

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
April 19, 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: Lisa Hamameh, Township Attorney
 Sean O'Neil, Community Development Director
 Daniel T. Keller, Chief of Police
 John Holland, Fire Chief
 Debra Nigohosian, DPS Secretary
 Jennifer Edens, Recording Secretary

Supervisor Kowall saluted Carol Burkhardt, former township clerk and board member, who passed away last week. A moment of silence was observed in her honor.

APPROVAL OF AGENDA

Supervisor Kowall amended the agenda to add:
 10L – Four Corners License Agreement

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve the agenda, as amended. The motion PASSED by voice vote (7 yes votes).

PUBLIC COMMENT

Teresa Renaud from Senator Runestad's Office. She is here tonight to check in and see if there is anything her office can do to aid the Township, community, and residents.

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. DEPARTMENT REPORT – TREASURER

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

MINUTES

A. APPROVAL OF MINUTES REGULAR BOARD MEETING, MARCH 15, 2022

Trustee Smith asked for very minor grammatical changes which she will submit to the Clerk's Office.

Clerk Noble reminded of the problem when not submitted to be fixed prior to the meeting.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to approve the Minutes of the Regular Board Meeting, March 15, 2022, to include the non-substantive modifications as submitted by Trustee Smith.

PROCLAMATION

A. PROCLAMATION MENTAL HEALTH AWARENESS MONTH – MAY 2022

Supervisor Kowall stated that the emphasis on mental health in the country has started to change for the better due to heightened awareness. He shared that if someone has an issue or needs to seek help, they can call the Oakland County Health Department at 248-858-1280.

He indicated that the Oakland County Health Network (OCHN) is committed to being a zero-suicide organization. He noted that this is a problem that as a community must be remedied. He proclaimed that White Lake Township is declaring May 2022, Mental Health Awareness Month.

Trustee Voorheis, who works in the field, noted that OCHN has opened to the public. It is located at I-75 and Crooks. She further shared that April is Autism Awareness Month.

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith to proclaim Mental Health Awareness Month, May 2022. The motion PASSED by voice vote (7 yes votes).

PUBLIC HEARING

A. PUBLIC HEARING TO REVIEW THE SPECIAL ASSESSMENT ROLL AND RECEIVE PUBLIC COMMENT ON EMERGENCY SEWER CONNECTIONS 2022-01

Supervisor Kowall shared that this is a program that the Township runs to aid residents who may have a failed septic sewer system and that this is done annually, if not twice a year.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Ruggles to open the public hearing to review the special assessment roll and receive public comment on Emergency Sewer Connections 2002-01.

Vibella Oaks, 9380 Buckingham St., White Lake. She questioned the income to qualify for funding.

Supervisor Kowall noted he did not have that information available at this time, but that it is usually persons with financial challenges. He indicated that it is important for the residents to know that they have that ability to meet the criteria of the health department and hook up to the sewers. He further shared that if she knows of someone in need or would like further information that she should contact the Township's DPS offices.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman, to close the public hearing. The motion PASSED by voice vote (7 yes votes).

Treasurer Roman indicated that the program was opened up to help individual needs of residents that need to hook up to the sewer. He continued that it is an expensive endeavor and that the Township recommends residents use their own financial means, but if a resident chooses not to, they are invited to become part of the district. He declared that it is not based on income and that they look at the value of the home.

Trustee Ruggles interjected that it is based on an emergency situation.

NEW BUSINESS

A. RESOLUTION #22-019; TO CONFIRM THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED EMERGENCY SEWER CONNECTIONS 2022-01.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve Resolution #22-019, confirming the special assessment roll for the emergency sewer connection. The motion PASSED by voice vote (7 yes votes).

B. REQUEST TO APPROVE TRAFFIC ENFORCEMENT AGREEMENT WITH CEDARBROOK ESTATES MANUFACTURED HOME COMMUNITY

Attorney Hamameh noted there are two items on the agenda, the agreement and then the amendment.

Supervisor Kowall noted that this would allow Chief Keller and his department have the right to write traffic citations by agreement on the private property. He further indicated this was at Cedarbrook's request.

It was stated that they will have the authority to write any type of citation.

Trustee Ruggles questioned what happened previously and further questioned if there are similar agreements like this with similar communities.

Supervisor Kowall indicated that with the Board accepting this agreement, the next step will be to amend the ordinance.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the Agreement with Cedarbrook Estates. The motion PASSED by voice vote (7 yes votes).

C. REQUEST TO AMEND AN ORDINANCE – CHAPTER 36, TRAFFIC AND VEHICLES, ARTICLE II – VEHICLE CODES

Supervisor Kowall noted that this will now add this community to a list of others.

Trustee Powell questioned why if the Township has been trying to eliminate specifics out of the ordinances that this specifically names a community rather than referring to an exhibit.

Attorney Hamameh noted there are two explanations. The first is that this traffic code ordinance is recommended to be adopted annually. She continued that this ordinance adopts the Michigan Vehicle Code, the Motor Carrier Act, snowmobile and off-road vehicle laws. She shared that when those ordinances change throughout the year and the Township's ordinances were previously adopted; and while the ordinances state, "as amended", the Township has been challenged in court. She noted that the Township has been successful, but by doing a routine adoption eliminates a lot of motions and arguments.

