

CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Regular Board of Trustees Meeting
February 20, 2024

CALL TO ORDER

Supervisor Kowall called the meeting to order at 6:30 P.M. He then 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

Absent:

Michael Powell, Trustee

Also Present:

Sean O'Neil, Community Development Director
Justin Quagliata, Staff Planner
Nick Spencer, Building Official
Lisa Hamameh, Township Attorney
Michael Leuffgen, DLZ
Eric McGlothlin, Attorney-Dickinson-Wright
Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

It was **MOVED** by Clerk Noble, seconded by Trustee Ruggles to approve the agenda as presented.
The motion carried with a voice vote: (6 yes votes).

PUBLIC COMMENT

None.

CONSENT AGENDA

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

- G. DEPARTMENT REPORT - TREASURER
- H. RESOLUTION NO. 24-010; PART-TIME CROSSING GUARD WAGE RESOLUTION

It was **MOVED** by Clerk Noble, seconded by Trustee Voorheis to approve the consent agenda as presented. The motion carried with a voice vote: (6 yes votes).

MINUTES

- A. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JANUARY 16, 2024

It was **MOVED** by Treasurer Roman, seconded by Trustee Ruggles to approve the minutes as presented.

The motion carried with a voice vote: (6 yes votes).

PRESENTATION

- A. PROPERTY TAX FORECLOSURE PREVENTION - ROBERT WITTENBERG, OAKLAND COUNTY TREASURER

Mr. Wittenberg gave a presentation regarding foreclosure prevention.

NEW BUSINESS

- A. RESOLUTION NO. 24-005; TENTATIVELY DECLARING ITS INTENTION TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS EMERGENCY SEWER HOOK-UP 2024-01

Assessor Hieber said there were eight parcels included on the special assessment. The public hearing would be scheduled for March 19th, 2024, and the parcels would be confirmed at the April 16th, 2024 Board of Trustees Meeting.

It was **MOVED** by Treasurer Roman, seconded by Trustee Voorheis to approve Resolution No. 24-005; tentatively declaring its intention to establish a Special Assessment District to be known as the Sewer Hookup 2024-01. The motion carried with a voice vote: (6 yes votes).

- B. FIRST READING; SIX LAKES/FILLING STATION REZONING

Director O'Neil briefly went over the applicant's rezoning request. The staff recommended the zoning to be changed to RB (Restricted Business), due to the ability to serve and sell alcohol while still protecting the residential area around the businesses from heavy traffic. The current master plan recognized the area as "Residential Resort", which was more residential in character. The future land use for that area would be Neighborhood Commercial. There were properties in the immediate area that were zoned GB (General Business).

The owner of the Filling Station was interested in outdoor seating. The ordinance did not allow for outdoor dining in Restricted Business zoning. Staff had discussed amending the Restricted Business

district to allow outdoor dining as a special land use. The Planning Department was currently working on that amendment along with several other to the zoning ordinance.

Supervisor Kowall said the area mentioned was of particular interest to him; the area needed attention. He wanted to see economic growth that particular area as well as the area north on Round Lake Road that included the former Mr. Ron's IGA. He thought General Business would be an appropriate zoning as it would be consistent with other properties in the area.

Treasurer Roman agreed with Supervisor Kowall's statements. He encouraged the applicant to look into their sewer bill if they were to proceed with outdoor seating, since the outdoor seating could potentially affect the REUs for the property.

Clerk Noble agreed with Treasurer Roman.

Trustee Smith said she supported the General Business rezoning and was a huge supporter of outdoor seating.

Trustee Voorheis and Trustee Ruggles voiced their support for the rezoning to General Business.

