

**CHARTER TOWNSHIP OF WHITE LAKE**  
**Approved Minutes of the Regular Board of Trustees Meeting**  
**July 19, 2022**

Supervisor Kowall called the meeting to order at 7:00 p.m. He then led the Pledge of Allegiance.

Clerk Noble called the roll:

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

Also Present:

                          Sean O’Neil, Community Development Director  
                          Nick Spencer, Building Official  
                          Aaron Potter, DPS Director  
                          Daniel T. Keller, Chief of Police  
                          John Holland, Fire Chief  
                          Lisa Hamameh, Township Attorney  
                          Michael Leuffgen, DLZ Engineering  
                          Jennifer Kelbert, Recording Secretary

**PUBLIC COMMENT**

William Thomas, 8180 High Pointe Trail, who is the Secretary for the Settler’s Point Association. He passed out a paperwork packet to each board member. He spoke of their special assessment a few years back and he expressed dissatisfaction with the work when the city took over redoing their retention ponds. He stated Johnson & Anderson was the engineering company at the time and TPS was the general contractor. He added that he could not explain the problem in 3 minutes, which is the reason why he has passed out the packet. They association would like the Board to read about it, think about it and get back to them. They would like them to be held accountable. He hopes they won’t have to take this any further.

John Newberry, 571 Lakeside Drive, a White Lake resident for 27 years. He states his property abuts office strips along M-59. He states right over his back fence there are currently 3 dumpsters. He spoke in opposition of the time the waste removal company is emptying the dumpsters at 4:30 AM-5:00 AM. He is hoping that something can be done about this.

Supervisor Kowall asked him if he had contacted the Planning Department or the Ordinance Officer about this? He stated he sent an email on July 5, 2022, but has not yet received a response. Supervisor Kowall stated he will speak with the Planning Department and internal staff to look into his matter

#### **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, SUPPORTED by Trustee Ruggles to approve the Consent Agenda. The motion PASSED by voice vote (7 yes votes).**

#### **PRESENTATIONS**

##### **A. CITIZENS LIFE SAVING AWARD**

Chief Keller presented the Citizens Life Saving Award to William Coxen for his assistance at a serious injury traffic crash on October 19, 2021 involving a vehicle that lost control and drove into a lake. He noted that Mr. Coxen undoubtedly prevented a very bad tragedy by diving into the frigid waters of Pontiac Lake to save the two occupants.

##### **B. SWEARING IN OF NEW POLICE OFFICER – NATALIE UHAZIE**

Chief Keller introduced White Lake's newest police officer, Natalie Uhazie. He indicated that she came to White Lake Police Department by the way of Clerk Anthony Noble who administered Officer Uhazie's oath. Officer Uhazie's mother, Marianne pinned her badge

##### **C. PROMOTION TO SERGEANT – THOMAS SARASIN**

Chief Keller introduced Tom Sarasin and spoke of his accomplishments since becoming a White Lake Police Officer in 2013.

Chief Keller introduced Tom's wife Rainey who accompanied him as his oath was administered. She pinned his badge after Clerk Noble administered the oath of office.

**D. PROMOTION TO LIEUTENANT - JEFFREY WAY**

Chief Keller introduced Sergeant Jeff Way and spoke of his accomplishments since becoming a White Lake Police Officer in 2003.

Chief Keller introduced Jeff's daughter Lauren who pinned his badge after Clerk Noble administered the oath of office

Supervisor Kowall indicated he would like to take a moment to give a round of applause to Police Chief, Daniel Keller for his leadership

**OLD BUSINESS**

**A. SECOND READING; 1392 SOUTH WILLIAMS LAKE ROAD REZONING**

Director O'Neil stated this is the second reading on Williams Lake Road as required by state statute. The Planning Commission unanimously recommended approval of this request and he is also recommending adoption by the board. This property is located just adjacent to Weatherstone Condominiums off of Williams Lake Road, north of Cooley Lake Road. There is a single family home on this property now. It is currently zoned AG (Agricultural) and the request is to rezone to RM-1 which is multiple family residential which is both consistent with the master plan as well as with the surrounding property zoning.

Supervisor Kowall asked if anyone had any questions. He reminded the Board that there is not necessarily a site plan submitted for this. It will come before the Township at a later date. It is just going for a zoning change now.

Trustee Powell states this is the appropriate rezoning request for this property. It is surrounded by like rezoning; therefore, he motions to approve it as presented.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve the rezoning from AG to RM-1 as presented. The motion PASSED by voice vote (7 yes votes).**

**B. SECOND READING; COMFORT CARE REZONING**

Director O'Neil stated this is similar to the action just taken above. This is the second reading of a rezoning request. This one is attached to a site plan. The Comfort Care facility is located off of Union Lake Road, right across the street from Independence Village. It is on 8.7 acres. It was granted preliminary site plan approval last month at the time of the first reading. It is on a long and shallow parcel on the southwest side of Union Lake Road across from Independence Village. It is a pretty straightforward request. The Board did approve the site plan with some conditions. One of the conditions was to collaborate with the adjacent development in order to deal with both stormwater and access. They are still working away at that right now. He was exchanging

emails and phone calls with them today. The Planning Commission's recommendation is to rezone this property from local business to plan development.

Trustee Powell asked if they do not rezone it to PD (Plan Development), what rezoning would this use fit in in White Lake?

Director O'Neil answered this particular use would traditionally be an RM-1 or an RM-2 type rezoning – a multiple family type rezoning. PD does allow for multiple families. They felt this was the most prudent way to go because of the odd shape of the parcel. The PD gives flexibility to both the applicant and the Township.

