

**CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Regular Board of Trustees Meeting
December 20, 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
Liz Smith, Trustee
Andrea Voorheis, Trustee
Michael Powell, Trustee
Scott Ruggles, Trustee

Also Present: Sean O'Neil, Director Community Development
Nick Spencer, Building Official
David Hieber, Township Assessor
Daniel T. Keller, Chief of Police
John Holland, Fire Chief
Lisa Hamameh, Township Attorney
Jennifer Edens, Recording Secretary

AGENDA

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

PUBLIC COMMENT

Dan Keller, speaking as a citizen of White Lake, feels the need to rebut the comments made at the last meeting regarding the disdain for Meijer, Walmart, and Kroger. He shared that Meijer probably donates 6% of its net profit each year to charities throughout the Midwest through its Corporate Program Simply Give Food and Rescue Program. Additionally, they donate \$3 million annually to local charities and the White Lake Police Foundation is one of them. He further shared that Kroger donates on average 5 million pounds of food to families in need. He also noted that it partners with county, state law enforcement agencies, including White Lake Police Department. He stated Kroger supports more than 4,000 non-profits annually, including \$5 million in food and funds, including the White Lake Police Foundation. As for Walmart, he shared that each year they award local cash rewards to those in need ranging from \$250 to \$5,000. In 2022, they donated \$20 million in local grants and \$1.2 million people with nutritional education. They donated 66% through Feeding America. He would be remiss if he didn't mention that Meijer gave the Police Department \$5,000 for Shop with a Cop and Walmart gave \$2,500 for the same, to give to kids and families

in the area that are less fortunate. Additionally, Walmart provided a turkey dinner for everybody and a \$100 gift card to shop during the Christmas season. He shared that Kroger has a Zero Hunger Day, which raised several hundred dollars and food for local food pantries. He feels it necessary that we should support Meijer, Walmart, and Kroger as they make our community better.

Oakland County Commissioner Eileen Kowall. She shared that this is her last meeting to attend as Commissioner and it has been a pleasure representing White Lake Township. She stated the Board is doing a great job and she is proud to live in White Lake.

CONSENT AGENDA

- A. REVENUE AND EXPENSES**
- B. CHECK DISBURSEMENTS**
- C. BUDGET AMENDMENTS**
- D. APPOINTMENTS FOR ASSESSING BOARD OF REVIEW – 2023-2024**
- E. APPOINTMENTS FOR PLANNING COMMISSION AND ZONING BOARD OF APPEALS – 2023-2025**
- F. APPOINTMENTS FOR PARKS AND RECREATION – 2023-2025**
- G. MEMO TO CORRECT DUPLICATE RESOLUTION NUMBERS**
- H. DEPARTMENT REPORT – POLICE**
- I. DEPARTMENT REPORT – FIRE**
- J. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT**
- K. DEPARTMENT REPORT – TREASURER**

David Hieber, Assessor, pointed out that the hardship guidelines were approved in November and at that time it was indicated that the Board of Review members were staying the same. Since then, Kevin Keller has indicated he no longer wishes to serve, but his wife who is a real estate appraiser submitted an application and will fill that spot. He added that another alternate position has been added.

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

MINUTES

- A. APPROVAL OF MINUTES – REGULAR BOARD MEETING, NOVEMBER 22, 2022**

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to approve the Minutes – Regular Board Meeting, November 22, 2022. The motion PASSED by voice vote (7 yes votes).

PRESENTATIONS

A. TRIBUTE TO REAGAN KELLER – FRAN ANDERSON SCHOLARSHIP RECIPIENT 2022

Theresa from Senator Runestad's office presented Reagan Keller with the Fran Anderson Scholarship Award. She further shared some accolades of Reagan Keller, including her years and systematic habit of volunteer work. She highlighted that Reagan has achieved the following:

- In sixth grade she was accepted into the National Junior Honor Society
 - Joined an initiative at her school to stop drug use
 - Delivered Meals on Wheels
- Lakes Area Youth Action Board serving as secretary
 - She finished her year with 60 hours community service work, which is more than double the required
- Accepted into the International Academy where she joined forces with the White Lake Police Department on an autism awareness campaign
 - Serves as the International Academy West Youth Representative for Huron Valley Coalition

She thanked Reagan for what she has done and what she will do in serving the community.