It was MOVED by Trustee Ruggles, seconded by Treasurer Roman to move to second reading the rezoning request for the following properties:

- 1. Parcel number 12-35-476-004, commonly known as 9266 Cooley Lake Road from LB (Local Business) to GB (General Business).**
- 2. Parcel number 12-35-476-021, commonly known as 9260 Cooley Lake Road from LB (Local Business) to GB (General Business).**
- 3. Parcel number 12-35-476-050, no common address (vacant) from NB-O (Neighborhood Business Office) to GB (General Business).**

**The motion carried with a roll call vote: (6 yes votes)
(Voorheis/yes, Roman/yes, Kowall/yes, Ruggles/yes, Smith/yes, Noble/yes).**

C. REQUEST TO APPROVE GINKO STORAGE PRELIMINARY SITE PLAN

Director O'Neil briefly went over the preliminary site plan. The Planning Commission approved the applicant's special land use application at their meeting on February 1, 2024. The west and south sides of the property required a berm for land buffering, per the ordinance. The applicant would be requesting a variance for the berm due to lack of space on the site. The planting requirements would be met on the southerly side of the property. There was a grade change on the westerly side of the property that made berm installation difficult, as well as mature trees that the applicant did not want to disturb. The business would have fixed hours of operation and would not be open 24/7. There would be automated gated entry that customers would utilize electronically.

Director O'Neil added he spoke with the surrounding neighbors and discussed the potential of the applicant working with them to replant trees to help with screening issues.

Supervisor Kowall said the applicant could work with the Planning Commission for screening issues, and with the restricted hours, the property would be quiet at night.

Director O'Neil requested that the motion included a notation including approval from the Zoning Board of Appeals.

It was MOVED by Trustee Ruggles, seconded by Supervisor Kowall to approve the Ginko Storage preliminary site plan subject to ZBA approvals and staff recommendations. The motion carried with a voice vote: (6 yes votes).

D. REQUEST TO APPROVE IT MANAGED SERVICES CONTRACT RENEWAL WITH VC3 - MARCH 1, 2024 - MARCH 1, 2027

The Township had been utilizing VC3 for its IT needs for several years. Tom Conway, VC3 was present and provided a presentation with the current IT services provided, as well as the future IT services that would be provided. He explained the efforts made to service ticket response time.

Trish Pergament, Deputy Supervisor, said she had progressively been working on IT issues with VC3 and had seen an increase with turnaround times. There were still issues to be worked out in regards to communication between VC3 and the staff.

The increase was substantial, and would be staggered throughout the next several years. The increase would be from \$37.00 per machine to \$80 per machine, and this would begin February 28th, 2024. The rates would increase in increments until February 28th 2027, then the only increases from February 28th 2027 onward would be 4% or CPI Index cost of living.

Projects such as firewall or server installations would be charged separately. These costs could be included under project labor coverage at an additional 20% to the new base fee. If the project labor coverage was included, the only uncovered charges would be software and hardware.

Deputy Pergament said the project labor coverage would lock in costs for the IT labor costs when the Township moved to the new buildings.

Trustee Smith said other options could be considered to create the new servers and move equipment.

Randy Allen, VC3, said there was nothing in the contract that forced the Township to buy equipment from VC3. He added that one company, VC3 or otherwise, should be managing the IT services for accountability and ease of service.

Deputy Pergament said there were IT needs that VC3 cleaned up in the Fire Department over the past year. These issues were caused due to outside contractor installation.

Clerk Noble asked Mr. Allen what the transition to the new buildings would look like. Mr. Allen said he had experience in relocating and transitioning IT services before, and it would most likely be a weekend move with the Board receiving the planning information prior.

Treasurer Roman said he was relatively happy with VC3. He hoped that VC3 was open to negotiation, and wanted to see the labor costs reduced to 10%. Mr. Allen said he encouraged the contract to be reviewed by an attorney.

Trustee Smith mentioned that she appreciated VC3 taking accountability. She wanted to see the increase come down, and it was too much to ask for at this time.

Trustee Voorheis said she agreed with the other comments made, but would want to see VC3 carry out its services throughout the new building process. She was not comfortable with piecemealing IT services.

Treasurer Roman said he was in support of postponing approving the contract to see if VC3 could modify the contract language.

It was MOVED by Treasurer Roman, seconded by Trustee Smith to postpone the approval of the VC3 renewal contract until next month and to allow the attorney to work with VC3 to iron out legal terms. The motion carried with a voice vote: (6 yes votes).

E. REQUEST TO APPROVE TRIANGLE TRAIL CONSTRUCTION BID AWARD

Staff Planner Quagliata acknowledged the Board had been working on this project for a long time. The project went out to bid in January, and Fonson Company Inc was the lowest bid. The Parks and Recreation Committee recommended to move forward with the base bid and alternative bid for a final total of \$605,415.50, plus an 8% contingency at their meeting on February 14th. Elizabeth Lake Road and Teggerdine Road were the base bid, and the alternate bid was the M-59 portion. The bid from Fonson was the only bid received, and work would not be any cheaper if it was re-bid again in the future.