Trustee Powell agreed with this. He also stated they have another PD request later on down the agenda. He would like to point out to the Board that if they were to rezone this to multiple, then it would require them to go to the Zoning Board of Appeals for a number of variances that can get pretty complicated. PD allows this Board and the Planning Commission to shape all of the waivers and variances into the overall site plan without having to go to the ZBA. He wanted to point out that the waivers they are looking for are the front and rear yard setback along Union Lake Road and then the rear yard setback. He also stated that he is not sure why, but this use requires three separate loading zones. He further stated that by going to PD we are granting them and we are agreeing that three loading zones are not necessary.

**It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Powell to approve the Second Reading; Comfort Care Rezoning. The motion PASSED by voice vote (7 yes votes).**

### **C. DANGEROUS BUILDING – REVISIT DEMOLITION ORDER – 9910 HIGHLAND ROAD**

Nick Spencer stated that before the Board tonight is the demolition order of 9910 Highland Road. He reminded the Board of the past September's Board meeting, where the demolition order was revoked. He stated that the project is still unfinished and that this has gone before the dangerous building officer twice at this point. He is requesting the Board to reverse the decision back to the original request.

Supervisor Kowall interjected asking if he was asking for the decision to uphold the dangerous building officer's decision?

Attorney Hamameh believed that the Board already modified the decision of the dangerous building officer.

Official Spencer stated that was correct.

Supervisor Kowall stated they will modify it again.

Treasurer Roman stated that some issues have come to him very recently that involve legal issues with this decision today. He further stated they are going to need to consult with their attorney on those issues and because of that he wants to ask the Board, in fact, he is going to make a motion to table this until the next board meeting in August.

Trustee Powell interjected that if somebody does a second motion, then they can't talk about it. He asked if there was any way to elaborate on that more?

Treasurer Roman stated he would ask counsel for her opinion.

Attorney Hamameh stated she has some concerns in that the Board already modified the decision of the dangerous building hearing officer when he concluded it was a dangerous building and must come down.

Trustee Powell stated the Board did not modify his decision that it was a dangerous building, but just gave them additional time before it was demolished.

Attorney Hamameh continued that the Board decided it wasn't a dangerous building and therefore allowed him to repair it. She further stated that if it were a dangerous building, they would have ordered it demolished.

Trustee Ruggles stated they all still agreed it was dangerous.

Trustee Powell agreed about its current state, but it didn't mean that it couldn't be repaired.

Attorney Hamameh stated that was fine, but without a show cause hearing, without an opportunity, the Board is just going to reverse a decision of the previous Board to reinstate a previous decision of a dangerous building hearing officer from 1 ½ to 2 years ago?

Trustee Ruggles stated they were going to say the conditions have not been met.

Attorney Hamameh stated she just has concerns with this.

Trustee Powell stated if this gets delayed, it will be delayed more than it has already been delayed. If we were to reverse our previous decision, they still have the ability to hire an attorney and sue the township anyway.

Attorney Hamameh stated that what she is trying to say is she would like the opportunity to talk about the issues as the attorney and not in a public forum.

Trustee Powell said that he appreciated that. He knows that she hasn't, but he has talked to the neighbors. They are embarrassed that six years have gone by and they have seen this home in worse shape now than it was right after the fire. It was quite unacceptable to the neighbors and it is unacceptable to him. He is one that hates to see things torn down, if it's not necessary. They have proven to him that it is necessary because they are not going to perform.

Supervisor Kowall stated they are not capable of performing.

Trustee Powell further stated that this board warned them that if they gave them eight months, they might have more money put into it, but that was not going to be a reason for the Board to extend it. He is just a little concerned about a technicality to delay a re-motion or reaffirming that they did not comply with the last motion.

Supervisor Kowall asked if anyone here is representing the project?

A member of the audience stated “yes”.

Trustee Ruggles stated he does not want this to go on for another second.

Treasurer Roman stated if there is a legal question as to the process, he felt they should get the process right.

Trustee Powell responded that the Board could make a motion to put the applicant on notice that they have made a motion and that action is going to occur.

Supervisor Kowall concurred with his colleague. He shared that as the legal representative of the Township – outside of the Township attorney, that they do need to make sure that they are in the legal confines.

Trustee Powell asked what the downside is if they make a motion? He also stated their attorney should be able to tell them that.

Attorney Hamameh stated she can't even tell them because she really has to analyze what they've done to get here and she has to research. She further stated she wanted time so that she could provide the Board with a legal opinion about their risks and liabilities so they can make that decision.

Trustee Powell interjected that he was not trying to be argumentative, but this has been on the table for eight months now.

Trustee Smith commented that this has been on the agenda was published a week ago.

Attorney Hamameh stated she did not receive all of the information for the property. She contacted the building department as soon as she saw it on the agenda last Thursday. She stated she got it on Monday – yesterday – preventing her from being able to and has way too much on her plate right now to have been able to react, read the materials, do the research and write a legal opinion to provide it at today's meeting.

Attorney Hamameh further commented that she is only expressing that she has concerns with the process. Usually, you go through the dangerous building hearing process, you get an order from the dangerous building hearing officer, you either modify it or you approve it or you deny it.

This is a little bit different how it was handled and so now to go back and reverse that decision? She wanted to take a look at that, but obviously it's the Board's decision.

Clerk Noble agreed that Attorney Hamameh would have not had time to research this. We reversed it a year ago. It's been a year, so I concur with the Board, but that's not enough time to put on counsel. She is busy because we all reach out to her; we should give her that time. He felt giving her until the next board meeting would give her ample time to do such and keep us out of the woods.

Trustee Powell replied that in the meantime, the owner spends more money, he hires more workers, does even more work, he goes that much further and then what?

Clerk Noble questioned if the legality of a Board action at this point?

