

CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Regular Board of Trustees Meeting
May 21, 2024

CALL TO ORDER

Supervisor Kowall called the meeting to order at 6:30 P.M. The White Lake Township Police Explorers were introduced and led the Pledge of Allegiance.

ROLL CALL

Clerk Noble called the Roll:

Present:

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

Also Present:

Sean O'Neil, Community Development Director
Daniel T. Keller, Chief of Police
John Holland, Fire Chief
Lisa Hamameh, Township Attorney
Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

It was **MOVED** by Clerk Noble, seconded by Trustee Voorheis to approve the agenda as presented.
The motion carried with a voice vote: (7 yes votes).

PUBLIC COMMENT

None.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- B. CHECK DISBURSEMENTS
- C. DEPARTMENT REPORT - POLICE
- D. DEPARTMENT REPORT - FIRE
- E. DEPARTMENT REPORT - COMMUNITY DEVELOPMENT
- F. DEPARTMENT REPORT - TREASURER

It was **MOVED** by Trustee Powell, seconded by Clerk Noble to approve the agenda as presented.
The motion carried with a voice vote: (7 yes votes).

MINUTES

- A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, MARCH 7, 2024
- B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, APRIL 16, 2024

Trustee Smith requested her statement in the April 16th minutes on page four be corrected and the word “not” inserted before the words “set in stone.”

Trustee Powell noted that on page two, paragraph one, line six the word “mall” should read “wall.”

It was MOVED by Trustee Powell, seconded by Trustee Voorheis to approve the minutes of March 7, 2024 and April 16, 2024 as amended. The motion carried with a voice vote: (7 yes votes).

PRESENTATIONS

- A. POLICE DEPARTMENT - SWEARING IN OF OFFICER ANN DEMARAY AND OFFICER ISABELLA MCCRUM; AND AN INTRODUCTION OF NEW C.E.R.T. MEMBERS

The newest CERT members were recognized; 11 area residents completed the program. Each of the new CERT members were presented with certificates of recognition.

Chief Keller presented police officers, Ann Demaray and Isabella McCrum to the Board. Clerk Noble swore the officers in. The officers were then pinned.

- B. FIRE DEPARTMENT - SWEARING IN CEREMONY FOR ANDREW MORELLI AND CONNER JENSEN; AND RECOGNITION OF DEPARTMENT CHAPLIN APPOINTMENT OF PASTOR MARK POSPISIL

Chief Holland presented information on creating a Chaplin Program. The Fire department has not had a Chaplin before now, and Chief Holland saw importance in having a Chaplin in the department.

Chief Holland recognized Connor Jensen on his completion of his probationary period. Clerk Noble swore him in, and Firefighter Jensen was pinned.

Chief Holland also recognized Andrew Morelli on his promotion to Shift Sergeant. Clerk Noble swore him in, and Sergeant Morelli was pinned.

- C. PROCLAMATION FOR MENTAL HEALTH AWARENESS MONTH - MAY 2024

Supervisor Kowall proclaimed May as Mental Health Awareness Month. He said awareness of these issues is needed; and the Fire and Police departments had both received training on handling mental health issues.

Oakland County’s 24-Hour Crisis phone number is 1-800-231-1127 and the 988 Suicide and Crisis Lifeline can be reached by call or text at 988.

It was MOVED by Supervisor Kowall, seconded by Trustee Powell to proclaim May 2024 as Mental Health Awareness month. The motion carried with a voice vote: (7 yes votes).

NEW BUSINESS

A. FIRST READING; 9101 HIGHLAND ROAD/CALVARY LUTHERAN REZONING

Director O'Neil presented the rezoning application for parcel number 12-23-227-003 from Single Family Residential to Restricted Business. He reviewed in detail the status and the findings of the Planning Commission's meeting from March 7, 2024.

Reid Cooksey, Stonefield Engineering, was present. He said he provided extra documentation such as the TIS (Traffic Impact Study) and concept plan for transparency purposes. He had met with the neighbors after the denial of their first rezoning request, which led to a change in the rezoning request from General Business to Restricted Business. Landscaping and buffering requirements were considered. Preliminary discussions were held with MDOT, and cross access would be provided to the west of the site.

Supervisor Kowall said the packet from the Planning Commission was extensive, and the Board had read many of the comments of the residents from last Thursday's meeting. He added he had tried to get a traffic light at Sunnybeach for a long time. He understood the public's concerns. A further push needed to be done regarding the traffic light on that intersection.

