

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
October 20, 2020

Supervisor Kowall called the meeting to order at 7:06 p.m. The meeting was held via Zoom video conferencing. He then led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer
Michael Powell, Trustee
Andrea C. Voorheis, Trustee
Liz Smith, Trustee
Scott Ruggles, Trustee

Also Present: Sean O'Neil, Planning Director
Aaron Potter, DPS
Lisa Hamameh, Attorney
Jennifer Edens, Recording Secretary

AGENDA

Clerk Lilley made the following changes to the Agenda:

- Add 11F Huron Valley School Issue and DLZ Contractual Obligation
- Remove 8A and item 9C

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the Agenda, as amended. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

PUBLIC COMMENT

No public comment.

CONSENT AGENDA

- A. REVENUE AND EXPENSE**
- B. BUDGET AMENDMENTS**
- C. CHECK DISBURSEMENT**
- D. APPOINTMENT – CIVIL SERVICE COMMISSION - RONALD STEPHENS 2021-2026**
- E. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**

3. COMMUNITY DEVELOPMENT
4. TREASURER

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

Supervisor Kowall thanked Ronald Stephens who has been reappointed to the Civil Service Commission from 2021 – 2026.

MINUTES

- A. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, SEPTEMBER 15, 2020
- B. APPROVAL OF MINUTES – REGULAR BOARD MEETING, SEPTEMBER 15, 2020
- C. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, SEPTEMBER 23, 2020
- D. APPROVAL OF MINUTES – SPECIAL JOINT BOARD MEETING WITH THE CIVIC CENTER DEVELOPMENT COMMITTEE, SEPTEMBER 29, 2020

Trustee Powell noted regarding the Minutes of the Special Board Meeting, September 15, 2020, that it should indicate at the top that the meeting was held via Zoom technology.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to approve all the Minutes (A, B, C, and D) with the modification of Minutes “A” to include conducted via Zoom. The motion **PASSED** by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes).

PRESENTATION

- A. CITIZEN RECOGNITION – DREW JOHNSON, BOY SCOUT, LIFE RANK – TROOP 113

Removed

- B. OAKLAND COUNTY PARKS & REC – 2020 MILLAGE

Mike Donnellon, Jr., Chief of Park Facilities Maintenance and Development and Tom Hughes, Chief of Park Operations of Oakland County. Mr. Donnellon indicated that he is here tonight to bring awareness of the 2020 Millage. He offered clarification of what is being asked of voters on November 3rd. He stated that every ten years they come to the voters for a milage approval and reminded that Oakland county has many lakes and recreational opportunities within the county including four levels of parks. He furthered that

Oakland County has fourteen parks with the newest addition of Holly Oaks ORV Park. He continued to share a PowerPoint presentation that highlighted the following:

- Recreation outreach is 1.9 million with nearly 2 million visitors
- 75 fulltime staff and 700 parttime staff and nearly 1,000 volunteers
- Projects and improvements 2010 – 2020
- Historical Perspective
 - In 1966 there was one park and a .25 milage
 - Currently there are fourteen parks and they and a .2310 milage
- O CPR Financial Picture
 - \$20M deferred maintenance
 - Shrinking capital budget
 - Net position decreasing each year
- 2017 county-wide survey
- 11/3/20 ballot question
 - Asking voters for a replacement milage from .25 to .35, which will help with deferred maintenance
- Digital tool kit on county website to provide factual information
- Planned new initiatives
 - Free vehicle passes for seniors, veterans, and persons with permanent disabilities
 - Grant program for trails throughout the county
 - Grant program for local park improvements
 - Increased programmatic outreach
 - Dedicated funding for invasive species management county-wide
- Millage options

He furthered that .35 milage equals \$35 per year for a home with a market value of \$200,000.

Trustee Powell thanked Mr. Donnellon for the presentation and indicated that he is thrilled that he is in his position.

Supervisor Kowall also thanked him for the presentation and noted that there is a lot of value in the parks and that he personally is in support of them.

PUBLIC HEARINGS

A. DANGEROUS BUILDING SHOW CAUSE HEARING – 1337 PARK

Nick Spencer is recommending demolition of 1337 Park. He reminded that this has been before the Board several times previously. He noted that in the past seven months there has been no communication from the owner or HomeVestors. He furthered that the property is in great disrepair and that the home is

unhabitable. He stated that the home has no foundation, running water, sewer, or heat. It is before the Board tonight for approval of demolition.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to open the public hearing. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

Jason Hudson agreed with Mr. Spencer's statements. He added that they have had juveniles breaking into the building and that neighbors have continually complained about the home and its disrepair. He believes it is well past the time to take these actions.

