

**CHARTER TOWNSHIP OF WHITE LAKE**  
**Approved Minutes of the Regular Board of Trustees Meeting**  
**February 15, 2022**

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

Clerk Noble called the roll:

Present:       Rik Kowall, Supervisor  
                  Anthony L. Noble, Clerk  
                  Mike Roman, Treasurer  
                  Scott Ruggles, Trustee  
                  Liz Smith, Trustee  
                  Andrea Voorheis, Trustee  
                  Michael Powell, Trustee

Also Present:

                  Sean O'Neil, Community Development Director  
                  Aaron Potter, DPS Director  
                  Cathy Derocher, Human Resource Manager  
                  John Holland, Fire Chief  
                  Lisa Hamameh, Township Attorney  
                  Jennifer Edens, Recording Secretary

**AGENDA**

Supervisor Kowall removed item 9A – Conceptual Plan Review – 8300 Pontiac Lake Road, at the request of the applicant.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the Agenda, as amended. The motion PASSED by voice vote (7 yes votes).**

**PUBLIC COMMENT**

No public comment.

**CONSENT AGENDA**

- A. REVENUE AND EXPENSES**
- B. CHECK DISBURSEMENTS**
- C. DEPARTMENT REPORT – POLICE**
- D. DEPARTMENT REPORT – FIRE**
- E. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT**
- F. DEPARTMENT REPORT – TREASURER**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to approve the Consent Agenda. The motion PASSED by voice vote (7 yes votes).**

## MINUTES

### A. APPROVAL OF MINUTES – REGULAR BOARD MEETING, JANUARY 18, 2022

Trustee Powell thanked Douglas Santiago and Jennifer Edens for an extremely large set of minutes. He believes they did an excellent job taking and preparing them.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve the Minutes of the Regular Board Meeting, January 18, 2022. The motion PASSED by voice vote (7 yes votes).**

## OLD BUSINESS

### A. SECOND READING; RIVER CADDIS DEVELOPMENT REZONING REQUEST

Director O'Neil shared his screen for purposes of orientation. He noted there are two parcels before the Board tonight for seconding reading to rezone from AG to RM2 as it is consistent with the Township's Future Land Use Plan and Master Plan. It is recommended by the Planning Commission, following a public hearing that was held. He further shared that Matt Schwanitz is present tonight should the Board have any questions.

Trustee Powell noted he has questions of Mr. Schwanitz, as representative. He asked what the impact might be on the development if the 20-acre rectangular parcel is not rezoned, but the balance is.

Mr. Schwanitz responded that it would be a spot-zone that would subject them to a challenge by anyone. He is not comfortable with it and does not think his client would close the deal.

Trustee Powell indicated he is not asking Mr. Schwanitz, he is asking what the impact of the development would be on the density and layout of the development if that were not approved.

Mr. Schwanitz interjected that if they don't get that, it remains a spot-zone and could get appealed. He further indicated they do not want to be in that position.

Trustee Powell indicated it is a landlock parcel, but that it is adjacent to existing agricultural zoned property therefore it is not spot-zoned. He continued that the Township owned property is zoned agricultural as well. He identified that spot-zoning is when it is isolated by itself with different zoning all the way around. He clarified that Mr. Schwanitz is representing to the Board that his client will not go forward if that 20-acres is not rezoned as well.

Mr. Schwanitz confirmed. He further noted there is no concept plan and that they want to be in a position to close on the property without it being challenged after closing.

Trustee Powell further questioned the reason they went with RM2, rather than RM1, if in fact they have not done any conceptual studies on the property.

Mr. Schwanitz indicated the density.

Trustee Ruggles clarified with Mr. Schwanitz that they do not have any idea what their plans might be, but that they would want to build something on the southern parcel.

Mr. Schwanitz indicated that based on reports he has seen, there is only a very small fraction of it that is even buildable, as most of it, 80% to 90% is wetlands.

Trustee Ruggles clarified that the purpose of the rezoning would be to utilize whatever density is left on the other parcel. To which Mr. Schwanitz confirmed and added whatever is left, absolutely.

Treasurer Roman shared that Supervisor Kowall had explained to him that RM2 versus RM1 could result in less clearing of land and asked that he explain that.

Supervisor Kowall asked Director O'Neil what the square footage is for RM1.

Director O'Neil indicated that it is based on unit type. The square footage is based on the type of unit from efficiency all the way up to a three-bedroom. He indicated that 10,000 square foot is a minimum and then you add square footage based on the number of units and based on the configuration.

Supervisor Kowall interjected that if you do "combined units" you can have multiple units together for a lesser impact on the environment and a better land use.

Director O'Neil believes what Supervisor Kowall is saying is that you are allowed to build fewer buildings and mask it in such way that you are building more units. He agrees there is an opportunity there.

Supervisor Kowall noted that RM2 allows for clustering things together which allows for more opportunity to conserve as much of the land as possible, which will be a huge attraction for future residents. He noted that River Caddis is completely aware of this. He identified that this Board will not allow any reckless abandon on this land. There are regulatory bodies out there, including this Board, that will oversee before a final site plan will be approved. He reminded that the residents will be able to participate with public input before the Planning Commission. He shared of the sensitive area where New Hope is and how the developer worked with the community and Township to secure a natural border to allow for no effect to that area.

Director O'Neil reminded that why it is published at 64-acres, it is known that significant amounts of wetlands and streams exist on this property that cannot be built on. He opined that of the 64-acres, at least a couple dozen of that are untouchable. He indicated that this is something that is the case now and would be the case regardless of the rezoning district.

Mr. Schwanitz indicated that RM2 also provides them with more diversity in product types and that it creates diversity and a short-term development schedule.

Trustee Smith noted this zoning allows for the footprint to be more concise on the property. A more defined/clustered footprint. She mentioned that she, Treasurer Roman, Clerk Noble, and Trustee Ruggles walked this property as asked by the residents. She indicated that they want to be transparent and good

stewards of this land and protect it. She continued that they will not allow these wetlands to be encroached upon. She opined that everyone is on the same page regarding protecting the wetlands.

Mr. Schwantiz reminded that EGLE is not the last step and that there are still Federal levels and not just state.

Supervisor Kowall noted that while development cannot be stopped, this Township will do what it can to control it and have it fit the setting.

Trustee Powell noted that Mr. Schwantiz was pretty definite about the rezoning and his client continuing the project. He wants to make sure that this does not hangover the Township's head every step of the way and asked what the closing schedule is.

Mr. Schwantiz identified that he cannot answer that but know that they want to move quickly.

Trustee Powell further noted that Mr. Schwantiz was adamant that if the rezoning is not granted it will not move ahead and asked if the site plan that will be submitted to the Township is not approved, that his client will not move forward as well. To which Mr. Schwantiz indicated if it is not approved, they cannot move forward.

Trustee Powell clarified that if they get to a point of submitting plans and the Township believes there is a detriment that needs to be persevered or protected, will they modify their plan to protect the land, lakes, or trees, and asked if his client be just as adamant about not moving forward if this Board holds to its position.

Mr. Schwantiz indicated that this is a commitment from his client with the Township to have unified development of this and the Township complex and to work together.