Trustee Powell responded he felt the Board could still do what it feels is right. And that our counsel is responsible to defend our actions and give us guidance, but we can still do what this Board feels is right to do. He recommends a vote and then take it from there.

Trustee Voorheis asked for clarification about tabling this issue tonight and if that is just giving them more time?

Trustee Powell responded that was correct.

Trustee Voorheis would like clarification on what a "yes" vote means and what a "no" vote means?

Supervisor Kowall responded a "yes" vote would be giving Attorney Hamameh time to research the information, that's what it all boils down to.

Trustee Ruggles asked if in the meantime if there was a stop work order on this?

Official Spencer responded there has not been a stop work order.

Trustee Smith questioned if there could be?

Clerk Noble stated they hadn't even started yet.

Nick Spencer replied they have not started yet, but they have a permit, so technically. They've started removing materials.

Clerk Noble asked if they could put a stop work order until this is resolved?

Nick Spencer stated he could.

Supervisor Kowall stated he would like to hear from the property owner/representatives. He

asked them to come forward and identify themselves.

Stephen Hutch, 9910 Highland Road spoke to the Board and indicated the many challenges that have occurred. He apologized and indicated that he limited on what he can say for legal reasons.

Supervisor Kowall thanked Stephen Hutch.

Treasurer Roman responded that his motion was to table this until the next meeting. A “yes” vote would give our attorney some time to research it and then get back with the Board about the process.

Trustee Powell interjected that there’s no discussion on tabling the motion.

Trustee Voorheis asked if it could be added to Thursday?

Supervisor Kowall stated we will determine when it can be added.

Treasurer Roman stated he didn’t know if our attorney can do the research by Thursday.

Supervisor Kowall interjected it will be on the agenda of the next regular meeting as long as counsel is prepared.

Treasurer Roman wanted to clarify that it would be the next regular meeting meaning at the August board meeting?

Supervisor Kowall stated that was correct.

**It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to motion to table the motion until the next regular board meeting in August. The motion FAILED by roll call vote: Smith/no, Ruggles/no, Noble/yes, Kowall/yes, Roman/yes, Powell/no, Voorheis/no**

Trustee Powell commented that the neighbors he talked to today think that this Board is a laughing stock because they’ve been living next to a burnout for six years. He further commented that they haven’t been able to do their job. He promised him that he would do his part in supporting the wishes of the residents to finally have that home be torn down. This is the reason why he spoke so boldly on this. He would like to make another motion.

Supervisor Kowall told him to feel free to make another motion.

Trustee Ruggles asked him what motion was he thinking?

Trustee Powell responded he was thinking of reversing our previous – no – a finding of the terms and conditions of our last motion were not met and therefore we reinstate the request for the demolition of the building.



**It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to motion to reinstate the previous request for the demolition of the building. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Roman/no, Kowall/no, Noble/no, Voorheis/yes, Smith/yes).**

Supervisor Kowall stated he would be in touch with Nick Spencer and they can have a discussion.

## **NEW BUSINESS**

### **A. REQUEST TO PURCHASE NEW PHONE RECORDING SYSTEM FOR POLICE DEPARTMENT**

Chief Keller stated that he brought Lt. Matthew Ivory with him because he did the in depth research on the new phone and radio recording equipment that they need to purchase. This is one of those things, they have been trying to put off until they were hopefully in their new building, but unfortunately, their old system has come to an end.

Lt. Ivory presented to the Board a summary of how the Public Safety phone, 911 and radio transmissions are recorded. He spoke of the current operating system which is Windows 7. He indicated the is antiquated, outdated technology that is now showing signs of failure so much so that they had to implement a policy to manually check the system every single week because they had a previous issue where it was discovered the system failed to record for two weeks and the department was not aware of it. The system is so outdated that remote support is no longer available. He recommended Equature which is the same single public safety answering point (PSAP) used by all of Oakland County including the Oakland County Central Dispatching Center which is one of our default backup centers.

Supervisor Kowall stated unfortunately as the technology changes, you struggle to keep up and this is just a classic case.

Chief Keller stated the fire department's going to share in some of the costs of this program. He thinks approximately \$4,000 of the equipment will come from the fire department. He is requesting \$42,530.85 for the Equature system which will be taken out of drug forfeiture.

Supervisor Kowall asked him what the police department total would be?

Chief Keller responded it would be \$42,530.85. And again, the fire department will take \$3,465 of that.

Trustee Voorheis clarified it would be fully functional in 4 to 6 weeks if we approve it tonight?

Chief Keller responded that it would be fully functional at that time.

Lt. Ivory added that it's all cloud-based. It's all a Microsoft Azure cloud based system. So, anything that happened maintenance wise is their problem to take care of and part of this cost is

the annual maintenance agreement. He further stated with it being a cloud-based system, there is equipment in-house but probably 90% of it is all servers on their end. If there is a problem, somebody sitting at their kitchen table remotely fixes it. If they can't then they send out techs from this area, not down in Ohio.

Trustee Voorheis asks about the longevity of this, how long approximately?

Lt. Ivory further stated that the maintenance contract covers 5 years, but anything that's cloud-based – it's going to be updated. With the in-house system – Windows 7 doesn't even have updates anymore. There will be issues along the way – like all computers have issues, but he anticipates they will potentially be using this long into the use of a new building.

Chief Keller added they are going to stretch it like we stretch everything else until it's at capacity.

Trustee Voorheis asked approximately – ballpark – like 5-10 years?

Chief Keller stated he was thinking 5 to 8 years – 5 years minimum, but would assume 8 years when it starts to transfer into a new system.

Trustee Smith asked if they could clarify the figure because it doesn't match any of the figures that they have in the Board packet. She also asked if it would be up to \$42,000?

Chief Keller stated the number – because they get a break if they pay for the 5 year warranty. They would also get a break of 10% if they pay for it all at once instead of breaking up into years.

