

**CHARTER TOWNSHIP OF WHITE LAKE**  
**Approved Minutes of the Regular Board of Trustees Meeting**  
**July 20, 2021**

Supervisor Kowall called the meeting to order at 7:00 p.m. The meeting was held via Zoom video conferencing. He then led the Pledge of Allegiance.

Clerk Noble called the roll:

Present: Rik Kowall, Supervisor - present in Waterford Twp., MI  
Mike Roman, Treasurer - present in White Lake, MI  
Anthony L. Noble, Clerk - present in White Lake, MI  
Scott Ruggles, Trustee - present in White Lake, MI (arrived late)  
Liz Smith, Trustee - present in White Lake, MI  
Andrea C. Voorheis, Trustee - present in White Lake, MI  
Michael Powell, Trustee - present in Monument, CO

Also Present: Sean O'Neil, Planning Director  
Lisa Hamameh, Township Attorney  
Nick Spencer, Building Official  
Daniel Keller, Police Chief  
Catherine Derocher, Human Resources Manager  
Michael Leuffgen, DLZ Engineering  
Eric McGlothlin, Attorney for Oakland Harvesters  
Ty Nuottila, Owner of Oakland Harvesters  
John Roszanski, Pontiac Lake Apartments  
Brian Howard, NF Architecture for Pontiac Lake Apartments  
Ari Lehman, Attorney for 9910 Highland Road  
Tom Mickus, Engineer, Lopez Engineering for 9910 Highland Road  
Jennifer Kelbert, Recording Secretary

**AGENDA**

Supervisor Kowall requested to remove two items from the Agenda:

**NEW BUSINESS**

- C. First Reading: Rezoning Request Elizabeth Lake Retail
- D. Preliminary Site Plan Approval, Elizabeth Lake Retail

Supervisor Kowall requested to add one item to the Agenda:

**CONSENT AGENDA**

**G. Treasurer's Report**

He stated this was being added late due to the timing of the bank statements.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Roman, to remove Item 8C-FIRST READING; REZONING REQUEST ELIZABETH LAKE ROAD, to remove Item 8D-PRELIMINARY SITE PLAN APPROVAL, ELIZABETH LAKE ROAD and to add Item 6G-TREASURER'S REPORT to the agenda. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Smith/yes, Voorheis/yes, Powell/yes).**

**PUBLIC COMMENT**

No public comment.

**CONSENT AGENDA**

- A. REVENUE AND EXPENSES**
- B. CHECK DISBURSEMENTS**
- C. LIST OF BILLS**
- D. DEPARTMENT REPORT - POLICE**
- E. DEPARTMENT REPORT - FIRE**
- F. DEPARTMENT REPORT - COMMUNITY DEVELOPMENT**
- G. TREASURER'S REPORT**

**It was MOVED by Clerk Noble, SUPPORTED by Treasurer Roman to approve the Consent Agenda. The motion PASSED by roll call vote (Roman/yes, Kowall/yes, Noble/yes, Smith/yes, Voorheis/yes, Powell/yes).**

**MINUTES**

- A. APPROVAL OF MINUTES - REGULAR BOARD MEETING, MAY 18, 2021**
- B. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, MAY 26, 2021**
- C. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JUNE 15, 2021**
- D. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, JUNE 22, 2021**

Trustee Smith would like to make an amendment to one of her comments for the Regular Board Meeting June 15th meeting. She would like to amend that she was reading from the Historical Society Gazette.

**It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Roman to approve the Minutes of the Regular Board Meeting of May 18, 2021, the Minutes of the Special Board Meeting of May 26, 2021, the Minutes of the Regular Board Meeting on June 15, 2021 as amended and the Minutes of the Special Board Meeting of June 22, 2021, as submitted. The motion PASSED by roll call vote (Smith/yes, Noble/yes, Voorheis/yes, Roman/yes, Kowall/yes, Powell/yes).**

Trustee Powell voted with a comment to thank the Clerk's Department for the professional way the minutes were done.

## **NEW BUSINESS**

### **A. RESOLUTION 21-024; CAPITAL IMPROVEMENT BONDS, SERIES 2021 - WATER SYSTEM IMPROVEMENTS**

Aaron Potter stated that they have been working on this project with Huron Valley Schools for the better part of two years. What you have in front of you tonight is a bond resolution capital improvement bond series 2021. He wanted to share the attached Water Infrastructure and Service Agreement that goes with this resolution. He stated it's in the final stages but is still a draft. There are a few line items that need to be filled in, such as the approximate amount of feet of pipe and phone numbers that needed to be added. There is also Exhibit A which is the full construction set plan that was approved on the water permit for the Bogie Lake water main extension. Exhibit B will be the engineer's cost estimate from page 51 of the Drinking Water Revolving Fund Project plan that was developed and paid for by the school system. There are some updated costs. He doesn't think the cost is going to change as this agreement is based on estimated costs. Even though they are in the estimate phase, they do have a bid. Ultimately, we will only pay interest on what we draw on the bonds, so those will be actual costs, which is addressed in the Water Infrastructure and Service Agreement.

Eric McGlothin stated the bond resolution is like capital improvement bond resolutions seen in the past. It does all of the same things that those resolutions have done plus it adds one provision for the approval of the Water Infrastructure and Service Agreement. It authorizes the bonds to be issued in an amount up to eight million seven hundred thirty-five thousand dollars which is

the estimate of the principal amount that will be needed to cover the cost of the project plus all costs of issuing the bonds. The bonds will be sold to Michigan Financial Authority through its DWRP program at an advantageous interest rate, which is 1.875%. It also authorizes the bond resolution and pledges the township's full faith and credit to repayment of the bonds should it be needed. A portion of the bond debt service will be allocated to Huron Valley Schools through the Water Infrastructure and Services Agreement which requires payment of all project costs for the water line project from the district. The other portion of the project, Aspen Meadows Well Station will be paid from the Township's General Funds Limited Tax Full Faith and Credit Pledge that is authorized under this resolution. Finally, the bond resolution delegates authority to the authorized officer of the Township to take all the actions necessary to effectuate the issuance of bonds assigning the proper documents to sell the bonds to the Michigan Financial Authority.

Trustee Powell commented this is a very important project and decision by the Township Board. We have been anticipating it for so long and it is really critical. His questions are not being asked to put a negative spin on this loan, but eight million dollars is a lot of money. Since the Township is placing its full faith on this project, what are the liabilities to the Township if the Huron Valley School District stops payments on their share of the payment?

Eric McGlothin replied if Huron Valley stops making the payments, then the Township would be on the hook for the entire amount of debt service. The pledge of full faith and credit is essentially establishing a contract with the bondholders to make those debt service payments within its authorized tax limitations under state law. Should the district fail to pay, the Township would continue to pay and have a cause of action against the district for recoupment of those costs pursuant to the Water Infrastructure and Service Agreement.

Trustee Powell stated he wanted to know the worst case scenario because they have been in this position before with the district. There is a brand new board including a new superintendent, so he is not looking for this to happen now. A question for Treasurer Roman: In your professional opinion would the Township be able to make the payments until we had satisfaction of collecting from the Huron Valley School System?

Treasurer Roman replied the Township always finds a way to come up with the money. They would in this instance as well.

Trustee Powell asked what course of action the Township has if the Huron Valley School System decided they didn't agree with a rate increase that the Township Board deemed was necessary in the water costs and they didn't pay their water bill?