Trustee Ruggles asked staff why the project was broken up into two bids. Staff Planner Quagliata said the project was split in case the Township did not want to do a portion of the project based on costs. The M-59 piece would be more difficult because of the commercial driveways involved.

Supervisor Kowall said both pieces were within budget to do at this time, so it made sense to proceed with both as construction costs would not get any cheaper. It would give the Township a contiguous trail tying together Stanley Park and the new Township complex. He was happy that Fonson bid on the project due to the quality of Fonson's work.

Trustee Ruggles asked how the project would be paid for. Supervisor Kowall said there was reserve money from Parks and Recreation.

Treasurer Roman stated most of the Park's money was earmarked for Stanley Park, and if the Board did not approve a bond, money would need to be taken out of general fund for this project and Stanley Park.

Staff Planner Quagliata said although one bid was received, Fonson recently completed the new roundabouts at Elizabeth Lake and Teggerdine on time and satisfactorily per the Oakland County Road Commission's standards. The project would be paid through Parks and Recreation funding as well as the potential bond, provided the bond was approved by the Board.

It was MOVED by Supervisor Kowall, seconded by Trustee Smith to approve the Triangle Trail construction bid award in the amount of \$605,415.50 plus an 8% contingency to Fonson Company Inc. The motion carried with a roll call vote: (6 yes votes) (Voorheis/yes, Smith/yes, Ruggles/yes, Roman/yes, Noble/yes, Kowall/yes).

F. REQUEST TO AWARD TRIANGLE TRAIL CONSTRUCTION ADMINISTRATION CONTRACT – DLZ

The proposal from DLZ was from 2020; and DLZ was holding to their 2020 price. Half of the proposal was approved in 2021 for design work; a \$50,000.00 grant from the Ralph Wilson Junior Foundation was used to pay for 90% of the design costs for Triangle Trail. DLZ would be utilized for the construction administration phase, which included 200 hours of inspection time. The proposal for the base and alternate bids was \$47,500.00. DLZ provided reduced inspection approach for 100 hours of inspection time, which reduced the proposal to \$37,000.00. The Parks and Recreation Committee reviewed the proposal and recommended approval to the Township Board.

Trustee Ruggles stated that was still a lot of hours for inspections on a pathway that would not have vehicles driven over it.

Mr. Leuffgen said DLZ could work with the Township about the hours, but the Road Commission would not be overseeing this project in detail. He said there is a value in having an inspector out in the field to make sure the materials delivered are what is needed. The reduced approach is more focused on the value parts of construction for inspection. It would be a part time inspector performing spot inspections. The same inspector could potentially inspect this project and Stanley Park as the projects will be underway at the same time.

It was MOVED by Trustee Voorheis, seconded Supervisor Kowall by to approve DLZ'S construction administration proposal for Triangle Trail with a base bid and alternate bid to not exceed \$37,000.00. The motion carried with a roll call vote: (6 yes votes) (Kowall/yes, Roman/yes, Noble/yes, Voorheis/yes, Ruggles/yes, Smith/yes).

G. RESOLUTION NO. 24-007; TO APPROVE PARKS & RECREATION MILLAGE BALLOT LANGUAGE

Eric McGlothlin, Bond Attorney, has reviewed and prepared ballot language for a renewal and restore at 0.30 millages or a renewal and increase to 0.50 mills. The ballot language is consistent with the 2018 millage for a new 10-year (2024-2033) parks and recreation millage. 2023 was the last year of the current millage and it was estimated to collect \$420,918. An increase to 0.50 mill is estimated to collect \$791,533 in 2024. The current money in the Parks and Recreation fund would be depleted with the Stanley Park Phase 1 project, and an increased millage will allow for new money to be put back into the fund for new projects and grant matching. If an increase is not approved, the parks would be maintained and there will not be additional funding for new projects or grants. The Parks and Recreation Committee reviewed the matter back in December and recommended the 0.50 millage rate.