Trustee Powell asked Lt. Ivory how will this new system operate? He knows with the cameras they have sometimes you have to take a thumb drive from what the officer's camera produces, you need to put it into a computer, you need to send it out or it could be done wirelessly by just entering the area here and by wi-fi it just goes to the cloud. Is the system updated to the wi-fi download or do you have to do it manually?

Lt. Ivory replied that it's all done through the VOIP system – through the existing phone lines that they have or are getting now, as well as all of their radio systems, it's all integrated. It is up to the second recording. One of the things they actually threw in for us was quality assurance, so we can actually monitor our dispatchers to make sure they are doing a quality job which is what we do now. It's just a lot more tedious. When a call is received, as soon as that call is disconnected, any supervisor can log into this system on their terminal anywhere really as long as they have their own passcode. Then they can listen to the phone call that was just received. It's all sent and recorded through the internet, through the fiber optics up to their servers.

Trustee Powell commented that the officer doesn't have to do anything manually in order for his camera and his in-car cams would automatically download through the software? They don't have to do anything manually?

Lt. Ivory replied the camera system is completely separate from this – this is all telephone and radio traffic.

Trustee Smith asked if the camera is separate like when they drive into the parking lot, it uploads?

Lt. Ivory answered yes, that is already in place.

Supervisor Kowall asked if there was anything else from the Board?

**It was MOVED by Clerk Noble, SUPPORTED by Trustee Smith to approve the request to purchase a new phone recording system from Equature for the police department up to \$43,000 as presented. The motion PASSED by voice vote (7 yes votes).**

Chief Keller thanked the Board.

#### **B. CONSIDERATION OF PRELIMINARY SITE PLAN APPROVAL – AVALON**

Director O'Neil stated the next two items on the agenda both pertain to the same project known as Avalon. It is located at Hill Road and M-59 on the northwest corner. This is a project that is comprised of 2 parcels that total approximately 110 acres in size. The request for tonight is for rezoning 2 parcels, which is zoned both AG & PD that is on the west side of Hill Road and the property on the east side of Hill Road is currently zoned R1A. Both of the applicants are requesting these projects be rezoned to PD and that is one site plan that will pull both of these properties into one project for a request for approval.

Director O'Neil further stated that on April 21<sup>st</sup>, the Planning Commission recommended approval of the rezoning request. At that time, they denied that request for site plan approval and gave the applicants some direction. The applicants came back & at the July 7<sup>th</sup> meeting and obtained a recommendation for approval from the Planning Commission and that plan is before you tonight.

Director O'Neil stated it is a very large project and explained some of the details. He indicated that the applicants are here and prepared to make a presentation tonight. He summarized the request tonight is for preliminary site plan approval and then first reading of the rezoning from AG and PD on the westside and then R1A on the eastside of Hill Road to PD (Planned Development).

Director O'Neil added that these projects will be on our Township utilities and the water and sewer will be extended down Hill Road and across the M-59 frontage. Hill Road will be paved to nearly the most northern extent of their property. They don't know the exact configuration but a traffic light will need to be installed at a location to be determined on M-59. They are working with the Department of Transportation. The applicant is also proposing a \$100,000 contribution to the park fund.

Trustee Powell stated that it would probably take 15 pages of variances for the ZBA to consider each one individually but if rezoned to PD, it can be done based upon the guidance from this Board as to what we want the development to look like or to simulate.

Trustee Powell also stated that he is a major fan of cluster options and open spaced plans. He stated he thinks that they are a win-win. The problem is most developers think of it only as one-sided. They want to win with extra density because they see every unit as extra dollars in their pocket. Rarely do they see a win for the Township, unless they are forced into it. This developer that's before us tonight, he can't say enough good about them. They are very astute. However, they are developers and they're in this to make money. They're not doing this to better White Lake Township, otherwise they'd be gone and we'd be dealing with another entity. It's up to us to make sure that White Lake Township is represented properly and not just the developer.

He submitted to the applicant and this Board that the parallel plan that was submitted on both sides of this road, both the single family and the multiple cannot be built as presented. This Township would vote against approving that if they were to submit it right now for approval. It doesn't meet the requirements of the ordinance so it really can't be approved without variances being obtained. He further commented that the Township would not allow them to fill in all the wetlands and they must get site plan approval from the Township first. He is a major fan of that rezoning. However, the density and the base plans need to be relooked at and evaluated more than what they are. He further stated he would be considering tabling the site plan but moving forward with the rezoning.

Director O'Neil offered the Board additional background on the zoning portion.

Supervisor Kowall asked if there were any other comments from the board?

Trustee Voorheis stated she has had multiple people reach out to her and absolutely say lessen the density. She loved the idea of the bigger setbacks. She does realize it's M-59, but she does want to attempt to retain the rural atmosphere. She further stated that she is all about tabling this. But also improving the rezoning. She suggested having them go back to the drawing board and give us more like that rural feeling in rural White Lake.

Trustee Smith concurred with Trustee Powell. She liked the ideas of the setback as well. She thinks that will be palpable to our community and fit in better to have it set backed and bermed. She would prefer the RM1 zoning instead of RM2. She understands the explanation but would prefer the less density. She is in favor of tabling it, working on it, making the changes that Mr. Powell spoke of tonight and bringing it back to the Board.

Trustee Powell pointed out that if we move the rezoning forward, the first reading that doesn't set the density in place, remember the density is tied to the site plan. I think we're safe if we table the site plan tonight and but move forward with the rezoning to PD to both sides.

Supervisor Kowall commented it does allow the Township some tools in the toolbox. Mr.