Supervisor Kowall states they would treat the district as they would any other customer. We would give them the notification and follow the process that he and Aaron Potter have developed over the last several years. They have a policy; give notice & they would follow it to make sure people follow through with their obligations. We can only hope that this new School Board has the understanding. He believes they do because in this particular case they sought us out after our attempt in 2017 to go after the previous Board to offer this partnership to them. He believes this Board has the knowledge & commitment to follow through with this plan.

Treasurer Roman commented that he has heard of other municipalities turning off the water system to those that don't pay. He isn't saying they would do that, but it is one of the options they would have.

Lisa Hamameh thanked Trustee Powell for asking the questions. She stated she has peppered him with all these questions. She gave him the background and all of her concerns. She can tell the Board the agreement itself states the water will be shut off if they fail to make payments. Eric has added as many protections as he can and that Huron Valley would agree to, coupled with the standard procedures in the ordinance. She further stated, if this happens a second time and we end up in court we might be in a better position to ask the court to pay the attorney fees this time.

Aaron Potter stated Section 7, Page 10 of the Water Infrastructure and Service agreement, is where we talk about the rates that the school is going to pay. It specifically states the school is going to pay the regular Township rate as may be amended. Also, in this agreement in Section 7C, Page 11 specifically states what would happen if there was a nonpayment on the loan. In addition, the school did sell a bond for their building maintenance, sinking fund and their water infrastructure improvements that also had language as to what they were going to use the money for. He did include Lisa Hamameh in the review of this agreement because she is the Township's Counsel for this reason. He feels they are in a good place with this agreement.

Trustee Powell commented that the Federal Government has pointed out that they have a great deal of money that they are handing out for shovel ready infrastructure improvements. Have we pursued any Federal or State grants for this particular project?

Supervisor Kowall replied that one allocation we are receiving is \$3.25 million from the American Rescue Plan that will be coming to the Township. There was some talk about using some of those funds to defer the cost of this yet to be determined by the Board. He has been working with Treasurer Roman and his staff to acquire \$1.6 million through Haley Stevens for the Township Civic Center Development. We just received notification that we are approved for

that money. If we have the means, we will do it. They do not have a clear definition of the infrastructure bill yet, so he can't go after something that isn't on the table.

Aaron Potter stated he just attended some conferences this week to talk about how to procure that funding. We have been working on this project going on two years. The timing didn't really quite work out with this to go down that road as an alternative to this road, but that doesn't mean those doors are closed going forward. As he understands it, the direction from the state is to basically request the money then start working on your expenditure plans to use it going forward.

Trustee Powell asked if we were to obtain any grants or if the Township had some excess funds, is there a penalty for an early payoff of the DWRF loan?

Supervisor Kowall commented that he doesn't think there is a penalty.

Aaron Potter stated they are going to make interest payments twice a year on what is drawn out of this loan. His understanding is we are only going to pay interest on what we've drawn. If we pay this off before the 20-year period, it is his understanding that we'll save a significant amount of interest payments.

Eric McGlothin stated that Aaron's statement is correct.

Trustee Powell commented that other communities have had some real problems in the past with their asset accounting. He asked if borrowing eight million dollars plus, will that debt impact our credit rating and our ability to obtain other loans for special assessment districts or other essential borrowings that the Township may need?

Supervisor Kowall stated these things always need to be looked into. There's always the chance there could be some future economic impact. Since there's a total basis of repayment of this not only in the users, but also the agreement that we have with Huron Valley Schools puts us in kind of a wash situation. In each bond market, our bond rating will be looked at by a bond rating group. They will make those determinations.

Eric McGlothin stated a short answer to the question is that outstanding debt of an issuer is a factor in the rating decision made by rating agencies. By law, his role is separated from that of financial advisor. The financial advisor to the township helps you through the rating process and can give you a very specific answer relating to that, but generally speaking, the amount of debt outstanding for an issuer is a factor in the rating decision. Will that make the ability for the Township to obtain financing at the most advantageous rates in the future? There is no way to

answer that question at this time that is in connection with each issue and the rating agency assigns a rating at the time you go to market if you're doing a public sale. The Township carries a very high rating right now which is AA plus. One step up from that would be AAA. The Township is very well managed and highly rated Township, so the concern would be less than it would be for some for an issuer with a lower credit rating. He does not believe the Township will be near their bond debt limit anytime soon even with an eight-million-dollar bond issue.

Treasurer Roman asked if we are also approving with this resolution the water infrastructure and service agreement.

Director Potter stated we are and that it is listed on page two.

Eric McGlothin requested if they are going to make a motion, to make it subject to an amendment to Section One which approves the Water Infrastructure and Service Agreement. The nature of the amendment is the agreement is approved substantially in the form presented to the Board. The reason for that amendment is that the preliminary plans and the project budget are not attached in the version you have. It would just give authority to the Supervisor and the Clerk to sign an agreement that has those attached.

**It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to approve Resolution 21-024 subject to amending Section 1 as suggested by the Township Attorney allowing the Supervisor and Clerk to sign all such documents related to it. The motion PASSED by roll call vote (Noble/yes, Powell/Yes, Smith/Yes, Kowall/yes, Roman/yes, Voorheis/yes).**

#### **B. REQUEST TO PURCHASE LIVESCAN & PICTURELINK EQUIPMENT FOR POLICE DEPARTMENT**

Chief Keller stated they are in need of a new livescan & picturelink equipment which is their booking equipment. They have a computer that takes fingerprints for individuals who were arrested or citizens who come in to get their gun permits they get fingerprinted. The picturelink photos are the same way. The livescan & picturelink are linked together. They run through CLEMIS and CLEMIS alone. CLEMIS has advised them that it will be the end of life at the end of this year. They have until the end of this year to replace their old equipment. The new equipment will cost approximately \$18,000. The original equipment originated in 2007. It had a quick update in 2014. The new equipment is expected to last a decade or so. He stated it is well worth the money.

Supervisor Kowall stated as the technology evolves, the need for the equipment evolves. He noted a 10-year lifespan is a long time for this type of equipment. He noticed this will be purchased with drug forfeiture money. It will not cost the general fund any money.

Trustee Powell understands this software/hardware is needed. He would like to point out that at their last meeting or two meetings ago, the Board approved a very large expenditure for the Township computer system. At that time, he asked how long it would be before the police department, fire department or other department were going to need a large amount of cash because they have spent hundreds of thousands of dollars on computer upgrades recently. The comment was the police already had theirs and everyone else responded they didn't expect any additional costs. Now the police department is in need of this system. He knows it's needed, but stated they can't be so quick to say additional expenses aren't needed when they know chances are the next month they will be.

Supervisor Kowall had a two-fold comment. The first comment was he wasn't sure when they received notice the current equipment was going to expire. The second comment was this will be no cost to the taxpayer.

Clerk Noble responded that Chief Keller was smart by bringing in an officer in the DEA spot. The department he came from has brought in over \$2,000,000 during the last 12 years. Since 2008, they have paid for police cars with drug forfeiture money. We are using drug dealers' money to fight crime. He also used the Novi Police Department as an example. They had a drug forfeiture of over \$7,000,000. They used money for public safety, such as their signage, they built a \$7,000,000 range, they lease it out to other agencies like the FBI, ATF to bring in revenue. It's a fantastic opportunity to be able to send somebody down there & utilize that resource if they have any surveillance needs back to White Lake Township.

Trustee Smith commented this is something totally separate from what was addressed a few months ago with the server issue. We know technology is always evolving so this will come up again for the police station and the fire station that we need to keep up with technology for them.

