five officers that would have to be reduced as well as civilian positions.

Mike Roman. You want to make the people aware of what is going on. The Spinal Column is a great idea. It might help to get a committee together and really let them look at the numbers. Is there a way of taxing people rather than properties? There are a lot of people living in the mobile home parks; they don't pay a whole lot of taxes. Is there a way to look at that issue?

Thomas Johnson, 9136 Buckingham. When you start playing with fire and police departments, it is a gamble. The police department, they have a very good rapport with the law abiding citizens of this community, and they also know how to handle some of the more touchy situations to settle things down without throwing everybody into the county jail. I would like to see this millage go one way or another to maintain the presence that we have because they've done a fantastic job of controlling this township. If we pull outsiders in, we don't know who is going to be here. They aren't going to be committed to the Township or the people. I don't want to take a gamble with my life and my property because we have outsiders come in that don't know how to control it or if we have to cut services to the point where I've got something going on and I call the police department, instead of being there in five minutes it is 25 minutes. Same thing with the fire department, response time. Sometimes seconds makes the difference between being alive and being dead.

Tom DeSantis. People in the private sector, they've lost health insurance, benefits have gone down, and I haven't heard any discussion of reduction in benefits or tightening of any belts. If you are going to try to sell this, you got to say after all the belt tightening this is where we are. Once property levels level off, won't revenues level off as well? And once property values start coming up, won't revenues start coming up proportionately?

Jean Philippe Loew. I see a difference between what happened with the library millage and the police because that is something that many residents are using, seeing the benefit right away. The police and fire department, they may not care about it until they need it. Communication is important. When you have five officers less, that doesn't speak to me. Most people, that doesn't tell them anything. I don't know how many police exist currently in the department and I cannot really say what that means. It might be better to mention reaction time, the control of crime, or maybe they cannot react to every call, something that is tangible for people. Not just it is seventy percent less in budget, it doesn't tell me much. What does it mean for me? People need to feel the involvement.

Matt Sprader. I love our fire department. Police, it isn't that we wouldn't have police, we just wouldn't have the White Lake police. I've got a bartender who was broken into about three months ago. Called 911. The response time was 58 minutes. He called Oakland County, they could not respond because we have our own police department. Our White Lake outfit is 4.6 million dollars. Oakland County would be about 2.4 to 2.6.

Regina Wachtel, Woodsedge. It might help people understand the situation that we're in now and understand the constraints that Headly puts on the improvement in property values if the wording of the millage proposal proposes a ramp down as property values improve.

Jerry Walker, Mesa Verde Trail. As far as separating the questions, I think you run a real danger of splintering the community at this point in having them make a choice. Economic times are so bad they'll be weighing things on which one should I actually vote on, and maybe I can vote on this one because it is a little lesser and I still think I'll be doing my part. The one that is going to be left out in the end is the police department. By separating them now you do a real disservice to the people of White Lake because I think it has a very good chance of hurting the police department. In essence, that hurts the service that I receive as a resident. My personal opinion is I'd like to see them carried together.

Rick Kowall. Basically what I see here is fire versus police. Both services are essential to the community. Last I checked, whenever a major event happens, these two departments are joined at the hip, they both show up. That is public safety, period. And that may be the way to approach the public and make them understand. A very good point brought forth is that White Lake has now become someplace. It has become a community that is not a corn field anymore. We have people that want to come here, people that want their businesses here and they want to invest in the community. If we have a strong public safety program which includes both fire and police and emergency services, I believe we will continue to attract additional investment into the community and, in turn, generate jobs, revenue and tax base.

Trustee Burkard stated after listening to both chiefs and hearing them both come together she has changed her mind and will go with what was originally presented to us for the two years for both of them combined. Unity is the thing to be looked at now. If the police is supporting the fire and fire is supporting the police then I support both of them. The amount is more palatable on a fixed income than would be the other. If one would pass and the other would fail it would be devastating to White Lake Township and all the businesses that are thinking of coming to this township and wanting the services that we should be able to provide.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to present to the people a millage question requesting a 4 year millage increase for Police at a rate of 1.45 mills. As a separate millage question before the people, we also present a millage question requesting a 2 year millage increase for Fire at a rate of .674 mills. The MOTION PASSED by a roll call vote (Birkle-yes/Powell-yes/Burkard-no/Lilley-yes/Kowall-no).

