

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
October 18, 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, Director DPS
Daniel T. Keller, Chief of Police
Lisa Hamameh, Attorney
Mike Leuffgen, DLZ Engineer
Jennifer Edens, Recording Secretary

AGENDA

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

PUBLIC COMMENT

Laura Bolyard, Director of Lakes Area Chamber of Commerce. She wanted to go on record to thank White Lake Township and the White Lake Historical Society for partnering with them on the recent trunk or treat event, which was a huge success. She shared that they were anxious to do a larger event in the White Lake community. She indicated that Supervisor Kowall, Justin, and Kelly were amazing, and she feels like the event was knocked out of the park. She noted there was an amazing group of people and that it could not have been done without the Township's support. She really appreciates all that the Township did with donations, volunteers, and opined that it was a great success and good time.

Greg Baroni, 2501 Bogie Lake Road, Current President of the White Lake Historical Society. He shared in Laura's comments that there was a fantastic event at Fisk Farm. He noted that they try to do community events along with neighboring communities. He thanked Lakes Area Chamber,

White Lake Township, Parks & Recreation Department, Police Department, Fire Department, CERT Team, Walmart, Meijer, Beauchamp Water, Dance Dynamics, Flagstaff Bank, American House West Bloomfield, CNS Health Care Michigan, Spencer Roofing, Keller Williams Showcase, J. Renee Dunham, Brookdale Novi, R. W. Square and Associates, RIC Urgent Care of Commerce, Pet Supplies Plus, and Ruggles Farm Market. He shared that the Ruggles sent over donuts from their new cider mill, which were awesome! He opined that they were the hottest commodity on the property that night. He encouraged if you haven't had an opportunity, to please visit their Facebook page as Melissa Smith posted videos of the event that show case the event. He again thanked everyone who participated and is hopeful of an even better event next year.

Mr. Baroni continued that as to the Fisk Farm Festival, which was a month earlier, it had 1,700 people in attendance on Saturday and 850 people in attendance on Sunday. He shared that they have eight to nine events throughout the year.

Karen Long, a resident of White Lake Township. She is on the advisory board for the Dublin Center. She indicated she is here tonight on behalf of senior citizens to express what they think of Kathy Gordinear. She shared that because of Kathy seniors feel less lonely and isolated as they would without her. She provides a place for them to go and an opportunity for friendships. She also provides activities (i.e., cards, dances, and support groups). She has increased the community mobility, provided training to avoid scams of fraud, estate planning, self-defense, and spousal support groups. She shared that if they become ill, a card is sent for well wishes and if someone doesn't show up for a few days, a call is received to check on them. She opined that Kathy centers them and provides a purpose when needed.

CONSENT AGENDA

- A. REVENUE AND EXPENSES**
- B. CHECK DISBURSEMENTS**
- C. BUDGET AMENDMENTS**
- D. DEPARTMENT REPORT – POLICE**
- E. DEPARTMENT REPORT – FIRE**
- F. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT**
- G. DEPARTMENT REPORT – TREASURER**
- H. SPECIAL EVENT APPROVAL LETTER – HAUNTED HALLOWEEEKENDS**

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to approve the consent agenda, as presented. The motion PASSED by voice vote (7 yes votes).

MINUTES

A. APPROVAL OF MINUTES – REGULAR BOARD MEETING, SEPTEMBER 20, 2022

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Minutes – Regular Board Meeting, September 20, 2022. The motion **PASSED** by voice vote (7 yes votes).

PUBLIC HEARING

A. TO HEAR PUBLIC COMMENT REGARDING APPROVAL OF THE 2023 TOWNSHIP BUDGET

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Trustee Smith to open the public hearing regarding the approval of the 2023 Township Budget. The motion **PASSED** by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

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

OLD BUSINESS

A. CONSIDERATION OF PRELIMINARY SITE PLAN APPROVAL – AVALON

Director O'Neil noted that the applicant was here in July 2022 seeking rezoning, which was moved to second reading at that time along with discussion of what this Board was looking for. He shared that a good deal of time was spent with the applicant working on proposed changes and before the Board tonight is a memo from his office that highlights a few of those changes. He called out:

- The single-family homes on the east side from 81 to 68. They originally started with 87 unites.
- The multiple family on the west side is now at 394 units from 406.
- They have tidied up calculations in the parallel plan.
- The Hill Road corridor setback there is a 100 ft setback and 50 ft at the north end.
- Lot size on the east side, single family units are minimum 78 ft, which is an increase.

He noted the project is back before the Board with these major changes and that they are still seeking PD approval, as well as second reading for the rezoning of both the east and west side. He noted that the applicants are present tonight.

Director O'Neil further noted that the applicant is approximately 100 units below what they could achieve through straight RM2 zoning based on density and that all the driveways have been removed from Hill Road.

Supervisor Kowall indicated that there has been a genuine effort on the developer's part to lessen the impact and that he has met all the design concerns regarding density.

Treasurer Roman confirmed there are sidewalks throughout the project.

Director O'Neil acknowledged Trustee Powell for volunteering his time to address his comments at the last meeting and to make this plan a better one.

James Galbraith indicated that they concentrated on the comments and suggestions made by staff and members of the Board and that they reduced the number of lots. He noted that the landscape softens the impact from Hill Road, which they are sensitive too. He highlighted that they did the following:

- Reduced the number of lots to eliminate the lots on Hill Road
- Increased lot frontages [sic]¹
- Tested plot plans on a series of lots

He believes they have made improvements to the plan and notes there is a long way to go before final site plan and developing. He further shared that they have reworked the entrance into the development including the setbacks.

Mr. Galbraith is seeking this evening a consensus on the preliminary plan so that he can move together with the Township towards a final plan.