She further indicated that the communities do not need to be listed in the traffic code ordinance and that the statute only requires the traffic enforcement agreement. She went on to indicate that the problem is the agreements get lost or are challenged. She declared that by having it in both places, it simply reinforces. She compared it to insurance or double protection regarding everyone being on notice as to Township enforced traffic.

Supervisor Kowall noted that the challenges are the biggest thing.

Attorney Hamameh believes it has been more than ten years since the Township has been approached by a community.

Supervisor Kowall interjected that Ivy Glen was the last one to come in and that it was approximately four years ago.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to adopt the changes to the Chapter 36, Traffic and Vehicles, Article II – Vehicle Codes, as presented. The motion PASSED by voice vote (7 yes votes).

D. CONSIDERATION OF OXBOW LAKE PRIVATE LAUNCH ASSOCIATION (OLPLA) PLANNED DEVELOPMENT AGREEMENT

Director O'Neil shared there is a memorandum dated May 7, 2022 that outlines the details of this. He noted they have appeared before the Board several times already. They have gone through the planned development process and their final site plan was approved with minor clean-up. He shared that there is a recommendation from the planning commission that the Board give approval to the planned development agreement with minor modifications. He noted that an addition to the agreement will be language that states the Township is only responsible for maintenance for whatever improvements it makes in regard to the easement being granted to the Township. He opined from the staff level and from the planning commission that this is a great project as residents had a need for lake access and they pooled their funds, put a group together and did something about it. He applauds their efforts and wholeheartedly recommends approval.

Trustee Ruggles recalled that at the first meeting he noted that it would be a long road. He believes they have done well in navigating the process and he is in support of it.

Supervisor Kowall applauded the organization and its efforts. He noted in a sense, this is the closest thing to a lake association, and that these folks will be good stewards to the lake. He called out for the Board, Article 2, Section 2.2, bottom of first paragraph that reads:

“Only riparians will have the right to be members of OLPLA and keyhole access shall be permitted. No commercial use shall be permitted.”

He believes this addresses previous concerns of some of his Board members.

Rick Walklet 10835 Oxbow Lake Shore Drive. He noted that DTE is moving poles for safety and access. He indicated that OLPLA is moving forward and getting its ducks in order. He thanked the Board members for their consideration on this project. He shared that it has been a learning journey.

Trustee Powell asked for clarification, if there was an emergency on the lake, where would first responders access the lake at.

Supervisor Kowall noted as indicated in their documents, there will be Knox box access, which was part of the agreement. It will provide direct access to first responders, which is not currently available but for Sprader's Bar's access.

Director O'Neil indicated that access for first responders was cited as a public benefit in their plan. He further asked that the Board's motion include subject to the review and comments of the planning commission.

It was MOVED by Trustee Smith, SUPPORTED by Treasurer Roman to approve the Planned Development Agreement Oxbow Lake Private Launch Association, Inc, to include comments made tonight, community development and notations made this evening and to authorize the Supervisor and Clerk to sign any necessary documents. The motion PASSED by voice vote (7 yes votes).

E. REQUEST TO AMEND AN ORDINANCE; CHAPTER 18, ARTICLE II – FIRE CODE

Chief Holland indicated before the Board is an amendment to the fee section of the fire ordinance. He stated the amendment consist of the addition of 113.11, which is the request for non-emergency assistance. It would give the fire department the right to collect a reasonable fee if necessary. He noted that it will only apply to commercial businesses. He explained that it is when they are called to a business that has paid staff present and they call the fire department to aid in matters they could have handled. He declared that the fire department cannot be part a corporation's business plan. He does not believe it is fair to put that on the tax payers of White Lake. He clarified that the amendment does not indicate that he will always charge, but rather he will look at and evaluate each situation.

Supervisor Kowall applauded Chief Holland for bringing this to the Board. He notes he is aware of other communities that have enacted such policies as the fire department should not be a part of their business plan. He noted it is one thing to aid in an emergency, but to aid in services in which the business is supposed to be providing is another thing.

Trustee Ruggles asked if there is something that prevents Chief Holland from doing this now. To which, Chief Holland indicated that it is not part of the fee ordinance as of now.

Chief Holland indicated they can charge restitution for reckless behavior, arson, hazardous material calls, and utility calls if manpower is provided.

Trustee Smith noted that she had a conversation with Chief Holland today and she asked Chief to bring back numbers of how often this happens before second reading. She also would like Chief Holland to go to corporate and ask them to provide adequate equipment in the facilities. She believes they need to have proper equipment to lift residents appropriately. She declared it a strange compliment that they call the fire department for their expertise. She wants the residents to be lifted properly. She further asked Chief Holland who would determine the cost. She asked of her colleagues if the Board wants to leave the determination of cost up to the Chief.

Attorney Hamameh made sure the Board is looking at the most recent version. As to the costs, she indicated the ordinance allows expenses to be recouped by utilizing a calculation of the cost of the equipment, personnel responding to the event.