Trustee Smith asked Chief Keller if they will be offering ICHAT or CPL fingerprinting services to our residents?

Chief Keller answered they have offered CPL fingerprinting for the past year or so, but was put on hold when the COVID wave hit. They will be offering CPL fingerprinting again in the fall. He stated ichat is a separate entity which they always offer to the residents.



**It is MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith to approve the purchase of livescan & picturelink equipment not to exceed the total cost of \$17,720.55 for the police department. The motion PASSED by roll call vote (Noble/yes, Powell/yes, Smith/yes, Kowall/yes, Roman/yes, Voorheis/yes).**

Chief Keller would like to give a huge congratulations to his T.E.A.M. Officer, Shawn Kidle. They had their annual White Lake Police golf outing. They raised over \$33,000 for the foundation. It helps pay for programs such as Shop with a Cop, Citizen's Academy and a variety of other programs to help the citizens of White Lake Township and the surrounding areas. They can't function as a foundation without the money from this golf outing. This was the most money they have ever raised at this outing.

**C. REMOVED**

**D. REMOVED**

**E. PRELIMINARY SITE PLAN APPROVAL, OAKLAND HARVESTERS**

Planning Director Sean O'Neil indicated that he will share some screens while he speaks with the Board. Ty Nuottila is the owner of this property off of White Lake Road just south of Andersonville Road. The first screen he shared shows Mac Industries where they've been located for quite some time. This two-acre parcel is located in a cluster of four similarly sized parcels. Ty Nuottila was at the planning commission last week seeking both special land use approval from the planning commission and a recommendation to you from the planning commission for approval of their preliminary site plan which he did receive. You'll see the plans that were submitted. He would be happy to go to any of those pages if the Board would like to take a closer look.

Sean O'Neil further stated there were a couple of outstanding items that needed to be addressed. Some of the engineering design standard matters had to do with the sidewalk adjacent to the building which was mentioned in the Planning Commission's motion to approve making sure it was sizable enough to bring pedestrians across the front of the cars between the parking lot and building as well as curbing the parking lot for stormwater.

Mr. O'Neil shared another screen with the Board. One item that came up had to do with the sidewalk that is out front. The Planning Commission did make mention of the fact the ordinance does require that the applicant put a six-foot sidewalk along White Lake Road. They asked for the plan to show the six-foot sidewalk. They did mention since there isn't a sidewalk anywhere near this property for quite some distance in any direction, they felt that having it approved as

part of the project, requiring that it be built at a future date made sense. What they did was require it to be part of the plan and then make a recommendation to you that they had no objection if you feel comfortable entering into an agreement for installation of a sidewalk at a future date. Obviously, that would require help from the Township Engineer in drafting something like this. It would be recorded against the property at a time when the system gets to this point, either Ty Nuottila or a future owner would have an agreement in writing and a plan that was already approved requiring them to put the six-foot sidewalk across its frontage. It's a little bit unique. It is kind of their way of saying we understand it's not here, but we want to address it. Simply put, this project will be a nice new addition to this part of the Township. Oakland Harvesters does a lot of the weed harvesting for all the lakes in this part of the county and state. They would like to have an operation in White Lake Township. Their use is appropriate. We will get into screening and building materials, lighting and landscaping at final approval. At this point, he feels the Planning Commission feels as long as they adhere to the comments that are found in the review letters and address the issues mentioned tonight then they are ready to move ahead.

Trustee Powell stated overall this is a great use of this site. He commented that the owner/contractor is first rate. They help a lot of the local lakes out.

Trustee Powell asked Director O'Neil to help him out with a question. On the right and left, east and west side of each of the driveways the pavement is set back from the right-of-way/property line appears to be fairly small. What do they plan on doing on the pavement that close to the property line? He wondered if it would interfere with the proposed plan or the proposed use of the property if that were pushed back to twenty feet or so off of the property line to give a little bit bigger setback from whatever use is going to be on that pavement.

Director O'Neil shared his screen to help answer the question. He asked Trustee Powell if he was talking about the areas off the side? Trustee Powell stated that was correct. Director O'Neill stated he sees what Trustee Powell is talking about and would ask Ty Nuottila if he wanted to address that. It would reduce his cost of installation as well as reduce some of the storm water.

Ty Nuottila commented that he doesn't have a problem with anything. His biggest issue is some of the harvesters on trailers. The truck and trailer are approaching sixty feet. They need to be able to cut that corner and get in there whether they are going either direction on White Lake Road without getting into the drainage ditch and culverts that are in there. He can move it to wherever is applicable. They are open to anything that makes sense.

Trustee Powell replied that those units on a trailer stand fourteen feet high. It might be nice to have that setback a little bit greater so that people going down White Lake Road don't see this huge machine sitting five feet off the property line. This was his only comment on the entire site.

Ty Nuotilla commented from the road frontage there is going to be a considerable berm and tree covered berm for screening. There will be a decent distance between the road and which will actually be the front parking lot. This is technically a giant storage building. Every year he is trying to upgrade to get better equipment. This year he got four brand new harvesters. They are too nice to just store outside in a Michigan winter. They only work four months a year. The older equipment he will use for backup will be stored behind the building. Whatever is stored outside, you will not be able to see from White Lake Road.

Trustee Powell stated we can't count on any blockage, vegetation, berms or anything within the road right of way. This is the reason he was thinking if we could have a twenty-foot setback on each one of those corners to at least allow for some landscaping to block whatever might be in those areas of the parking lot.

Supervisor Kowall commented that those are things that can go back to the Planning Commission.

Sean O'Neil stated the Planning Commission will address the screening and the landscaping.

Trustee Smith commented she was happy he was willing to work with the Board and offer future sidewalks at a later date. She asked Sean O'Neil if it made any sense as he's approaching working on a new updated master plan because this is an industrial area not likely to be a walkable area. Would there be any negotiation or plan to be willing to kind of put into our sidewalk fund elsewhere in the Township?

Sean O'Neil replied it was possible. He would leave it to the Board to make that decision. The Planning Commission didn't have a strong feeling necessarily, they just wanted to leave some options open for the Board. He further stated it would be reasonable if the Board wanted to make that recommendation. For the record, Ty didn't say he didn't like sidewalks and didn't want to put one in. He just said he didn't see the point of it now because it could be 10-20 years before there is a sidewalk.

Trustee Smith commented if they were willing to make that an option, then it is something the Board would entertain.

Supervisor Kowall replied that he appreciated that perspective, however with the rate of growth that we have seen in the Township and the fact we have tried to go on a campaign of trying to put more trails and walkways in, it might be in our best interest to keep the agreement in place. If a fund was paid into and three or four years from now adjacent properties and multiple things develop over there, he would not be obligated to do anything and we would have another gap. He stated he felt it just needed to stay with the property as it is. In the future, if he puts that agreement on the land, then it runs with the land. It will meet the intentions of what we are trying to do throughout the community. He appreciated the view Trustee Smith provided, but he doesn't want to see them get into a scenario five or ten years from now something goes on and all of a sudden, we have a gap there and there's no obligation for them to do anything with. There is a variety of those throughout the 59 Corridor right now. It makes it hard to make it a walkable community.

Trustee Voorheis agreed. She likes the idea that he puts some money aside for the future. She does realize that it is the rural part of White Lake Township, even light industrial areas can have sidewalks.

Treasurer Roman also agreed. He stated that rather than having Ty Nuottila put up money for a sidewalk elsewhere, he would rather have the option to put the sidewalk in front of this business. He is just curious if something could be put in place where the owner was notified by the Township that we wanted that sidewalk put in then that owner would have maybe one year to do so?