Supervisor Kowall noted this concern was brought up previously and that point was conveyed clearly.

Trustee Powell shared for the public, that he is a civil engineer and that he works daily with developers. He noted that developers only have one thing in mind and that is the bottom line. He indicated this Board is here to prevent that from being the deciding factor. He does not believe, as a civil engineer, that it is the quantity of water that the residents are concerned about as the lake can handle it. It is the quality of water that goes into that lake which is the largest concern. He shared that EPA has demanded that EGLE, which has now demanded that the Oakland County Drain Commission, which filters down to the Township community try and recharge the groundwater instead of letting it flow unrestricted or restricted but not filtered properly. To perk the water back into the ground in the location that the rain processed in its natural state. This is what he will be looking for, to minimize the impact of the lake and wetlands by perking the water away. He will hold them to the most modern and most efficient technique for dealing with stormwater.

Supervisor Kowall reminded that the Township has had areas, most recently on Cooley Lake Road, where minimal issues existed, but it was learned that those issues came down from Waterford. He shared personal experiences that identified that it is doable to construct without issue.

Brian Sinkoff, 7593 Biscayne Ave. He personally and on behalf of the Lakewood Village owners, thanked the Board members for walking the land with him. He was educated and he believes the Board members were too as to how sensitive this piece of land is if not developed, considering a running creek that goes directly into the lake. He has a better feeling that the Board will have the best interest of environment protecting Brendel Lake. That being said, of the 64-acres proposed to be rezoned, many of them are not buildable due to wetlands on the lake frontage, the steep hill that he estimates to be about 3-acres, the steep embankment at the creek that he estimates to be about 8 – 10 acres, and the wetland off of M59 that he estimates at 3-acres, leaves approximately 34-36 acres left that are buildable. He trusts that the Planning Commission and Township Board will take that into consideration. He opined that if you plopped 600 units on 34 acres, you can have a really high density. If River Caddis does purchase the property, he noted that they all look forward to working together to protect their most precious asset.

Mr. Sinkoff further indicated that he didn't get to speak with Trustee Powell because he was out of town. He further noted some controversy amongst the Board members as to what the property line is on the east side. He indicated some Board members indicated the library has some stuff west of the creek and he was assured he would see a map today to show who owns what.

Trustee Voorheis apologized for not being able to participate due to health challenges.

Director O'Neil shared an image of the property line on the screen.

Supervisor Kowall noted when the Township construction begins it will run into the same thing and it too will have to meet the same high standards as required.

Dennis Anderson, 7485 Oak Bay Drive. He thanked Brian for taking the time to walk the property and for reporting back to all of them what was found. To the Board members that walked the property, he really appreciates their time. He hopes they understand their concerns now that they have been on the property. He asked for clarification as to what type of vertical RM2 allows. To which Director O'Neil responded that it is 35-feet.

Mr. Anderson asked what the difference is between RM1 and RM2. To which Director O'Neil indicated that the height is the same for both, 35-feet or two-stories, whichever is less.

Trustee Powell clarified that a site plan has not been submitted and that this Board, if deemed appropriate, has the opportunity to put one less building on the site. He would rather see less on the ground and wouldn't mind going up another story.

Supervisor Kowall interjected less carbon footprint.

Mr. Anderson asked if RM2 allowed for retail. To which Supervisor Kowall indicated it does not and that it is strictly residential.

It was reminded that during public comment, there is no dialog between the Board and public, but if there are questions, they are welcome to contact the Planning Department.

Al Moyski, 890 Beachway Dr. He shared that he and his wife own the Acapulco Tan in White Lake. His concern is, understanding the development is controlled and everyone taking time to appreciate everyone's concerns, is the lake. He has lived on the lake for forty some years. He opined that it is overcrowded right now. His biggest concern is that the development down the road will prevent his kids and grandkids from enjoying the lake because of overpopulation. He questioned if there are plans to develop the water with docks. He also noted of the trailer park that infringed on the lake and the Township did their due diligence to have them removed and that it was a constant battle that overpopulated the lake. He noted it is a nice private lake, with no public launch and questioned if that would change in the future. He would like this taken into consideration as well as people on the lake.

Supervisor Kowall indicated that the preservation of this lake is a very high priority as has been expressed to the developer and that this Board would not look fondly on those types of amenities. He reminded what has already been done, by the Township purchasing the former Brendel Campground and preventing the boat slips that could have gone in on that property. He shared that this Board sees the value in the least amount of impact to the lake.

Grace Springer, 676 Elkinford. She moved here for the beauty and people. She is from Alabama and loves the snow, land and area. She is concerned, like everyone else about the lake and woods, but also about the social impact it will bring. She worked for the Census Bureau for a while and she doesn't know that the Township has done the studies on the social impact and statistical impact of having apartments versus single family dwellings. She shared the things that come along with that are legal, educational and a wide variety of opportunities. She has social concerns. She is also concerned of this decision being made when there are a lot of questions unanswered and plans not yet presented. She is grateful that the Board is watching this with diligence, but she would like the "I don't know" things considered as well. She knows it is a good opportunity for the seller, but questions why the option was not given to the community to see if several owners would like to get together to buy a portion of that land before it was put out to be made into apartment buildings in their backyard.

Trustee Smith indicated the property has been for sale for twenty some years and is open for anyone to purchase. Therefore, if there was group that wanted to purchase it, they could have. She noted the property has been for sale for as long as she can recall. She noted that River Caddis saw that and happened to make an offer, but that like any other property for sale, anyone can make an offer.

Trustee Powell noted that it is not that the Township doesn't want to know the answers, but that state law does not allow the Board to consider a site plan in a standard rezoning project. He continued that the way the enabling legislation is that if they present a site plan, representing that this is what is going to be put in, and the Board considers the rezoning, the very next day they could submit a totally different plan. Therefore, the Board has to look at it as a use, not a site plan. The Board cannot consider a site plan as they cannot be held to it until after it is rezoned.

Supervisor Kowall interjected that it is the Plan Enabling Act.

Trustee Ruggles noted the only reason he will vote in favor of this is because it give the opportunity to reduce the footprint on the development. There is no way that he would ever sit here and watch this be consumed with this density.

Trustee Powell in concern of the lake and overcrowding of the lake, he will be very adamant that as apartments they will have their apartments and walking the site. If this were a single-family development, he believes he would be in favor of allowing the single families to have access to the lake with dockage because they would have more interest in utilizing the lake. He believes the activity around the lake can be controlled with these as apartments.

**It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to adopt the Rezoning Request from AG to RM2. The motion PASSED by roll call vote (Powell/yes, Voorheis/yes, Smith/yes, Ruggles/yes, Noble/yes, Roman/yes, Kowall/yes).**

**B. REQUEST TO AMEND WHERE THE 2022 W.O.T.A CONTRIBUTIONS IS PAID FROM – ARPA FUND TO GENERAL FUND**

Treasurer Roman reminded that in a previous meeting the Board approved using American Rescue Plan Act ('ARPA') money for the W.O.T.A. contribution 2022. He indicated that the government regulations are difficult to understand, and the level of red tape is high. Since making that contribution, the Township has learned that by using the ARPA money it will put a lot of work on W.O.T.A. for reporting. It was advised by Plante Moran to use General Fund money instead. It is his suggestion to the Board to use General Fund money as well.