Chief Holland agreed and indicated that he can't set a fee as it is all based on the response and how it goes.

Chief Holland stated for consistency; the shift captain would make the request to him for costs recovery. He then, would look at the call, the personnel there, and will determine if it is warranted. He noted that not all calls will be warranted. He shared that one facility was calling continuously and that they previously made a request that this facility get a Hoyer lift. He does not want the fire department to be used recklessly.

Supervisor Kowall thinks this is good especially with the additional facilities coming online in the near future.

Treasurer Roman asked Chief to recommend what he considers to be abuses in terms of the number of runs his department makes per week, month, or year.

Chief Holland does not think abusive is the word to use, but rather reckless use of the fire department. He notes that it takes resources as once they are engaged in a call they are not leaving. He explained that arriving to a call to find staff there that watches them perform is reckless. He will run the numbers for the last few years to show the Board. He defined that it is called a citizen assist, but they are running them for commercial.

Treasurer Roman suggests that each facility be given one use per month and thereafter they are charged.

Chief Holland indicated they have already been there. He shared that last year they received a request from a company who was short staffed, and a worker had a sore back, so they called the fire department to help them with their business practice to move something.

Trustee Powell questioned why the Township can't attribute a cost for the runs to these companies. He noted that they are for profit places, that charge people money to be there, and they rely on the fire department to do their jobs. He believes it could be a set standard price for a run to a facility. That way they would know the costs when they pick up the phone. He is concerned because even if they do have the equipment, they stash in a back of a closet/room and will rely on the fire departments equipment and staff.

Trustee Smith believes they need to be made aware that they need to have the right equipment.

Trustee Powell noted in the middle of the night, when someone falls, that the staff might not have the muscle to assist, but that they certainly should have sufficient equipment to do the job. He does not believe private sector companies should receive a break.

Supervisor Kowall knows of a situation where a very robust person was in need and it was necessary to call in other assistance to get this particular person up.

Trustee Smith reminded of the humane side of it. She further noted that CNA's are often women and are by nature smaller in size.

Trustee Powell declared that there is no reason for the Township to not recoup its cost.

Attorney Hamameh has concerns with unfettered discretion as it opens the door for unequal enforcement arguments. She suggests that she and Chief discuss this further before second reading.

Chief Holland clarified that they are not charging residents, just the facility.

Clerk Noble indicated that the hourly rate and apparatus use will be factored in, much like the police department in DUI cases.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to move the amend Ordinance Chapter 18, Article II – Fire Code to second reading. The motion PASSED by voice vote (7 yes votes).

F. FIRST READING, BLACK ROCK REZONING REQUEST

Director O'Neil indicated that on March 17th the Planning Commission held a public hearing for the request at 9501 Highland Road. It is a one-acre parcel currently zoned local business (LB) and the request is to rezone to general business (GB). He noted that the future land use map designation for this site is planned business which is consistent with the proposed GB. He further stated that there is no issue with the site's physical, geological, hydrological, or other environmental features that would limit the host use as GB. It is also compatible with the surrounding use and zoning given the extensive landscaping be provided to the residents adjacent to the outlying during site plan review. He declared that rezoning to GB is more appropriate than any other district. He also stated that rezoning the land to GB is more appropriate than amending the land uses as LB. Lastly, he indicated that rezoning to GB will not result in spot zoning.

Director O'Neil identifying the property at the corner of White Banks and M-59. He noted that lots 8, 9, and 10 comprise the corner property already zoned LB. The property at issue tonight is a narrow one-acre parcel purchased by Black Rock. He shared that there were some concerns about buffering to the neighbors and consideration of this will need to be given if the plan is to move forward.

He shared that at the planning commission public hearing, residents expressed concerns about buffering, traffic, and lighting. He has met with the applicant and has seen conceptual plans. He knows that they plan to enter the site both off of M-59 and White Banks and that a traffic study will be done regarding this. He shared that many years ago, it was noted that there was a traffic light at this intersection.

Trustee Powell noted that this will take TLC when it comes to site plan approval. He asked if there is any benefit at all to split zoning. He noted if the parcel is rezoned general business it means they can extend general business all the way down to residential structures. He doesn't know what their intentions are to the land to the south. He thinks it is opposed to the planning commission's position to split property. He wonders if it would impact what Black Rock is proposing to do on this site and further asked how the Board/Township protects the homes adjacent to that section, that could potentially be rezoned GB.

Director O'Neil indicated that the ordinance prescribes a few different methods for buffering. In this situation a masonry wall will be required, which is accepted by Black Rock. He further shared that it was indicated that Black Rock intends to put parking in the area near the homes, regardless of the expression to not having parking there. Their position is that it is absolutely necessary. He reminded that no plan has been submitted as of yet. He believes the parking spaces were between 135 and 155. He noted that buffering will be the biggest issue here and that no one debates that this is commercial property and can be developed as such.

He opined that the split zoning is interesting, and he noted that whether or not this went to GB, they would still have the right to use it as a parking lot and still would have the buffering issue.