Supervisor Kowall stated he feels that is a reasonable request. He will let Mr. O'Neil work that out administratively as to an agreement that Ty Nuottila and Director O'Neil could bring forth to the township board and we could look at it.

Director O'Neil stated they will involve the Township Attorney as well.

Trustee Smith would like to clarify her position. She is for sidewalks anywhere and everywhere.

Trustee Powell would like to point something out to Sean O'Neil. They are proposing to run storm water off of this paved parking area without picking it up into catch basins, but make sure that DLZ deals with the storm water leaving asphalt and hitting dirt at the northwest corner. They are going to have to have paved spillways to control the storm water for the erosion that is going to occur off the edge of the pavement down to the basin.

Michael Leuffgen commented they will address this. This is a preliminary site plan and there will be a little more detail on the final plan.

**It was MOVED by Trustee POWELL, SUPPORTED by Clerk Noble to approve the Preliminary Site Plan for Oakland Harvesters. The motion PASSED by roll call vote (Voorheis/yes, Noble/yes, Smith/yes, Roman/yes, Kowall/yes, Powell/yes).**

#### **F. PRELIMINARY SITE PLAN APPROVAL, PONTIAC LAKEVIEW APARTMENTS**

Director O'Neil shared his screen to acquaint everyone with the location. It is a few acres with a few buildings on it now. John Rozanski has gone to the expense of connecting sewers onto this property. He is at the point where he would like to redevelop the property now. They have been working with him for some time and it has come a long way since he walked in the door. He said it is a little complicated because there is a lot of topography on the site. The two buildings will come down & one 12-unit building will go in. He has topography falling off to the south toward the river. There are also considerable wetlands at the back of the site. He also stated this one has gone through quite a process. It went to the Planning Commission for preliminary approval. Then it went to the Zoning Board of Appeals where it was initially denied several months ago. Mr. Rozanski made some changes to his building. He reduced the units in the building from fourteen to twelve to shrink the footprint of the building and the parking lot. He came back to the Planning Commission on June 17, 2021. He received a recommendation for approval subject to getting variances from the ZBA. He went back to the Zoning Board of Appeals on June 24, 2021 where he received several variances primarily for side yard setbacks for the buildings as well as the parking lot. It is pretty reasonable given the constraints he has on the property. The Planning Commission was excited from the standpoint he is really making a nice investment on the property he has owned for some time now. It will really improve that area. The ZBA was happy to see him back after reducing the number and the amount of variance requested. He had done quite a bit to reduce the impact. This is a project that has been to the Planning Commission and the ZBA. The Planning Commission recommended preliminary site plan approval with some conditions. The Zoning Board of Appeals approved all variances except for one. They are requiring the applicant to put curbing in the parking lot, which he has agreed to do. All other variances sought for were approved. It is just preliminary so there will be some more engineering when they come back through final and address any landscaping, lighting, facade issues that are outstanding.

Treasurer Roman asked if anyone knows if Township sewer main fronts that property?

Sean O'Neil replied the owner has extended sewer to the property already. It is currently served by sewer. A few years ago, when the sewer was extended here, it is actually located in such a way that it is out of the way so it would not impact this plan very much.

Michael Leuffgen stated they worked with Mr. Rozanski to come up with a plan for the sizing of the station and a location that will work with his current development. It is set up for it.

Trustee Powell would like to compliment Mr. Rozanski and his architect. They worked extremely well with the Planning Commission and the ZBA. They had to make some changes, they reduced their density, but this hopefully will spur redevelopment up and down this area as the buildings are quite old.

Trustee Voorheis asked why he reduced the number of units from fourteen to twelve in the building?

Sean O'Neil explained it was originally fourteen units, but will now be twelve. He reduced the number of apartment units to reduce the footprint of the building to get away from the side lot lines because there was a setback issue.

Treasurer Roman would like to know if it is a one or two story building?

Brian Howard replied that it is a two-story building if you look at it from Pontiac Lake Road & a three story if you look at it from the Huron River. They buried what they are calling a garden level into the side of the hill because of the topography and the fall they have from the road to the river. They were actually able to reduce the height of the overall building.

Supervisor Kowall stated it will nestle right in there. It is a great area and those tenants will have an absolutely wonderful backyard to look at. It is also in close proximity to the lake.

Clerk Noble would like to commend him for taking on this project during COVID and staying with it. Mr. Rozanski is investing in this community and he thinks it is fantastic that he is doing that.

Trustee Smith asked about an earlier issue which was parking. She sees there is now 40 plus feet building and 10 feet parking that is now proposed. She thought the parking needed to be scaled back.

Brian Howard stated they did reduce parking spaces when they reduced the two units. They pulled off of the southeast property line. It allowed them to shift the trash enclosure. One of the variance requests that was granted was the parking within the front yard. They are going to provide a pretty substantial amount of landscaping along the greenbelt area. They are required to put five trees in that area. They are going to put an aluminum fence with brick piers as a screening for the car headlights. They feel it is important if people are walking down the sidewalk that they aren't just looking at the front of cars. The Zoning Board was pretty clear they wanted something like that. They are going to work through a landscape plan for the final submittal for site plan approval.

**It was MOVED by Clerk Noble, SUPPORTED by Treasurer Roman to approve Preliminary Site Plan for Pontiac Lakeview Apartments. The motion was PASSED by roll call vote (Powell/yes, Kowall/yes, Smith/yes, Roman/yes, Voorheis/yes, Noble/yes).**

**G. DANGEROUS BUILDING SHOW CAUSE HEARINGS; 9910 HIGHLAND ROAD, 288 TOWER ROAD, 11142 WINDHURST DRIVE**

Lisa Hamameh stated there is an established procedure for the Dangerous Building ordinance and implementation. There is a checklist the building department has to ensure that all of the steps were satisfied. A clarification in one of the steps she would like to make is that each of the supplemental documents they received today indicated the respective property owners received certified mail notifying them of the hearing today. She wanted to clarify that she confirmed with Nick Spencer, Building Official, that the procedures provide that the notices will be sent by first class mail, certified mail and by posting on the building. Even though the supplemental documents that were emailed out today stated they went out by certified mail, they all were delivered by all three processes.

Lisa Hamameh further stated the purpose of today's show cause hearing is to allow the property owners to show cause why you should not follow through with the decision of the hearing officer. The options are to follow through with the decision of the hearing officer, to modify the order of the hearing officer or to disapprove of the order.

Nick Spencer stated there are three dangerous buildings to review tonight. He sent out packets late this afternoon and apologized for how late they went out. He can answer any questions that come about.

**288 TOWER ROAD**

Building Official Nick Spencer stated this has been abandoned for approximately 2 years. There were many violations sent out for debris on the property prior to it being abandoned. A Dangerous Building Hearing was held on January 19, 2021. On that date, it was approved to have the structure demolished by June 1, 2021. It has yet to be demolished. They come before the Board for the demolition to be enforced. A side note, Jason Hudson, Ordinance Officer has issued a work order to cut the long weeds and grass. It is a very overgrown property.

Supervisor Kowall asked if anyone is present at the meeting that has interest in this property that would like to address the board. He stated he has been out to this property. It is in very rough shape. He further stated that half of the living room ceiling is on the floor. It is an eyesore to the neighbors and needs to go.

Trustee Smith would like to make sure that the date to demolish is really June 1st, the order she is looking at says May 1st, 2021.