Supervisor Kowall asked Mr. Cooksey if it were possible to get the traffic light, would the development make a monetary donation to the traffic light. Mr. Cooksey said it has been considered.

Supervisor Kowall emphasized how he wanted to see a traffic light at the intersection. He also spoke in favor of extensive green buffering and landscaping.

Trustee Ruggles asked staff if the money were available, would MDOT allow the traffic light.

Director O'Neil said when he last met with MDOT, it was mentioned that Taco Bell had contributed about \$10,000.00 and those funds have been sitting in an account for over a decade now. He believes that cost would have significantly increased. He stated regardless if someone else is paying for a traffic light, MDOT would only consider the traffic light if a certain set of warrants were met, for example, serious injury and fatal traffic accidents.

Trustee Smith said she read through the packet item and thanked the residents who voiced their opinions. She was concerned with the traffic and safety of the request, and wanted to pause the request for Director O'Neil to speak with MDOT again and see where we stand with a traffic light.

Clerk Noble said safety is paramount, and would vote no on the project unless safety precautions were put in place.

Trustee Powell recommended the Board approach the request differently. The plan presented is conceptual, and the plan would not be tied to the rezoning. The is a sensitive site, and he suggested conditional rezoning on the site. A conditional rezoning could tie a site plan directly to the rezoning requested. He does not believe MDOT will allow a traffic light at that location and indicated we could control the site with conditional rezoning. He stated the request could be tabled to allow Director O'Neil to approach MDOT and for the applicant to work on a conditional rezoning plan.

Attorney Hamameh reminded that White Lake Township does not have a zoning ordinance provision that allows conditional rezoning. The zoning ordinance would need to be amended. She added that the conditional rezoning had to be offered by the applicant, and the Township could not initiate such rezoning. She stated the law is clear on this point.

Supervisor Kowall asked Mr. Cooksey if he would be willing to meet with our planner and other community members?

Mr. Cooksey stated they initially requested a conditional rezoning and at the time were told by the Township that the Township never has done and does not do conditional rezonings.

Supervisor Kowall recommended a postponement for further investigation with MDOT.

Treasurer Roman said he did not think the developer should be pressured for a monetary donation for the traffic light. Director O'Neil added that MDOT would install and pay for a light if they deemed it warranted, and he was willing to meet with MDOT with the Township's traffic engineer to discuss the matter further. Treasurer Roman was concerned if the rezoning did not go through, and it went to court, a judge would convert the property to a commercial use.

Supervisor Kowall stated he did not think anyone wants local communities to be put in a hands-off position because of legal action. He thinks the Township should work to resolve.

Trustee Smith agreed and suggested we pause and gather more information.

Attorney Hamameh provided the Board with procedural information. The Board discussed potential options.

It was MOVED by Supervisor Kowall, seconded by Trustee Smith to postpone the rezoning request from 9101 Highland Road, identified as parcel 12-23-227-003 for 90 days, to further investigate the MDOT requirements on the possibility of a traffic light installation at Sunnybeach Boulevard and to explore possible zoning ordinance amendments as it relates to conditional zoning. The motion carried with a roll call vote. (Smith/yes, Ruggles/yes, Noble/yes, Kowall/yes, Roman/yes, Powell/yes, Voorheis/yes).

The public was allowed to speak prior to the Board taking a vote.

Tom Shea, 9669 Steep Hollow Drive, applauded the Board for their decision to postpone the rezoning request. He has witnessed two accidents at the intersection himself. A fast-food restaurant would be a bad use for the site. A traffic light was needed.

Diana Shea, 9669 Steep Hollow Drive, had concerns about the left-hand turn lane. She said the site would be a nightmare with two fast-food restaurants.

Chris Scholz, 987 Sunnybeach, said the development would make a huge impact directly affect his house with light and noise pollution. He asked to put the community first.

Beverly Clancy, 8790 Twin Lakes Dr, thanked the Board for their discussion. She was compelled to speak for those who would be impacted the most. She is concerned for young drivers who have to make the turn onto M-59.

Theresa Johns, 9105 Steep Hollow Drive, thanked Trustee Powell for his thoughts this evening. She wanted to know who determined what went where in the Master Plan. She said she did not have the opportunity to speak on the Master Plan. She did not understand who determined the site to be planned as a commercial site. The Board should reconsider what the residents had to say.