Supervisor Kowall reminded that the Fran Anderson award is given to one youth from each of the four communities: Waterford, White Lake, Pontiac, and Auburn Hills.

Trustee Voorheis declared that as someone who knew Fran Anderson well, that she would be very proud of Reagan.

NEW BUSINESS

A. RESOLUTION #22-043; AUTHORIZING ALS EQUIPMENT PURCHASE (STRYKER)

Chief Holland shared that they have taken delivery on most of the equipment.

Trustee Voorheis asked when the Township will officially become ALS. To which, Chief Holland shared that he cannot answer that as there are still steps to complete.

Clerk Noble appreciates Chief obtaining the equipment and saving money.

Trustee Powell asked what is done with the old AED equipment. To which it was indicated they are/were traded in.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Smith to approve Resolution Authorizing ALS Equipment Purchase, Resolution #22-043. The motion PASSED by voice vote (7 yes votes).

B. REQUEST TO AUTHORIZE LITIGATION – 9885 CEDAR ISLAND ROAD

Nick Spencer, Building Official, shared that it was discovered that there is an unlicensed mobile home on this property that has been there since 2004/2005. The property was visited at the request of the owner's son. The owner has another home address within the Township that he supposedly resides in. He noted that the property is a mess, and the mobile home is a hoarder situation. He further noted that the property does not have a well or septic field. He shared that the son of the owner really wants the Township to get his father out of this situation. However, after speaking with the property owner, he declared he did not live at this location.

A week ago, the Fire Department was called to the location due to a fire on the property. At the time of the response to the fire, the property owner was inside the mobile home and appeared to be living in the structure. He declared this is a dangerous situation. The owner is in his mid-eighties and unwilling to work with the Township. He shared that Chief Holland has reached out to the state for help. He does believe this is a dangerous situation and that the structure should not be occupied. He further noted that there are electrical cords running from a garage to run space heaters in the structure. He declared it is not a good situation and that he sees no headway without legal action.

Chief Holland indicated when the fire department responded to a car fire, it was literally within feet of the structure. He further declared that there is a lot of debris littering the property which the fire had extended to. He confirmed the man was in a state of confusion when they tried to remove him from the structure and that he appeared comfortable there and was unaware of the fire. He does not believe this individual can make a rational decision for his own well being or for the well being or safety of the firemen who have to respond there. He continued that he originally requested an administrative search warrant, but after speaking with Attorney Hamameh, she felt this was the better way to go.

Trustee Smith asked of Official Spencer to explain why this isn't going through the dangerous building process.

Official Spencer indicated that there is a lot going on here. There is a structure that has been there for twenty years. He reminded that the Township was told that nobody lived there and until a week ago that is the impression the Township operated under. He supposes it could go through the process but feels it would be very lengthy process.

Attorney Hamameh interjected that this is a little unique as in the dangerous building process there are usually vacant structures. This is a structure where somebody is currently living. She advised that the Township take the circuit court route and get an order and get intervention from agencies that can help him. Otherwise, the Township is forcibly removing him from a structure that he considers his home to demolish it. She thinks from a liability standpoint that this route would be safer for the Township.

Trustee Smith stated that through the Circuit Court Adult Protective Services could get involved.

Attorney Hamameh shared that all agencies have been contacted but nobody was able to help because the owner denies living in this structure. She further shared that the son is unable to get a court order to get him out and that he has the ability to go to his son's home.

Trustee Smith opined that the Township is overreaching into this individual's personal life. She does not believe it is for the Board to talk about or decide if he needs a welfare check or guardianship.

Attorney Hamameh indicated that the dangerous hearing process takes months or longer and the Circuit Court route would achieve a court order within a week.