Building Official Spencer replied the correct date to demolish this property should be May 1, 2021.

Trustee Powell asked Building Official Spencer about the request for the demolition of this building and asked him to summarize what condition needs to be left in per our ordinance. Does the foundation or slab need to be removed and does vegetation need to be reestablished?

Building Official Spencer replied they require the building be demolished & all foundation be removed from the grounds. Then it needs to be filled, seeded, mulched and the soil erosion be kept in place until such time as the growth has taken place.

Township Attorney Lisa Hamameh stated the procedures dictate that if the Township Board approves or modifies the order then the owner, agent or lessee must comply within 60 days after the date of the show cause hearing. If it is not done by this date, then the Township can continue.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve the position of the Dangerous Building Hearing Officer for the demolition of the existing structure and its related improvements at 288 Tower Road accordingly in 61 days. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Smith/yes, Voorheis/yes, Powell/yes).**



## **11142 WINDHURST**

Building Official Nick Spencer stated this has sat vacant for approximately ten years. There is quite a history of complaints on this property. The last time he was out there (about a month ago), he had neighbors asking him what was going on with the property and how it has been able to sit this long. It has been on people's minds that this property has continued to sit vacant for so long and continued to deteriorate. There have been numerous complaints about this address. Ordinance Officer Hudson along with Fire Marshall Holland have inspected the house. They have not been able to gain access to the interior of the home. But back in 2016 there was a slight odor of oil/fuel coming from the lower level. The home's roof has several holes in it allowing water to get into the home. The exterior of the home is in a damaged state and the yard is in poor condition with dead and fallen trees. At the time, Brent Bonavere was the Building Official. He was advised the home was in very poor condition. Brent stated he would do what he could to take it to Dangerous Building proceedings. In 2017, a resident made a complaint that part of the building is likely to fall to become dislodged, detached or collapse which could injure a person or damage property. This home is basically unfit and unsanitary for human habitation. He has not been able to gain access to the inside of the home, but he has looked through the windows. He further stated it is damaged and not habitable at all. There is no power or gas to the home, the roof is covered with a material which is not appropriate for a home, there is only one ingress/egress into the home and many of the windows are broken. There is a lot of damage to this home because it has sat for so long.

Trustee Voorheis commented that she had done a drive-by of all three of these properties and they all look rough. She is in agreement that all three need to come down.

Supervisor Kowall asked for any comments from any interested parties of 11142 Windhurst. He has received a letter from an individual that he will read to the Board and be entered into the record.

The letter stated he is writing on behalf of Glenn Slabiak. He is not related to him or working for him in any way. He is just assisting him with these notes, as he is unable to type. He further stated he is a senior citizen. He stated 11142 Windhurst, Lot #1233476013, located in White Lake Township is in the process of being put on the market for sale. The services of a structural engineer are currently being scheduled, but due to the demands of COVID, longer wait times are anticipated. Mr. Slabiak will be installing a new entrance door on the east side of the cottage to allow better showing of the cottage to settle the estate. Mr. Slabiak requested information about

who requested an enter to work order to have the electrical box removed from the property and who was paying for it as he was not requested for it by the estate at any time. There is a concern about the request to tear down the cottage as no reasons in writing have been given by certified mail for that request or Michigan Construction BOCA codes used to give cause for this decision. Letters have been written and delivered with signed receipts received to Mr. Slabiak requesting such detailed information be sent to his address by certified mail not received at this time.

Glenn Slabiak, one of the administrators of the estate appearing by telephone. He stated they are going to put this property on the market. They are going to put a new door on the east side like the letter stated. He further stated they will do this so the new buyers can take a look at it to decide if they want to restore it or tear it down. They are going to get a structural engineer out for sale purposes to verify the integrity of the building. He would like to thank the Board for taking time for him.

Supervisor Kowall asked why it sat for so long neglected.

Glenn Slabiak stated it has been in conservatorship for ten years. They got it back a few years ago. Then COVID hit and they had some health issues. Now they are getting around to rectify the situation.

Supervisor Kowall stated that it is a little late in the game and ten years is a long time to let it sit there.

Glenn Slabiak stated again that it was in conservatorship until a few years ago.

Supervisor Kowall interjected that even general maintenance was not done to keep it in good condition.

Treasurer Roman would like to know if this has been shown to a realtor yet. If so, what kind of value did the realtor suggest the property could be sold for?

Glenn Slabiak stated it has not been shown to a realtor yet.

Trustee Powell responded that when the Dangerous Building Hearing was conducted on February 25, 2021, the attorney for the estate stated that within two weeks they would have a note and a quote from a builder stating whether or not this structure could be saved or what would be done.

Clerk Noble would like to back the above statements. He concurs with what Trustee Powell said.

Trustee Smith concurs with her colleagues. She asked Nick Spencer if he has had any conversations with the owners stating they were going to get a realtor or was tonight the first time he's heard about it.

Building Official Spencer stated he has not personally been told they were going to get a realtor and try to sell it. Generally, if someone in his office has a conversation like this it gets relayed to him, but he also stated he can't speak for anyone in his office. He further stated that what was told to him was back at the Dangerous Building Hearing in February, 2021 was they were going to have a contractor to bring it up to habitable status. In his opinion, there is a lot of work that would need to be done to bring it up to that type of status. It is a complete rebuild if the foundation is suitable.

Nick Spencer would also like to answer Mr. Slabiak's concern about the electrical. He stated it wasn't removed by a contractor, it was removed by DTE. They removed the entire service because it was an open service and was a danger to the public.

**It was MOVED by Powell, SUPPORTED by Clerk Noble to approve the decision of the Dangerous Building Hearing Officer and request the structure & the related improvements be demolished from the site at 11142 Windhurst as allowed by law within 61 days from now. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).**

### **9910 HIGHLAND ROAD**

Nick Spencer stated everyone should be familiar with 9910 Highland Road. Michael and Steve Hutch came before the board in the last two months to see where they stood with the demolition and to see if they were going to uphold what the Dangerous Building Hearing Officer was enforcing. He would like to know if anyone would like him to go over the history, but it has been the third time and everyone should be familiar with it.

Supervisor Kowall stated he felt the board is all too familiar with it and he doesn't feel like they need to go over it again.

Lisa Hamameh would prefer they establish a record with some history.

Nick Spencer stated the house had a fire on September 2, 2016. It was a substantial fire. The house has sat vacant since that date. The roof has been open for a number of years, which with the changing of the seasons, water infiltration, mold, rot and everything else that goes along with it. The house has also had a lot of issues with the Ordinance Officer, Jason Hudson. He has been out to the property several times over the years. He has been able to work with the property owner over the last 6 months to work to get the property cleaned up. The inside structure of the home has never been touched. There was never cleaning of the interior to remove bad material. They were things that could've been done without ever needing a building permit. It sits now just as it did five years ago. Mr. Hutch did have a building permit at one point. A building permit according to Michigan Building Code expires after 6 months of no work being done. He did not meet the goals of the Hearing Officer's requests. He was given a lot of latitude but did not keep up with the timeline. The permit was rescinded after 6 months of no work. They went back and put it back on the dangerous building list and set it for a hearing. The hearing was held and it was ordered to be demolished by June 1, 2021. It has not been demolished as of today.

Michael Hutch stated he is there with his brother, who is on the phone, Ari Lehman, their attorney & Tom Mickus from Lopez Engineering. He further stated that the Board was given a report at the last meeting by Lopez Engineering.