Powell is absolutely correct. This is a very ambitious project for White Lake Township. He agreed with Mr. Powell that the RM2 and the R1D in the PD are appropriate. He is a fan of the larger setbacks. He further stated the rural integrity here is a constant tightrope walk and we are always trying to make sure that the residents know that we're trying to do our best to look out for their interest and the impact it's going to have on the community. The addition of a light will actually be welcome in that area that would be helpful down there. He also thinks consideration should be given to moving the zoning change forward and tabling the site plan for further consideration.

Director O'Neil stated he wanted to make sure the applicants had a chance to ask any questions, so they could take direction. He knows that there were concerns and we had discussed them regarding the underlying parallel plan. It needed to be modified to better match the requirements of the ordinance

Supervisor Kowall commented he was going to ask the applicant if they'd like to come forward and give a little outline of what your thought process is.

Trustee Ruggles stated when the Planning Commission first looked at the lot sizes, they knew they were below the recommendation of staff; 70 feet wide was the recommendation a lot of these are in 60's, but the reason for that is allows them to work around the wetland and once we understood that then we all agreed with that idea that the wetlands wouldn't be disturbed where on that parallel plan not that they'd be able to accomplish it, but it shows them filling in all the wetland, so we would prefer that they worked around it, so that's one reason that the planning commission was okay with the way it was presented.

Supervisor Kowall asked if he was talking about the east side of the road.

Trustee Ruggles replied it was the eastside single family homes, correct.

Supervisor Kowall asked the applicants if they cared to present or anything they would like to discuss?

James Galbraith introduced himself and his colleague Mark Kasab. He stated he thinks they've got clarity from the Board this evening as to how we should look at refining the parallel plan. He stated they will dive deeper into the plan they hope to bring forth. He also stated they made some adjustments to it along the way, but there's still room for some improvement. They are very sensitive to the buffering of the community, not only to the neighbors to the north, which we've already done a significant improvement to the plan but also to the frontage along M-59. He further stated it's to their benefit as well and we can do the same along Hill Road. He said they pride themselves on our communities.

He said they look forward to working with this Board and we'll refine this plan, exchange it with staff and continue to value your input. They also would support the idea of the site plan being tabled for further study, if they could advance the zoning along from the first reading to the

second reading. He stated that would be appreciated in the process. He concluded by asking if anyone had questions for him.

Supervisor Kowall asked if there were any questions from the staff? (No questions at this time.) He stated he certainly appreciated them looking at White Lake as an opportunity for their business as well as the growth of our community.

James Galbraith commented they've had a long history with this parcel. They've owned it for about 16 or 18 years. He thinks several people recognized that they first acquired this property with the thought of doing retail on the frontage. He stated they had high hopes of another box store or a village. They've done box retail such as Target and Costco. He said Target and Costco didn't come to the market and almost every retailer they talked to after they acquired it wanted to be east of Meijer closer to Waterford. He further stated they've seen retailing change dramatically with e-commerce. They also considered the possibility of holding out a small corner of the parcel for retail. After seeing some of the struggles some of the other landlords are having along this corridor, they decided it would be better served as a first-class residential community.

Trustee Smith stated she was comfortable with everything that they have spoken about tonight. But she's still interested in the RM1 zoning. They are at it now anyway, so she asked if they could incorporate that in their motion?

Trustee Powell replied the reason why RM1 will put a little more burden on them is because in the parallel plan, the setbacks are larger between buildings, so the overall density is not able to be obtained on the parallel plan. He further stated he has no problem making that motion because it falls in line with a little bit more with the White Lake Township area.

Supervisor Kowall asked if there was anybody in the audience that would like to speak on this matter? (No public)

Trustee Smith asked Director O'Neil if he was comfortable with the parallel plan on the westside?

Director O'Neil explained in detail the specifics of the zoning ordinance and how related to the master plan and the zoning density.

Trustee Smith stated she was cautious because with another developer that we've dealt with we thought we were all on the same page. She added she would like to be conservative, a little bit more cautious to get closer to what we actually are hoping for instead of giving them a long leash to run with and they take the whole thing.

Clerk Noble this developer has a long track record within multiple communities including Novi and Commerce.

Trustee Powell stated he is in agreement with Director O'Neil.

Trustee Smith commented she will give this developer the benefit of the doubt. She understands their explanation and would be ok with RM2 for those reasons stated. She further stated she just hopes that they're much closer to our idea.

Supervisor Kowall replied that we get the final say and that's submitted to this Board as part of their PD agreement. He stated he was ready to move this along.

Trustee Powell said he will take the motions separately.

**It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve the first reading and moving along to the second reading for the rezoning from AG and R1A to PD as presented. The motion PASSED by voice vote (7 yes votes).**

Supervisor Powell stated that the rezoning will go forward to the second reading.

**It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to table the consideration of the preliminary site plan approval known as Avalon until the applicant has submitted a revised parallel plan and most probably a revised PD plan that our staff and consultants can review and bring back before this board. The motion PASSED by voice vote (7 yes votes).**

#### **D. REQUEST TO APPROVE PERFORMANCE GUARANTEE AGREEMENT – CARTER'S PLUMBING**

Director O'Neil stated that Carter's Plumbing has moved into the old Amcomm building that was previously Oscar Larson. There have been a few big users of this property over the last few years. CAMQ properties, LLC is the actual owner and the address is 10431 Highland Road. Carter's Plumbing is the new soon-to-be occupant. All of the following information can be found in your packet. In April of this year, the Township was made aware of unpermitted construction activity within the building. Official Spencer went down and let them know that they were required to obtain permits to do the current work or the work that they were undertaking. On June 9th, Aaron Potter was there to witness some excavation of the ground and installation of a storm water system. It was an issue because there were some restrictive covenants that were attached to that property. In 2015, Oscar Larson (previous owner) and EGLE had entered into an agreement which prohibits this kind of excavation. They got on the phone with EGLE. They were able to quickly have a meeting with them and the applicants to kind of outline some of our concerns. It very quickly came up that they were willing to restore what they had disturbed and we were willing to let them do that, but there was a process. We needed a site plan and they had asked to simply be able to gravel the parking lot. The zoning ordinance doesn't allow the parking lots in commercial buildings to just be graveled. A residential driveway could be graveled, non-residential sites cannot use gravel. We let them know that they would have to pave back the area that they had removed. But again, it would require site plan approval. It

would address stormwater, all the other requirements of the zoning ordinance and that the extra layer was having EGLE involved because of the restrictive covenants. We weren't comfortable with approving anything without EGLE because that's really out of our jurisdiction.