Trustee Powell foresees three problems. A parking lot will have noise and traffic next to a very quiet residential neighborhood. He doesn't think any kind of landscaping will help that. As to the wall, it changes the ambiance of people's backyards. He would suggest that the planning department reach out to the owner and suggest putting the landscaping on the residential side of the masonry wall to soften the look. He further suggests that the lighting be low.

Supervisor Kowall interjected that while he respects Trustee Powell, he thinks the Board needs to let the planning commission do their duty.

Director O'Neil believes the plan was to hold the wall eight or ten feet off the property line and plant that area, leaving a five-foot area between the wall and the parking lot. He stated that it will be narrow on the inward side and more extensive on the outward side.

Attorney Hamameh reminded this was done with the Hebert property and it ended up dying because there was no water and no way to take care of the landscape.

Director O'Neil indicated that is a different situation.

Supervisor Kowall had thinks that it should be requested that employees park in that area as it would be less activity and movement. He advised the residents that the Board is acutely aware of this as there have been past business that were problematic.

Trustee Voorheis clarified that there will be entry points off of White Banks and M-59 and that their intention is to use all three of the lots.

Director O'Neil clarified that lots 8, 9, and 10 are one parcel.

Trustee Smith confirmed that when Director O'Neil state outside, that he meant neighbor. She also confirmed this is administration's request to rezone from LB to GB. Then she questioned if they can park there either way, why is it being suggested.

Director O'Neil indicated that it is preferred to not have split zoned parcels. He admitted there are some around the township, but it is difficult to deal with long term as you end up with two entirely different sets of regulations that govern. It is preferred to have uniform parcels.

Trustee Smith asked if there is any other major change that the Board should be aware of.

Director O'Neil indicated there is a whole host of uses that GB allows, that LB does not. He noted that the one-acre parcel is very narrow and almost unusable commercially by itself. It would be very limited if it is not combined to the other parcel. His thought is if the ownership is unified then the rezoning should be also.

Trustee Powell thanked Black Rock for even considering White Lake. He thinks the residents of White Lake Township are going to greatly reward them.

Treasurer Roman agreed with Trustee Powell. He also added that this lot already has sewer taps that are already paid, which is the biggest impediment of restaurants opening with the cost to hook-up to sewer. He understands the concerns but notes that the residents are living next to lots zoned business. He believes this is a rare opportunity for the Township and he would hate to see it die. He declared that White Lake needs sit down restaurants and that it would be wonderful to have a steakhouse.

Trustee Powell noted the tap fees are based on expected water use and not necessarily that there is a tap there. He indicated there still may be fees, but not full payment.

Trustee Smith noted that regardless of the Board's excitement, the Board is very consciences that this is butting up to a neighborhood.

Trustee Ruggles agrees with Director O'Neil's recommendation to rezone. He shared that a number of residents spoke at the planning commission hearing and much of what was said was not specific to the zoning request. There was mention of traffic issues and a remembrance of a former traffic light.

Supervisor Kowall reminded that ultimately the traffic decision is through MDOT.

John Hunt, 871 Oxhill Drive. He indicated he is on the corner lot and will be surrounded by the brick wall. He sarcastically stated that the one side that they want to make a parking lot and have their employees park there, is a great idea. That way the employees can come in two hours before the restaurant opens and then stay two hours after they close. This way his dog can bark around 3:00 a.m. As to the lights, he questioned how low can they put them. He feels they would have to be low enough for a car to drive underneath. He indicated that from his property to the property in question, is four or five feet. He declared that they can put the light next to his bedroom window. He doesn't mean to be a smart aleck, but everyone here knows the hell he has gone through.

As for the sewers that Treasurer Roman mentioned, he noted that he paid for them. He paid \$13,000 extra to have those and that they were the first sewers in White Lake Township. He continued that when the county decided to close up the sewer system, which worked wonderfully, then he paid for again with a special assessment that tore up his driveway. He advised Treasurer Roman if he wants to thank somebody for the tap of the sewer, it is him.

As to the street light, he indicated that it went away when they made M-59 a four-lane highway. He shared when he bought his home, it was only two lanes. He further stated that lot #8 was a special easement to remain one like Speedway. He declared it was the intent when it was subdivided by Jack White and when it was bought from Darrel Howard. He further stated that Darrel's son owned the house that Stan just sold to the restaurant. He noted that for as long as Stan owned it, it was assumed that it would be a residential area. He did not know that the property beside him was zoned commercial, but he did know that the Stan's house was out front. He declared that he nor anyone in the subdivision has any problem with the developing over to Brendel's property. The problem is in their backyard as it is low land will flood. He stated he has been down the road with the Township before and asked if it is going to give him another fifteen years of hell. He reminded that he dealt with Brendell's crap for thirty-years.

Mr. Hunt indicated he was there when it was the Diner, Chuckie Cheese, Little Caesars, and Big Boy. He saw all of those restaurants go broke.

Trustee Smith suggests that he could be instrumental as to how lights can work there since he has lived through it before.

Mr. Hunt indicated that the three houses that butt up to the property have a long enough yard and they will live with a parking lot like they did before, but to surround his house with the lights. He asked Trustee Smith if she would want to live with that. He shared that 60% of his property line is surround by them.

Supervisor Kowall interjected that it can be regulated better with the rezoning.