Ari Lehman has been hired by Steve and Michael Hutch. He stated he has had a chance to review the ordinance. It is very clear that there are more options available than just tearing down the property. He stated it hasn't been done because of some unfortunate circumstances. He further stated they will hear testimony today about the condition of the structure, how it is salvageable and how it makes sense to salvage the property. He stated there is insurance money and other money to make the repairs. If the building is torn down, all the money that was there to repair it will end up with the mortgage company. There will be no other way to collect on it. He would like to be able to get a permit. They had tried to get another one, but could not because of COVID. This won't cost the Township any money. But if they choose to demolish it, then they will be out of money. He read the ordinance. He knows the owners can be charged by the Township, but he thinks the Township would be out the money. They would have to place a lien of a vacant piece of property. If they can get the report from the engineer that states there is value in saving the building and they will hear testimony that there is money to get it done. The owners are serious about saving this property because they have gone out and hired an attorney and an engineer. They are ready to get to work on this.

Tom Mickus stated he is a licensed professional in the state of Michigan. He provided a history of his past experience and employment. He is currently a structural engineer for Lopez

Engineering. He achieved his Bachelor's Degree from Michigan State University in 1985. Mr. Mickus stated the structure was in dire straits in September, 2019. He further stated it wasn't locked, there were portions of the roof that were falling, the grounds were disturbed and the lawn was in bad condition. He just went there today. The lawn was cut and the debris on the outside has been completely removed. Mr. Hutch let him inside the structure. He also commented that contrary to a remark by a Board Member tonight, there has been work done on the inside of the house. He stated a lot of the debris has been removed. The foundation is structurally sound except on the garage side where there was an overflow of the lake which had some structural hydraulic damage. The rest of the structure is fine. The brick is a double width brick work, not just a brick facia, it is a structure brick that can support a roof system. The roof will be completely replaced. The part of the roof that was damaged by the fire was completely removed and a temporary roof system was installed. He stated the structure is sound. He feels there is no reason why the structure should be demolished.

Michael Hutch stated his time has been freed up since he does not have to care for their father anymore. His brother has had a hard time getting to work on the house because he has injuries from two auto accidents. He stated his dad died and can have access to money now. They didn't have access to the money before because it wasn't their money. They have properties up north they can get money out of. They have a property in Waterford that is worth \$160,000 and is free and clear. They also have access to their father's pension money. They have more options now than they did a few years ago. They currently have an account with Chase Bank with about \$138,000 in it. They originally had \$155,000, but had to use it for other items. The bank used to have a draw system that you could only take out 50% of the money if you did 50% of the work and that caused a hardship because the house was underinsured based on the cost it would take to rebuild it four years ago. They have \$45,000 in an account that Michael Hutch has control of which is in his company's name. The Federal Government now allows four draws on the money instead of the two that there used to be. If they need additional money, then they could sell properties to finish the project.

Ari Lehman stated they did receive an estimate.

Michael Hutch stated they gave them a budget for \$140,000 and what the allowances would have to be to fall in line with that figure. They were verbally told that \$190,000 would probably be the number, if Steve Hatch was to be in control of all of the contractors. The problem with \$190,000 is that they could receive a quote of \$14,000 for painting, but could go out and spend \$1,000 on paint then do it themselves. They also received a quote for heating & cooling for \$21,000, but they received another quote from a reputable company for \$10,000 less than that. He commented that the quotes are all over the place. He further stated his brother loves that

property. Michael told him he was probably going to spend more money to repair it than they could sell it for. Steve has been there since 2004 and doesn't want to leave. Michael told him he would be there to help him as needed.

Ari Lehman stated the important point to note is there is a \$300,000 mortgage on this property. If this home does not get rebuilt then Steve Hatch would be in financial ruins.

Michael Hutch responded by asking who would compensate Steve Hatch for the walls, the foundation, the well, the septic, all of the walls that are good, the 2x4's that are not damaged. The fire department responded in minutes to the fire starting.

Supervisor Kowall commented that even though there was work being done on the inside, the Township had no knowledge or record of anything being done.

Michael Hutch knew the building permit had expired, but they were working on the inside. They were trying to get a new permit, but everyone was worried about the COVID virus and everything was shut down.

Supervisor Kowall responded saying they were always operational through all of it.

Trustee Powell stated he understands all of the issues. He is not willing to give an unlimited amount of time to complete this project. The big question he had that he could ask their attorney is what happens if they don't meet deadlines or they put \$150,000 worth of work into the property, but didn't put the effort into it then they would have an even bigger problem. If the Board decides to give them more time on this project, he would like to put a deadline so there is an end to this. He doesn't want to come back in sixty days and be in the same position as they are today.

Treasurer Roman would like to know if there is an estimated cost for demolition of this project.

Nick Spencer stated that based on recent demolitions in the Township, it would cost between \$12,000-\$15,000, but may be a little more because of the brick structure for demolition.

Treasurer Roman is requesting that if the Board approves continuing the work on this project, then the homeowners need to put up \$15,000 as soon as possible in case they don't meet the limitations or the project is not approved. Then the Township would have the money to demolish.

Michael Hutch interjected if they would be willing to accept equity instead of cash.

Supervisor Kowall stated they wouldn't entertain that idea. If they do this, then they would want cash.

Michael Hutch asked if they could purchase a bond which would guarantee the work would be done. If it wasn't completed, then the bond company would come in and complete the work. He did this when he worked on an old farmhouse years ago, but didn't know if this was still something that could be done today.

Treasurer Roman stated he would recommend they only accept cash. He further stated there is a huge amount of red tape with the bonds.

Michael Hutch would like to know what kind of time limits they are going to give them. The construction industry is challenged right now. It might take 1-2 months for a certain contractor to show up even though they have everything in place.

Supervisor Kowall stated the average time for new construction on a 2,500 square foot house being built from ground zero is about eight months. This building is going to need more time than that because they have to work backwards for the first six weeks until they can go forward.

Clerk Noble asked Michael Hutch about a prior statement regarding the liquidating of the properties up north. It seemed to him they had to squeeze every bit of equity they had to complete the project. He wanted to know if the properties up north would be quick sells or if it would take time to sell them.

Michael Hutch stated they have approximately \$300,000 without touching the vacant land up north. He just hasn't had a chance to go up there to inspect the properties. He has been a real estate agent since he was 19 years old.

Supervisor Kowall interjected that if he hasn't had a chance to inspect the up north properties, then how would he have time to address this property? He believes that this property is now a non-homesteaded property, he has to have a licensed contractor to complete the work.

Building Official Nick Spencer indicated that if his name is still on the deed of the property and he is going to reside on the property for six months post certificate of occupancy then technically he can pull a homeowner's permit.

Michael Hutch indicated that Steve Hutch is a licensed builder so he can hire contractors.

Clerk Noble indicated if he's not an established builder right now then they might have a hard time getting this project done.

Steve Hutch stated he is the owner of the property. He has had his contractor's license for approximately thirty years. He commented they have the money to finish the project. They can get money out of the Waterford property if they need it. He doesn't think they will need it because they already have \$135,000 in escrow. They also have \$45,000 in a company account. They have money in their father's estate. They can also liquidate any of the up north properties.

Trustee Smith stated the Board had listened to these very same issues back in May. She is not sure why they are rehashing this again tonight. She further stated they were very gracious with their time back in May and listened to what they had to say in detail. They had provided their financials then. The opinion of the Board at that time was they didn't feel that the owners had the money to move forward then.