Trustee Powell as a point of order, asked Attorney Hamameh if an action has been taken can it be undone, or does it need to be undone by motion.

Attorney Hamameh clarified that it is a line item in the budget.

Supervisor Kowall interjected that the ARPA money that has come in, while its disposition is yet to be determined, the change in the ruling allows that if you are a community that has \$10,000,000 or less you can use it for general operation.

Treasurer Roman interjected that the law is changing at this time, but that ARPA money is General Fund money. He furthered that technically it would be moving General Fund money back into General Fund.

**It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to use General Fund money and to reverse the ARPA money that was originally used. The motion PASSED by voice vote (7 yes votes).**

**NEW BUSINESS**

**A. CONCEPTUAL PLAN REVIEW – 8300 PONTIAC LAKE ROAD**

Removed.

**B. CONSIDERATION OF AN AMENDMENT OT THE PLANNED BUSINESS DEVELOPMENT AGREEMENT FOR SZOTT AUTOMOTIVE GROUP**

Supervisor Kowall noted that Szott Automotive will be the premier premium Jeep dealer in the area.

Director O'Neil noted that a few weeks ago the Township was contacted by the Szott Automotive Group who expressed an interest to upgrade their facade, which is generally approved administratively. It was discovered that a couple of things could not be easily amended. It was also discovered that the original development agreement was not recorded. He shared his screen identify changes to be made and what is being proposed.

The Planning Commission proposed minor setback modifications as well as a development agreement modification due to the number of signs exceeding what was previously allowed. They currently have seven signs totally 240 square feet, they were originally allowed six at 207 square feet, and they want eight that are about 121 square feet. He does not have an issue with this, but it needs to be approved in their development agreement. He referenced the monument sign currently there that was approved in 2014 to have a post pylon sign that is twenty-foot tall. He indicated that the ordinance does not allow post pylon signs, but Chrysler at the time pushed for it and through the process received approval. He shared that they are asking to keep the monument sign, that is the same height and slightly smaller in square footage. He shared the ordinance requires a monument sign to be no taller than 7 feet and requires a two-foot masonry base. It was discussed at the Planning Commission meeting to add boulders to address the masonry base and the pictures displays such. He opined that it looks better and brings the scale of the sign down. The Planning Commission had no issue with the number or square footage of the signs. They did not like the height of the sign at twenty feet and objected to it. They also objected to the LED tubing around the facade. He indicated that technically pursuant to the ordinance it counts as a sign.

Director O'Neil indicated that before the Board tonight is the full recommendation of the Planning Commission with the removal of the 20-foot sign and requiring 7 foot, and removal of LED tubing. Director O'Neil noted that if the Board so chose, these elements, in the motion tonight could be detailed out to give staff direction to formulate this amendment to an existing development and then could be signed by the Supervisor and Clerk. He reminded the issues are signage, sign height, LED lighting.

Trustee Ruggles noted if it were his business and he had a 20-foot tall sign, he would want to keep it. In his opinion LED lights should not be considered signage and that perhaps the ordinance is too strict.

Director O'Neil doesn't necessarily think it is too strict and understands commercial free speech and that property owners have a right to advertise their location. He believes it could be looked into further and reminded that approximately every 18 months ordinances are reviewed. He did note that signs are the most contemptuous issue of any ordinance as businesses rely on that advertising.

Trustee Smith commented that it is the responsibility of this Board to keep up with the evolution of technology that happens. As she and Director O'Neil spoke of earlier, ordinances are meant to be a living breathing document that can be changed within reasonableness and to keep up with the Master Plan.

Trustee Powell reminded he is on the Zoning Board of Appeals and that these items are extremely emotional when brought before the ZBA. He agrees with Trustee Ruggles and notes that when the ordinance was done, there was no such thing as LED lights. He brought to the Board's attention that if certain decisions are made tonight that the Planning Commission needs to look at what the Board is



doing, and changes suggested. He referenced Sonic and noted that the Planning Department takes the lineal footage/square inch of every neon light and calls that a sign. There have been Sonics done where tube lights had to be removed because they exceeded the square footage of signs allowed in the ordinance. He thinks it stupid, but that it is how ordinances read. He noted when Arby's was just redone, the ordinance called the orange stripe around the building a sign. He indicated it is a corporate image much like the golden arches of McDonald's. The ZBA denied their ability to put the corporate orange stripe around the building. He doesn't agree with it, but it is what the ordinance said. If the decision is made today then this Board is ipso facto telling the Planning Commission, we disagree with the ordinance so modify it or make a recommendation. He wants to make sure if this is done that this Board make sure that the lumens are controlled.

As for the sign, he indicates the sign there now is not legal according to the ordinance. He reminds that Billy's Tippin Inn and McDonald's were both denied changes requested by the ZBA. He stated that if the sign was down to seven feet you would still be able to identify that it is a Jeep dealership. He doesn't think there is a hardship there. If this were before the ZBA, he would have a hard time identifying this as a necessity rather than an I want. He opined that if the sign were seven feet, you would still see it and you would still see the fact that it was a Jeep dealership. If they want a change, it should be brought in compliance with the ordinance. He noted if this Board doesn't like the ordinance, that is a whole different issue. He has no doubt in his mind that this would be turned down if before the ZBA. That being said, he would have to vote no on this as being requested today. He has no issue with the other changes. He also noted he is a major supporter of Szott, but the bottom line is he doesn't believe that business will be hurt if this is not granted to them.

Supervisor Kowall noted he is going to give direction to the Community Development Director to review the sign and light ordinance and bring it back to the Board for modification. He opined that lighted signs are part of progression and that from time to time the ordinances need to be revisited. He indicated that the Planning Commission and Zoning Board of Appeals do not have authority to make these changes, but rather can bring it before this Board. He likes to practice commonsense government and has a lot of faith in this Board, Planning Department, and the Community Development Director to make sure things are done right.

Clerk Noble noted, having had a UPS Store in the past, that every ten years the franchise would dictate how everything should be, right down to the clock on the wall. He agrees and has spoken with other dealers in the area, that they are very strict. He is for this and believes it is a beautiful design. As for the light lamination, he reminded of Alpine Valley across the street. He also noted that more lights eliminate crimes. He noted there are rules to the exception and referenced M59 has a 50-mph speed limit, but most likely do 52 mph. He is in favor of this. He also noted that Szott's Lyon Township location is beautiful.

Trustee Voorheis likes it too. She agrees that LED lighting equals safety.

Treasurer Roman indicated that the LED is so far off the road and that he thinks it looks great. He found it interesting while driving to the Annex today, driving east as you approach Szott the sign is visible and would be able to be seen if lowered, but as he kept driving, the road dips down and the sign disappeared in his rearview mirror. Therefore, if you are driving west, the height is needed.

Trustee Powell suggests tabling the matter and allow changes to the ordinance so that the signs do comply or is the Board proposing a maximum luminance allowed. He would be anxious to see what his colleagues would say the next time it comes before the ZBA. He questions if they withhold the ordinance or indicate that the Board ipso facto decided that the ordinance isn't valid anymore and it should not be followed.