Mary Earley, 5925 Pine Ridge Court, said based on the Master Plan, R1-C was not an appropriate zoning for the site. The applicant reduced their request, and the problem at hand was the traffic on M-59. She suggested all the homeowners purchase the property and add it to their community as common areas. The Township had an excellent staff and Planning Commission; and the Board should look into conditional rezoning.

Tom Shea, 9669 Steep Hollow Drive, spoke further and cited the negative impact to property value.

Trustee Powell explained for the public's benefit, that as long as someone is using their property legally, the Township cannot tell them to build something else. The applicant could file a lawsuit and a judge could demand the rezoning be approved, and effectively take the Township's control away.

B. REQUEST TO APPROVE PRELIMINARY SITE PLAN - CULVER'S

Director O'Neil advised that the required public hearing was conducted by the Planning Commission and presented background on the Commission's approval.

It was MOVED by Clerk Noble, seconded by Supervisor Kowall, to approve the preliminary site plan for Culver's. The motion carried with a voice vote: (7 yes votes).

C. CONCEPTUAL PLAN PRESENTATION AND DISCUSSION RE: 8285 HIGHLAND ROAD

The feedback received from the Planning Commission was mixed. The property was not being maintained currently. There was a concern as a car dealership was not what was envisioned for the site,

but the zoning was appropriate (General Business). Most of the Commissioners were optimistic that this concept could clean up the site. No action would be sought tonight as the presentation was conceptual.

Josh Tauriainen, 58145 10 Mile Road, was present. He had a group of "A-", non "B" lot car dealerships. His businesses were in Brighton, Chelsea, and Wixom. He understood the importance of being a gateway in the community. He was scheduled to close on the property next week, and tonight's intent was to gauge interest.

Treasurer Roman asked Mr. Tauriainen if there were other services offered at the site.

Mr. Tauriainen said other services would be very minimal, like dealer prep. The average price range of vehicles for sale was about \$15,000.00 – \$25,000.00. He also had exotic cars in his inventory as well.

Treasurer Roman said he thought it was a great fit for the location.

Trustee Ruggles said he was in favor of the concept and it will improve the current space and the community.

Clerk Noble said he had visited the Wixom store before and it was beautiful. He is in total support of the project and looking forward to seeing the dealership in White Lake.

Trustee Voorheis agreed, and said it would be a good addition to the gateway.

Trustee Powell said the overall plan was nice, but wondered if the parking spaces could be reduced.

Applicant engineer, Mr. Emerine, replied he did his best with the conceptual plan to take comments received by the Planning Commission to include a wide landscaping buffer. He would work closely with the Planning Department to meet the zoning requirements.

A special land use approval would be required, so the site plan would go through the full process and be considered by the Planning Commission and Township Board.

Supervisor Kowall said whatever would be done at the site would need to be five star to represent the importance of the gateway. He was in favor of the concept.

D. REQUEST TO APPROVE TENTATIVE AGREEMENT BETWEEN WHITE LAKE TOWNSHIP AND POLC PART-TIME FIREFIGHTERS' UNION

Human Resources Manager Cathy Derocher said this contract should be the last union contract the Board would see into 2026. The agreement had an adjusted wage scale with a 5.5% wage increase through 2023 and 2024.

The wage increases over 2025 and 2026 were concurrent with the other union contracts.

It was **MOVED** by Trustee Ruggles, seconded by Clerk Noble to approve the tentative agreement between White Lake Township and POLC Part Time Firefighters' Union. The motion carried with a roll call vote: (7 yes votes).

(Kowall/yes, Noble/yes, Roman/yes, Smith/yes, Ruggles/yes, Powell/yes, Voorheis/yes).

E. REQUEST TO APPROVE THE OAKLAND COUNTY TACTICAL CONSORTIUM AGREEMENT WITH WHITE LAKE TOWNSHIP

Chief Keller said every officer at Oakland County trained the same way for small squad and active shooter events. This was a huge benefit for the County. White Lake has already been participating in the consortium and tonight's request is just an amendment to the agreement.

It was **MOVED** Treasurer Roman, seconded by Supervisor Kowall to approve the Oakland County Tactical Consortium Agreement with White Lake Township and authorize officials to sign. The motion carried with a voice vote: (7 yes votes).

F. RESOLUTION #24-021; AUTHORIZING THE ADOPTION OF THE OAKLAND COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Fire Chief Holland presented the plan to the Board. He stated this is a five year plan through Oakland County. The plan provides a snap shot of White Lake's community profile and is how we prepare to mitigate and manage strategies to address threats.