Mr. Hunt indicated that residents offered to buy it from them, but they don't want to talk about the residents buying it. He shared that he was elected by his neighbors to come tonight rather than the dog and pony show. Mr. Hunt declared that he will be dead in thirty years, as he won't live to 103 years old.

Supervisor Kowall assured him that the Township will look at this with a very close eye. He noted that he understands the concerns of the neighborhood and knows that it is important.

Mr. Hunt indicated that sooner or later the new car wash will go in and sooner or later someone will buy the Brendel property and it will get developed. He opined that no one will have a real problem with that, if the Township can just keep it on M-59. He declared that the restaurant parking lot does not belong in his subdivision. He indicated that is the bottom line, right, wrong, or indifferent.

Supervisor Kowall noted that Director O'Neil is very particular.

Mr. Hunt interjected that if you let them put a brick in there, he is screwed.

Supervisor Kowall referred to this as the "sins of our grandfathers". Things that were done and one might wonder why it was done that way. Now this Board is tasked with undoing things.

Mr. Hunt declared that this is home and that he loves White Lake Township. He shared that he moved from Cedar Island Lake and Oxbow Lake Road and that he has spent his whole life here. He has never lived anywhere else.

Trustee Ruggles asked if the applicant was present.

Bradley Gasser, representing Black Rock. He has spoken with Mr. Hunt on site and noted that they would like to do whatever they can to make it right for him.

It was moved by Trustee Powell, SUPPORTED by Clerk Noble to move the rezoning request by Black Rock to second reading. The motion PASSED by voice vote (7 yes votes).

G. RESOLUTION #22-016; WEST NILE VIRUS EXPENSE REIMBURSEMENT REQUEST

DPS Secretary Debra Nigohosian noted that the Township is 90% woods and water and that DPS has done this for five years at the request of the Board. She noted that half of the expenditures are for the pellets for the catch basins. She declared there is a definite need for that. She shared that the findings were the same as last year and that even with COVID there are only a few left on the counter. It is a very popular program and they will do whatever the Board wants.

Supervisor Kowall thinks everything has run very well and he appreciates it. He shared a couple of funny stories about the process. He is in full support and believes it is good that the Township is being proactive.

Trustee Voorheis loves giving it to her neighbors. She reminds them that they bought it and has never been denied. She loves it.

Trustee Powell is proud that the Township does not require this, but there are communities that require retention and detention basins to hold two to four feet of water at all time. He shared that he has not been able to convince them that they are feeding the mosquitos.

It was moved by Trustee Ruggles, SUPPORTED by Trustee Smith to approve Resolution #22-016 to participate in the West Nile Prevention Plan for 2022 with the funds of \$5,429.34 to be allocated from the General Fund. The motion PASSED by voice vote (7 yes votes).

H. RESOLUTION #22-017; TO AUTHORIZE TERMINATION OF GRANT OF WATERMAIN EASEMENT

Supervisor Kowall indicated this is essentially a termination of the grant of watermain easement for the Lakeland project. He shared that during the process it was discovered that the pipe was not where it was thought to be. This will rescind the easement and a new one will be conquered shortly.

DPS Secretary Debra Nigohosian shared that they are also going to reconstruct parts of the main that have been there since the 1970's. She shared that Director Potter is currently working with them on the new easement.

She further indicated that the agreement had to be signed as part of the DWRD closing.

It was moved by Trustee Powell, SUPPORTED by Clerk Noble to move Resolution #22-017 to authorize termination of grant of watermain easement. The motion PASSED by voice vote (7 yes votes).

I. RESOLUTION #22-020; TO APPROVE BALLOT LANGUAGE FOR POLICE AND FIRE MILLAGES

Clerk Noble indicated that before the Board is two ballot proposals:

- 1) That has all four millages – Fire, Fire, Police and Fire, and Police
- 2) Police and Fire

Tonight, the Board must vote to go with one of the two options. He noted that it is essentially the same question.

Attorney Hamameh clarified that there are two separate resolutions before the Board. One that proposes four renewals and a mild increase to recoup what the Township's lost in Headlee and the alternative resolution is two brand new millages.

Treasurer Roman indicated that the millages are the same regardless if it is done in four ballot items or two ballot items. In all, the Township is trying to restore a total of 7.5903 mils that were voted and approved by voters back in 2012 and 2018, that expired this past December. He continued that the language for all four

uses the words renew and restore. If the four are combined into two, by law, they are new millages regardless that the same thing is being done. He believes it is harsher as it uses the word increases. He noted that voter fatigue is one of the issues.

Clerk Noble noted that typically when a voter flips over the ballot they see the library and other millages. This would just be condensing it into two so that people don't skip over and then the departments are short funded.

Trustee Smith believes the responsibility to educate the residents is huge. She declared that the word increase is scary when you break it down to two from four and that the Board would need to make a very serious commitment to educate the voters of the difference.

Treasurer Roman believes Trustee Smith hit the nail on the head.

Supervisor Kowall interjected that there are public interest groups that can educate people.

Trustee Smith indicated this is a double edge sword. She opined that four on the back of the ballot will seem like too much to the residents and that they will pick and choose, and the other side of the sword is the word increase in the two. She declared with either, education is imperative.