Supervisor Kowall indicated that if someone came in, he would suggest telling them to hold off as the ordinance is being reviewed by the Board.

Trustee Smith would also like to see the ordinance updated.

Treasurer Roman noted that time and time again the Board attempts to change ordinances and when trying to improve an ordinance it often shoots itself in the foot. He supports the change and asked what Szott's timeframe is as to when they need this by.

David Gaskin with Partners in Architecture. Regarding timing they are ready to go into the bidding phase. To clarify he indicated that the LED is a recessed element in the building/walls and is flush. The imaging of it, the light is meant to be a symbol of the emergence and future of vehicles in the market place. He shared that an important factor at play and is key to the sign, is that there is eligibility at doing this program that will allow offerings of special premium vehicles to the community. The community enhancement is that Szott will be able to offer vehicles to the community that other dealerships who aren't doing this cannot.

Thad Szott indicated he appreciates the Board and knows that they have tough decisions to make. He appreciates the time and appreciates the Planning Commission moving this along. He opined this is a pretty cool project moving Chrysler Jeep down Highland Road. He noted this is the CEO of Chrysler's baby and that he has put all future investments into the brand and mainly Jeep. The next phase is going from combustion to hybrid to electric and this image is the first step into that world. He noted it is an accent lighting, a soft accent to present where we're going in the world. He shared that nationally out of 2,600 dealerships there are about 700 that applied for this image campaign, but this will be one of the only true standalone Jeep dealers. He shared that the Great lakes Business Center is very excited about having this big Jeep presence in the Metro area. He further shared that there are approximately three dealers that have applied for a Jeep only dealership and that none have built one yet. He noted that they will probably be the first in Michigan and Midwest. He furthered that there are a ton of requirements on them and that they need to do the image campaign to show their commitment. He also shared that not only will they get models that others won't, but they will get more of them. He noted that the White Lake images are already being shared nationally.

Mr. Szott continued that his company has a great relationship with White Lake and that they go hand-in-hand. He noted that the Township has helped them, but that they have brought a lot of positives to the community as well. This will continue to make them successful and allow for community give back. They are very grateful for the Township's help in allowing them to grow and be successful. He thinks this image campaign is something to be proud of.

Mr. Gaskin indicated it is their hope to be able to continue on the path and continue the momentum they have going. Considering the process, he is hopeful for a waiver.

Director O'Neil indicated regarding the discussion of brightness that the ordinance has standards for electronic message board signs during the day and night. It identifies the maximum candela/nits per square meter. There is a reference point, but the lumens are not measured in nits in the data provided. He further noted that if the Board is going to make a motion to approve an amended plan development agreement, the cleanest way to do so would be to accept all of their proposed signage and lighting as part of their plan, he would ask that the rock wall be required as is presented on the rendering, and he would also ask language to allow the staff to make minor modifications in the future.

Attorney Hamameh questioned if a motion simply adopts the recommendation of the planning Commission with two changes.

Director O'Neil indicated they are considering the site plan and it wouldn't line up.

**It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to allow the requested sign as submitted with the rock base and lighting as submitted subject to administrative review and allow the Supervisor and Clerk to sign all necessary documents. To allow the administrative review of adjustments to be made internally for housekeeping on this project and to include future modifications to be allowed. The motion PASSED by voice vote (6 yes votes/ 1 no vote (Powell)).**

#### **C. CONSIDERATION OF PRELIMINARY SITE PLAN, OXBOW LAKE PRIVATE LAUNCH ASSOCIATION**

Director O'Neil reminded this request was before the Board in December. The applicants are seeking to rezone a parcel that is less than 10 acres in size, which is required by ordinance. They received a waiver. The acre is 1.91 acres, currently zoned Local Business. He indicated this project is brought forward by the Oxbow Lake Private Launch Association (OLPLA), a riparian group of residents who have pooled their funds to fix an access problem. He reminded that this lake has no public access and that residents gain access through neighbors' yards or at Sprader's, neither of which are ideal.

He continued that the Planning Commission gave approval and recommendation of the site plan as well as the rezoning being requested with very minor comments. He indicated that the OLPLA will have its own set of rules that if not enforced allows the Township to enforce. As to public benefit, this is a not for profit so there is a delicate balance. They have proposed to give the Township a roughly 25 foot by 125-foot rectangular parcel of land. This would give the Township an easement to use for future pathways if it so chose or to put some park benches. He reminded that this parcel was on the radar for Parks and Recreation years ago due to its challenges and being zoned local business. This puts to rest what the future use of this property will be. He indicated that while the Township won't own the land, the easement will allow for improvements from a Parks and Recreation standpoint. He further stated that from the staff level there is no issue with this use and concur with the Planning Commission. He clarified that before the Board are two separate issues; one is the first reading rezone from local business to planned development; and second is approval of the preliminary site plan with conditions.

Supervisor Kowall noted that in a roundabout way this will create an association on the lake. He noted there is nothing greater than people are passionate about their water. He has no questions and thinks it great that the Township will have an easement.

Director O'Neil mentioned that this parcel is very close to M59 and this will provide good emergency access to police and fire when necessary. He thinks this is a public benefit as there is no safe access as of now.

Supervisor Kowall asked Chief Holland and Chief Keller in the gallery if they agreed and received two thumbs up.

Attorney Hamameh clarified that the reason this does not have public hearings is because the public hearings are held at the Planning Commission.

Director O'Neil also noted that he has not received or heard one objection regarding this. In fact, the Planning Commission meeting was filled with supporters.

Supervisor Kowall noted that Sprader's is not a reliable access point.

**It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to move to approve the preliminary site plan for Oxbow Lake Private Launch Association, as presented. The motion PASSED by voice vote (7 yes votes).**

**D. FIRST READING' OXBOW LAKE PRIVATE LAUNCH ASSOCIATION REZONING REQUEST**

**It was MOVED by Treasurer Powell, SUPPORTED by Trustee Ruggles to move the rezoning request from local business to planned development to second reading. The motion PASSED by voice vote (7 yes votes).**

**E. RESOLUTION #22-003; TENTATIVELY DECLARING ITS INTENTION TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS EMERGENCY SEWER HOOK-UP 2022-01**

Trustee Powell reminded that he continues to put a bug in this Board's ear to continue this process. He opined that it would be this easy to establish a voluntary special assessment district for anyone who wants to tap into a sanitary sewer and not just on an emergency basis. He believes this should be made Township wide for anyone who wants to connect. He noted it would be funded just like any special assessment district, sell bonds to make it happen.

**It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to adopt Resolution #22-003. The motion PASSED by voice vote (7 yes votes).**

Attorney Hamameh for the benefit of the public noted that this Resolution schedules a public hearing for the establishment of the district on March 15, 2022 at the next regular board meeting.

#### **F. REQUEST BY FIRE DEPARTMENT TO HIRE – EXECUTIVE SECRETARY**

Chief Holland is requesting approval of an executive secretary for the fire department. He noted that they are the only department functioning within the Township without and administrative assistants. He indicated the expectation of the work is very high and the individual will need to be able to work unsupervised and will assist with the rental property ordinance. He would like this to be an attractive position.

Supervisor Kowall noted this position existed before but that COVID changed it.