It was **MOVED** by Trustee Smith, seconded by Trustee Ruggles, to approve Resolution #24-021; Authorizing the Adoption of the Oakland County Multi-Jurisdictional Hazard Mitigation Plan. The motion carried with a voice vote: (7 yes votes).

G. FIRST READING; ORDINANCE AMENDMENT TO AMEND THE CODE OF ORDINANCES AND RESCIND THE FEE ORDINANCE #129

Treasurer Roman applauded the Clerk's office for their work on the matter.

Clerk Noble said this amendment would create a fee schedule by resolution instead of an ordinance. It will eliminate the need for publishing in community newspapers. He thanked Attorney Hamameh for her work.

It was **MOVED** by Supervisor Kowall, seconded by Treasurer Roman to move to second reading, Ordinance Amendments to amend the code of ordinances and rescind the Fee Ordinance #129. The motion carried with a voice vote: (7 yes votes).

H. RESOLUTION #24-022; APPROVING THE TAX SHARING AGREEMENT BETWEEN OAKLAND COUNTY, WHITE LAKE TOWNSHIP, AND THE WHITE LAKE TOWNSHIP CORRIDOR IMPROVEMENT AUTHORITY

Director O'Neil said the goal is to create a Corridor Improvement Authority, a plan and tax capture were developed and the plan was approved November 28, 2023. There was a 60-day waiting period that followed the approval, and during that time, any of the taxing jurisdictions could have chosen to opt out of the plan. On January 9, 2024, the TIF Ad Hoc Committee & the Finance Committee at Oakland County considered the plan and the committees gave the Township good feedback on the plan. On January 18, 2024, The Board of Commissioners opted out of the plan on January 18, 2024, which was anticipated. The Oakland County millages that would be opted out were the General Tax Collection, the Transportation millage, and their Parks and Recreation millage. The initial opt out was county policy, and the county directed their counsel and staff to work with Township staff to put an agreement together. The agreement had gone back and forth through revisions over the last several months, but on May 14, 2024, the agreement went back to the TIF Ad Hoc and Finance Committees. A few changes were made that Director O'Neil wanted to share with the Board. These changes were made at the request of some of the County Commissioners. The request was for some prevailing wage language to be added to the agreement. There was also a decision not to opt the transportation millage in, which represented a \$670,000.00 capture difference.

He further added, the Township did have the ability to go back and seek funding for transit improvements to the transportation components of the plan. The TIF Ad Hoc and Finance Committees both moved to recommend the revised agreement to the County Board of Commissioners. The County Board of Commissioners would vote on the agreement tomorrow, May 22, 2024. Director O'Neil is optimistic the agreement would move forward. He did hear late in the day today that there may be additional language changes that are being sought by the County. He has not been provided with the language changes. The agreement has to be received at the State by the close of business on May 28, 2024, in order to capture the 2023 year.

Director O'Neil stated the other taxing jurisdictions, Clinton Metro Authority and Oakland County Community College have opted to stay in the TIF plan, and didn't have an agreement. The Township local millages would also be moving forward and included in the plan.

Director O'Neil thanked the staff, Corridor Improvement Authority, and Board members who had been involved in the process.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall, to approve Resolution #24-022; approved the Tax Sharing Agreement between Oakland County, White Lake Township, and the White Lake Township Corridor Improvement Authority, subject to Oakland County taking concurrent action to approve the language in the agreement as presented in the packet tonight. The motion carried with a roll call vote: (Smith/yes, Ruggles /yes, Noble/yes, Kowall/yes, Roman/yes, Powell/yes, Voorheis/yes).

- I. FIRST READING; AMENDMENT TO ZONING ORDINANCES - ARTICLES: 2.0 DEFINITIONS, 3.0 ZONING DISTRICTS, 4.0 USE STANDARDS, 5.0 SITE STANDARDS, 6.0 DEVELOPMENT PROCEDURES, AND 7.0 ADMINISTRATION, APPEALS, AND ENFORCEMENTS

Director O'Neil said he met with Trustee Powell and the Township Engineer to amend the language and believes the changes made were in accordance with the prior feedback given by the Board.

Mary Earley, 5925 Pine Ridge Court, was opposed to the changes made to building height in the Pontiac Lake Gateway district.