Director O'Neil added that beyond this issue is an issue of blight, which goes beyond the dangerous hearing process. He indicated that the owner is also storing boats on this property.

Trustee Smith asked if citations have been issued.

Director O'Neil indicated that due to the number of issues it was discussed to go the circuit court route versus writing a number of tickets that would go through the district court process. He further indicated that the only good news is that this is not in a middle of a neighborhood. He reminded that he is trying to heat a structure that is not designed to be used in the way he is using it. He fears the next time the fire department shows up there could be a fatality.

Trustee Ruggles asked if a permit was necessary to place a mobile structure there since it is not permanent. He indicated that there is no issue with him running electrical cords, it is his property, it is not illegal to do.

Official Spencer clarified that it is a mobile home, not an RV, and by ordinance a mobile home is not to be placed on a piece of property in the Township. It is not permitted to be there. There is no legal septic field or well and the only power is from the barn.

Chief Holland interjected that you cannot use extension cords as permanent power.

Official Spencer declared there is no power to the structure and he is using it as a residential structure. It does not meet code or maintenance requirements.

Trustee Ruggles stated the Board is assuming he lives there and reminded that he has another residence. He indicated that he could be there during the day and use the space heaters and then leave.

Official Spencer interjected that he doesn't have a license. He further indicated that he has been to both homes and opined that both are a hoarding situation. He declared that if the fire department showed up at

either of his places, there would be no way they are going in. He understands Trustee Ruggles position, but stated it is a situation where the Township has some responsibility. He stated the structure should not have been put there twenty years ago.

Trustee Powell indicated that a dangerous building hearing may not be proper because there may not be anything structurally wrong with the manufactured home. He questioned that the document presented to the Board states that it is a violation of local or state laws. He opined that the Board is being asked to initiate a lawsuit with really nothing being presented. He stated that it has been represented that there is a zoning board violation, but that process has not been followed. He feels this may be premature. He doesn't understand what action this Board is being asked to take right now.

Treasurer Roman asked Attorney Hamameh to explain how whatever order they are looking for would be enforced.

Attorney Hamameh indicated there are a number of violations on the property. First and foremost, it is not zoned to allow a manufactured home there.

Trustee Ruggles interjected the Board assumes it is being used as a home.

Attorney Hamameh indicated from information from his son, he is living there.

Trustee Powell indicated then that would be a zoning board violation and he should be cited accordingly.

Attorney Hamameh confirmed it is a zoning board violation that suit will be filed against, and it is the occupancy of an unpermitted structure, which is confirmed by testimony of the son. She declared that the Board would not want her to go through all the ordinances, prepare a lawsuit, get the affidavits, and then come to the Board.

Trustee Powell declared that they are asking the Board to authorized counsel to take action without providing any information as to what action they are asking to do.

Attorney Hamameh responded that there are zoning violations and septic and water issues.

Trustee Ruggles interjected that again it is being assumed that he is living there. How can there be septic and water issues if he is not living there?

Clerk Noble asked if he gets mail there.

Discussion amongst the Board ensued.

Supervisor Kowall thinks with this action these issues will be brought to the forefront and resolutions determined to move forward and hopefully help this gentleman move into a safer place. He shared that some family members want him out while others say just leave him be. There may not be full cooperation from the family. He declared that the Township cannot have its services going to this location with hazardous surroundings, potential hazardous occupancy, and various ordinance violations.

Trustee Powell questioned if there is a barn/garage then there must have been a principal residence at some time.

Director O'Neil clarified that this is not being done because the Township was contacted by the family again. It was brought to the forefront a year ago and notices were sent but no corrections made. The situation of blight has gotten worse, but it is the health, safety, and welfare of an individual. He opined that it is up to this Board if it wants to try and mitigate this or not. He declared that it is his department's responsibility to bring to the Board's attention that there is an elderly member of the community, and they are at the point they are administratively and cannot do anything else without the Board's approval.