Trustee Powell noted in regard to the single-family home section, east of Hill Road, that R1D requirement is 10-foot side yard setbacks from the property lines to the structure and an 80-foot-wide lot. He continued that because it is PD, the applicant is asking the Board to approve a 70-foot-wide lot minimum and a 7.5 feet side yard setback. He shared that the fire department has concerns about access between homes, and that the ordinance requires 20 feet between structures. He admits conversations occurred about making it 16 feet as part of the PD, and that now the applicant is presenting a 15 foot between structures or a 7.5-foot side yard setback and Trustee Powell does not understand that.

Mr. Galbraith responded that they are also the builders in this project and that after speaking to his field people, it was suggest doing 7.5 feet, but that they are willing to go back to 8 feet. He

¹ Board approved amendment by Trustee Powell to strike the word frontages and add the word widths. Video verified that the Recording Secretary did accurately record the statement as stated by the speaker.

continued that, the footprint of the homes are 54 feet, which is how they arrived at the 16 feet. He admitted it was presumptuous on his part to suggest 7.5 feet, when 8 feet was discussed.

Trustee Powell believes if the plan is approved as presented, the Board would be approving the 7.5-foot setbacks. He further complimented the developer for his other projects and for working with the Township and making changes. He continued that the parallel plan allows for 540 units on the apartment building side and because of the type of plan presented and the persistence of this Board to maintain a rural atmosphere, they have downsized their density to 394 apartments. Providing a 100 foot setback ~~100% setback~~² from Hill Road, and a 74 foot setback ~~74% setback~~³ from the right-of-way of M59, which will be a much softer change.

Trustee Powell would like the Board to consider that the ordinance requires that the applicant pave the roadway and take utilities from border to border along their property line, which he believes they are doing regarding utilities. He notes that regarding the roadway, they are looking to stop 140 feet short of the north property line. He further shared that in a statement from the developer, that they would be willing to do that if the road commission initiated a project north of there, which ties actions from an agency to what they need to do. He suggests that they come back to the Township indicating that the road commission will not allow them to do that and then allow this Board to work with road commission administration and allow the Board to release them from the requirement, rather than them stating that they are not going to do it unless the road commission allows them to. It potentially could have the same result, but it puts the burden on the developer.

Trustee Powell noted there have been other PDs that have had to come forward with a community benefit. He indicates that here, they have offered to write the Township a \$100,000.00 check as their community benefit. He opined that the Township is not here to benefit the developer, but rather the opposite. He does not believe that it is proper to write the Township a check that can be used elsewhere in the Township, but rather should be a benefit in the area most impacted by the project. He continued that if the Township does not require them to go to the north property line, there is an expense that they are being relieved of. He opined that the 140 feet of pavement could cost approximately \$50,000 and therefore the Township would be giving them a \$50,000 credit. He needs to understand from the developer why the Board should allow that credit and why the community benefit should not be to make that area better and improve the roadway north and around the wetland area. He believes that the community benefit should be to improve the roadway beyond what the ordinance requires them to, instead of buying picnic tables for a park two miles away.

² As amended by the Board on the record

³ As amended by the Board on the record

Mr. Galbraith responded regarding the improvement of Hill Road to the property line that they are not looking to not take it on, but rather they are saying it is not practical to do so at this time due to the slopes and grade of the road. They envision that they will have the opportunity to do so and will put the money up for that. It has always been contemplated for it as has the sanitary sewer extension.

Mr. Galbraith responded regarding the improvement of Hill Road north of the property line that it would be a significant undertaking to do so. It would require dealing with property owners, EGLE, unknown soil conditions and alike. He does not see it as the proper benefit. He declared that there is very little to no traffic coming from his project.

He further shared that they had a difficult time envisioning what a proper community benefit would be for this project so they came up with a cash contribution for the Board to determine where it could be best used.

Supervisor Kowall noted that his experience tells him that the project will not be deemed practical by the road commission. To which Trustee Powell disagrees.

Supervisor Kowall believes that the offering to put money aside for the 140-foot improvement is very fair and equitable. He further indicated that there is little impact to the north and that the traffic coming out of this project will be going to the south. He shared that there are other projects in the Township that will make a financial contribution to the Township as a community benefit. He opined that there are a lot of ways the funds could be used as a community benefit in other areas of the Township (i.e., walking path on M59, improvement to the old building at Stanley Park, or pathway projects (Trailside Meadows)). He believes they should be able to do the contribution and allow the Board to determine where the funds will have the greatest impact to the community.

Trustee Ruggles disagrees that there will be no traffic impact going north of the project. He shared that it has been discussed that the money could be well spent improving Ford Road.

Treasurer Roman asked of Director O'Neil if there is a requirement, following Trustee Powell's statement that there is a requirement to pave a dirt road, as he was unaware of such an ordinance. He also asked if his understanding is accurate that you cannot stop paving in the middle of a curve.

Director O'Neil indicated that it is not that black and white and there is no requirement to pave in a PD. He also confirmed that the concern of having to pave the entire curve is at issue.

Treasurer Roman thanked the developer for their willingness to pave what they are. He declared that he likes the check coming to the Township so that there is a choice, and he likes the idea of improving Ford Road.

Supervisor Kowall is thankful that they are paving the road as far as they are as there is no obligation to do so.

Conversation ensued regarding the potential speed limit of the road. Supervisor Kowall appreciates the developer working with the Township's concerns, the reductions in units, and the interior driveways.

Trustee Smith thanked Mr. Galbraith for the time he spent with staff and Trustee Powell. She appreciates the efforts but wants her colleagues to know that while it is moving in the right direction, she does not believe it is there yet. She doesn't believe the ordinances have been met to her comfort level or the safety concerns of the side setbacks. She looks forward to continuing to work with the developer but tonight her vote is no.