It was MOVED by Clerk Noble, seconded by Supervisor Kowall to move to second reading Amendment to Zoning Ordinances - Articles: 2.0 Definitions, 3.0 Zoning Districts, 4.0 Use Standards, 5.0 Site Standards, 6.0 Development Procedures, And 7.0 Administration, Appeals, And Enforcements. The motion carried with a voice vote: (7 yes votes).

- J. REQUEST TO APPROVE OPEB CONTRIBUTIONS – 2024

Treasurer Roman stated the contributions would put the retirement funds at over 80% funded. The funds would all contribute the same as last year; except for the general fund.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall, to approve OPEB Contributions – 2024. The motion carried with a voice vote: (7 yes votes).

- K. RESOLUTION #24-024; TO APPROVE 123.NET, INC METRO ACT PERMIT CHANGE OF CONTROL, AND CORRECTION OF TYPOGRAPHICAL ERROR OF THE ORIGINAL RESOLUTION NUMBER FROM 17-022 TO 18-022

It was MOVED by Supervisor Kowall, seconded by Trustee Powell, to approve Resolution #24-024; To Approve 123.Net, Inc Metro Act Permit Change of Control, And Correction of Typographical Error of The Original Resolution Number From 17-022 To 18-022. The motion carried with a voice vote: (7 yes votes).

- L. RESOLUTION #24-025; LIMITED TAX LIABILITY BONDS - SERIES 2024 FOR STANLEY PARK AND TRIANGLE TRAIL

Treasurer Roman stated this is the resolution to complete the sale of bonds for 2.7 million dollars. The bond proceeds would be used for Triangle Trail and to fund the first phase of Stanley Park.

Clerk Noble thanked Treasurer Roman for his work on the bond.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall, to approve resolution #24-025; Limited Tax Liability Bonds- Series 2024 for Stanley Park and Triangle Trail and to allow officials to sign accordingly. The motion carried with a roll call vote: (7 yes votes)

(Voorheis /yes, Powell/yes, Roman/yes, Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes).

FYI - CIVIC CENTER UPDATE

Supervisor Kowall indicated there were multiple meetings; a page turn was done for both buildings, and they were moving forward. The Elizabeth Lake Road reconstruction would begin this Thursday. The library would remain open during construction.

Treasurer Roman said the final drawings are due on June 3, and then the final bid package would be assembled for site work

Trustee Powell stated modifications were made to reduce the site work cost. A great deal of time was spent on preplanning underground utility work.

TRUSTEE COMMENTS

Trustee Voorheis thanked the 511 residents who participated in No Haz Day this past Saturday. June 9 is the Police Open House from 12-3 P.M. She thanked the former staff planner Justin Quagliata for being a great asset to the Township.

Treasurer Roman thanked all the residents who came to the meeting tonight and were watching at home. He congratulated the new officers and fire personnel who were recognized today.

Trustee Powell said the DPS Advisory Committee met to review the agreement between the Township and Commerce regarding the sanitary provisions. They were looking in a major drop in tap fees. They would be meeting with Commerce Township. He thanked Mr. Quagliata for his work. He learned a great deal at the MTA Conference.

Clerk Noble thanked the residents in attendance. He said he will miss working with Mr. Quagliata and wishes him well.

Trustee Ruggles said he thought Mr. Quagliata brought a lot to the Township and he will be missed. He said he was like a young Sean. The Planning Commission had a scheduled meeting on June 6. He acknowledged the Police and Fire departments for their great work with the school field trips.

Trustee Smith emphasized the library would be open during the Elizabeth Lake Road Construction. The summer reading program will kick off June 3 for all ages, it is free to sign up and register. This week was National Police Week, and she wanted to recognize the Township's police department. She is pleased to welcome two new women police officers. She congratulated the new firefighters and the promotions. She thanked the staff and residents who participated in No Haz Day. She wished Mr. Quagliata well and thanked Director O'Neil for his mentorship.

Supervisor Kowall said Mr. Quagliata would be sorely missed. He was recently at the library, and made a presentation to the staff about the Civic Center. He said the staff was appreciative of the information. He also attended a few HOA meetings to provide information on Township happenings. He expressed his appreciation for the Board, and for all the cooperation during this busy time.

ADJOURNMENT

It was **MOVED** by Supervisor Kowall, seconded by Trustee Smith to adjourn at 9:20 P.M. The motion carried with a voice vote: (7 yes votes).

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk MIPMC
Charter Township of White Lake

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