John Hookana, owner of 1337 Park. He shared that he had an investor from HomeVestors and that the Township advised him he needed to put down an escrow of \$15,000. Since then, he has not heard from him and he is not sure why. He furthered that he has been paying the taxes since 2008. He investigated doing the work himself but learned that he could not afford a contractor. He is on a fixed income and cannot afford it. He wants to sell it and try to recoup some money. He indicates that he has done a lot of due diligence, but people do not get back with him. He is unable to get a loan on a house he does not live in.

Supervisor Kowall indicated that the issue here is that it has been sitting for an extended period of time, beyond the date given to the investor to come forward.

Trustee Ruggles thinks the property owner has been made aware since the last meeting. He agrees with listening to Mr. Hudson and Mr. Spencer and enforce the ordinance and move forward with addressing this dangerous situation.

Treasurer Roman believes this property is danger to the residents and that Mr. Hookana has had sufficient time to remedy the situation and he thinks his time has run out.

Trustee Voorheis feels bad, but this property is a safety hazard to the residents, and it needs to go.

Trustee Powell believes the property is worth more without the structure on it and that the owner will be able to recoup something.

Paul (indiscernible), attorney for Mr. Hookana. He noted that a struggle his client has had is that during the time that the purchase agreements were entered into and the buyers doing due diligence, is that Mr. Hookana is legally prevented from making major alterations to the structure. He shared that a letter was sent a couple of weeks ago to the purchaser that they are unilaterally terminating the contract even though they do not have that right to do so. His hands have been tied lawfully.

Supervisor Kowall understands and believes that there may be more value in just the dirt.

Trustee Smith is looking at this very passionately and believes that Mr. Hookana is sincere. She wants him to know that this Board has truly tried, but this is a danger in the community. She reminded the allotted time that has been granted.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to close the public hearing. The motion PASSED by roll call vote (Voorheis/yes, Powell/yes, Smith/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

Mr. Spencer read the decision of the Dangerous Hearing Building Hearing Officer into the record.

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to affirm the decision of the Dangerous Building Hearing Officer and to continue the process of obtaining bids for demolition of the structure at 1337 Park. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes with comment, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

Trustee Powell noted that the owner could have done something in June, July, August, or September. It seems like he only does something when the action is taken, and his back is against the wall with the Township. He noted that eventually the Board becomes a laughingstock because we are too easy and for this reason his vote is yes.

B. REPROGRAMMING OF PY2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Supervisor Kowall reminded that last year monies were set aside to put a new roof on the Dublin Senior Center. Trish Pergament has been overrun with request for multiple projects and concerns have been raised in the Supervisor's Office that with the cold months approaching there will be emergencies for furnaces, hot water tanks and such. Things that will be real life alternating. Ms. Pergament would like to reprogram the monies.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to open the public hearing on reprogramming of Community Development Block Grant Funds from the Township Roofing Project to a Minor Home Improvement Program. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

Trustee Ruggles agrees that the reprogramming is a great idea. He noted that she has already exhausted her funds and is turning people away.

Trustee Voorheis asked if the Senior Center is aware of the changes. To which Supervisor Kowall indicated yes, they have had a roof consultant out there and there is a good three-years left in that roof. He believes the money could be better spent on the individuals that need it.

Trustee Smith agrees and is happy that this is going directly to the residents in need. She wishes there was more to give, but that this is the best use.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to close the public hearing. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to reprogram the monies from the Roof to the Minor Home Repair Program. The motion PASSED by roll call vote (Powell/yes, Voorheis/yes, Ruggles/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

C. APPROVAL OF 2021 TOWNSHIP BUDGET

Removed.

Supervisor Kowall thanked the Board for their inquiries and support in discussing the budget and managing to reduce it.

Clerk Lilley thanked the Board for the support in retaining Cathy Derocher as Human Resources. He noted she was placed in the Supervisor's budget and he asked that the Board consider the fact that if Human Resources is going to be its own standalone department that it would be appropriate to recognize Mrs. Derocher as a department head and provide her with her own budget. He is not questioning Supervisor Kowall's oversight of Mrs. Derocher but is asking the Board moving forward to move the numbers around and provide her with her own budget. He thinks it is important and asks the Board's consideration.