In response to Trustee Ruggles, Director O'Neil indicated that he is not aware of complaints other than family but noted how isolated the property is and that it is gated.

Trustee Voorheis noted that she visited the address but could not see anything from the road and noted she couldn't even find a mailbox.

Chief Holland declared that he is just seeking legal access to the property.

Trustee Smith noted that hoarding is not safe for the residence or first responders but asked if there is an ordinance to enforce that. She asked if there are any other recognized ordinances that would allow the Fire Chief to inspect the property.

Attorney Hamameh indicated yes, and that Chief Holland originally asked for an administrative search warrant. Her question to him was what you are going to do once you are on the property. She indicated that he would see the violations and not be able to do anything about them. She clarified that if the Township Board authorized litigation, then access can be obtained and then a judge can enforce whatever action it thinks needs to happen.

In response to Trustee Powell, Attorney Hamameh indicated she would seek from a judge an emergency order after she gets all of the evidence, including the affidavit from the son testifying to the fact that his dad's living there, the information from the Fire Chief as to his observations of fire code violations, a statement from the building official regarding the violations and observations, and an affidavit from the community development director regarding the zoning violations. She would ask the judge to order the property be vacated and the individual be physically removed from the property. She indicated that a bailiff would aid with the eviction.

Treasurer Roman clarified that the structure is not legally allowed to be there and by removing the structure you take away the possibility to live there.

Attorney Hamameh indicated that would be one of the court orders.

Trustee Ruggles questioned if the structure can legally be there if its use is different, such as storage.

Official Spencer indicated that it cannot be there per ordinance.

Director O'Neil interjected from a zoning ordinance vacant property cannot be used for storage, whether it was an RV or not. He shared the aerial images showing the storage that is occurring.

Supervisor Kowall recommends for general public safety to allow counsel to move forward and put mechanisms in place. He for one does not want to have this gentleman's life on his docket. He believes it is prudent to take action to make sure he is put in a better place.

Trustee Powell appreciates the statement made by Supervisor Kowall, but he doesn't believe there is an ordinance to make that happen. He questioned if the goal is to enforce an ordinance or to have him committed.

Treasurer Roman asked counsel what risks the Township faces if it does nothing.

Director O'Neil declared selective enforcement. He continued that notice of violation has been sent.

Official Spencer indicated the notice was posted on the property and he did receive a call the next day and spoke with the property owner and his girlfriend. He was told by the property owner that he does not have a license and that he uses the property to tinker and store stuff.

Trustee Smith believes this should be tabled until next month to get more information. She is not opposed to finding a remedy, but thinks it is overreaching for this Board to talk about how this gentleman lives versus what ordinances this Township has to enforce, which is the job of this Board. She stated it is not the job of this Board to govern how this individual chooses to live. She doesn't think mechanisms have been exhausted. This is the first she has heard of it and does not think the memo has enough in it.

Official Spencer admitted they don't get complaints because it is isolated property. He stated that just because no one complains about it doesn't mean its not happening.

Trustee Powell empathizes with the gentlemen there and is not second-guessing in-house staff. His questions were directed to counsel as to the direction this would go in and what would be presented. He has no problem allowing counsel to get started, but he would like a report in thirty days. He would be a

positive vote but would want an update next month as he is not comfortable with the information he has right now.

Attorney Hamameh appreciates the comments but notes there are clear violations of the Township's zoning ordinances, it is a matter of degree. She continued that when there are such violations, the Township always takes action whether it be by ticket or if it is a bigger deal, it is taken to circuit court for quicker action. She understands the hesitancy because of the added element of the individual living there, but that is what takes it out of the district court.

Trustee Powell doesn't know if the ordinance has changed in the last twenty years. He questioned if it changed since the structure was put there.

Trustee Smith clarified that Trustee Powell would like to give counsel authority to work on this, not file litigation, which she would be in agreement of.