Mr. Galbraith recalled that the discussions with the 8-foot side yards included the prevention of AC units, generators and such items that would reduce the spacing, which is in the planning notes.

Trustee Powell interjected that there would not be any cantilevering of windows in the side yard.

Supervisor Kowall believes this makes a huge difference. He further noted that the fact that the applicant is also the builder makes a positive impact.

Trustee Voorheis thanked Mr. Galbraith for making the adjustments.

Clerk Noble clarified with Director O'Neil that the ordinance is 6-8 units per acre and that they are under that and that they reduced it quite a bit. He thanked Mr. Galbraith for their efforts. He also likes the community benefit coming to the Township for discussion of how to utilize it.

Trustee Powell opined that there is an agreement that everyone is speculating a great deal on when talking about the interpretation of what the road commission will do. He believes to arbitrarily tell them that the Township is okay with them stopping short of what they are supposed to do and for what would be best for the community, because someone says they don't think the road commission will like it. He has spoken to engineers and they are more than willing to look at the modification potential. He reminded that when Grass Lake was modified, the road commission gave in and it was believed that they would not. He has concerns that the Township is speaking for the road commission before any engineering has been done at all,

which he believes inappropriate. He believes the road commission should put something in writing.

Trustee Powell furthered that this project is estimated at \$140 million, and he questions who decided on \$100,000 as the community benefit share to the Township. He would like the Board to discuss this and not arbitrarily accept it. He declared it is only .2% of the project.

Treasurer Roman reminded that there are other benefits to the Township outside of the community contribution by way of utility hook-ups/system users. He brought attention to the taxable value on the properties and how much money that too will bring into the Township. He confirmed with Mr. Galbraith that they will set money aside in escrow to pave to the northern property line.

Director O'Neil interjected that there may be an agreement regarding some sort of right-of-way as well. He furthered that a dedication may be required in working with the road commission, to which Mr. Galbraith agrees.

Trustee Powell disagrees that it is a requirement and that a requirement cannot be a benefit to the Township.

Supervisor Kowall believes that it can be respectfully agreed upon to disagree. He opined that there is an economic impact on the area by way of stores, schools, and the community as a whole.

Trustee Ruggles does not disagree with Trustee Powell's comments. He would love to have it paved to Grass Lake Road but knows that the financial burden would be huge.

Supervisor Kowall believes there are too many unknowns regarding the road, and he doesn't believe it would be fair to hold up the project, especially if they are willing to put it in escrow to cover to the property line.

Trustee Powell declared that you cannot speculate on something and not require it based on a speculation.

Trustee Ruggles suggests moving away from dollar amounts perhaps have developers do a project rather than give a dollar amount. He would rather see something solid.

Director O'Neil is looking for the following actions:

- Site the review comments in the packet
- Address the 7.5 side yard going 8 feet
- Any desire regarding the 140 ft

Trustee Powell believes that the developers are first class and have worked very well with the Township. He is going to support this knowing that no project will ever be 100% perfect. He has expressed his concerns and hopes it will be worked out.

Trustee Smith mirrored Trustee Powell but will still be voting no tonight.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to approve the site plan as submitted to this Board, subject to the administration crafting, related to the side yard setback to be no less than eight feet between structures and that one-hundred-forty feet plus or minus at the north end of the road be discovered as to its possibility of being extended and worked into a county project forthwith and all the review comments in record. The motion PASSED by roll call vote (Ruggles/yes, Smith/no, Powell/yes, Roman/yes, Voorheis/yes, Kowall/yes, Noble/yes).

B. SECOND READING; AVALON REZONING

Director O'Neil indicated that the applicant is seeking to rezone 12-20-101-003 from agriculture and planned business to planned development, and 12-20-126-006 from R1A to planned development.

It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve rezoning of two parcels, 12-20-101-003 from Agriculture and Planned Business to Planned Development, and parcel 12-20-126-006 from R1A, single family residence to Planned Development. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes, Ruggles/yes, Noble/yes).

C. SECOND READING; HALEY ROAD REZONING

Director O'Neil shared that the property identified as Parcel Number 12-15-300-005 (2110 Haley Road), is located south of Hitchcock Road and east of Porter Road, consisting of approximately 68.93 acres. He furthered that the applicant requests to rezone the parcel from AG (Agricultural) to SF (Suburban Farms) or any other appropriate zoning district.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Ruggles to adopt. The motion PASSED by voice vote (7 yes votes).

NEW BUSINESS

A. CONSIDERATION OF PRELIMINARY SITE PLAN APPROVAL – BLACK ROCK

Director O’Neil identified that no applicant is present tonight.

Director O’Neil indicated that the property located south of Highland Road and east of White Banks Blvd, consisting of approximately 2.8 acres. He further indicated that this project appeared before the Planning Commission on October 6, 2022 at which time they held the required public hearing to consider special land use that was unanimously approved. The preliminary site plan was approved by a 7 to 2 vote. He shared that there were a host of review comments that are included in the Board packets. He noted there were several public comments made, most regarding traffic concerns, noise, and lighting. Director O’Neil indicated that the applicant will be required to meet all lighting standards. He reminded that this is a general business zoning use on M59 and that a restaurant use is permitted.

Trustee Ruggles finds it strange that no one is present tonight either for or against this as it has been very contentious.

Trustee Powell noted that lighting was a concern, and that the ordinance may not catch all the nuances of this parking lot wrapping around three homes. He questions if there is an illumination a lamination⁴ plan or photometric plan submitted with this project.

Discussion ensued and it was determined that it was submitted pursuant to 5.18.