Supervisor Kowall stated we don't have the authority.

Director O'Neil stated they've had good response, as has the applicant. They've been available to discuss and meet. So truly tonight before you is to approve a performance guarantee which is really outside the norm but it could potentially allow this applicant to get a temporary certificate of occupancy and run their business out of this site. But they are requesting some time in exchange for this performance guarantee and temporary certificate of occupancy to get a plan together. They've contracted with Kieft Engineering – who you know does quite a bit of work in the Township and we're certainly comfortable working with them. But there's some lead time and the applicant can probably address some of that. He further stated a lot of it is outlined here so at this point they don't have any objection to the Board approving this. He asked if they would approve it – they do it with conditions. They are asking that you prescribe a period of time within which the improvements must be completed. They also will need a clean certificate of insurance which was provided tonight. The area they want to gravel if you're looking at the aerial is basically right here. Some landscaping has been removed. There are some other things that are going to need to be a part of their plan going forward but primarily the big issue tonight is the request to gravel this area until they can pave it out which will require a plan. That was just a very brief synopsis. He would be happy to answer your questions.

Supervisor Kowall asked if in this process they are going to have to make an application to EGLE as part of their site plan and a part of their engineering plan?

Director O'Neil replied EGLE will be involved as a reviewer on the plan. He doesn't know that they'll necessarily make an application. EGLE is going to require them to meet all of our requirements.

Supervisor Kowall asked if EGLE made or gave any inclination that there may be some remediation necessary?

Director O'Neil responded that he was going to let Aaron Potter answer this because he's had some conversations with them,

Aaron Potter stated the majority of the remediation of this contamination was already completed by Oscar Larson.

Attorney Hamameh offered to answer and advised that when we were talking to EGLE, we did confirm that EGLE was going to go out and take samples to ensure that the plume has not migrated any further requiring any additional remediation.

Aaron Potter stated when they met with EGLE out on the site, they did mention that probably



one of the requirements that they'd be looking at would be a shallow monitoring well in the area around the outlet into the storm drain exiting the property.

Supervisor Kowall asked Mr. Leuffgen in his experience with EGLE, what's their turnaround time on things like this?

Mike Leuffgen replied It can historically take a long time to get a response. He's quite optimistic in this case because they came out so quickly. They were able to get a meeting with them within 2-3 days. They've been very responsive on this item so far, but depending on the priority of the project and how it ranks with whatever else they're dealing with, it could take a while.

Supervisor Kowall asked if we are talking about several months?

Mike Leuffgen replied he wouldn't say that long. He doesn't think you're dealing with anything too complicated here because a lot of the remediation had happened previously.

Supervisor Kowall commented his concern is that if they decide to come out and put a shallow monitoring well in but get results they don't like, will they come back and say we are going to have to come up with a remediation plan? It just kind of pushes the whole thing out so we have an unknown there at this point. We don't really have all that historical data nor do we have in the township the expertise to deal with that and that is the state's wheelhouse so to speak.

Mike Leuffgen stated they don't really have the authority to deal with it as well.

Supervisor Kowall replied he doesn't want to give them an unrealistic timeline because of potential problems He further stated that his own personal experiences with MDNR was that it took forever to get some of the permitting done. It took an excessive amount of time, so he didn't want to give them an unrealistic time frame. He wanted an opinion from the professionals here versus the Board's opinion

Trustee Powell commented he thinks you are thinking correctly and the guidance from our engineer and our DPS director is the same. He went through this exact same issue for the Village of Wolverine Lake. They had an underground storage tank leak and the first thing when the DNR/DEQ/EGLE comes in is you must eliminate all pollution. That's their first stand – eliminate it all. When you can't eliminate it all, you clean it the best you can. There are commercial standards and residential standards. Depending on how clean you've made it, they then allow you to encapsulate it. The thought is that natural bacteria would eventually dissolve it if it just stayed in place and not moved. The problem is when they opened it up, now rain water falls in that and now you're mounting the groundwater which is going to carry that with it EGLE could say no now we're getting into residential areas now you're contaminating off-site, so all we can do is best we can do and make it subject to a timeframe and EGLE approval.

Trustee Ruggles replied he agreed with that.

Director O'Neil stated just to be clear, what they're requesting and what this agreement is supposed to provide for is they want to be able to occupy this building but prior to completing the following items: submission of an engineered site plan for the parking lot which includes the layout design and design and construction including paving storm water drainage water drainage, wetland protection, landscaping and screening and fencing and those all have to be subject to township and Eagle requirements. Connection of municipal sanitary sewer system which they're going through the process of doing that with Aaron now and then compliance with the township's code of ordinances, zoning ordinance, the restrictive covenants that we've talked about and other applicable law. They still have to comply with all of those things in order to be compliant with the action they're requesting that you take tonight which is to hold a hundred thousand dollar cash bond, give them a temporary certificate of occupancy for whatever period you prescribed and they understand that if they do not comply or they should understand and we can talk to them about it is they'll be in violation of all of that and there will be certain actions that we may have to take and in the process if EGLE finds that circumstances have changed as a result of some of this work – things that we aren't aware of now may happen.