Supervisor Kowall respectfully disagrees. He believes the Board should allow counsel to prepare and file her case. He believes this may prompt family members to take action. He would allow counsel to file suit to have everything removed and if that includes the owner, then so be it.

Discussion regarding the barn and its legality ensued.

Discussion regarding action to commit an individual ensued.

Attorney Hamameh noted that a consent judgment would come back before the Board.

Trustee Powell indicated that the Township would be required to enforce the judgment and cleanup of the property.

Attorney Hamameh indicated that the order would order the owner to do it and if he does not, the Township can do it and put it on the tax bill, which is how it is done in all enforcement actions. She stated that litigation updates can be added to every agenda until the litigation is over.

Supervisor Kowall interjected by taking this action will show that there is consequence to their lack of action. This will push the issue. He believes this will push the issue and the family will get involved.

Chief Holland stated that he is bound to report, but HIPPA prevents him from stating anything further.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to move forward with litigation as requested and discussed with the attorney and that the attorney report status in various intervals. The motion PASSED by roll call vote (Smith/no, Ruggles/no, Noble/yes, Kowall/yes, Roman/yes, Powell/yes, Voorheis/yes).

C. REQUEST TO APPROVE INSPECTOR FEE INCREASE FOR 2023

Official Spencer indicated this would be for most of the building inspectors, any planning review, and training done by the inspectors as authorized by the supervisor. The increases are in line with other local communities. There are three areas of increase: plan review, subcontracting sections, and required training. He shared that he will be asking in the near future for permitting increases. He opined that his inspectors do a great job, and he wants to maintain them. He thinks it is appropriate.

Clerk Noble asked if Tony would go from \$30 to \$40. He asked if \$35 would be a good spot.

Official Spencer opined that it is a good median and in response to Trustee Voorheis he stated that staffing is a problem with inspectors.

Supervisor Kowall believes there is going to be a void with retirements and to keep them at a competitive rate will help maintain good people.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Powell to approve the Inspector Fee Increase for 2023 as requested by the Building Official. The motion PASSED by voice vote (7 yes votes).

D. FREEDOM OF INFORMATION POLICY & PROCEDURES GUIDELINES AND FREEDOM OF INFORMATION WRITTEN PUBLIC SUMMARY – CONTACT INFORMATION UPDATE

Supervisor Kowall noted that it removed specific names and identified departments to avoid repeated amendments.

Trustee Voorheis confirmed that even though it is directed, that it will still go through the F.O.I.A. director of that department.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to approve as submitted. The motion PASSED by voice vote (7 yes votes).

E. REQUEST TO CONSIDER CIA (CORRIDOR IMPROVEMENT AUTHORITY) PROPOSAL

Director O'Neil reminded that in January the Board approved the proposal of \$56,895. He requests the Board approve the proposal of \$30,000 for the same goal and same work. He stated that the timeline will allow to capture TIF revenues for 2023. Mr. Carlisle's proposal suggests a completion date of September with his aggressive schedule. He is very comfortable with him as he is well acquainted with municipalities. Mr. Carlisle indicated this is a no thrills plan.

Clerk Noble confirmed that roughly \$27,000 will be saved with this proposal.

Trustee Powell has worked with Dick Carlisle, and he finds him to be an absolute professional who is qualified. He believes this Board will enjoy working with Mr. Carlisle.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to hire Carlisle Wortman for the reestablishment of the Corridor Authority Plan for a fee not to exceed \$30,000.00. The motion PASSED by voice vote (7 yes votes).

F. CONSIDERATION OF HURON VALLEY YOUTH ASSISTANCE REQUEST FOR FUNDS & MEMORANDUM OF UNDERSTANDING – 2022-2023 FISCAL YEAR

Supervisor Kowall shared that 51% of their referrals are from White Lake. They are requesting \$11,587.20.

Trustee Powell questioned if there was an expense in the CBDG.

Attorney Hamameh indicated this is not a donation, it is an actual service being purchased.

Supervisor Kowall referred the Board to page 137 of the packet where they will find a copy of the agreement done in the past.