Director O’Neil noted that the lighting was reduced to 6-foot-tall bollard. He noted the residents will see lighting in the distance, but they will be shielded.

Supervisor Kowall noted that this is difficult for persons living in the area for a period of time, but commercial districts are always up to change.

Treasurer Roman asked if there are any significant/negative issues with the plan that would cause Director O’Neil to reject it.

Director O’Neil indicated there are no negative issues and that staff has recommended it with conditions and requests that the Board take the same action. He further indicated that the project will be heading to the ZBA for driveway spacing issues. He believes it is important to have driveways on both M59 and White Banks Blvd. He noted that if the ZBA said no the variance they would be burdening traffic onto White Banks Blvd., and therefore the neighbors. In short, he indicated that strict enforcement of this ordinance could become more impactful to the

⁴ As amended by the Board on the record

neighbors around this restaurant. He opined that it is an attractive building and that the neighbors who bought property adjacent to properties on M59 knew one day the property would not sit vacant. He acknowledges that it will be different.

Trustee Ruggles shared that the Planning Commission felt the entrance off White Banks was appropriate and in fact felt that people making an accidental turn on to White Banks without the entrance would cause more traffic into the subdivision. It was the Commission's opinion that it would reduce traffic.

Director O'Neil noted the need for a "No Outlet" sign.

Trustee Powell asked if the discussions to have the parking spots on the northeast side dedicated as employee only parking has been followed through on.

Director O'Neil indicated that they did comply with that. He further noted that an issue of the handicap spots came up with the move of the driveway by direction of MDOT. Due to this the entire parking lot will be reconfigured and the handicap spots will be in a more desirable location.

Trustee Voorheis asked how the Township could encourage this project to improve White Banks Blvd. To which, Director O'Neil indicated that would be a road commission issue.

Director O'Neil shared his screen identifying the location of the driveway that lines up with the driveway from Speedway.

Trustee Powell indicated that if a S.A.D. is presented that these two commercial developments would pay their fair share.

Discussion ensued as to whether Black Rock is seeking approval since they are not present.

Trustee Powell would like to see the reconfiguration of the parking lot as it is in his opinion a major redesign of the site plan.

Director O'Neil indicated that it would be nailed down at the Planning Commission and ZBA. To which, Trustee Powell is good with.

It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve the preliminary site plan Black Rock as presented, subject to the review comments of the planning, staff, and engineers as well as the redesign of the site to accommodate the MDOT requirements. The motion PASSED by voice vote (7 yes votes).

B. REQUEST TO APPROVE POLICE OFFICER BODY ARMOR PURCHASE

Chief Keller indicated that the department is at the five-year warranty for their vests. He noted that this year they are also adding an exterior carrier to aid in back problems that are existing amongst officers. This would move some items from the vest to the chest area. He is requesting fifteen new vests and two extras for citizen, interns, or cadets who ride along. Additionally, he is asking for a total upfront cost of \$16,080 which will be reimbursed via BVP through the DOJ in the amount of \$6,372. It will be paid for via Equipment and Acquisition Funds.

Trustee Powell questioned how a vest company warranties their product.

Chief Keller indicated that they have done enough testing that they don't feel comfortable with their product after five years. Technologies and studies have provided information. Clerk Noble noted that most officers carry additional equipment that can contribute to the wear and tear that will break down the vest over time. He further shared that the vests are recycled and shared with rural communities that otherwise didn't have any.

Chief Keller shared that they are often sent overseas to areas in need. He noted that the process is run through the DOJ.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Smith to approve the police officer body armor purchase and the initial total cost and total reimbursement of \$16,008.00, and total cost after reimbursement of \$9,708.00. The motion PASSED by voice vote (7 yes votes).

C. REQUEST TO APPROVE 2023 POLICE DEPARTMENT FLEET VEHICLE PURCHASE

Chief Keller indicated that the vehicles recently sold, he did not feel comfortable repurposing them within the Township. He noted that of three vehicles that will be replaced in this request, one will be repurposed to the detective bureau. He indicated that two out of the three are of good standing and one that is not due to run time and mileage. He reminded that during difficult economic times, police vehicles were kept longer, and it ended up costing more to maintain them.

Trustee Powell would like the vehicle summary updated to include police vehicles.

Chief Keller noted that the previous vehicles sold averaged between \$13,000 to \$16,000. He also noted that the department is transitioning into Dodge vehicles.

Chief Keller is requesting the Board to approve a total amount of \$120,009.00 for the purchase of three Dodge Durango pursuit vehicles from Szott Dodge, which will be paid for from

Equipment Acquisitions next year. He noted the vehicle deliveries would be from December 2022 to February 2023.

Trustee Powell questioned how the vehicles are sold if a resident wanted to purchase one.

Clerk Noble interjected that they are farmed out to bid and advertised through MIT. They are also posted on the Township's website. He noted residents have made purchases in the past of various items.

Chief Keller in response to Trustee Ruggles indicated that V6 is preferred. He noted the next step up is hemi at an additional \$3,000, which is not needed.

It was MOVED by Clerk Noble, SUPPORTED by Trustee Smith to approve the 2023 police department fleet vehicle purchases, not to exceed \$120,009.00. The motion PASSED by voice vote (7 yes votes).

D. CONSIDERATION OF PRELIMINARY SITE PLAN APPROVAL – COSMO'S CAR WASH

Director O'Neil indicated this site is one of the Meijer out lots and that on October 6th, the Planning Commission held a public hearing and preliminary site plan approval was given at the meeting. He noted no residence spoke at the hearing. He further indicated that the applicants have met just about every requirement of the ordinances and will work through the rest. He shared that they have offered a \$15,000 contribution to the park fund and after the planning commission comments, they are now offering a \$20,000 contribution to the park fund.