Clerk Noble shared that he had a conversation with a resident and asked his opinion and it was that resident's opinion that he liked the two, better than the four.

Trustee Ruggles believes if he went in the box and saw the word renew, he would assume that the Chief has all his money and wants more. He thinks a lot of voters would think the same thing. Whereas, if they saw four, they would see renew, renew, renew, renew. He opined that someone would really have to work hard to educate and that is not the case with four.

Trustee Voorheis likes four because she saw the word increase and had the same thought.

Attorney Hamameh opined that even going with the two is a gamble. She believes that going with four, that people will pick and choose, but some will win. However, going with the two, it is all or nothing.

Chief Holland supports the idea of restoring. He shared that every year the calls for service increases, but he is expected to do more with the same.

Treasurer Roman interjected that by restoring Chief Holland brings additional \$200,000 back into his budget and police would bring an additional \$300,000. He further stated that it was all lost, year by year, because of Headlee.

Chief Holland said that the social media platform will be huge in educating the public. He doesn't understand if they are being restored, then aren't they both new.

Attorney Hamameh indicated that technically if you are only renewing the millage and only increasing the amount lost in the Headlee rollback from when the existing millage was first adopted, it is technically called a renewal. If you are doing a combination because the language in each of the four are slightly varying and the wish is to combine into two, then it has to be considered a new even though the dollar amount is the same. It is a requirement under the statute.

Chief Holland declared from his prospective that these have to pass. He wants to make it easy on the voters, so they are not picking and choosing.

Chief Keller fully believes that the police department millages will pass. He believes there is a strong enough relationship with the community that even with four, the voters will pass it. He believes the renew and restore is understood by people, but the word increase raises questions. He would rather see renew and restored. He doesn't like either, but if this was a four-year renewal and not a ten-year renewal, he might suggest the two because he would not want to deal with this in four years from now. He believes the odds are better with restore and renew.

Trustee Powell suggest a single millage.

Supervisor Kowall believed a single one shot divided evenly proposal would be easier. He opined that the community and Township are blessed to have its own police and fire departments. He declared that it is necessary to make people understand that the level of service they get from the community professionals is second to none. He reminded that the police department is not AAA, but they will help the residents if they have a problem (i.e. lockouts, safety check, passes out carbon monoxide and fire detectors, and educates the children). He opined it is the value that when you lay your head down at night there are people watching over you. He indicated it is important to build relationships with the youth today. It is important for these millages to pass.

Trustee Smith noted that the language in the four, reads: previously authorized increase. Whereas the two reads: imposed an increase. She stated that the first thing the voter is reading in both is increase. She asked if it can be worded any other way in the four. She understands it has to be in there but wonders if it could be worded gentler or moved to a different line. She is not trying to trick the voters, but for those that aren't plugged in, they could believe there is an increase in both scenarios.

Attorney Hamameh interjected that there is an increase in both scenarios. She further stated that it is statutory language. She shared that the inhouse elected and counsel went back and forth trying to negotiate the softest language and this is what they ended up with.

Supervisor Kowall indicated that this is statutorily dictated language.

Treasurer Roman shared that he has never gone into the ballot box and completely understood what he has voted for on any millage.

John Hunt indicated that the language should be the truth, whatever it is, do not try to hide that there is an increase. Put it on the back of the ballot and push people to vote absentee so they have time to sit at the kitchen table, turn it over and read it. He opined that the fire and police do a great job and that no one in the Township, in their right mind, would say no to them.

Trustee Smith interjected that she is not trying to hide, but rather make it less confusing.

Treasurer Roman will support the four millages for the simple reason that the language states what the Township is trying to do.

Chief Keller believes it is the best option of the two. He also agrees that getting the word out there is critical. He believes that the residents are supportive of the police and that education is important.

Clerk Noble confirmed that last millage renewal was at 74%.

Vibella Oaks, 9380 Buckingham St. She stated that if she went to the poll box and looked at all four, she would be concerned. She is confused with what the Board is saying is an increase but really isn't an increase. She would question what you are doing, what is the difference, what was the costs before, and what do you need it for. This would help her decide.

Supervisor Kowall questioned what she pays for a gallon of gas and notes it is across the line. It is all the cost as everything has gone up, but the revenue stream has gone down because of the Headlee Act.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble approve Resolution #22-020 to approve ballot language for police and fire millage renewals with the Exhibit A that has four millages on it. The motion PASSED by voice vote (7 yes votes).

J. REQUEST TO APPROVE TREASURER JOB RECLASSIFICATION – REVA GOUINE

Treasurer Roman noted a Township deficiency is a lack of cross training in many of the departments. Therefore, when someone leaves there is a void. He is trying to eliminate this in his department by promoting Reva to a position where she can function as his deputy does. He noted that Reva manages the front office and has helped train staff and even his new deputy. He stated that the Clerk's Office has an accounting position that makes more than Reva does and he believes she does every bit of accounting as that department, excluding Elaine. The Clerk's Office position is a payable position and his would be a receivable position. He identified that they both work with posting and general ledger. He shared that if approved, it would come to approximately a 13% pay increase for Reva.