Treasurer Roman believes that Trustee Powell is referring to administration fees.

Supervisor Kowall indicated that you can pay for programming through CBDG.

Trustee Powell indicated this is great for the community and he is in favor of it.

Trustee Ruggles asked if this is the first time they have asked for a representative. To which, Supervisor Kowall indicated yes, and Clerk Noble indicated a police liaison can be that representative because it is a diversion program.

Supervisor Kowall opined this is an opportunity to invest to keeping people out of the system.

Trustee Smith clarified that last month the Board approved CBDG funds for Meals on Wheels, HAVEN, and Youth Services.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to honor the request of the Huron Valley Youth Assistance for the funds and Memorandum of Understanding in the amount of \$11,587.00, and to allow the Supervisor to sign. The motion PASSED by voice vote (7 yes votes).

G. FIRST READING; FEE ORDINANCE AMENDMENT – ORD #129

Trustee Powell noted the typo with the date on the memo from Clerk Noble.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve changes to the Fee Ordinance and move it to second reading. The motion PASSED by voice vote (7 yes votes).

TRUSTEE COMMENTS

Trustee Voorheis shared the re-up of members of Parks & Rec and congratulated those members. She further shared that they were instrumental on the tree lighting ceremony. She wished everyone a great holiday season and hopes to see everyone in 2023.

Trustee Smith is thankful for the new chairs. She thanked Beth Rubus, who recently resigned from the Library Board of Directors and thanked her for her service. They are currently in the process of appointing a new member. She thanked all the community groups for putting on all the wonderful Christmas celebrations. Her personal favorite was Shop with a Cop. She had the privilege of wrapping gifts and loved seeing all the smiles. She wished everyone a Merry Christmas and safe holiday season. She looks forward to seeing everyone in the new year.

Trustee Ruggles shared that the Planning Commission meeting on the 15th was cancelled. They will meet in January. He indicated that Pete Maher and Joe Seward were reappointed and that they both do an excellent job. He wished a Merry Christmas to everybody.

Trustee Powell personally thanked the Board, the volunteers throughout the township and the professional staff in every department. They are courteous, professional, and they go out of their way to help people. He thanked the Supervisor for setting that example. He recalled there was a time when that wasn't the case. He wished all the residents a very Merry Christmas and a safe and happy new year.

Treasurer Roman wished everyone a Merry Christmas and happy New Year.

Clerk Noble commented that the election worker that spoke was not given authorization from his department to make those comments towards the Township's local businesses. He declared that Walmart, Meijer, and Kroger are wonderful to the community and support the police department. That comment was not solicited by the Clerk's Office. He further wanted to thank Sgt. Gondek for an arrest of a subject on a routine patrol. He caught an individual that was committing a theft of aluminum siding. He did an outstanding job. He wished everyone a Merry Christmas.

Supervisor Kowall also thanked Walmart, Meijer, Kroger, and other persons of the community for their support. He thanked the Board because tonight there was an example of how this Board moves forward knowing something needs to be done, even though it is unclear what needs to be done. He declared that he does not want heavy-handed government but sometimes action is necessary to move forward and

continue to do so in a positive manner. As an update to the civic center, he shared that the CIA has moved into gear, the RFQ happened, the Elizabeth Lake Road concept has been laid out, and a variety of other things to get the grant money. He shared that a concept was submitted regarding the Stanley Park structure. He thanked his fellow Board members and residents.

Trustee Powell asked for an announcement of where residents can reach out to for help if the electricity goes out in the expected storm. He also plugged the new community center this Board is moving toward with a new township hall where we might be able to provide accommodations during emergencies.

Supervisor Kowall declared that they are still working on it and that they can call the Township offices. He stated in the event this storm does hit, check on your neighbors, don't leave pets out as it will be deadly, and contact the Township if you need help. Good night, God bless, Merry Christmas, and Happy New Year.

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

The meeting adjourned at 8:27 p.m.

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk
Charter Township of White Lake