Displays were shared on the large screen of the site and plan.

Director O'Neil indicated that when he thinks of a car wash, he does not think of a something this nice.

Trustee Smith commented that in general, she would like proactive measures to prevent similar entities from being so close together. She noted that at this intersection, with this build, there will now be three car washes. She thinks this is a silly spot for another car wash. She would like in the future an ordinance/policy that there can't be that many of the same entities that close together. She hopes this car wash does not put the adjacent one out of business and in all honesty, she wishes they would look for another location. She admits that she can't legally vote no, but in her opinion, this is not an ideal location for the residents.

Trustee Voorheis agrees with Trustee Smith, but asked why White Lake and why that corner?

Supervisor Kowall stated that by law the Township can only allow what is zoned appropriately and that it does not matter how many of the same entity are in a row. He further stated that the Township is not able to place any restrictions.

Trustee Smith interjected that after speaking with counsel, that the Township does have the ability to place restrictions.

Supervisor Kowall declared that he believes in the free enterprise system.

Trustee Smith takes the position that she wants local White Lake business to be successful and that spacing them out might help make them so.

Treasurer Roman questioned if the applicants own any other car washes.

Kenny Wright, President Cosmos Car Wash, 2204 Brockton Ave., Royal Oak. He is starting a chain of Cosmos in the metropolitan area and that they will have free self-service vacuums.

Trustee Powell was hoping for a service different than the other car washes. He asked how this one will differ than the neighboring one.

Mr. Wright indicated that it will have nearly 19 to 25 vacuum stalls, as well as increased touch points. They will have attendants on the lot, and attendants that want to be there and help, free towels, and making sure the customer has a pleasant experience. He assures this Board that Cosmos Car Wash will be a business that White Lake Township is very proud of. He noted it will differ in landscape, cleanliness, professional staff with a base rate of \$13.50 per hour with tips and benefits eligibility. He declared it will not be a stereotypical carwash.

Trustee Powell disagreed with regarding Trustee Smith's comments to limit the free market system, he likes having options close by and not having to drive in search of.

Trustee Smith is not addressing just car washes, but thinks it is something that should be considered.

Attorney Hamameh in defense of Trustee Smith indicated there are some uses where it is not uncommon to have distance spacing requirements (i.e., smoke shops).

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve the preliminary site plan for Cosmos Car Wash, subject to staff and consultant review and development agreement. The motion PASSED by voice vote (7 yes votes).

E. REQUEST TO APPROVE NEW HOPE LANDSCAPE REDUCTION REQUEST

Director O'Neil shared that the applicant appeared before the Planning Commission seeking a 60% reduction and was granted a 40% reduction. He furthered that 24% more than what is currently on site will be planted, which is 4% more than what the Commission recommended. He believes that a simple amendment to the development agreement is necessary for this change.

Supervisor Kowall noted that the area looks great and has come together nicely.

Director O'Neil shared that the additional planting will be in residential courtyards and at the entry point to allow for a very robust landscape. He further noted that it is already a heavily wooded site as most of the trees were left alone. He noted that neighbors have indicated that they cannot even see the building.

Trustee Powell questioned if the ordinance should be looked at to allow for a deviation/reduction for a site like this. He questioned the reasoning for the requirement.

Director O'Neil responded that the Township does not have a woodland ordinance and the ordinance is designed for sites that are a "dust-bowl", where they do a full clearing. He does not feel that ordinance is deficient and believes this reduction is a culmination of other factors.

Trustee Powell asked if the ordinance allows for an offset of trees that are saved versus trees that need to be planted.

Director O'Neil indicated absolutely. He further stated that often when sites are compact, Director Potter would not want utilities compacted by the vegetation.

Director Potter interjected that the ordinance cannot possibly be written to fit every scenario and that there will always be sites that don't fit the mold. He believes this is the correct process for addressing it for this site.

Trustee Powell declared that he asked his previous questions in hopes that in the future the landscape plan includes offsetting of trees/plants, but that there be a penalty if that is violated. To which Director O'Neil indicated that is exactly what a woodland ordinance does.

Rumi Shahzad, Managing Director New Hope White Lake. He noted that collectively it has been an awesome team to work with. He wanted to thank everyone involved and noted the relationships they have fostered through the process and the credit goes to the neighbors and Director O'Neil.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to amend the site plan and development agreement to plant 23% more plant material than is on site

currently; and to authorize the supervisor to sign the amendment to the development agreement so that it does not have to come back before the Board. The motion PASSED by voice vote (7 yes votes).

F. REQUEST TO APPROVE SENIOR CENTER DIRECTOR WAGE RECLASSIFICATION

Supervisor Kowall noted that this increase would bring the position to a competitive wage comparatively. He further noted what a wonderful job Kathy Gordinear does. He would like to see a new pay scale adopted with a start of \$61,600 and a cap of \$70,684, and for the current director to start at \$67,318.

Treasurer Roman indicated that she does a heck of a job and is more than deserving.

Trustee Smith agrees and noted that she goes above and beyond her job description.

Clerk Noble, who sits on the Advisory Senior Center Board agrees that she does a great job.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve the senior center director wage reclassification as presented, effective at the next pay. The motion PASSED by voice vote (7 yes votes).

G. REQUEST TO APPROVE WATER TOWER I AND II EXTERIOR CLEANING

Director Potter indicated that bids were requested from four companies that does this type of work. Of the four, two did not return bids. He received two bids for both towers:

- National Wash Authority for \$14,600
- Pittsburgh Tank and Tower for \$55,725

He is requesting approval for the project not to exceed \$14,600 to be awarded to National Wash Authority.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve the project for an amount not to exceed \$14,600.00 to be awarded to National Wash Authority. The motion PASSED by voice vote (7 yes votes).