Lisa Hamameh stated the Board did not uphold the decision in May. The hearing came to them in May, 2021 at the request of Mr. Hutch. They were asking the Board to repair and not demolish the structure. This hearing today is statutorily required. The purpose of today's hearing is to give the property owner the opportunity to show cause why the order should not be enforced by the Dangerous Building Officer. The hearing was not on the calendar for a show cause hearing because the time to demolish had not lapsed yet. The owners came to ask for additional time to complete what they needed to have done. They were asking that they be allowed to repair the building instead of demolish it. They wanted assurances from the Board that they weren't going to demolish it or they wouldn't want to invest money into the building. This is the reason why nothing has been done from May, 2021 until today.

Trustee Smith stated she is ~~emphatic~~ empathetic to their situation, but they haven't provided any new information that would have changed her mind since May.

Trustee Powell does not want to see a viable building be demolished just for principle. He stated on February 25, 2021 Michael Hutch stated "my brother and I have experienced hardships and setbacks, but are now ready to proceed with the rebuilding of the house." If that was true, then he would have had Lopez Engineering out for an analysis, he would have submitted plans to the building department, would have the funds available and have contractor's ready to go. But now they are here six months later asking for an additional extension. It doesn't mean the structure is not salvageable, but the Board is frustrated with the lack of production.



Michael Hutch states the day after the February meeting, he followed up with the Township and Nick Spencer refused to allow them to move forward.

Trustee Powell interjected saying there is a proper approach to do things with a professional statement that it could be salvaged, Mr. Spencer has to follow the law and he does.

Steve Hutch would like the Structural Engineer to have a chance to speak because he has been out there three times. He did give a structural building report stating the building was repairable in order to get the permit. He has been out there several times since then.

Ari Lehman stated there was a report dated September 27, 2019 and then a revised report dated May 14, 2021.

Steve Hutch commented they did notify the Board that the structure was sound to move forward. He can't move forward until he is given a permit to move forward. He hired an architect to draw up some plans and they were submitted.

Tom Nichols stated the whole issue is progress on the structure. They have already cut the grass, cleaned up the outside and secured the facility. He asked the Board how they would feel about giving Michael and Steve Hutch two weeks to come up with a proposal, get someone out to the property to take measurements and come up with a game plan and install a new roof structure.

Trustee Powell does not want to piecemeal this project. He wants a building permit with contracts with contractors and sub-contractors to the satisfaction of the Building Department that would allow this structure to be repaired and completed. He would like to give the owners 60 days to provide signed and sealed drawings from a professional engineer or architect that provides for structural repairs to this building, an approved contract by a contractor or every sub-contractor that is required along with a timeframe for the completion of the work to be submitted and approved by the Building Department by the issuance of a building permit within 60 days. In the meantime, the Building Department will go out and get 3 bids for demolition. If the conditions are not met, then they would be able to demolish on the 61st day. The only question he has left is how long do they have to complete the project.

Supervisor Kowall interjected they should give them eight months to complete the project because they will be heading into winter.

Trustee Powell suggested that eight months from the day of the building permit if it's not completed, then let the Board rehear the hearing in eight months.

Tom Nichols commented he will be very disgruntled with his clients if they don't make substantial progress in the next two months.

Trustee Ruggles commented the engineer will be as disgruntled as the neighbors who live around the property. We are putting together a timeframe, but when is really the end? We can drive by and look at the tarps as they described as improved roofing material and just imagine what it is like to live next to this. He stated they have talked this to death since February.

Attorney Lisa Hamameh stated there are a few things the Board needs to keep in mind. First, we are here because this is a dangerous building. The structure has already been deemed dangerous by the Dangerous Building Officer. The purpose of this hearing is to listen to testimony. If the testimony you have heard has given you cause to question that conclusion or at least given you reason to believe this building can be made safe then you aren't going to want to approve the order of the Dangerous Building Officer. She has heard Treasurer Roman talk about taking some sort of surety. She has heard Trustee Powell talk about eight months. What she thinks every Board Member wants to see is progress and that has not happened. She understands the flip side - the property owner's concern in investing money when they have this potential demolition hanging over their head.

Attorney Hamameh suggested if the Board is inclined to give the property owner more time, you simply adjourn for thirty to sixty days so they can get the plans/construction drawings and come back with them. At that time, if the Board feels there is sufficient information provided then you don't have to order the demolition. But if you are more convinced that it can't be repaired then you can move forward with the demolition.

Ari Lehman stated he would like to make sure they can get a building permit because they were denied the last time.

Supervisor Kowall stated the owner would have to come in with a full set of drawings ready to go before a permit will be issued.

Ari Lehman asked if those are the same standards used for everyone or is the Board just holding this owner to a higher standard?

Nick Spencer stated Mr. Hutch was not denied a building permit. He could not get a permit because it was put on the Dangerous Building list and had to go through the process.

Trustee Powell asked Nick Spencer if they submitted all of the documentation for a building permit. His concern is we don't have the ability to know whether or not the information submitted is sufficient. He is actually leaning toward requiring a memo or a building permit from the Building Department stating that the documents submitted are sufficient for a building permit to be issued.

Nick Spencer replied he understood. If he had to attend a meeting and provide documentation to the Board, he could do that.

Supervisor Kowall commented he would like to go one step further because the Board has spent enough time on this. He would like the Building Department to say if at this point in time the Building Official is satisfied with the information that is presented to him and the schedule to be put out that he has the authority to issue a building permit. If it comes back to this Board that it is not being done, then the house is coming down.

Lisa Hamameh replied that she just has concerns with the procedure. This is a show cause hearing and the Board needs to issue an order whether it is approving, disapproving or modifying the order. Supervisor Kowall stated they are modifying the order. Lisa Hamameh stated that is the reason why she suggested a postponement of the hearing.

Supervisor Kowall stated he agreed. He recommended the hearing be postponed for sixty days. After the sixty days, they have to come back with a fully loaded deck with everything. If they do not have it, the house will come down. This is the last stand.

Ari Lehman would like clarification. He said Nick Spencer could not issue a permit while it is on the Dangerous Building List.

Lisa Hamameh states a permit will not be issued within the next 60 days. Nick Spencer will review all the material. If you want a shorter time period to come back than sixty days which would put us here on September 20th. She doesn't know if that is an issue for construction or demolition. The building permit will not be issued until after we come back for the continuation of this hearing. If the Building Official comes to the Board and is satisfied with what has been done is sufficient, then the Township Board may then make a ruling disapproving the order of the hearing officer. If what is being presented to the Board when we come back is not sufficient

as determined by the Building Official and explained to the Board then they may move forward with the approval of the Dangerous Building Officer's order.

Ari Lehman stated he wanted to make sure the Board didn't want them to perform work during this time.

Supervisor Kowall thinks this is a generous amount of time given the circumstances.

**It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Roman to Postpone the Hearing and set it for the September Board Meeting. The motion PASSED by roll call vote (Smith/yes, Kowall/yes, Roman/yes, Powell/yes, Noble/yes, Ruggles/yes, Voorheis/yes).**

#### **H. REQUEST TO APPROVE STREETLIGHT CONVERSION TO LED**

Supervisor Kowall stated they are going to move onto a topic that is a little more "enlightening". There is an opportunity in the Township to "enlighten" the residents and save some money. He would like to thank Trish for all of her hard work working with DTE. They came up with a proposal for the Township that will cost a little bit of money up front, but will have a payback time of 1.23 years. The projected project cost is \$29,000, DTE will contribute \$7,200, the Township upfront cost is \$22,212 with some rebates. The current annual invoice is roughly \$34,000. The future annual invoice based on the lights and the projected energy under the same cycle they are working on now will drop to \$19,000. There are many lights in the Township that are at the age they need to be replaced and it is in the best interest to have a little brighter light on the intersections throughout the Township.