Treasurer Roman noted that as an accountant, when you create a new department, what seems like a simple task is not always so simple. He suggests that Supervisor Kowall speak with Elaine and Dawn in accounting first if he is considering creating a new human resources department.

Supervisor Kowall respects Mr. Lilley's comments, but declines to support it. He believes that they have the right person, but at this point in time he prefers it be held under the supervisor's office and within its budget.

Trustee Smith asked Supervisor Kowall for an explanation as to why he is so adamant in keeping it within his budget. It was explained to her that the dollar amount would be the same and that it is just a different heading.

Supervisor Kowall indicated that HR falls under the supervisor's office and may include duties that fall under the Supervisor's Office. Therefore, in accordance with MTA guidelines, he will keep it under his office.

Trustee Smith asked if it would be appropriate to table this to get more details on what is involved to set it up.

Treasurer Roman indicated it will create a lot work and is much simpler under supervisor.

Trustee Powell is thrilled that a HR position is created, and that Cathy is first rate. He believes it belongs under supervisor and now she can be counted on by the supervisor. He noted that a department head was not set up under Clerk Lilley. He believes she will be a major asset for the Supervisor's Office.

Treasurer Roman also noted that she will be doing things for the Supervisor and if you move her away you will have HR expenses that should be under the Supervisor. He stated from an accounting standpoint it really makes sense to leave it the way it is.

Supervisor Kowall clarified that a yes vote would create its own department and a no would keep it under the Supervisor's Office.

Trustee Smith clarified that this could be explored again if it does not work out, like a budget amendment.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to put the human resource office and create its own department head. The motion FAILED by roll call vote (Smith/no, Voorheis/no, Powell/no, Ruggles/no, Roman/no, Lilley/yes, Kowall/no).

RESOLUTION

A. RESOLUTION #20-035; 2021 GENERAL APPROPRIATIONS ACT

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the 2021 General Appropriations Act. The motion PASSED by roll call vote (Voorheis/yes, Smith/yes, Ruggles/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes).

B. RESOLUTION #20-036; 2021 TOWNSHIP BOARD SALARIES

Treasurer Roman confirmed there is no wage increase.

Clerk Lilley noted a discrepancy between the Agenda stating #20-036 and the Resolution reading #20-035.

Supervisor Kowall stated it should be #20-036.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to approve Resolution #20-036; 2021 Township Board Salaries. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes with comment, Roman/yes, Lilley/yes, Kowall/yes).

Trustee Smith commented that she would not have voted for a raise and supports this with no increase.

C. RESOLUTION #20-034; TO SUPPORT LEGISLATION TO REDUCE THE SPEED LIMIT ON UNIMPROVED ROADS

Supervisor Kowall indicated that this effort was put forth by Oakland County Township Supervisors Association of which twenty-one of the supervisors voted on this unanimously to allow support of legislation that would allow counties that have a population of one million to put speed limits on gravel roads. He believes it needs the Boards support to address the problems.

Trustee Powell read this, and he travels gravel roads and believes that 55 mph should not be the speed limit. On the flip side he would not be in favor of 25 mph speed limit either. He likes whereas language regarding 45 mph and that anything slower would need a study.

Trustee Voorheis agrees and believes it needs to be lowered to 45 mph and unlike Trustee Powell believes it should be less than 45 mph.

Trustee Ruggles agrees and that this is something that gets brought up to him all the time. It is ridiculous that you can go 55 mph in a residential area and believes it makes it unsafe to pedestrians, horseback riders, and the like. He too would be in favor of less than 45 mph. he recalls years ago a sign in front of his farm that said speed limit 25 mph and wishes it were still there.

Trustee Smith indicated that so many residents have approached Board members with their concerns for safety.

Treasurer Roman agrees and believes this is long needed.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to approve Resolution #20-034; to support legislation to reduce the speed limit on unimproved roads. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

NEW BUSINESS

A. FOIA APPEAL REQUEST BY STEVE OPPERTHAUSER

Lisa Hamameh noted this is an appeal for a FOIA request submitted to the police department. The police department redacted certain information. The only appeal is one redaction where an individual's personal address is listed and that is the location of the incident. She stated that both MCL 15.243(1)(a) and MCL 15.243(1)(b)(iii) exempt information of a personal nature, public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. Established Michigan case law states that disclosing an individual's address would clearly infringe upon the privacy interest of the person in the

disclosed report. Providing an individual's personal contact information would provide no insight on FOIA's primary objective of showing how public body operates.

In addition to statutes and case law, this appeal involves special circumstances which further supports the redactions made by the police department. Specifically, Mr. Opperthuser had been advised that what was redacted was an individual's address, which address was redacted elsewhere in the report and he did not appeal that. The additional special circumstances that the Board should be aware of involve the relationship between Mr. Opperthuser and the individual whose address has been redacted. In the past year there have been several incident reports filed by the individual whose address has been redacted alleging some form of harassment by Mr. Opperthuser. In fact, she successfully obtained a personal protection order against Mr. Opperthuser and that he had already been violated of the same. Ms. Hamameh believes there are special circumstances here that allows the Township Board to affirm the redactions made by the police department.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to affirm the police departments redaction and denial of the address listed in the location section of incident report CR20-19444, dated 9/14/19 because FOIAs privacy exemption in Sec.13(a) and the established legal precedent in Michigan support redacting an individual's personal contact information. The motion PASSED by roll call vote (Voorheis/yes, Powell/yes, Ruggles/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

B. DPS REQUEST TO APPROVE 2021 RAM PROMASTER VAN PURCHASE

DPS has received pricing from three local dealerships along with the MSRP pricing for a 2021 Ram Promaster 2500 high roof cargo van to replace the 2012 GMC Savana. Cost comparisons from MyDeal, LaFontaine, Golling, and Szott. Szott came in \$500 above cost as the lowest. He noted the specs on the van are the exact same that Amazon uses. There is a five-month lead time for delivery. The purchase was included in the 2021 DPS budget.

Supervisor Kowall commented on how nice the van is and how much of an improvement it would be.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the purchase of a 2021 Ram Promaster Cargo Van at a cost not to exceed \$35,000.00. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

C. PRELIMINARY SITE PLAN EXTENSION REQUEST - WEST VALLEY #18-027

Sean O'Neil reminded the West Valley Development Project received Preliminary Site Plan approval for 69 apartment units at the Township Board Meeting held on April 16, 2019. Article 6.8 of Zoning Ordinance No 58 states that Preliminary Site Plan Approval is valid for one year. It does allow the Board to grant a one-year extension upon recommendation by the Director of the Community Development Department. Currently the applicant, Mr. Jason Emerine, on behalf of JMF White Lake LLC, is requesting an extension. Mr. O'Neil asks that the Board consider this request tonight. If granted, the new expiration date for West

Valley's Preliminary Site Plan would be April 16, 2021, which equates to a one-year extension based on the original approval date.

Mr. O'Neil recommends that the Board approve the one-year extension request. The applicant will be required to comply with all the ordinances in effect at the time they submit plans for Final Site Plan Approval. He furthered that he provided the Board with the meeting minutes from the April 16, 2019 meeting, as well as a simple site plan layout. He noted that this applicant owns the Lake Point Project across the street.

Trustee Smith questioned whether the plans of sidewalks and road widening are still in existence.

Jason Emerine indicated they have received preliminary concept approval from Oakland County Road Commission but do not have permits at this time.

Mr. O'Neil indicated there is a pathway several hundred yards down the road and interior sidewalks proposed for this project.

Trustee Powell questioned if this project is proposing a left-hand turn lane as he believes it would be disastrous if someone were blocking traffic on Union Lake Road to turn left into this development.

Mr. O'Neil believes there will be a passing lane on the right-hand side, which was confirmed by Mr. Emerine.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve a one-year extension of the West Valley Preliminary Site Plan through April 16, 2021. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

D. REQUEST TO APPROVE LITIGATION – 9481 HIGHLAND ROAD

Lisa Hamameh indicated that Supervisor Kowall submitted a request to the Township Board to initiate litigation. She furthered that this is a business that is operating at 9481 Highland Road. It has expanded significantly to an extent that did not exist in 1999 when legal nonconforming status was afforded for 9481 Highland Road it also expanded its use into an adjacent 10-acre parcel. She noted there have been neighbors complaining about the odor and extent of business for some time now. There have been communications with Mr. Brendel as well as the current owner of the business and occupant of the property Susan Armstrong. Every attempt was made to obtain voluntary compliance, all of which have been unsuccessful.

Trustee Powell indicated that all the language is vague in the request and he feels unprepared to request and authorize litigation on this. He wondered if it should be tabled to allow time for a better understanding first. He noted that it was mentioned that this has been discussed for a year, but this is the first time he has heard about it.

Supervisor Kowall feels that they have gone the extra mile to try and remedy this situation for well over a year. All of which have gone unanswered. He does not believe this will go anywhere and he recommends the Township move forward with the litigation.

Trustee Ruggles asked if either party was notified that this is happening. To which Ms. Hamameh indicated she has not notified them that this on the agenda, but that it has been communicated that enforcement actions will be necessary if they do not comply.

Sean O'Neil shared that he was contacted by a surveyor retained by Mr. Brendel that a plan will be submitted next week. He furthered that he agrees with Supervisor Kowall's position. If action is taken to initiate litigation and in the coming days progress is made, the litigation could be halted. However authorizing litigation could light a fire.

Trustee Smith does not think it is fair that the resident was not notified that this was on the Agenda. She would like to hear from Mr. Hudson or Mr. O'Neil on the spot if they have anything to add. She agrees that this is the first time this has been brought to this Board and that concerns her. If tabled, could we see if this plan comes through.

Lisa Hamameh pointed out that she appreciates that the Board is not dealing with residents on a day to day basis when trying to get compliance, but there is a level of frustration and promises that they are told, yet nothing ever happens. Additionally, she pointed out that property owners are never advised before they come to the Board to ask for litigation and the Board is rarely aware of situations until it comes to them by way of memo from the Supervisor. She furthered that the reality of this is that this one has been in violation of the township ordinances for a long time. They have worked cooperatively with the occupant and Mr. Brendel, in fact they met with them in November of 19 and a year later nothing has been done even though they promised to submit a site plan. She reminded that they have failed to do anything.

He has expanded a legal nonconforming use. His use was lawful as it existed in 1999 on 9481 Highland Road. It is not in accordance with its current zoning of the 10-acre parcel adjacent to 9481 Highland road. There are two issues at hand: the expansion of a legal nonconforming use 9481 Highland Road and an illegal use, a use that is not zoned properly of the 10-acre parcel adjacent to it.

Trustee Powell asked if the request is to pull it back to what was originally allowed or try to eliminate the use all together.

Lisa Hamameh replied that she would file a complaint alleging violation of the zoning ordinance.

Trustee Smith supports Mr. Hudson and Mr. O'Neil and respects them both.

Trustee Ruggles indicates that under the circumstance and in lieu of tabling this he would be in favor of sending a letter or some type of correspondence.

Supervisor Kowall indicated that if we authorize litigation it does just that. The number of communications he has had with residents regarding this and complaints regarding the same. The residents are frustrated and believe that this Board does not care about them because of the lack of reaction. The history behind this has a tremendous lifetime. There has been no attempt in the last year to communicate properly and attempt to come together and make things happen. He referenced actions taken by the Township that have happened quicker and he believes we need to move forward with litigation.

Treasurer Roman thinks this will get the parties moving and if anything, the Township has waited too long for this. He is in favor of starting litigation.

Lisa Hamameh assured the Board that it will take a few weeks to draft anything based on her workload.

Trustee Voorheis agrees with Treasurer Roman. She indicated that there is a lot of history and she is sorry if not everyone knew of it. She cannot imagine being the resident that lives behind the business. She cares about the residents and believes the Board needs to move forward.

Trustee Ruggles agrees that the pumping needs to be stopped at odd hours. He asked if Mr. Hudson can address it tomorrow.

Jason Hudson indicated that he has had numerous in person meetings along with Mr. O'Neil, former supervisor Baroni, and now Supervisor Kowall with Jay Brendel and Susan Armstrong regarding the complaints. The first meeting was in 2017. The first notice of violations was sent out in 1999. This is not a recent complaint; it is an ongoing complaint. There has been zero attempt by Mr. Brendel to rectify this situation and if anything, he has made it worse prior to selling to Ms. Armstrong. He has been out there on numerous occasions when neighbors have called regarding the smell and those neighbors should not have to deal with this. He has sent letters, notice of violations, and has had numerous meetings regarding this. He believes the Township must move forward to protect the residents. He clarified that Ms. Armstrong and Anita Brendel who is also on the property have received notices regarding the same. He indicated that all parties involved have been notified, participated in meetings, and failed to do anything.

Lisa Hamameh indicated she too has had conversations with Ms. Armstrong and her attorney. She does not get the feeling that they want to be in violation. Unfortunately, the owner of the property must be on board if they apply for rezoning and she believes there might be some conflict there.

Sean O'Neil indicated there is no zoning district that would be appropriate, or no rezoning of this property that would be consistent with the Master Plan that would allow this use to continue. They have quadrupled their operation with no regard for the current ordinance.

Treasurer Roman reiterated that without catalyst, history has shown that nothing has happened with this situation. It has been twenty years. He believes that litigation will help get a settlement worked out.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to proceed with litigation as recommended by the Township Attorney regarding 9481 Highland Road and authorize the attorney and Township Supervisor to move forward. The motion PASSED by roll call vote (Voorheis/yes, Smith/yes, Powell/no with comment, Ruggles/yes, Roman/yes, Lilley/no with comment, Kowall/yes).

Trustee Powell commented that he believes this is going business and it is his understanding that it is legal nonconforming business for 20 – 25 years and he would have appreciated it if staff would have informed this board that there was a problem with a business in the Township. Mr. O'Neil and Mr. Hudson know that he respects them in every step of the way, but he is in favor of delaying this action.

Clerk Lilley agrees with Mr. Powell, that there is a new owner and a new opportunity to bring resolution. He understands that there is a lot that has gone on behind the scenes, but a lot of the Board members are not kept up to speed as to what is going on. He thinks it would be most appropriate when things become exhausted that they appear before the Board. He thinks it would be most appropriate to have Mr. Brendel and the new owner be given 30 days to appear before the Board.

E. FUND BALANCE TRANSFER REQUEST

Treasurer Roman reminded in 2019 the General Fund balance increased because as a Board they spent wisely and put a little over \$600,000 into the General Fund balance. When the 2020 Budget was approved it was approved to transfer \$500,000 of that from the General Fund to the Improvement Revolving Fund. Today he comes to the Board requesting approval of that transfer.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve the transfer of \$500,000.00 from the General Fund to the Improvement Revolving Fund. The motion PASSED by roll call vote (Powell/yes, Ruggles/yes, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

F. AGREEMENT BETWEEN HURON VALLEY SCHOOL DISTRICT AND WHITE LAKE TOWNSHIP

Supervisor Kowall noted that this is regarding engineering services to be performed in relation to the Bogie Lake watermain extension. He understands this is short notice, but he just received it. Due to the DWRF deadline there is a sense of urgency to this.

Lisa Hamameh reminded the Board of the history of this agreement. In March or April of this year, this Board approved the contract with DLZ for this work contingent upon this agreement having been negotiated with Huron Valley. They would put money in an escrow, and they would be responsible for all of that. In April, a version of this agreement was drafted and sent to Huron Valley, but it was not until September that there were any comments and since then they have gone back and forth two dozen times with changes.

The agreement will change again slightly to add DLZ as signatories to that agreement because there are insurance and liability protections for Huron Valley from DLZ.

Arron Potter added that the school districted approached the Township in December of 2018 to extend Township water to the Bogie Lake campus. The Project Plan was paid for by the school in May of 2019. The plan included two parts:

- Extension of watermain from the Township system along M59 down Bogie Lake Road, approximately two and quarter miles to supply water to their campus.
- Add iron filtration to the Aspen Meadows Wellhouse to provide them with better quality water than they currently have.

The Board approved DLZ agreement for engineering services which was outline on page 51 of the Project Plan on 3/31/2020 contingent on the Township attorney working with the school board to draft an agreement identifying what those funds were to be used for so that they could pay the money into an escrow with the Township to pay that engineering service. In seven months, we have been trying to get movement from the school. He noted that time is running out on this with the DWRP. This is an agreement for use of an escrow to pay for engineering services that this Board has already approved.

Trustee Powell thinks this is a win, win for both the school system and the township. He has an underlying concern that after the Board agreed, the school district decided that they now do not agree. He is a little gun-shy with an agreement with the school district. He questioned under Sec. L (1) it requires the school system to deposit money into an escrow and whether that has been done. He further questioned at what point do we not proceed with the project if the funds are not put into the escrow.

Supervisor Kowall and Mr. Potter both indicated not until this agreement is signed.

Lisa Hamameh would ask that whatever motion is made authorize the Supervisor to sign the agreement and make it contingent upon receipt of the escrow funds as well as a resolution authorizing Mr. VanGoethem to sign on behalf of Huron Valley as well as an understanding that this is going to be amended to add DLZ. She clarified the three amendments would be:

- Add DLZ to the contract
- Receipt of escrow funds
- Confirmation or meeting minutes authorizing Geoffrey VanGoethem to sign on behalf of Huron Valley.

Treasurer Roman clarified that their Board would have to approve Geoffrey VanGoethem to sign. To which Kowall indicated they did.

Aaron Potter indicated that the Township has been sending emails to school for months and that this entire project was brought at the request of school. This agreement is just for the escrow to pay for engineering services.

Mike Lueffgen indicated they wanted to be on their way by now. The Preliminary Plans are due in April. There will be time after that for final changes and precuring permits. From a timeline standpoint their backs are up against a wall and he appreciates the help in getting this moving along. This is exploring one opportunity for them for funding. If they miss the DWRF window they have other abilities.

Supervisor Kowall noted that since he has built a relationship with the superintendent they have responded more expeditiously. He confirmed with Mr. Lueffgen that receipt within in two weeks would be sufficient.

Trustee Powell asked is the agreement is tied closely to the DWRF requested loan for the iron removal plant and if the school system drags their feet can we still apply.

Aaron Potter indicated yes, that originally, they were included together, but the Board approved the engineering for the iron filtration at a previous meeting. The pilot study has just been concluded. Regardless whether the school goes forward with DWRF, they have alternate funding, but the Township does not. We need to meet the milestone for the Township's portions.

Treasurer Roman confirmed with Ms. Hamameh that the Agreement does not tie the Township up that they will get the school district DWRF approval.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to authorized the Supervisor to move forward with the Agreement with receipt of escrow and subject to documents the Resolution from the Huron Valley School Board allowing Jeffrey VanGoethem to sign on its behalf and adding DLZ as a signatory on the Agreement. The motion PASSED by roll call vote (Voorheis/yes, Smith/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

OLD BUSINESS

A. ASPEN MEADOWS IRON FILTRATION PILOT STUDY UPDATE

Aaron Potter shared that a long time ago the Board approved a pilot study for the Aspen Meadows. DPS has concluded the pilot testing of the Ferazur iron filtration process at the Aspen Meadows wellhouse. The study was a success and exceeded their expectations. During the four-month study, the pilot consistently and reliably produced finished water with iron concentrations less than one-third of the National Secondary Drinking Water Standard for iron which is 0.3 Mg/L. Generally, measurement of the iron concentration in the finished effluent required a spectrophotometer as the level was below the detectable level of a filed kit at all flow rates tested. Backwash volumes were generally less than 1% of production. Sanitary charges are paid based on backwash waste, therefore less sanitary charges. It will allow for a smaller filter and will be post-chlorinated. A very green friendly design.

Mike Lueffgen noted the key take away is that it is a very efficient process from a footprint standpoint. You can get a lot of flow from a given square foot area. The chemical efficiencies are nice because you are not perchlorinating and losing a lot of the chlorine to the oxidization process.

FYI – PINECREST SEWER PROJECT BID

Aaron Potter shared that it has gone out to bid and they are very favorable. Unfortunately, still have received the permit from EGLE. It seems straight forward to him and he is dumbfounded by the delay. He noted that it cannot move to the next step until they get the permit in hand. He is confident that the S.A.D. has a solid chance of going forward.

Trustee Voorheis thanked him for the update and questioned that 50 days is not normal to obtain such a permit.

Mr. Potter indicated that typically it would take about two weeks.

TRUSTEE COMMENTS

Trustee Ruggles asked what will take place at the November meeting with the transition and swearing in. To which Supervisor Kowall advised that they are still making arrangements with the district judge and that the meeting is November 17th. However technically you do not take office until noon on the 20th.

Trustee Ruggles shared that the Planning Commission meeting on October 15th was cancelled with the next meeting being on November 5th. He took the Stanley Park Public Input Survey online and questioned who came up with the questions. He is looking forward to the results of the survey. He reminded everyone to get out and vote on November 3rd.

Trustee Voorheis shared as Parks and Rec liaison that they have been busy. They had a tour of Stanley Park and noted that they had a tour of Stanley Park along with its newest members, Trustees Smith, and Powell. She noted that it is a gorgeous park and great asset for White Lake Township. On the 14th there was 1.5 hour visiting session where social distancing was practiced along with the wearing of masks. There were 50 – 75 people in attendance. People that were there want a dog park.

She shared a historical tidbit from 1920 of a farm being resorted to summer resort use was that of Eli Brendel. Now known as Brendel Heights. She wished everyone be safe, be healthy and go vote on November 3rd.