H. REQUEST TO APPROVE DEFERRAL OF SANITARY ORDINANCE 38-514, 1385 SUGDEN LAKE ROAD

Supervisor Kowall noted there is a home down Hillway Dr. with an oddly shaped lot, that has a system in failure. The owners would like to hook-up to the sanitary sewers.

Trustee Powell thanked staff as he has been pushing to think outside of the box and he believes this is a great solution. He estimates that this homeowner would spend \$30,000 to replace a septic when there is a sewer out front.

Supervisor Kowall agrees and notes that this will only benefit everyone involved especially with the sensitive environmental areas at the lakes. He reminded that a similar situation occurred at Pinecrest which worked out well.

Attorney Hamameh noted for the benefit of the public that people understand that this is not a waiver of the requirement, it is only a deferral and that they will still have to extend whether it be along Sugden Lake Rd. or Hillway Dr., whichever is in the best interest of the master plan and sewer system. She stated that the reason for the deferral now is that it is impractical, and it would require facilities that are not good for the overall system.

Director Potter indicated it would be injurious to the system and the resident because of the cost involved to extend the sewer one house.

It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve the deferral of sanitary ordinance 38-514 for 1385 Sugden Lake Road due to an emergency condition of their sanitary on-site sewage disposal system. The motion PASSED by voice vote (7 yes votes).

I. RESOLUTION #22-031; TO APPROVE MDOT 2023 ANNUAL PERFORMANCE

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to approve the MDOT 2023 Annual Performance Permit, Resolution #22-031, as presented. The motion PASSED by voice vote (7 yes votes).

J. RESOLUTION #22-033; TO APPROVE 2023 GENERAL APPROPRIATIONS ACT

It was MOVED by Trustee Ruggles, SUPPORTED by Treasurer Roman to approve the 2023 General Appropriates Act, Resolution #22-033. The motion PASSED by voice vote (7 yes votes).

K. REQUEST TO APPROVE 2023 TOWNSHIP BUDGET

Supervisor Kowall indicated the Township is passing a balanced budget in all departments and the Township is in good financial shape. He further indicated that Elaine recommends passing the budget from her financial standpoint.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve the 2023 Township Budget. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Smith/yes, Ruggles/yes, Voorheis/yes, Powell/yes).

L. REQUEST TO REFER THE SECTION 61 REVIEW OF THE MICHIGAN PLANNING ENABLING ACT TO THE PLANNING COMMISSION – CIVIC CENTER/PUBLIC SAFETY BUILDING AND STANLEY PARK

Director O’Neil believes this is the first time the Township has considered anything like this. He noted that Section 61 requires the Planning Commission to review and approve the location, character, and extent of new public streets, parks, open space, buildings, and other public facilities prior to construction/purchase in areas covered by a Master Plan, which would be all of White Lake as it is covered by a Master Plan. The MPEA does not require a public hearing for Section 61 reviews. The Section 61 review process begins by the Township Board referring the request to the Planning Commission. He noted the Planning Commission then has 35 days to act.

Director O’Neil continued that the Township Board plans to authorize construction and financing of a Public Safety Building to house both the Police and Fire departments, as well as a Civic Center (Township Hall) for municipal offices on a portion of Parcel Number 12-22-351-006. Additionally, Stanley Park Phase 1 development is slated to commence Spring/Summer of 2023 at 10785 Elizabeth Lake Road (Parcel Number 12-27-100-014). The ability of the Township to maintain acceptable levels of service and quality of life for existing and new residents is the focus of these development efforts. While the Township Board is committed to pursuing the aforementioned projects on its Elizabeth Lake Road properties, the Section 61 review process is a function of the Planning Commission and should be completed at this time. Staff suggests the Township Board initiate the Section 61 review of these projects by referral to the Planning Commission for its evaluation, which will be limited in scope as set forth in the MPEA.

Lastly, he thanked Justin Quagliata, Staff Planner for his work on the memo.

Trustee Powell asked that in a normal process a developer hires its consultants and they come in with a plan for the Planning Commission to review. In this case the Township is the owner/developer. He questions what the Planning Commission will review since there is no initiated plan for development.

Director O’Neil indicated the Planning Commission will review at the kinds of land use and the operation that is intended to develop in the area. They will look at the road development along with the surrounding properties to determine if it is appropriate or not. He opined that the process would take fifteen minutes and is simply a requirement and an act of transparency. He opined that the process is just checking a box as a requirement. He further noted that if the Township

will be seeking grant funds for the project, it is important for the state to know this has been done.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to refer the Section 61 review of the Michigan Planning Enabling Act to the Planning Commission as this Board has currently proposed. The motion PASSED by voice vote (7 yes votes).

M. RESOLUTION #22-036; ACCEPTING THE VOLUNTARY DONATION OF VACANT REAL PROPERTY

Treasurer Roman shared that he was approached by a resident named John who had a friend that was interested in donating a piece of vacant property to the Township. He contacted the Eugene Ryeson, who was one of the founding members of the Highland House Restaurant, who would like to generously donate a piece of property to the Township. It is roughly a 6-acre piece located on the north side of M59, near the church. He is asking the Board to accept Mr. Ryeson's donation of the property.

Supervisor Kowall indicated that the property is west of Lowe's and east of the church and includes river front property. He clarified that this property does not include the home immediately west of Lowe's.

Treasurer Roman shared that Mr. Ryeson was asked if the property ever sold, if he had input as to where the profit should go, and it was noted that he has a soft spot for the senior center.

It was MOVED by Clerk Noble, SUPPORTED by Trustee Voorheis to approve Resolution #22-036, accepting the voluntary donation of vacant real property. The motion PASSED by voice vote (7 yes votes).

Supervisor Kowall shared that he has been working with Oakland County Parks to create a water trail within the Township for several years. With the assertion of this property he believes there is potentially a drop in for a water trail with a pickup that would be a property owned by the Township off Elizabeth Lake Road, just east of Union Lake Road. He opined that it is not very big, but large enough for 1.5-hour canoe/kayak trip. He declared that it will be just another amenity the Township will have.

Treasurer Roman thanked Supervisor Kowall, Director O'Neil, and Assessor Hieber for their help.

N. RESOLUTION #22-034 TO APPROVE CROWN CASTLE FIBER USA TELECOMMUNICATIONS SERVICES LLC METRO ACT PERMIT

Trustee Ruggles clarified that the correct Resolution number 22-034.

Attorney Hamameh interjected that they already have a Metro Act Permit which was assigned to them from their predecessor Fiber Technologies. They want to expand their network and this permit allows that subject to pulling any necessary permits as they do construction.

Trustee Powell asked if there is a requirement for a site plan review so that the police department knows where they will be working. He represents a community which requires the same.

Attorney Hamameh interjected that in accordance with paragraph two, that it is conditioned upon obtaining the necessary construction or engineering permits prior to expanding its facilities.

Supervisor Kowall indicated that the Township needs to know.

Attorney Hamameh noted that the Township's ordinance provides that it requires the Township's review. She indicated the Metro Act has a provision that allows the Township Board to impose conditions on the issuance of a permit, which conditions shall be limited to communicators providers access and usage of a public right of way.

Conversation ensued regarding the Township receiving notification of where they are working, and traffic jams caused by their work.

It was MOVED by Clerk Noble, SUPPORTED by Trustee Powell to approve Resolution #22-034. The motion PASSED by voice vote (7 yes votes).

**O. RESOLUTION #22-030; AFFIRMING THE WHITE LAKE TOWNSHIP
BOARDS POSITION ON THE OAKLAND COUNTY TRANSPORTATION
MILLAGE**

Supervisor Kowall shared that there will be a countywide millage for everyone that owns property and pays property taxes. It is .95 mills, which from White Lake Township would bring in approximately \$1.3 million annually. The return for this is uncertain as the Township has W.O.T.A., which runs and serves the public in this area. He believes that transportation is community specific and that communities should have a say in determining their own destiny and what costs they want to have in the system. He noted the Resolution explains the Township's opposition to this. He read the Resolution into the record.

Director O'Neil clarified that it is \$1.3 million annually in taxes and \$16 million over ten years.

Clerk Noble commented that the Township along with neighboring communities have spent \$1.6 million for W.O.T.A. Now the Township would have to give \$5 million to get \$2 million back. He is not a proponent and believes it is a bad math problem.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to adopt Resolution #22-030 with the amended dollar amount. The motion PASSED by voice vote (7 yes votes).

P. CONSTRUCTION ADVISORY COMMITTEE UPDATE

Treasurer Roman updated that the Committee, which includes Trustee Powell, Director O'Neil, Clerk Noble and himself, have met with six different construction management firms. All were conducted via Zoom. He found it interesting how much you can learn from a 30-40-minute Zoom call. They did an unofficial ranking and wanted to advise the Board that Daniel Redstone has created an RFQ for the public safety building. The next goal is to get an RFQ for the township hall. He noted one big change was that Mr. Redstone was of the of thought that the public safety building would be built first, when in fact both buildings are to be built at the same time to save costs. Mr. Redstone recommended that the Township use an architect that he works well with so that both buildings can be designed using as many common materials and specs as possible. He provided a name to the Committee. Once the RFQ for the township hall is sent out the Committee will recommend construction managers to the Board for interview and selection.

Trustee Powell indicated there are advantages to having the same construction manager for both buildings. He noted that once the foundation is done with one building, they can move directly to the next which eliminates mobilization, and it increases the size of the project which makes it more appealing to a contractor to keep their prices as low as possible. Therefore, the Committee is recommending using the same construction manager for both buildings. This is not to say they will make the same recommendation for architects. He further shared that Mr. Redstone does not have the staff or time to handle two buildings.

Trustee Powell indicated that there are architects that the Township has dealt with before that they would like to get their input on availability to design the other building in collaboration with Redstone. This way the two buildings will look like a campus. He opined that they are progressing, and that the Committee wanted to make sure the Board had an update. He further thanked Director O'Neil for his leadership and coordination.

Clerk Noble thanked Director O'Neil and noted that the Committee is on the same page. He further indicated that the ranking will be more of a "meet and greet".

Supervisor Kowall indicated it will be part of the process to make sure to get the right fit. He further opined that Trustee Powell has the experience and Director O'Neil know the right

questions to ask from a planning standpoint. He believes the right people are in place to flush out and get the type of people the Township wants.

Trustee Powell shared that the Committee wants this topic to be an item on the agenda every month.

Director O'Neil indicated the goal is to move along the RFP process with Dan Redstone and to bring the draft RFP to the November meeting so that the Board can act. He noted there will be at least a thirty-day window to get the RFPs back. The goal is to have the three Board members who are on the Committee to provide a short list.

Trustee Powell clarified that the RFQ's were done by Zoom and that they analyzed the request for qualifications in the Zoom meeting in which they are short listing. The RFP is a request for proposals (numbers, staff, allocating, etc.,) to make a representation to the Board.

Supervisor Kowall indicated that will be part of the process and that none of the approvals will go forward without the approval of the Board.

Treasurer Roman regarding the RFP approval process believes a discussion is necessary as to who will review the final RFP, as it is a legal document. He noted that currently both attorney Hamameh's firm and WWRP firm have been used.

Attorney Hamameh believes it needs to be clear and consistent. She indicated that two different firms should not be reviewing different sections of it. She thinks either they both review it or the Board chooses someone to be the reviewer.

Director O'Neil would like to give the Board at least two-weeks to review the documents prior to the November meeting.

Attorney Hamameh thinks that whoever is going to assist with the development from a legal standpoint should be the person who drafts and/or approves the RFP.

Agreement of several Board members was declared.

Supervisor Kowall believes it is in the best interest of the Township to pursue that course with WWRP.

Trustee Smith asks that attorney Hamameh be involved as she always has the best interest of the Township.

Attorney Hamameh interjected that perhaps after the John Gaber's comments she can do a final cursory overview to ensure it is consistent with the Township's ordinances.

Mike Leuffgen, DLZ. Regarding the Elizabeth Lake Road paving indicated it will proceed as a development project. He shared that the road commission voiced concerns about construction next season with other projects. The timeframe still needs to be figured out as does the staging. He shared that they are having conversations with the road commission to try and get a schedule. He also indicated that the is an environmental aspect must be looked at. As of right now, he believes next years will be a planning year with bids in November/December for Elizabeth Lake Road and that 2024 construction will make the most sense. He indicated that the grant obligation will not be a problem as the money has to spent by 2030.

TRUSTEE COMMENTS

Trustee Voorheis thanked everyone for wearing pink in honor of Breast Cancer Awareness Month. She shared that 1 in 8 women will develop breast cancer and in 2022 and that 2,170 men will be diagnosed with breast cancer. She shared that of that number 530 will die from breast cancer.

She shared that two weeks ago she joined her friends at the Daughters of the American Revolution Chapter at the White Lake Cemetery cleaning headstones. They spent three hours and she found it very rewarding to see headstones from the 1800's come alive. She thanked Clerk Noble for coming out and shared that Reverend George Borgmann who was captain in the 15th infantry would be proud that his headstone and information can be read thanks to Clerk Noble's hard work. She takes pride in this cemetery as it is her family cemetery.

She reminded everyone to go out and vote on November 8th.

Trustee Ruggles shared that the Planning Commission met on October 6th and that all the items on the agenda appeared before the Board tonight. The next meeting is October 20th. He noted that the trunk or treating was a great success.

Trustee Powell opined that it would have been helpful to have the car wash agenda item prior to the Avalon item as the car wash has offered \$20,000 in community benefit, but a \$140 million project can only muster \$100,000. He would have liked to have known that and presented it to the public when Mr. Galbraith was standing before the Board.

He requests that the residents get out and vote on November 8th and those that can't please get an absentee ballot to vote. It is his opinion that everyone should be as informed as they possibly can. His opinion is to vote no on each proposal.

Trustee Smith updated that the library has a very robust fall programing and that they will have trick or treating at the library where they will provide goodie bags and allergy free goodie bags.

She noted that it is Breast Cancer Awareness Month, and she doesn't think there is anyone that hasn't been affected in some way shape or form. She shared that it does affect men, women and pets and encouraged that you check everybody. She shared that her dog is a breast cancer survivor. She further indicated that it is also Domestic Violence Awareness Month and encouraged residents to show their support by wearing purple every Thursday. She shared that Michigan has a crisis hotline if you need help and if you are in immediate danger, please call 911.

She noted that the trunk or treat event was fun and that it was great to see everyone. She thanked everyone who made it possible. She also welcomed the new CERT members, including Treasurer Roman.

She encouraged everyone to get out and vote on November 8th and invited the public to attend the veteran's ceremony that is being planned for November 11th at the White Lake Ceremony.

She thanked the police and fire departments for collaborating with the Oakland County Sherriff's Department and Lakeside Towing for going the extra mile to support a child in White Lake who is battling cancer.

She wished everyone a safe and happy Halloween.

Treasurer Roman thanked the residents who tuned in and to those in attendance who stayed for the entire meeting.

He opined that trunk or treating was amazing and he thanked everyone who helped. He thanked Trustee Ruggles for the donuts.

Clerk Noble shared that he and his incredible staff are working non-stop for the upcoming election. He thanked Brian for his efforts in contacting local businesses to feed the election workers.

He shared that he is growing a beard for Chief Keller's no shave November, which raised over \$40,000 last year that went to a child that was attacked by two pit bulls. He opined that it is a wonderful cause and he commended Chief Keller and his department.

Supervisor Kowall declared also that trunk or treating was a good time. He knows it was a success when he and his wife were cleaning up all the candy wrappers and feathers the next morning. He spoke with Greg Baroni who was super excited about the success of the event. He

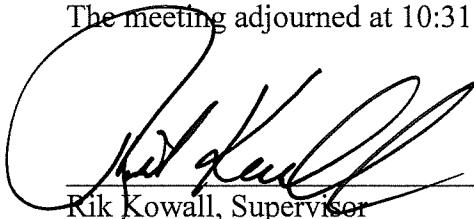
encouraged everyone to check into the Historical Society as they might just learn something about the community that they didn't know. He appreciates the police and fire department for showing up and for the drone photos.

He shared that he will be a first-time grandfather very soon. He thanked everyone here, the Board, support staff, chiefs, recorder, and everyone who makes this community a home. Good night and God bless.

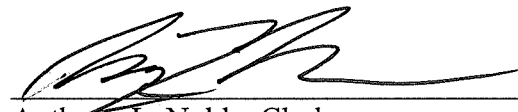
ADJOURNMENT

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

The meeting adjourned at 10:31 p.m.



Rik Kowall, Supervisor
Charter Township of White Lake



Anthony L. Noble, Clerk
Charter Township of White Lake