Supervisor Kowall commented that's why he doesn't want to tie their hands with an unrealistic time frame. It's just not practical. You and I have both had bad experiences with bad sites and you just don't know what's going to rear its ugly head.

Trustee Ruggles stated he would say that what Director O'Neil just described as at least 4 months, by the time Kieft sends their guys out, draw it up and review it that puts them into winter. Then we're going to do some paving, so we're into next May/June. It's July now, I'm not sure if 12 months is long enough.

Supervisor Kowall replied he almost concurred with this only because we have this can where the lid is cracked and when it gets popped off we're not quite sure what's in it. We don't want to keep your money. We want you to be there, we want you to be finished, we want it done, but I don't think an 18 month window is an unrealistic window to request this be done in and understand that your certificate of occupancy would be and will be in jeopardy if this is not met within this timeframe

Trustee Smith expressed her extreme dissatisfaction with the way Township staff were treated through this process. She added that this was nothing more than a case of "I'm going to do it and ask for forgiveness later." This is a licensed plumber that knows better. He knows that you pull permits, he knows that we have policies, ordinances, regulations and he did not follow any of ours and went full steam ahead. She further stated he did whatever he wanted and hoped this Board would clean up the mess. She would like to hear why the Huron Water River Shed was disturbed by putting in storm drains prior to the sale. She stated she has a lot of questions for him, so she wants to hear from him directly and to help the Board understand if this was done intentionally with the hope for forgiveness afterward. She is not ok with that.

John Little, Attorney representing Matt Carter. He also introduced Casey Leach, a representative from Kieft Engineering. He stated he has graciously come here so he can answer any questions

about the timeline. He agreed this was self-induced and indicated that this was their fault, but it wasn't intentional, premeditated – it was ignorance. He further explained that this was the first time that Carter's Plumbing has been involved in purchasing a commercial building.

He addressed the Board at length and offered that they are here tonight asking for this performance agreement and are willing to pay a \$100,000 cash bond as part of an amends. He is asking the Board to give them the opportunity to make full amends for the mistakes they have made. He confirmed that they are good genuine people and will be an important part of your community. He indicated that Matt is here and they are willing to answer any questions.

Supervisor Kowall asked if any members of the board had any questions for them?

Trustee Smith stated she would like an explanation of what he is doing there. What is the plan for this and why did he put in storm drains and dig down into the Huron River Water Shed?

Matt Carter, 10431 Highland Road, stated that he didn't think he was doing anything wrong at the time. He does a lot of residential plumbing – he's been doing residential his entire life. When they do storm drains for residential use, permits are not required. He is used to that and believed this was the same with a commercial building, but he was wrong. He learned that the hard way. He wants to make it right. He promised whatever they say they're going to do together is going to get done and it's going to get done right. That's all he can do. But he didn't think he was doing anything that tremendously wrong as an honest man.

Trustee Smith stated she appreciated his apology, but it's just not true. She showed him the covenant that he had upon the sale

**It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve the performance guarantee agreement for Carter's Plumbing with the amendments to include a \$100,000 cash performance bond with a time limit added to this agreement of 18 months to complete. The motion PASSED by voice vote (6 yes votes, 1 no vote).**

**E. RESOLUTION #22-024; WHITE LAKE TOWNSHIP TENTATIVELY  
DECLARING ITS INTENTION TO ESTABLISH A SPECIAL ASSESSMENT  
DISTRICT TO BE KNOWN AS EMERGENCY SEWER HOOK-UP 2022-02**

Supervisor Kowall asked if there were any questions or comments about this?

Trustee Powell would like to make a motion to approve this.

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Roman to approve resolution #22-024; While Lake Township tentatively declaring its intent to establish a special assessment district to be known as emergency sewer hook-up 2022-02. The motion PASSED by voice vote (7 yes votes).**

**F. REQUEST FOR ONE YEAR EXTENSION FOR PEERLESS MIDWEST -  
WELL MAINTENANCE CONTRACT**

Aaron Potter stated the Township executed a contract with Peerless Midwest in 2008. They extended Oakland County contract pricing to White Lake Township. This contract has expired. Oakland County has just extended their contract with Peerless Midwest. He is requesting the Township board to approve our contract with Peerless Midwest

Trustee Powell stated he didn't have any questions because it was pretty straightforward

Trustee Ruggles asked if one year was the most they would do?

Aaron Potter responded that he didn't even ask that question because Oakland County only extended their contract for one year.

Trustee Ruggles further commented whether their pricing wasn't going to go up.

Supervisor Kowall commented that Oakland County has only extended their contract for a year, which means they are giving us the Oakland County price. In one year, they may not extend Oakland County's agreement. Then they may not extend the same pricing and it could be restructured. He felt they should wait to see at that time where it's all going to fall. He doesn't think they are going to want to lose Oakland County.

**It was MOVED by Trustee Ruggles, SUPPORTED by Supervisor Kowall to approve the request for a one year extension for Peerless Midwest Well Maintenance contract not to exceed \$100,000.00. The motion PASSED by voice vote (7 yes votes).**

**G. FIRST READING; FEE ORDINANCE AMENDMENT - ORD #129**

Supervisor Kowall asked if there was anything that needed to be added to this amendment? He also stated that he appreciated Trustee Roman's explanation about this earlier regarding putting "maximum permitted by law" because that could go any which way. They could decide they don't allow us to charge anything anymore for canceled checks when they feel in a generous mood in Lansing. He feels the language is appropriate. They only need to consult with counsel or the State of Michigan to find out what that fee is at the time. He asked if there were any questions from the Board?