Lisa Hamameh is asking whoever moves to make the motion to approve it subject to review and approval of the Township Attorney because there are some concerns in paragraph 14 that she would like to work with DTE on and authorize the supervisor to execute upon satisfaction of those issues.

**It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve \$22,212 to use to convert all lights to LED subject to review and approval of Paragraph 14 by Township Attorney. The motion PASSED by roll call vote (Smith/yes, Kowall/yes, Roman/yes, Powell/yes, Noble/yes, Ruggles/yes, Voorheis/yes).**

#### **I. REQUEST TO APPROVE AMENDMENT TO PERSONNEL POLICIES & PROCEDURES, SECTION 13.1a AND 13.2**

Supervisor Kowall stated that next on the list is the request to approve Amendment to Personnel Policies and Procedures, Section 13.1 and 13.2.

Human Resources Manager Cathy Derocher was asked to prepare a memo and make a change to our policy and procedure to promote better family and work life balance for our new employees. In summary, the changes reflect a new employee would be provided with five vacation days up front. The additional five days would be granted after six months of employment. These are for non-union employees or employees that are not covered by a different employee agreement. Those are the basic changes.

Supervisor Kowall commented it is a start in the right direction. These are some of things the Board has talked about to make this place a little more attractive and also for retention of the current employees. He would like to remind the Board Members that they are getting ready to go into labor negotiations sometime in August. This will be one of the things that will be brought up during that time.

Trustee Voorheis asked if there is any way this can be accrued instead of just being given right away at the hire date?

Supervisor Kowall replied that it can't be accrued. We need to start front loading because this is something that is becoming in demand and people need to have more of a family life. If you have someone new come in and they have a family issue or something then they would have to burn a vacation day. This gives them the opportunity not to use it. We are trying to attract quality people and trying to retain the people we have. It is a good step for us to go forward.

Trustee Powell doesn't understand why we didn't go down the line with this. He doesn't understand why we have to work for five years before getting three weeks' vacation?

**It is MOVED by Trustee Ruggles, SUPPORTED by Trustee Smith to approve the Amendment to Personnel Policies & Procedures, Section 13.1a and 13.2. The motion PASSED by roll call vote (Smith/yes, Kowall/yes, Roman/yes, Ruggles/yes, Noble/yes, Voorheis/yes, Powell/yes).**

#### **TRUSTEE COMMENTS**

Trustee Voorheis commented that she volunteered at the T.E.A.M. golf outing. She said it was tons of fun and a great event. She didn't hear the dollar amount they raised until tonight. The

Fisk Farm Festival is September 11 & 12, 2021 from 10:00 am. to 5:00 p.m. She is challenging all the Board Members to not only visit, but volunteer their time. They could use help for set-up, take down or help during the festival. She would like to thank Rik for allowing her to come in to the Township Offices because she did not have any power at her house.

Trustee Smith will be giving a quick library update. The library has returned to regular service with a few exceptions. They are no longer requiring masks be worn, no time limit for browsing, seating is available throughout the library, computers are available for two-hour sessions with no appointment needed, virtual programs and some outdoor events, study rooms for one person use, curbside delivery continues along with curbside outdoor activities and 24-hour Wi-Fi. They are basically back to full service. She wished everybody a safe remainder of the summer.

Clerk Noble would like to thank the Board for changing the personnel policy. The Township is losing employees to other departments. They have had dispatchers leave because of the pay. Time off is crucial. It is very important to move ahead. The policy wasn't about his Deputy Clerk or the Deputy Treasure. It was about giving the Supervisor who is the head of Human Resources the latitude to make the decisions when he is structuring non-union contracts. Deputy Clerk Santiago was previously appointed by Judge Mackenzie as a Deputy Clerk. It wasn't about him; it was about people we want to attract in the future. He would also like to thank Andrea Voorheis for talking about the budget in the Clerk's Office. He was wrong, it was actually only \$400.00. During the transition of him coming into office, there was some compensatory time that was cashed in for pay. It has been adjusted by the Supervisor.

Trustee Ruggles would like to apologize to the Board for being late. There were some specific things on the agenda he was really hoping to discuss. He will watch what he missed later. The Planning Commission has met a number of times and discussed two topics that came before the Board tonight, Oakland Harvesters and Elizabeth Lake Apartments. He is looking forward to what the Board had to say about both of those. He also attended the golf outing, which he was amazed at the turn out. He can't wait until next year.

Treasurer Roman would like to thank all the residents for tuning in tonight. Stay healthy.

Trustee Voorheis would like to say Happy Belated Birthday to Carol Burkhart last week.

Trustee Powell would like to let the Board know that he reached out to Supervisor Gray from Commerce Township to initiate their discussion on the renewal for sanitary sewer service in White Lake. The contract is coming to a quick end and it is way past time to get started on it. Supervisor Gray is putting together the people he would like to have at the meeting. He will

reach out to Supervisor Kowall and the rest of the staff for our meeting as well. He would like to ask and maybe put it on next month's agenda the discussion of possibly establishing a Special Assessment District Township wide for the connection to the sanitary sewers. We are holding our public hearings in the Village of Wolverine Lake for such a meeting. It is a voluntary S.A.D. to spread the connection costs over ten years to connect into the sanitary sewers. What a great way to entice our residents to connect into the sanitary sewer and give them a ten-year payback to do it. He would like to discuss this with his colleagues on the board. He is also dealing with a number of septic systems in Highland Township, specifically around the Duck Lake Road and M-59 intersection. He would very much appreciate our Supervisor reaching out to the Highland Township Supervisor. We have the capacity in our system to extend sanitary sewers to our neighbors in Highland Township. He would love to be able to offer it to them sooner rather than later. Have a great rest of the summer and he will be back in town next week.

Supervisor Kowall would like to thank everyone for showing up tonight, even Scott who looked like a drowned rat. He would like to let Mike know that he appreciated him for starting the sewer project. We have \$3.2 million coming from the American Rescue Plan. We sent our paperwork into the state acknowledging we want the money and don't want to give it to another community. We received acknowledgement from Congress Haley Stevens that a \$1.6 million grant for improvements in the Civic Center District Area has been approved. It just needs to go through final statutory stuff. There will also be some other information we can go after for future infrastructure money that is going to be available. They are still trying to determine what they are going to do with and how they are going to come up with it. Hopefully by August, they will know how the money will be filtered out to each state. Business as usual, we are moving along. There are concerns about the Delta Variant, everyone needs to be careful. When in doubt, get a shot and keep the bug out. Good night, God Bless, Happy Birthday Carol and thank you for being here.

#### **ADJOURNMENT**

**It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith to Adjourn. The motion PASSED by roll call vote (Voorheis/yes, Noble/Yes, Powell/yes, Kowall/yes, Roman/yes, Ruggles/yes, Smith/yes).**

**Meeting adjourned at 9:55 p.m.**

Charter Township of White Lake  
Regular Board Meeting  
Approved Minutes of 7/20/2021

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I, Anthony L. Noble, 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 July 20, 2021 regular board meeting minutes.

A handwritten signature in black ink, appearing to read 'Anthony L. Noble', is written over a horizontal line.

Anthony L. Noble, Clerk  
White Lake Township  
Oakland County, Michigan