Trustee Smith questioned if Treasurer Roman is mentoring Reva to replace the deputy in the future.

Treasurer Roman indicated no, that it would only be when his deputy is out of the office sick or on vacation.

Clerk Noble indicated that they are trying to create cross-training and retaining qualified people.

Trustee Powell is in favor of Reva getting a pay increase. He wonders however, if this is a soft shuffle and creating a new position just so she can have a pay raise or would this create a new position and leave an existing unfilled.

Treasurer Roman responded that his intention is neither. That he is creating a new position to keep the current position filled and add a skill to his department where two people can do what only one person can currently do. He clarified that all of the duties under senior treasury specialist will stay with Reva and his other staff member. He would be eliminating one job description for one person and replace it with this one.

Trustee Powell confirmed that he will promote Reva to an accounting clerk and leave one person as a senior treasury specialist, which in fact creates a new position that will have additional skills beyond the current position request. He noted since it would be a creation of a new position then Reva would start in her first year at the position and will accept the pay at a starting position.

It was MOVED by Trustee Ruggles, SUPPORTED by Clerk Noble to create the new position for Reva effective April 9, 2022. The motion PASSED by voice vote (7 yes votes).

K. RESOLUTION #22-018; MCLEOD USA TELECOMMUNICATIONS SERVICES METRO ACT PERMIT WITH ATTACHMENT A – REVISED RIGHT OF WAY TELECOMMUNICATIONS PERMIT

It was discussed amongst the board as to what this is for and determined that it is fiber optics.

Trustee Powell shared that this is covered by the Metro Act, which means that once this is approved, they don't have to pull permits. They have to submit plans but are covered by the Metro Act.

Supervisor Kowall noted that if not approved, they can essentially do it anyway, so therefore it is better to have a decent relationship.

Attorney Hamameh noted there are blank lines in Exhibit A, and she requests that these be filled in by the Supervisor before signing it. She indicated it is the existing lineal feed. She also shared that McLeod USA has been in the Township for a long time and that they allowed their permit to lapse and the Clerk's Office

was on them to submit a new application or remove all their fiber. She does not believe there is any intent for new construction.

It was MOVED by Trustee Smith, SUPPORTED by Trustee Powell to approve McLeod USA Telecommunication Services Metro Act Permit, Resolution #22-018. The motion PASSED by voice vote (7 yes votes).

L. FOUR CORNERS LICENSE AGREEMENT

Supervisor Kowall shared that this is the license agreement for the last building be put up and specifically for the placement of the patio. He noted that the patio will be on top of one of the Township's sewer lines. The only amendment to this it allows for 120 days' notice to remove instead of the 30 days' notice. He noted that the Township is also held harmless.

Attorney Hamameh clarified that this license has already been approved and that the only difference is that the Township requires them to remove the patio within 30 days and they have asked for 120 days, which DPW has no issue with.

Trustee Powell clarified with counsel that if the Township has to make a repair and destroys the patio, the owner has to reinstall on their dime.

It was MOVED Trustee Ruggles, SUPPORTED by Supervisor Kowall to approve the License Agreement, as amended. The motion PASSED by voice vote (7 yes votes).

OLD BUSINESS

A. CONSIDERATION OF REVISED AMENDMENT TO THE PLANNED BUSINESS DEVELOPMENT AGREEMENT – SZOTT AUTOMOTIVE GROUP

Director O'Neil reminded that the Szott Automotive group was before the Board on February 15, 2022 at which time the Board approved a new plan and amendment to the agreement that included eight wall signs for a total of 121 feet. He indicated that they miscalculated and did 132 square feet. He advised that there is no objection because the current site includes seven wall signs and 240 square feet, therefore there is still a reduction by approximately 100 square feet.

Megan Zoblocki, Szott Automotive. She clarified there has not been any change to the number of signs, location of signs, or overall area shown. It is simply a miscalculation and that this is to ensure that when they go to pull the permits for those signs that there isn't any confusion as to what was agreed to.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Powell to approve the revised amendment to the Planned Business Development Agreement for Szott Automotive Group to allow

eight wall signs totally 132 square feet, subject to administrative review, Supervisor and Clerk are authorized to sign all necessary documents to execute the amendment. The motion PASSED by voice vote (7 yes votes).

TRUSTEE COMMENTS

Trustee Powell shared that the Board can no longer look out there and give best wishes to Carol Burkhardt. He noted that she was a blessing here and that she still had her heart here in the Clerk's Office. He declared that she is not feeling any pain and is dancing again.

He also pointed out that he met with the supervisors of both Springfield Township and Commerce Township and presented a concept of a north/south pathway that would run from Springfield, through White Lake and Commerce Township, to the Village of Wolverine Lake to the east/west Rails Trails Pathway. He noted that both expressed an interest in participating. He further noted that the request for a grant was denied, but the alternative is working with Parks and Recreation and uniting with the other two communities and apply to the DNR for part of their grant. He noted that the more participants increase the chances of funding. He offers his services to this.

He further mentioned that the residents off of Cooley Lake Road are having a hard time with the potholes at Cooley and Bogie Lake Roads.