B. TOWING CONTRACT

It was MOVED by Trustee Birkle, SUPPORTED by Trustee Burkard to award the Towing Contract to Lakeside Towing. The MOTION PASSED by a voice vote (5 yes votes).

C. FEE ORDINANCE CHANGE FOR BUILDING

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell to approve the Fee Ordinance Change for Building. The **MOTION PASSED** by a voice vote (5 yes votes).

D. GENERAL TOWNSHIP WEBSITE

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Burkard to approve the Web Page update and the contract signed with MTA as presented. The **MOTION PASSED** by a voice vote (5 yes votes).

E. DISCUSSION OF TREASURER POSITION RESUMES

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to form a Committee to review the applications for the Treasurer Position and make recommendation to the Township Board. Proposed Review Committee members to be Jeanine Smith, Cathy Derocher, Elaine Homeister, Todd Birkle, and Colleen Schwartz or other local treasurer. The **MOTION FAILED** by a roll call vote (Burkard-yes/Powell-no/Lilley-yes/Kowall-no/Birkle-no).

Trustee Powell felt that due to the sensitive nature of the placement of the position he would be more in favor of having three board members be the subcommittee.

Supervisor Kowall had concerns about putting employees in the position to hire a boss. As this is the appointment of an elected official there might need to be a protective barrier for the employees. If employees do go through the applications it should be on a strictly voluntary basis.

Trustee Burkard is concerned about certain Board members making the decision as comments have already been made to the local newspaper about who they support. She doesn't feel it is right that they be part of the decision making committee.

Clerk Lilley stated that it is the ultimate responsibility of the Board to appoint someone to the Treasurer's position. Everyone has preferences which some have been expressed and some have not. The people that are nominated, as an independent body, are very capable of narrowing the field down.

Trustee Birkle does agree with the Supervisor that there is a danger of internal employees having the responsibility of making that decision. He feels Beverly Spoor would be an excellent choice to be on the committee.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Birkle, to form a Committee to Review the applications for the Treasurer position made up of Trustee Powell, Supervisor

Kowall, Trustee Birkle, Ex-Treasurer Beverly Spoor, Cathy Derocher. The MOTION PASSED by a roll call vote (Birkle-yes/Lilley-no/Powell-yes/Burkard-no/Kowall-yes).

Clerk Lilley wanted to make a public comment that anybody who has already publicly expressed the support of one of these candidates should remove themselves from this committee.

Supervisor Kowall suggested that they meet and discuss the issue. This an open process. We are selecting an elected official so it is very important that we do this correctly. We will set a meeting for tomorrow, August 18, 4:00 in my office.

Trustee Burkard is in strong favor of when a Clerk or a Treasurer chooses someone as their deputy, the deputy take over the function when they cannot. Deputies can take over this township. When they accept that position they also are saying, I am giving up my benefits, my security, because your security is gone with the person who hired you. I have high respect for deputies. That is why I would not be a good candidate for the committee because I truly believe that the deputy is the one that sits there day to day doing the work now. I've just seen so many instances of so many townships where the deputy was made interim until the next election.

Trustee Powell wanted to know if someone should be appointed to replace Beverly Spoor who stepped down as liaison to the Planning Commission.

Supervisor Kowall suggested that Trustee Birkle step into the position on a temporary basis.

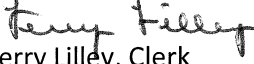
It was MOVED by Trustee Powell, SUPPORTED by Trustee Burkard that Trustee Birkle be appointed to serve as liaison to the Planning Commission. The MOTION PASSED by a voice vote (5 yes votes).

EXECUTIVE SESSION

It was MOVED by Trustee Burkard, SUPPORTED by Trustee Birkle to adjourn into Executive Session. The MOTION PASSED by a voice vote (5 yes votes).

The meeting was adjourned into Executive Session at 9:48 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 17, 2010 regular board meeting minutes.


Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan