

**CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Special Board of Trustees Meeting
April 13, 2022**

Supervisor Kowall called the meeting to order at 5:00 p.m. He then led the Pledge of Allegiance.

Clerk Noble called the roll:

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

Also Present: Lisa Hamameh, Township Attorney
Sean O'Neil, Community Development Director
Jeanine Smith, Township Assessor
Jennifer Edens, Recording Secretary

AGENDA

Supervisor Kowall added Item 4A – Public Comment

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

PUBLIC COMMENT

No public comment.

CLOSED SESSION

- A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS, IN ACORDANCE WITH MCL 15.268(1)(h)**

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to recess into closed session to consider attorney/client privileged communications, in accordance with MCL 15.268(1)(h). The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Voorheis/yes, Powell/yes, Smith/yes, Ruggles/yes).

Recess into Closed Session at 5:03 p.m.

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

Returned to regular session at 6:17 p.m.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to direct the attorney to proceed as directed in executive session. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes, Ruggles/yes).

NEW BUSINESS

A. REQUEST TO APPROVE AMENDMENT TO PLANNED DEVELOPMENT AGREEMENT PRESERVE AT HIDDEN LAKE

Director O'Neil indicated that before the Board tonight is another amendment to the development agreement. He reminded that this topic was before the Board in January to discuss pond level issues. He noted some of the issues are cited in the packet and are still ongoing. He stated that this has more to do with when the plans were reconciled, it was recognized that the plan in the form in which it was approved in, did not meet some of the requirements. Specifically, rear setbacks on units 69, 70, 71, 89 and portions of rear patios located in the storm sewers. He shared that this does not change anything, but that it was approved without checking the setbacks. The Planning Commission recommends that the final site plan and development agreement be amended to allow for what they are requesting. He pointed out that additional trees were asked for by the Planning Commission. He also shared that language was requested regarding personal injury liability on top of the other indemnification that the Township was already going to request, and that the applicant agreed to such language. He further stated that this would cover the Township into the future for patio damage that occurs while fixing a storm sewer, leaving the Township in a position to not have to fix it.

Director O'Neil further asked that if the Board makes a motion to approve this that it cites all the conditions recommended by the Planning Commission.

Trustee Powell questioned the setback from the subdivision to the west. He noted there is a thirty-foot setback to the building itself and a presumed setback to the proposed patio/decks. He does not know how far they are allowed to extend into the rear setbacks.

Director O'Neil indicated that he believes it is ten feet and he believes they will be patios.

Trustee Powell noted that he participated in a Zoom meeting today and that the applicant has agreed to and will provide specific direction to the HOA and hold the HOA responsible for any flooding that occurs in the future, and this will be part of the development agreement. He believes this was allowed previously to be approved administratively and he noted that he appreciated being put on that board as well.

Director O'Neil indicated that the current Master Deed brings units 69-78 online and that they have parcel numbers and building permits can be issued, and in fact some have been. He shared that there are six units that the applicant would like building permits for.

Supervisor Kowall believes that inevitably they will receive building permits and he personally sees no reason from obstructing them from moving forward.

Trustee Powell as a point of interest asked Supervisor Kowall to announce that public comment will be received for each agenda item.

Supervisor Kowall asked those in the gallery if there were any comments regarding this topic. To which, there were none.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Powell to approve the amended planned development agreement for Preserve at Hidden Lake, consisting of 38.33 acres; identified as parcel 12-36-101-001, 12-36-101-003, and 12-36-101-004 and to also include all the conditions set forth by the Planning Commission and consultants. The motion PASSED by voice vote (7 yes votes).

B. CONCEPTUAL PLAN REVIEW, 8300 PONTIAC LAKE ROAD

Director O'Neil indicated that Mr. Zeer is here tonight to present. He noted that when a high-profile piece of property comes up, he directs the applicant to the Planning Commission and then to the Township Board to get conceptual feedback. He shared that this has not been reviewed yet and ordinance standards have not been applied to this yet. He identified that this is just the applicant's idea. He further indicated that the applicant did appear at a planning commission meeting but did not receive a lot of feedback. He is looking for feedback from the Township Board. He reminded that this is the Pontiac Lake gateway district. He noted that Mr. Zeer is proposing fifty apartment units which is smaller than originally planned, and a restaurant area. He believes the property is approximately three-acres in size.

Trustee Ruggles shared that he was at the four-hour planning commission meeting and that Mr. Zeer did not get the full review of the Planning Commission, nor would he until he requests to appear before them. He further noted that Mr. Zeer was on the agenda at the last Township meeting when there were a number of residents present from Pontiac Lake. He notes tonight they are not here and suggests that it was difficult to make a 6:00 p.m. meeting. He further shared that he has been inundated with phone calls from lake residents who would like the opportunity to speak.

Trustee Smith would be in support of tabling this until the regular board meeting so that residents can attend as she too has been contacted by residents regarding this.

Supervisor Kowall feels that since this is a conceptual idea, he does not think it would hurt the Board to have some idea or review of it.

Trustee Powell agrees if the public has an opportunity to speak and that the Board is not being bound by anything tonight.

Mr. Zeer indicated he is here tonight to receive this Board's feedback. He opined that this is a very unique project, and he believes this is one of the nicest parcels on the water. He would love the challenge and opportunity to bring something nice to the gateway district. He has been a developer for twenty-five years with developments in Waterford, Springfield Township and he has won awards for his developments. He noted that they do nice work and projects that their name is proud to be on and projects that are nice for the community as well. He noted there is 900 feet frontage on the water and that Director O'Neil shared with him that the Township would like to see a commercial component. He shared that he met with resident Mark Degroff. Mr. Degroff shared with him that a restaurant on the property would be a good fit. He also noted that he took into consideration cross access for future neighbors as suggested by Director O'Neil. He understands the density concerns, but notes that with a lake that size and a parcel that big that he would only be adding twenty to twenty-five families on the water, not all fifty units. He noted that there would be a common area/beach area and a restaurant where boats/snowmobiles could dock to use the facility. He also shared that they would like to do some sort of walking area. He further indicated that they would not mind doing a monument sign regarding the gateway district. He believes this will catapult what the Township wants to achieve and what he is looking to achieve and that they will look nice.

Mr. Zeer noted that it is good that the mobile home park is gone, but as he understands, he might be the third developer to come before the Board regarding this property. He declared that he knows what the expectations are, but also knows what is realistic from a developer standpoint. He welcomes the Board's comments.

Trustee Ruggles has an issue with the density, with apartments on the lake and the intent of or assignment of docks. He noted this drawing is different than the last drawing he saw and that the parking has changed. He also shared that he does not think of families in regard to apartments.

Mr. Zeer interjected that the rumor that these would be Section 8 apartments is untrue. He shared that this will be \$15,000,000.00 to \$20,000,000.00 investment in White Lake and that it will be an upscale development. He further indicated that these apartments would rent for \$2,000 to \$4,000 depending on the number of bedrooms. He believes it will be empty nesters and young professionals that will lease the apartments and not riffraff. He declared that they will be high end, nice units, with long term renters. He encouraged the Board to check out their website and see the awards they have received.

Clerk Noble noted that he is a stickler for showing up on time and questioned why Mr. Zeer did not last time.

Mr. Zeer shared that the last time he was present for four to five hours and got five minutes of time. He further shared that he was only ten to fifteen minutes late. He respects the decision of the Supervisor to have the matter not heard but reminds that he was going by what happened prior.

Clerk Noble noted that it is not fair to put this on the Supervisor and to not have the residents present to speak as they were here last time.

Trustee Smith reminded that the Planning Commission and Township Board are two different boards.

Mr. Zeer reiterated in response to Clerk Noble's question, that rent will be between \$2,000 and \$4,000 based on number of rooms and boat slips. He based his numbers from what is happening at Four Corners, which is \$2 per square foot. He notes that being on the water he will get at least \$500 more a month.

Trustee Smith shares in the same concerns with the density and parking. She is not sure these fit in the Township's vision for the gateway, but noted she is in favor of a restaurant on this site. She further indicated that she definitely wants to hear from the residents on this.

Mr. Zeer opined that this must make sense for everyone and that the Board needs to decide what is best for the community. He understands that he cannot make everyone happy, but that there must be some give and take. He reminded that he has made changes and is trying to be sensitive to what the Township is looking for.

Trustee Voorheis clarified there are fifty units and one hundred and fifty-one parking spaces and that residents would be encouraged to park behind their residence. She loves the idea of a restaurant on the water. She questioned what the view would be.

Mark Degroff, 9776 Bonnie Briar. He interjected that the view would be looking more towards Skull Island and the park.

Trustee Powell agrees with his colleagues that the density is too high. He noted that it is sixteen units per acre and that the ordinance is nowhere close to that. He further shared that he is not a fan of apartments and prefers condominiums and homeownership. He is not a fan of all the docks on the lake and notes that a marina permit may be required from EGLE/DNR. He believes that the allowable boats are a lot in his opinion. He further opined that storm water will be a huge issue on this site and the tremendous amount of pavement on the drawing would be better used for rain gardens and clarity of storm water. He believes there is an engineering issue as well. He is not a fan of the building architecture and finds it to be too flat of a building. He was personally looking for something to be tied into the M-59 peninsula and this does not seem to be that. He suggests that it lacks landscaping as well. He also noted that the homes would be right on the road and that he would be looking for better buffering to the right of way and maintaining setbacks.

He opined that he will be looking for something that is a giveback to the Township, and he sees nothing here except a project that enhances Mr. Zeer's bottom line. He sees no benefit to the Township. Mr. Zeer interjected that is why he would do a monument sign or a boardwalk/sidewalk. He is not sure what else Trustee Powell would be looking for on a three-acre parcel. He further asked how many boats Trustee Powell would want on there.

Trustee Powell noted there are developments that allow the first five renters to have a slip, and not the first thirty. He shared that he grew up on Union Lake and that it got to the point that he could not even take his boat out on a weekend because of how busy it was. He also shared that he was dragged as a scuba diver by a city person who did not know what a scuba buoy was. His bottom line is that it is way too many boats.

Treasurer Roman noted that it looks like a very difficult parcel to develop with only three acres. When he first looked at it, he only saw cement but notes that there must be parking. He likes the layout; he loves the restaurant and personally does not have an issue with the boat docks. He opined that the developer will have a hard time getting \$4,000 for an apartment. He personally would rather see condominiums or single-family homes in there.

Mr. Zeer indicated that would never happen with the commercial component there. He noted that the parking could be adjusted if a smaller restaurant is there.

Trustee Powell interjected that as a point of interest, that this is the advantage of developing the entire area all at once as the parking can be diversified and shared amongst the adjacent properties. He will be looking for Mr. Zeer to indicate he has approached the neighbors.

Mr. Zeer indicated that once the apartments are up, they can be converted into condominiums to sell.

Supervisor Kowall appreciates the timely attendance tonight and appreciates his understanding as to why it was removed from the agenda last time. He feels that it was the proper thing to do as the crowd that was here may have participated. He received twenty-seven emails that were opposed to the original concept presented by Mr. Zeer. He did note that while he received opposition, it was not that residents opposed something happening there. He shared that the residents of Pontiac Lake are passionate about what they have, as their greatest investment is the home they have. He declared that they are looking for a restaurant. He believes that condominiums are important as people who own have equity and an interest in what is going on. He continued that the GD district was originally set up to be mixed use and mixed, but that it does not mean that a string of sixteen condominiums could not be built around the water's edge. He further opined that all would sell.

Mark Degroff interjected that there is a condominium complex.

Supervisor Kowall advised that what Mr. Zeer is proposing and what currently exists are miles apart. He opined that condominiums are in big demand right now, would go quickly, and would solve the puzzle for Mr. Zeer. He suggested that if he cannot sell the condominiums, he could rent them out. He strongly recommends a mix of condominiums, apartments, and a restaurant.

Mr. Zeer shared that it is hard to get funding for condominiums right now and that the banks are not lending for condominiums and therefore it is a lot of out of pocket.

Supervisor Kowall strongly recommends consideration for a mixed use and that Mr. Zeer go back to Director O'Neil. He believes he is heading int the right direction.

Mr. Zeer indicated that he does not want to be fighting either. He wants to be on a middle ground so that he is not another developer that walks away. He reminds that he will not be able to make everyone happy.

Supervisor Kowal indicated that having individuals who are responsible and have an invested interest in the property is key.

Mr. Zeer invited the Board to visit their website at www.Zeerco.com

Trustee Smith clarified that the processes are different between the Planning Commission and the Township Board.

C. REQUEST TO APPROVE CONTRACT TO HIRE NEW ASSESSOR TO REPLACE CURRENT ASSESSOR DUE TO RETIREMENT

Supervisor Kowall indicated that consideration to replace the current assessor with a qualified individual who has the background and knowledge. He shared that a search of the market was done, which resulted in two candidates. He opined that one candidate is more qualified than the other. He firmly believes that Assessor Smith has the insight into her job more than any other individual in the Township and/or on the Board. He noted that it is her recommendation and that of the human resources manager that the Board consider hiring David Heiber as assessor for a period of two-years. He explained that in that period of time, it is the Township's hope to have a current employee receive their accreditation and then hopefully retain that person as the assessor. He noted that the Township has always talked about promoting from within and this would be an opportunity to do so. He shared that he bumped into Johnnie (Lindsey) on the way to the meeting and she declared how grateful she is for the Township offering her this opportunity.

Supervisor Kowall further declared that this is an at-will limited contract. By example he indicated if he does not like the way Mr. Heiber sharpens his pencil, he can dismiss him.

Trustee Ruggles asked what the vetting process is for this position.

Supervisor Kowall in response indicated to check referrals, do your homework, and have the labor attorney investigate.

Trustee Ruggles opined that the assessor position is one of the most critical positions in the Township. He believes that whoever is hired must do the job appropriately.

Trustee Powell asked the following questions regarding the contract and received the following answers from Supervisor Kowall:

Q: The phrase that this employee will get retiree benefits, what does that mean?

A: They will get a 401K.

Q: is there anyone else that has been offered only a two-year vesting to be 100% vested?

A: There has been a history of short vesting periods in the Township.

Q: is there any history of the Township having a 90% matching fund in a 401K?

A: Yes, and the information of such can be provided by Cathy Derocher.

Clerk Noble interjected that examples would be former Fire Chief Marinucci and DPS Director Aaron Potter.

Trustee Powell asked for public comment prior to his continuance.

Tim Smith, 1031 S. Holly Road, Holly Township. Spoke in opposition to the contract approval.

Bob Hoffman, 2521 Rose Center Road, Highland. He congratulated Jeanine on her retirement and wished her well. He spoke in opposition to the contract approval.

Trustee Powell noticed that in the employment agreement, this person will be an at-will employee, which means the Supervisor can at any time ask him to leave. He believes that Supervisor Kowall has done a great job so far controlling the Township and relation with the public. He shared that he did his own research, and that in his profession he deals with a great many assessors and appraisers. He also indicated that the complaints he has heard regarding Mr. Heiber are typically from those that have disagreed with decision he has made, which is not unusual. He can understand how they may have a particular view. However, he reached out to the professionals, assessors, and appraisers that he knows, and each of them spoke extremely highly of this gentleman. They were extremely impressed that White Lake has the ability to hire this person. He went into his investigation on the negative side based on what he had heard, and the professionals turned him around and said that the Township would be getting an extremely good employee with Mr. Heiber. He was impressed with the assessors and what they represented to him.

Trustee Smith certainly does not ever want to have a blemish on White Lake Township. She indicated the employees are stellar and she wants to keep that reputation for White Lake Township. She is not interested

in having someone who deals directly with the public having some kind of misconduct or whatever the allegations might be, as she does not know of them firsthand. Her suggestion tonight would be to try Oakland County as a trial period and see how they work out as the assessor. She thinks that moving Johnnie up is a great plan but asked how long that process will take. She further indicated that Supervisor Kowall is the chief assessor of the Township as of now and with the plan of moving Johnnie up, she suggests the Township could bridge with the county as an option.