Chief Holland indicated he can't speak to the former Chief's thought process but noted that the former secretary was not able to work from home and therefore the position was dissolved, and that individual was absorbed by another department.

Trustee Powell clarified that the position just needs to be filled.

Chief Holland worked closely with Cathy Derocher and it was determined that his budget will support this position.

**It was MOVED by Trustee Smith, SUPPORTED by Clerk Noble to approve the request by the Fire Department to hire an executive secretary. The motion PASSED by voice vote (7 yes votes).**

#### **G. REQUEST TO APPROVE MAPE TENTATIVE AGREEMENT**

Supervisor Kowall thanked Cathy Derocher, Human Resource Manager for her efforts and time in negotiating the contracts.

Cathy Derocher reminded that the IAFF contract was passed in December. She noted that she has met with MAPE, Michigan Association of Public Employees, which are general township employees that belong to this group. A four-year agreement has been established, which has been provided to the Board. She highlighted key points:

- Modernization of health care plan
- HMO and PPO offered with a choice between the two at open enrollment in May
- Added a long-term disability plan
- Changes in vacation time; five days at hiring and increased it to two-days for each tier
- Ability to hire permanent part-time employee, if needed

Treasurer Roman asked what the part-time position pay rate is. To which Manager Derocher indicated it would depend on the position itself. She further noted there is a flat rate that can be adjusted pursuant to the Supervisor.

Treasurer Roman asked if the Board had to approve the salaries. To which Manager Derocher indicated no, but it must approve the budget.

Treasurer Roman opined that it puts the Supervisor in a tough position.

Supervisor Kowall indicated that it would be a recommendation from the department head, for example Treasurer Roman might need temporary staff during tax time. He further indicated that they pay scale would be looked at based on the particular need of what that person might be doing. He further noted that the Township cannot have more than 35% of staff part-time. He opined that the flexibility is needed. It does not make sense to him to bring this back to the Board every time someone needs to be hired.

Clerk Noble confirmed that as long as the hours are kept at 30 hours per week or less benefits are not provided.

Trustee Powell asked how many employees are covered under this agreement. To which Manager Derocher indicated twenty. He further asked if this agreement has been ratified by that group and the response was yes. He confirmed with Board approval they will all receive a one-time payment.

Trustee Powell further questioned if the one-time payment would be taken out of the budget for the department in which the employee works and if a budget amendment would be necessary.

Supervisor Kowall does not think that would be necessary. He further indicated that with the job market what it is this is necessary to keep employees.

Clerk Noble thanked Cathy and Brandon for working together on this.

Trustee Voorheis reminded that her husband was newly hired by White Lake Township and therefore she feels the need to abstain from conversation and/or vote.

Supervisor Kowall does not believe there is a conflict of interest.

Attorney Hamameh offered her opinion that there is no conflict and no need to abstain, but if she wants to with unanimous consent of the Board she can.

Trustee Voorhies indicated she would like to abstain.

**Supervisor Kowall called for a voice vote to allow Trustee Voorheis to abstain. The vote FAILED by voice vote (6 yes votes and 1 no vote (Powell with explanation)).**

**Trustee Powell believes if there is any conflict it would be when the Board votes on its own increases.**

**It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to approve the Tentative Agreement of January 28, 2022 of the Michigan Association of Public Employees. The motion PASSED by voice vote (7 yes votes).**

**H. RESOLUTION #22-006; APPROVING NON-UNION EMPLOYEE WAGE – 2022-2025**

Treasurer Roman asked for the number of employees and if it includes deputies. To which Manager Derocher indicated approximately ten and yes it includes deputies.

**It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve Resolution #22-006 and allow the Clerk to sign the Agreement. motion PASSED by voice vote (7 yes votes).**

**I. RESOLUTION #22-008; APPROVING ELECTED OFFICIAL WAGE – 2022-2025**

**It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to approve Resolution #22-008 as presented. The motion PASSED by roll call vote (Voorheis/yes, Smith/no, Powell/yes, Ruggles/yes, Roman/yes, Kowall/yes, Noble/yes).**

**J. RESOLUTION #22-009; APPROVING NON-UNION AND ELECTED OFFICIAL HEALTH CARE 2022**

Supervisor Kowall noted this process will save the Township approximately \$220,000 annually depending on enrollment and will allow option to employees.

Treasurer Roman believes it is a good move and a win/win for employees and the Township.

Trustee Powell questioned the language in the NOW THEREFORE portion of the Resolution that reads elected officials. He opined that the way it is worded gives the option to the Trustees, who are elected officials to be eligible for benefits.

Manager Derocher interjected that the word eligible refers to both non-union personnel and elected officials and they are only eligible if they are a fulltime employee.

Attorney Hamameh suggests the word eligible should go in both places and should read:

NOW THEREFORE BE IT RESOLVED that the eligible non-union personnel and *eligible* elected officials receive the same health care and disability benefits as those in the union workforce.

**It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to adopt as amended Resolution #22-009. The motion PASSED by voice vote (7 yes votes).**

Supervisor Kowall declared a five-minute recess at 7:51 p.m.  
Supervisor Kowall called the meeting back to session at 7:56 p.m.

**K. REQUEST AMENDMENT OF TOWNSHIP POLICY AND PROCEDURES TO ADD A SEVERE WEATHER CLOSING POLICY**

Supervisor Kowall indicated this came about after situations where the Township offices had to close, and no such procedure was in place.

Trustee Powell questioned how a declared emergency by the Supervisor is covered in the budget and if it is a free day for the employees.

Supervisor Kowall indicated yes and that is traditionally how it has been done.

Director Potter shared that an issue his department has when there is a large snow fall is plowing the parking lots with employee cars in the parking lot.

Trustee Ruggles asked why it can't be plowed when they are gone.

Supervisor Kowall indicated that they can, but if it is snowing all day, and requires multiple attempts at plowing, the Township cannot have the parking lot wait to be plowed as it has elderly residents that may be visiting the offices. He declared that the Township cannot have people slipping and falling. He also shared of an instance where he released everyone just an hour early.

Director Potter interjected that it is not just the Annex/Township Office lot, but that there are 20 sites and only three plow trucks.

Trustee Ruggles asked if the emergency event is a tornado and the Supervisor is unavailable should someone else be identified.

Supervisor Kowall noted that Director O'Neil is his emergency contact, but for policy and procedure it is Clerk Noble. He shared that after the tornado, Director O'Neil was harvested by Homeland Security which is a good connection for the Township.

**It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve the Severe Weather Procedures. The motion PASSED by voice vote (7 yes votes).**

**L. RESOLUTION #22-002; SPECIAL EVENT LIQUOR LICENSE REQUEST, PARKS & RECREATION COMMITTEE**

Supervisor Kowall noted that Parks and Recreation Committee is requesting the Township Board approval to apply for a one-day liquor license to sell beer and wine at a summer event tentatively set for June 25, 2022. He shared that there no issue with the insurance carrier and that they will probably have a separate policy.

Trustee Voorheis shared that they may not even serve beer and wine and that this process is just in case. She also identified that she hopes to see everyone there.