Treasurer Roman loves the idea of a dog park at Stanley park as it is centrally located and that grant money could be used to do it. He thinks that is a better idea than milage money.

He thanked his fellow Board members for the wise thoughts, concerns, and comments brought up at every Board meeting. He shared that the Board is not supposed to all agree. It is natural to have split votes. As the Board will change soon, he asks that we continue to disagree in a respectful manner. We might disagree on issues but everyone on this Board wants what is best. He shared that it has been a pleasure working with Terry for all these years and that he will be missed.

Clerk Lilley thanked his staff for the amount of work this election has created. He indicated that his staff has been working every night to 8-9pm processing ballots. He indicated that starting with the 26th you will begin to see the new Clerk, Mr. Noble. He will be working with him to get election experience. He will work with him the week of the 26th through the election. He stated that they are on the right path to make a smooth transition and offer him his experience.

Supervisor Kowall thanked Trustees Smith and Powell for stepping up and becoming members of the Stanley Park Master Planning Committee. He opined that it is good to have people who have passion involved.

Trustee Smith thanked Supervisor Kowall for the kind words. She also thanked Clerk Lilley for his honorable and smooth transition that he is participating in. She updated that the library is open at stage three. They recently received a \$5,000 grant and are now providing wireless service in the parking lot for all residents. She had so much fun welcoming the fireman that was walking 140 miles. She and her family did donate to his cause of fireman cancer awareness. He does it every year and she encourages everyone to assist him next year.

October is Breast Cancer Awareness Month. She thanked everyone for joining her in wearing pink tonight. She reminded that last September she came directly to a board meeting from a funeral of a dear friend who lost their battle with breast cancer and associated complications. She reminded that it does affect men, women, and pets. Her dog is a breast cancer survivor. It is near and dear to her heart. She shared that it is also Pitt Bull Awareness Month. She shared that there is a unique organization in White Lake called Pitt Bull Education Project. They do incredible work and are a local organization doing a wonderful job and trying to save dogs.

She clarified that Halloween is not cancelled in White Lake Township. She encouraged residents to do what they feel best for their family.

She had fun touring Stanley Park. She knows this is are a lot of questions, but asks that residents are patient as they want to do it right. She encouraged everyone to take the survey.

She reminded everyone to get out and vote on November 3rd. The Clerk's Department has special election hours on Saturday, October 31st from 4pm to 8pm. Yesterday was the last day to register online. She will see you at the polls and is very much looking forward to working with her colleagues. She thanked White Lake, and God bless the first responders.

Trustee Powell thanked Supervisor Kowall for appointing him to the Park Committee as parks and pathways are near and dear to his heart. He pointed out that there were six items on the ZBA Agenda last Thursday and the meeting went to 10:30 p.m. One of the big items, and he suggest working with the Planning Department, is the outdated zoning ordinance that homes cannot be improved by more than 50% of their assessed value of the structure. With construction costs it inhibits a lot of people from being able to improve their home.

He questioned where the name Stanley Park came from. To which Supervisor Kowall shared that it came from Stanley Pawlak. Mrs. Pawlak requested that it be the name of the park and she would not sell it to the Township unless they did.

Trustee Powell thanked White Lake Township staff for stepping up their game regarding the budget. It makes the Board's job easier. He gave a personal thank you to each of them and to Clerk Lilley for his service to the Township.

Supervisor Kowall shared that the Stanley Park, Triangle Trail, and Civic Center are all changes. He noted that we see many changes, some good, some not so good, but it is the Board's responsibility to be the guardians of those changes. He believes this Board takes that very seriously. He believes that there are a lot of little things done behind the scenes to make things precise and a better place to live for everyone. He shared that the HR office is coming along.


He noted that Ron's IGA on Round Lake Road is hopefully in its last light. The soil erosion permit has been applied for and he is hopeful that the permit will be issued shortly.

He reminded to be mindful of each other and this includes our new clerk as he learns. Anthony will be a big asset to the community, and he believes it will be a productive next four years and he looks forward to working with him. It will be a sweet sorrow next month regarding Clerk Lilley and his knowledge. Good night and God bless White Lake.

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith to adjourn. The motion PASSED by raise of hand (all in favor).

The meeting adjourned at 9:55 p.m.

I, Terry Lilley, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the October 20, 2020 regular board meeting minutes.



Terry Lilley, MMC; MiPMC
White Lake Township
Oakland County, Michigan