**It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to move to the second reading; the fee ordinance amendment – Ordinance #129. The motion passed by voice vote (7 yes votes).**

**H. RESOLUTION #22-025; TO APPROVE THE PURCHASE OF TAX  
FORECLOSED PROPERTIES FROM OAKLAND COUNTY -  
GALE ISLAND**

Treasurer Roman stated these are the Gale Island lots that the Township sunk about \$152,000 to \$153,000 to tear down and clean up the mess. Those properties were all tax-foreclosed by Oakland County. White Lake Township has the first right of refusal to pick those lots up. He commented to keep in mind that the Township has already put about \$153,000 into this. The total cost to purchase them comes to \$281,240.62 of which we will get our \$153,000 back. Essentially the Township will spend another roughly \$130,000 to control these lots. He further stated just so the Board knows, the law has changed recently. In the past when the Township picked up tax foreclosed lots, we were not allowed to profit on those lots. The profit had to go back over to Oakland County. That law has now changed to where if the Township did profit on some of the lots, then that money stays with the Township.

Clerk Noble asked if what Treasurer Roman was initially saying was that since the law changed, we could sell for a profit?

Treasurer Roman responded that interestingly enough, if you look at the lots, in his humble opinion some of them they are paying too much for, but for others they aren't paying enough. That is just the way the tax law works. This new law protects us.

Supervisor Kowall stated that his office has been contacted by individuals that are interested in purchasing those lots – multiple individuals.

Trustee Powell asked if they had to go out for public bid on those?

Supervisor Kowall responded they could consult with their attorney with the process. In the meantime, this opportunity should not go past us. This was initially the thought process when the Board saw good reason to demolish the buildings and most of them were sitting on the ground anyway. It was one of those cases that was so expensive being on an island because from a logistical standpoint it was extremely difficult.

Treasurer Roman responded to Trustee Powell's comment stating they were going to have to put their heads together on this situation because do you go out to bid leaving the parcels as they are or do you possibly optimize them? There's some strategy that will have to be put together.

Trustee Powell stated they could split and recombine them into first class buildings.

Treasurer Roman stated he has talked to the new Township assessor and he told him that it would be much easier to combine lots than to split them.

Supervisor Kowall asked if there were any further questions or comments?

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Supervisor Kowall to approve Resolution #22-025 to give permission to spend \$281,240.62 out of the general fund to purchase the tax foreclosed properties from Oakland County - Gale Island. The motion **PASSED** by roll call vote (Noble/yes, Smith/yes, Ruggles/yes, Roman/yes, Voorheis/yes, Kowall/yes).

#### **CLOSED SESSION**

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

#### **I. REQUEST TO APPROVE AMENDED EMPLOYMENT AGREEMENT - AARON POTTER**

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to approve to recess into a closed session to consider attorney/client privilege communications in accordance with MCL 15.2681. The motion **PASSED** by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Ruggles/yes, Smith/yes, Voorheis/yes).

Recessed into closed session at 9:27 p.m.

Returned to open session at 10:38 p.m.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Supervisor Kowall to approve the first amendment to the employment agreement with the one change as discussed in closed session. The motion **PASSED** by roll call vote (Noble/yes, Kowall/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes, Ruggles/yes).

#### **TRUSTEE COMMENTS**

Trustee Powell stated there are reports in this country that China and Bill Gates are buying up farmland all over the country. The statement from the pundits that he listens to say the local community needs to do everything they can to support the local farmers. He would like to study that and see what we can do to eliminate the possibility of our farmland being sold to out-of-state entities.

Supervisor Kowall concurs with Trustee Powell's comments, but thinks somehow it would be legally challenged.

Trustee Voorheis stated she was disappointed in her fellow Board members because they didn't attend the Music in the Park on June 25th. Thank you to Supervisor Kowall who was there with

125 people. It was a fun evening and they will continue to do it. They are a volunteer group. She also stated she was embarrassed to be the only liaison from this Board who was in attendance. But they can redeem themselves this Saturday by attending a clean comedy club. Mr. Powell appreciates good clean comedy. Advanced tickets are on sale now. The show is on Saturday beginning at 7:00 pm, but the show starts at 8:00 pm at Fisk Farm.

Trustee Ruggles asked if they were going to have a movie this fall?

Supervisor Kowall said they were working on it. There are a lot of things that Parks and Rec are working on.

Trustee Ruggles stated it is the most expensive movie he goes to.

Trustee Smith stated she thought it was wonderful how many officers were promoted tonight. She loved seeing that. She would also like to thank Oxbow Lake Baptist Church for the really neat Law Enforcement Appreciation they did on Sunday. She had the opportunity to speak during the service about our police department and Michigan Police Week. She loved how that community rallied around our police department. She also wanted to share with our community that they gave Pastor Chris Todd a badge and deputized him as our chaplain. He has been our chaplain, but they gave him the official badge. She is so glad to have him as a counsel to our community. She also encouraged more people out in our community to do more things like that.

Trustee Ruggles commented that the Planning Commission for this month has been canceled. We will meet again in August.

Clerk Noble wanted to thank his staff for working very hard on the elections. Just make sure you get out and vote. If you have any questions, call the Clerk's Office.

Supervisor Kowall stated White Lake Township is a great place to be. The Board is faced with a lot of decisions that sometimes are a little difficult, but we work our way through. He believes this Board has the utmost interest of the Township and its residents at heart. He goes to bed every night thinking that and is grateful for the staff and co-board members that he has. Good night and God Bless.

## **ADJOURNMENT**

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

**Meeting adjourned at 10:44 p.m.**

I, Anthony 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 July 19, 2022 regular board meeting minutes.

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Anthony L. Noble  
White Lake Township  
Oakland County, Michigan