**It was MOVED by Trustee Voorheis, SUPPORTED by Supervisor Kowall to approve the attached Resolution #22-002, supporting the application of a one-day liquor license from the Michigan liquor Control Commission for sale of beer and wine at a summer event on June 25, 2022. The Supervisor, Clerk, and staff are authorized to sign the necessary documents associated with the application. The motion PASSED by voice vote (7 yes votes).**



**M. REQUEST TO APPROVE BECKETT & RAEDER DESIGN/ENGINEERING SERVICES PROPOSAL FOR STANLEY PARK**

Supervisor Kowall identified that he took a stab a long time ago at what the costs would be and learned that he was about \$5,000 off. He opined that it is exciting and great to be able to move on this. He does not believe the money will be seen for year.

Attorney Hamameh indicated she was not asked to review the contract but notes that it indicates that they will handle the bidding and award procedures. She opined that it should be in accordance with the Township's procurement policy.

Trustee Powell referencing the introduction letter that reads not to exceed \$125,000. He believes that the revised letter from Beckett & Raeder divides that in two. He thought that Beckett & Raeder after phase one will provide the Board with a presentation as to what had been done and bring the Board up to date after phases 1, 2, and 3.

Director O'Neil interjected that it is in there under 3.4.

Trustee Powell asked if there is a definitive cost different for task 3 and what it would the additional cost be if the continuation is authorized.

Brian Barrick of Beckett & Raeder indicated that they have not separated that cost.

Director O'Neil asks that any contracts be broken down by number and that any associated dollar amount be with it.

Mr. Barrick indicated it is something they can provide and that they can schedule the values.

Trustee Powell would like the presentation made to the Board and to be involved. He does not feel comfortable authorizing \$125,000 without seeing phase 3.

Director O'Neil noted that the Parks and Recreation Committee are in support of this and that it is in line with what they expected. He too shares that sentiment.

Trustee Voorheis agrees with Director O'Neil and notes that Parks and Recreation like Beckett & Raeder and Brian Barrick.

**It was MOVED by Trustee Voorheis, SUPPORTED by Supervisor Kowall to authorize engaging Beckett & Raeder to complete design and engineering services for Stanley Park Phase 1 development with cost not to exceed \$125,000, to be paid from the Parks and Recreation Fund. The Supervisor is authorized to sign the consulting services proposal and follow the guideline as submitted. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).**

**N. REQUEST TO APPROVE DLZ PROPOSAL FOR 2022 WELLHEAD PROTECTION PROGRAM PLAN GRANT**

Supervisor Kowall shared that 100% of the Township's residents rely on wells as their source of drinking water.

Director Potter noted this plan has been participated in since 1997. He identified that it is a 50% match in help grant program with the State of Michigan that helps systems identify and protect areas of the Township that contribute water to our municipal well system. He clarified that this proposal specifically is to develop contingency plan and emergency response plan to the captured zones. He is requesting the Board to approval the proposal and either identify himself or the Township Supervisor to authorize it as signatory. He noted that it is included in his budget for 2022 and in the grant application.

Supervisor Kowall noted the posters in the annex which often raise questions when seen. This is the importance of preserving the lakes and aqua are so important to this community. He doesn't care who you are, you work in it, you live in it, and you play in it.

Director Potter noted a lot of hassle is gone through, as is in neighboring communities, to own its own source of water. However, the benefits come through in the rates as they are the lowest in the county.

Trustee Powell is surprised that this program has not been concluded to this point. He believes it is absolutely necessary. As he mentioned early about perking storm water into the ground, he notes that is in conflict when you are in a wellhead protection area and that you must make sure that water is clean before it is placed in the ground so that water being drawn isn't being contaminated.

Supervisor Kowall referred to it as a delicate dance. He notes that every community has certain areas and issues and others have potential for problems. He indicated that now things are looked at differently; it is evolution. He appreciates Director Potter for being vigil about this. He reminded of the Home Haz Day in June.

**It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to approve the proposal submitted by DLZ for groundwater response plan and wellhead protection plan and authorize the Township Supervisor to sign the necessary documents. The motion PASSED by voice vote (7 yes votes).**

**O. REVIEW OF EMERGENCY SEWER CONNECTION SAD PROCEDURE**

Supervisor Kowall noted that the DPS Director would like to reduce the ineligible costs to just the design fee of \$650.

Director Potter indicated that since 2016 the Township has been working off of the assumption that the procedure included ineligible costs, as that is what his predecessor did. The ineligible costs were the design fee, septic abandonment, and inspection fee totaled up to approximately \$1,200 of ineligible costs that had to be paid by the customers in order to participate in the emergency sewer connection S.A.D. in addition customers also have to hire an electrician to supply power.

DPS would like to reduce these ineligible costs. He indicated that when someone comes to the Township, they have to prove that their septic has failed and are already in dire need. He also notes that the lien cannot be a certain percentage of the volume of their home. He opined that they already have skin in the game. On average the connections costs over \$20,000 which includes a lien on the property. He is asking this Board to approve reducing the costs to just the design fee. He noted there is no design fee for a gravity site, and he would like to take the ineligible costs here down to \$0.

Director Potter indicated they are really trying to increase use of this fund. The last report from the Treasurer's Office indicates \$360,000 in the PA 188 savings and \$60,000 in the checking. He feels like more can be funded. He also feels that this would get people to come forward and stop hiding the field failures because of the onerous out-of-pocket costs.

Supervisor Kowall noted that not everyone will have the \$1,200 available.

Attorney Hamameh noted that the Resolution itself did not dictate what the ineligible costs were, but the Resolution itself attached the agreement that the township Board approved to be utilized which did separate the ineligible costs. She cannot say why the \$650 ineligible cost was identified but can recall Terry Lilley being a proponent of adding it as an ineligible cost but cannot recall the rationale. She clarified that Director Potter is asking the Board to remove the standard agreement to remove that item.

Director Potter clarified that there have been three ineligible costs that they have been using, \$550 design fee, \$100 for the easement, \$750 septic tank abandonment, and \$330 inspection fee. He noted that anything that the Board would be willing to roll back into the project would be appreciated by DPS. He does not see the need for a lot of out-of-pocket costs for the customer who is going to have a massive lien on their property.

Trustee Powell deals with this daily and typically when people need to connect in, they don't have that kind of money sitting around. He finds no logical reason for any of these fees to be eliminated from eligibility in the S.A.D. he would be in major favor of eliminating all of these fees and roll it into the S.A.D. if it qualifies for the S.A.D.

Supervisor Kowall is concerned that people are trying to ignore a failed septic because they can't afford it.

Trustee Powell reminded this is really critical stuff.

Supervisor Kowall clarified that this is strictly for residential.

Director Potter shared that they see residents hiding these failures because they cannot afford it and/or until their neighbors turn them into the county. Then they are forced to pump and haul which is more expensive and then on top of that, the Township is hitting them with the ineligible cost.

Treasurer Roman recalled that he was instrumental to bringing the program into White Lake. He thought there was a reason these costs were ineligible but cannot recall why. He suggests that Attorney Hamameh

might look into it. He recalls that they wanted the homeowner to have some buy-in and he thought Jeannine Smith and Former Clerk Lilley were involved in S.A.D. eligible and ineligible and he thought that is why some of these exist.