Supervisor Kowall interjected that he has talked with the County and they will not do it as a maintenance program and that they will only do it as a projected project and it is on the list.

Trustee Voorheis congratulated Jeanine Smith for her eighteen plus years as Township Assessor. She also mentioned Denise Stefanick from the library is retiring after twenty plus years.

She shared that a family fun day is planned for June 25th at Hawley Park. She expects her fellow Board members to be there from 3 to 9pm. There will be live music, happy the clown, and a dunk tank.

She thanked Carol Burkhardt for her years of service and for being a good representative of White Lake Township, may she R.I.P.

Lastly, she congratulated Deb Darren for her twenty plus years of volunteer service to the Parks and Recreation Committee.

Treasurer Roman declared God bless you to Carol and thanked her for everything she has done. He noted she will always have a presence at the Board meetings.

He wished Jeanine Smith a happy retirement and thanked and welcomed David Heiber.

Trustee Smith noted that Carol Burkhardt was a friend and mentor to all. She did not have an opportunity to serve with her but has been friends with her for years. She will miss her phone calls, wisdom, and excitement that she continued to share with White Lake. She declared that she genuinely loved each person here on the Board. She noted that her heart and soul was right here in White Lake and she gave her sincerest condolences to her family and loved ones.

As to the library, she shared that Denise is retiring at the end of May. The library board is in the interview process to hire a new director. She also shared that the friends of the library are having a high tea and a fashion show fundraiser on May 1st and that information can be found on the website.

She thanked her colleagues for recognizing mental health awareness month. She noted that April is child abuse awareness month and sexual assault awareness month. She declared if anyone needs help in any of these areas to reach out for help. She asked that people be consciences and have open eyes and speak out. She shared that she has been a foster care parent for 21 years and it is near and dear to her heart.

Lastly, she noted that May 15th is police awareness celebration day and encouraged the community to support the police on this day, in any creative way.

She wished everyone to have a blessed Easter and Passover.

Trustee Ruggles noted the Planning Commission will be meeting on Thursday and will get its first look at the apartments on Hill Road, which is comprised of just over 400 apartments. He noted that there have been a lot of approaching for apartments and he believes it might be a good discussion to have as to what the Board/Township wants to see in White Lake.

He was saddened to hear of the passing of Carol. She sat to his left for two years and she was a great person who helped him a lot in his first term. He shared that he has been acknowledged a couple of times because of her involvement. He noted that she will be missed.

Clerk Noble thanked Jeanine for her years of dedicated service. She has been terrific and helpful to him. He welcomed Mr. Heiber and looks forward to working with him.

He shared that he hadn't had the chance to meet Carol but did speak with her many times on the phone. He noted that it was an honor to get to know her and that she is in a better place now.

Director O'Neil shared that he and Carol would joke a lot. He shared that she would get tickled at the fact that she would win every election she ever ran and would get the most votes. She was very proud of that. She was self-deprecating and quit the crack-up. He shared that she was in a hospital bed for the last number of years and he called her the kingmaker. She would say that she sits in the hospital bed every day, she doesn't go out, she doesn't spend any money, she doesn't go out on the campaign trail, she just

sends emails and makes phone calls and she wins elections. He noted that she said this in gest as the people who voted for her and knew her, knew that this embodied her. When he started here in 2003 which was prior to her accident, he got to know her a bit and he considers himself fortunate to have had that opportunity.

Supervisor Kowall noted that the realities are that it is another change faced by the Township. People come, go, leave, and retire. He welcomed Mr. Heiber. He shared that Carol was definitely a unique person who was always her. He declared that being around someone like that was very helpful in his terms as a trustee and she encouraged him to run for supervisor. She will be sorely missed.

He shared there are a couple different things going on in the township right now. One is the watermain down Bogie Lake Road and he noted that the black pipe is water pipe. He asked that residents to be mindful of the construction workers. Also going on is the sewer extension down Porter Road all the way down to Grass Lake Road, which will start soon. It will be the discharge line for the new iron filtration. He continued that on or about June 17th the roundabouts will commence on Elizabeth Lake Road. Additionally, there will also be a box/culver bridge repair on Cooley Lake Road, just west of Round Lake Road.

He shared that Bill Sweeney passed away. He was the Comcast liaison here in the township and also the avid woodworker. He was fortunate to see some of the things he made. He opined it will be interesting to see how we replace these people in our community with the value that they had and hopefully the next generation will have something positive to say about us.

Treasure Roman shared that Bill won a contest when he was kid in the 1950's and became the Detroit Tiger's bat boy who got to travel with the team. He declared God bless you Bill.

Supervisor Kowall closed with be mindful of yourself out there and watch out for all the construction out there, including the M-59 corridor from Milford Road to Pontiac Lake Road. He shared that he is trying to convince some people to fix the causeway over Pontiac Lake as it is falling apart. He declared goodnight, God bless, and goodnight Carol.

ADJOURNMENT

It was moved by Treasurer Roman, SUPPORTED by Supervisor Kowall to adjourn. The motion PASSED by voice vote (7 yes votes).

The meeting adjourned at 9:23 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 April 19, 2022, regular board meeting minutes.



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