Treasurer Roman shared that he cannot give a number of how many people come to his counter and complain about their taxes. He noted that they are sent to the Assessor's Office and in many instances, they end up coming back and declare that they do not like the assessor. He cannot think of an assessor in the world that the general population likes. He shared that years ago he had an issue where he thought he was grossly over assessed. He was referred to Oakland County at the time and he was assisted by a gentleman named David Heiber. He shared that he was professional, responsible, and he did everything he could have asked. He further shared that Mr. Heiber even contacted the Township at which time Jeanine lowered his taxable value and assessed value. He had a good experience with David Heiber.

Trustee Voorheis shared that she googled him and made phone calls, but that she is relying on Jeanine as she knows the job and the department. She is relying on her.

Supervisor Kowall asked Assessor Smith to tell the Board about her Department, her position and why she thinks Mr. Heiber is the best candidate.

Assessor Smith shared that she has known Dave for as long as she has lived in White Lake as he was the equalization director the entire time, she has been the assessor. She has had nothing but good experiences working with him. She stated that he is professional, easy to work with, and always stays professional. She is not sure what the allegations against him were, but she has always seen him as up-front and an excellent equalization director. She spoke with some of his employees since he left and has only heard good things. She noted that none of his employees were talked to about him being let go and that she spoke with employees directly under him.

As to her thoughts of him as a mentor to Johnnie, she indicated that his employees shared that he was an excellent mentor to them. She shared that in his interview, he made it sound like his employees mentored each other, but his employees felt he was the mentor.

Trustee Smith asked how long it will take for Johnnie to complete the process.

Assessor Smith indicated she cannot even start the classes until October and that it will be a year before she receives certifications. She further indicated that in her opinion to put her in the position right after certification would be unfair to her as a few years doing the job or helping with the job is necessary. She opined that a two-year contract is shy of what the Township is going to need.

Trustee Smith asked if Assessor Smith thought there would be a cost savings by using the Township,

Assessor Smith declared absolutely not. She shared that it was considered previously and that her department does more than most assessing departments. She noted that for just the basic assessing, there might be a cost savings, but they would not do all the jobs the department does. They would not handle all the questions and issues regarding garbage or the special assessments. She declared that the Township would have to hire another employee to do those two jobs.

Trustee Smith indicated that if the Township went with the County, that the other employees in the Assessor's Department could answer questions about garbage.

Supervisor Kowall does not believe the employees there could manage the special assessments and things of that nature and that it would be shorting the residents by doing so. He declared the Township would have to have someone who understands how this is done as the Township is doing more and more special assessment districts.

Assessor Smith interjected that the County did indicate that they could take over the other jobs, but that they would charge for the same and by the time it was all worked out, it was going to cost more than that of just keeping the staff at the Township.

In response to Trustee Ruggles and Trustee Smith, Assessor Smith indicated she is retiring at the end of May after eighteen and half years.

Clerk Noble thanked Jeanine for making such a big difference.

Trustee Ruggles had never heard of this individual and did his own research. He read the article about his dismissal from Oakland County. He shared that he spoke with people Mr. Heiber worked with and they did not have positive things to say, which makes him apprehensive. He indicated that it makes him uneasy even as a resident that if he were to vote no that he could have an agenda against his vote. He would hate for the assessor to be the kind of person that would act negatively when someone voted against him. He is not sure from the feedback he received that he is or is not that person, but he is uneasy with the vote. He understands that Jeanine speaks highly of hm but notes there were quite a few that did not. He questions how long the Township can go without filling the position and questioned if the Township could wait until someone without a blemish comes along. He indicated that he is not against second chances, but questions if this is the type of person the Township wants to invite in. He also noted that he has seen a number of times when at-will employees are asked to leave, and it ends in a lawsuit.

Trustee Smith supports Trustee Ruggles comments and notes that she will be voting no because this was the Supervisor's decision on the vetting process, and she does not feel like she has enough information on that process, and she does not feel comfortable to have this person represent White Lake.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve the employment agreement for assessor as presented. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Ruggles/no, Smith/no, Powell/yes, Voorheis/yes)

ADJOURNMENT

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

The meeting adjourned at 7:35 p.m.

I, Anthony L. Noble, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the April 13, 2022, special board meeting minutes.

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