Director Potter spoke with Assessor Smith and she didn't think any of them were unavailable under the law.

Treasurer Roman opined that the average grinder station costs \$20,000 and the S.A.D. runs ten years, he doesn't know how they will afford their tax bill if they can't afford these ineligible costs. He has no problem with it if the Township Attorney is good with it.

Director Potter's last statement to the Board would be to authorize the Township Attorney to modify the standard agreements.

Attorney Hamameh clarified that Director Potter is looking to modify the ineligible cost as much as possible and that is the only authority he is looking for.

Treasurer Roman does not want the Township to lose money. He asked timewise once they sign the agreement if it is before anything is started.

Director Potter interjected that typically they come in pay the \$650, the design would get done which typically takes a week or so. Once the itemized cost estimate is received the customer then decides if they want to finance it themselves or if they are eligible for S.A.D. From this point it is a check from them on ineligible costs and a couple of signatures on the agreement.

He furthered that he would like tank abandonment included, especially on the gravity.

Attorney Hamameh did recall that the design fee was required but because the Township didn't want to pay out of pocket for something that wasn't going to go anywhere.

Director Potter as a solution, indicated when the customer pays the design fee to the Township is creates a trust in agency escrow that is used to pay invoices for their project. At the end of the project, it all has to balance and then authorize the remaining funds from the contingency to be refunded to them. He suggests that when a resident comes in with their design fee and then decide they want to participate in the S.A.D., once they sign their agreement, the Township could refund the \$650 out of the trust in agency escrow and roll the cost into the tax assessment.

Treasurer Roman thinks that is an accounting headache and he wants some buy in.

**It was MOVED by Trustee Ruggles, SUPPORTED by Clerk Noble to amend the Emergency Sewer Connection SAD procedure and to have the design fee of \$650 remain as an ineligible cost. To authorize the Township Supervisor and the Township Attorney to revise the agreement in accordance with the Township Board's direction today to require the least amount of ineligible costs possible while working with the Township Supervisor. The motion PASSED by voice vote (7 yes votes).**

**P. REQUEST TO APPROVE AGREEMENT – USIC LOCATING SERVICES, LLC**

Director Potter shared that the Township thought it had a contract with URG who was bought by USIC, but it did not. It has however been receiving good pricing from URG over the years with no issues. He is requesting the Township Board to authorize the Township Supervisor to sign the independent contract or agreement for the water system with USIC once the details are finalized.

**It was MOVED by Clerk Noble, SUPPORTED by Trustee Smith to approve the agreement with USIC Locating Services, LLC., and to allow the Township Supervisor to sign upon the blanks being filled in. The motion PASSED by voice vote (7 yes votes).**

**Q. RESOLUTION #22-004; BRENDEL LAKE MUTE SWAN AND GOOSE NEST/EGG DESTRUCTION AND ROUND UP – 2022-2026**

**It was MOVED by Clerk Noble, SUPPORTED by Trustee Ruggles to approve Resolution #22-004 for Brendel Lake Mute Swan and Goose Nest/Egg Destruction and Round Up from 2022 through 2026. The motion PASSED by voice vote (7 yes votes).**

**R. RESOLUTION #22-005; SUGDEN LAKE GOOSE NEST ROUND UP/EGG DESTRUCTION AND HOLD – 2022-2026**

**It was MOVED by Clerk Noble, SUPPORTED by Trustee Ruggles to approve Resolution #22-005, Sugden Lake Goose Nest Round Up/Egg Destruction and Hold – 2022 through 2026. The motion PASSED by voice vote (7 yes votes).**

**S. LIMITED TAX GENERAL OBLIGATION BONDS DISCUSSION**

Treasurer Roman referencing a document shared with the Board indicated that the top section identifies the cost for the two buildings; public safety, township hall and infrastructure. He identified that right now is at \$37 million. He broke it down that it is \$500 a square foot, legal binding miscellaneous is at \$500,000, and infrastructure is at \$1.5 million.

He continued to the net section which is available funds. He indicated that assuming all of the funds listed are used, which is \$15,130,000.00, the minimum bond would be almost \$22 million.

- \$7.8 million in Improvement Revolving
- \$1.149 million from the Building Fund
- \$2 million from police and fire
- \$900,000 from Water & Sewer
- ARPA money totaling \$3.28 million

Using all of the above money the Township will still need to bond out for \$21.8 million.

Moving to the bottom and referring to the fund balances as of December 31, 2021:

- General Fund has \$6.478 million
- Fire \$7 million

- Police \$5.18 million
- Building \$2.1 million

Treasurer Roman's big question to the board is whether or not they want to use up all of the available funds. He thinks some funds should be kept in savings but asks how much. He indicated that he is only showing infrastructure for five acres. He notes that funds will be needed for the infrastructure in the town center with River Caddis. He hopes that the TIF and CIA will pay back for all infrastructure, but there may be some up-front money needed from the Township.

He continued that scenario one is that the Township keeps \$3.1 million in the Improvement Revolving Fund and bond out for \$25 million. Scenario two is keep \$7.1 million in savings and bond out for the whole \$29 million. He shared that the schedule for a thirty-year bond for \$25 million at an interest rate of 2.5%, which he does not think the Township will get, the bond payment is \$1.8 million annually. He continued that for \$29 million it would be an additional \$190,000 annually.

Trustee Powell asked how Treasurer Roman came up with the shared funds from the different departments.

Treasurer Roman shared that Plante Moran indicated that random numbers cannot be applied to departments. For the township hall building, the square footage each department would use was calculated. Each was charged for their own space and a percentage of shared space. As for police and fire, it appears it will be a 60/40 split.

Trustee Powell noted they have \$12 million and yet only \$2 million collectively has been attributed.

Treasurer Roman indicated they have different spending requirements and that a lot of their funds are from the mileage and he doesn't believe it can be touched.

Clerk Noble interjected that it can't be used.

Treasurer Roman indicated there are two schools of thought; one as Howard Cohen would do is borrow as much as you can because you never know how much you'll need. From a more conservative thought, it is always good to have extra savings. He believes after ten years with the bonds you can prepay, but not until the ten years are up.

Trustee Smith questioned if the \$500 per square foot is for sure. To which Treasurer Roman indicated it is not for sure and that nothing is set in stone. He can only share that River Caddis verbally represented that they could do it for \$500 a square foot. He hopes that they come through with that promise and also that they come through soon with the guaranteed maximum price contract.

Trustee Powell pointed out that a guaranteed maximum doesn't mean the price can't go down. He further asked Supervisor Kowall if he has plans to sit down with the Board and go over the square footages, use, and fixtures. To which Supervisor Kowall indicated absolutely when it gets to that point.

Trustee Ruggles had conversations with Treasurer Roman beforehand and asked:

What the infrastructure is going to cost?

What is the FFA?

What is the real end total?

He noted this information is the most realistic thing he's seen so far.

Treasurer Roman noted that John McGraw when given the number of \$500 per square foot, he indicated that he is confident that he could bring it in for less.

Trustee Ruggles indicated that the counterproductive thing to that is that he gets a percentage of the total.

Supervisor Kowall interjected that it is not. That there is a practice in the industry that is an economic incentive that they get a certain percentage for every dollar they save. He opined that it is a motivator for a contractor simply because they get a base fee and the recovery number is generally significantly higher than the base fee. There is a motivation on the part of the contractor.

Trustee Ruggles noted the most important thing he sees is the interest rate and it will be terrible for the Township if it goes up.

Treasurer Roman noted that he, Supervisor Kowall, and Clerk Noble feel the same way and are of the mindset to get this money in house as soon as possible. He furthered that the Township and River Caddis need to sign an agreement with a guaranteed maximum price of \$500 a square foot. He opined that it needs to be done a.s.a.p.

Trustee Smith noted that direction to do so was given last week.

Supervisor Kowall this needs to be passed now to have it on deck to continue that process.

Treasurer Roman indicated that the bonds will be tax free and will have rules that will have to be followed. He continued that after six months of the bond issuance the Township must contractually obligate itself for at least 5% of bond proceeds. He indicated that hopefully all of the money will be spent within the three-years.

Trustee Powell questioned when someone refinances their home there a decision to be made on whether to over borrow to increase the savings in our account, which is a balance of affordable payments, versus what we are going to do with the savings because the borrowing is going to cost more than what it can be typically invested at.

Treasurer Roman indicated that is the million-dollar question.

Clerk Noble would rather have the cushion at 2.5% as it is only going to go up. He would rather have it than run lean on the project.

Trustee Powell would feel better to borrow more, but the rule that you can't pay on principle for ten years is a key statement. With the way he foresees the government going, he sees bond rates going up, interest rates sky rocketing, and a mental image of Jimmy Carter having lived through that era. He asked

Treasurer Roman if he foresees a much better opportunity to invest higher than the bond rate in the future if what we see happening continues.

Treasurer Roman sees interest rates going up, but he thinks the bigger issue if you borrow the extra money to not use it on other things.

Trustee Smith believes that initially she would have been conservative and indicated to borrow what is needed, but after hearing her colleagues' thoughts, she indicates it makes sense to have a cushion.

Clerk Noble reminded how crucial the 2.5% interest rate is and how necessary the guaranteed maximum price is.

Trustee Ruggles was more comfortable with the \$25 million. He is not stuck on it and does not want to be like other communities where it is built but you can afford to put chairs in it.

Trustee Powell is thinking borrow it all.

Trustee Voorheis noted she is generally on the cheap side, but this after this conversation she wants to borrow it all.

Treasurer Roman indicated he is stuck on the \$25 million because he doesn't like the higher payment and to him it is more money to spend on things you don't need.

Trustee Powell asked of the Board how they feel about utilizing used equipment. He reminded that this Board will need to be careful on its spending.

Clerk Noble thinks you're buying the headache of used equipment.

Supervisor Kowall believes you would end up with a quilt of used equipment/furniture and that nothing will match, parts will not be available. He is not saying new stuff is needed for the entire building. He noted that this Board can never put a rein on future boards, but historically this Board has been conservative. He believes that history will continue. He believes the Township should borrow the full \$29 million as the interest rate will not be the same. He also noted the infrastructure of \$5 million that will need to be looked at for the town center area (i.e., road, parking lot, etc.). He declared that the Township needs to have the funds for this as it is the catalyst for the setting. He believes the Township would be selling itself terribly short otherwise. He highly recommends going with the \$29 million.

Trustee Smith agrees that it needs to be seen but notes that the Township has the funds either way as it has it in its own funds.

Supervisor Kowall would much rather be in a position where it can hold its own for a period of time if need be. He noted after ten years with the capture zone if the Township wanted to take monies and pay it down it could. He opined that to be in that position and be able to do it is far better than speculating. He doesn't want to the township in a position where it doesn't have the ability to do certain things that may be beyond the scope of what it is looking at now. He firmly believes this Board is disciplined enough and



will set the course for this area. He doesn't know if this Board can by resolution reserve funds or set it up that future boards would have to untie a knot so to speak. He believes there has to be a way to heighten the awareness of the fiscal responsibility of this Board to future boards. He would like to not have short comings.

Treasurer Roman compiled that the consensus here is to borrow the whole thing. He noted there is a line item in the resolution to indicate how much the Township wants to borrow. He referred the Board to page 8.

**T. RESOLUTION #22-007; TO AUTHORIZE LIMITED TAX GENERAL OBLIGATION BONDS**

**It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve Resolution #22-007 with a bonding amount of \$29,000,000.00. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Powell/yes, Voorheis/yes).**

**TRUSTEE COMMENTS**

Trustee Powell thanked Supervisor Kowall for operating an extremely good meeting. He thanked the public for providing good information and thanked Mr. Sinkoff for sticking around. He thanked the Supervisor for a warm building as well.

Treasurer Roman thanked his staff for another awesome tax season. He reminded the public if you have not paid your taxes as of, yet you can do so at the Township through February. Beginning in March you will have to pay them at the County. He thanked his staff for all their hard work and indicated that he loves them all.

Clerk Noble thanked Mr. Sinkoff for being there tonight and for inviting him on the walk with the neighbors. He indicated that as a board they are doing their best and trying to think outside of the box. He thanked Director O'Neil and his staff.

Trustee Voorheis noted that 1997 was a monumental year in White Lake Township as it was the year that Parks and Recreation was started. She noted this year they celebrated 25 years of volunteers. She shared that this volunteer group started off working on Bloomer Park, then Hidden Pines and now Stanley Park. She asked Trustee Smith to join her in wearing red tonight as it is wear red for women month. She noted that one in every three women will die of heart disease. She thanked Trustee Smith for joining her.

Trustee Smith noted the library is back and up and running as usual. She too thanked Mr. Sinkoff for being here all night and for the walk and comments that he shared. She thanked him for being an ambassador to Brendel Heights. She also noted that procedurally during public comment the Board is not allowed to have dialog with residents. She indicated if the Board is saying they don't know, it is because they generally don't know and are awaiting plans to come to fruition.

Trustee Ruggles noted the February 17<sup>th</sup> meeting is cancelled and the next one will be March 3<sup>rd</sup>. He would love to discuss the ordinance regarding the sign. He noted of a leaning sign on Highland Road where the owner redid the inside because he likes his sign and knows that he can't replace it.

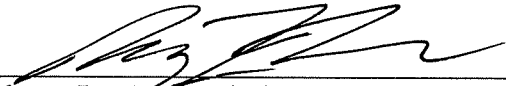
Supervisor Kowall noted that from time to time it is these things that the Board needs to do to keep the house in order. He thanked the Board members for getting the Township to this point. It is in a unique position. He opined there is a lot of work to be done. He thanked Treasurer Roman for being the task master that he is. He noted that things are a moving target and he appreciates this Board's understanding. He appreciates everyone realizing the value of maximizing the borrowing power to be in a good position in the fiscal future. Also, the determinations to keep the buildings the sizes necessary to accommodate growth. He has been approached by restaurants wondering what will be available. He thanked everyone and wished a good night, God bless.

#### **ADJOURNMENT**

**It was MOVED by Clerk Noble, SUPPORTED by Trustee Smith to adjourn. The motion PASSED by voice vote (7 yes votes).**

**The meeting adjourned at 10:27 p.m.**

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 February 15, 2022, regular board meeting minutes.

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