Attorney McGlothlin explained there were two resolutions for consideration this evening; they were slightly different. One is the renewal of the Headlee reduced millage back to the originally established 0.30 mills, and the second resolution is renewing the Headlee reduced millage with an increase to 0.50 mills. The property tax act allows for both millages to be called renewals because the increase was nominal. The second resolution would include language regarding the increase.

Treasurer Roman asked Attorney McGlothlin if he knew of any communities that had tried to go for smaller millages after an initial, bigger millage had failed. Attorney McGlothlin said he generally had worked with communities that millages had passed, either on the bond or millage side. He did not have a specific example of a failure.

Staff Planner Quagliata said the average household in the Township would pay \$3.12 a month towards the millage if the rate was increased to 0.50.

Trustee Smith said she was for Parks & Recreation, but she was not for a tax increase for the residents. She felt the increase was not enough of money to deliver what the Board wanted to deliver in terms of projects and improvements. She wanted to explore the bonding. She was for the renewal, not the increase. It is up to the Board to respond and creatively explore areas to come up with funding for Parks & Recreation projects.

Treasurer Roman said the renew and restore could be put on the ballot, and if it passed, there was nothing that prohibited asking for another millage in the future.

Irving Shapiro, Twin Lakes Village, wanted the Board to consider the renewal and increase.

Mary Earley, 5925 Pine Ridge Court, spoke in favor of the renewal and increase. The increase would allow the other Township parks to receive improvements in the future.

Supervisor Kowall said he spoke to several residents who were in favor of the increase. He was in favor of the increase as well.

Clerk Noble said he was in favor of the renewal and restore, the last millage passed by a narrow margin.

Trustee Ruggles said he is hesitant. If an increase does not succeed in the summer, the voters would potentially sour at a renewal and restore in the fall.

Clerk Noble shared his concerns about voter's fatigue, and the potential of no funding for Parks and Recreation.

Trustee Voorheis said she was in favor of the increase and wants the parks to grow.

Trustee Smith said everyone on the Board is supportive of Parks & Recreation, but there is worry that an increase will not pass.

Treasurer Roman said he is on the fence. He said he wanted to give the Township the best chance to get one of the millages passed. He is in support of the renew and restore millage. The Township could put another millage on the ballot in the future if needed.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall to approve the Parks and Recreation millage to renew and increase at 0.50 mils. The motion FAILED with a roll call vote: (4 no votes) (Roman/no, Noble/no, Voorheis/yes, Smith/no, Kowall/yes, Ruggles/no).

It was MOVED by Treasurer Roman, seconded by Trustee Smith, to approve the Parks and Recreation millage to renew and restore at 0.30 mils and to approve resolution #24-007. The motion carried with a roll call vote: (5 yes votes) (Smith/yes, Voorheis/no, Ruggles/yes, Noble/yes, Kowall/yes, Roman/yes).

H. DISCUSSION - STANLEY PARK PHASE 1 BIDS AND ALTERNATES

Four bids were received and tabulated. STE Construction was the apparent low bidder for the base at \$1,700,000.00. Five alternatives were bid out as a part of the project: Alternate one is full road paving, Alternate two is additional parking, three is timber traffic control bollards, four is an additional exercise station, and five is the sidewalk connection to Elizabeth Lake Road and the Civic Center. Alternatives three and five are required to be completed as part of the Land and Water Conservation Fund grant. The DNR would have to approve what the contractor would be awarded prior to the Supervisor executing the contracting. Parks & Recreation Committee recommended award the contract to STE Construction with the alternates two, three, and five.

Supervisor Kowall said not paving the road in its entirety would lead to future increased environmental economic and maintenance issues due to the carbon footprint related to the continuing replacement of gravel. He feels alternate number one needs to be included as well.

Treasurer Roman is in support of paving the road, as was Trustee Smith and Trustee Ruggles.

Trustee Voorheis is not in favor of the full road paving. She supported the original recommendations from the Parks and Recreation Committee.

It was MOVED by Supervisor Kowall, seconded by Trustee Ruggles to approve the submitted bid from STE Construction for Stanley Park Phase one and the alternates one, two, three and five not to exceed \$2,006,925.00, subject to the DNR approval. The motion carried with a roll call vote: (6 yes votes) (Voorheis/yes, Roman/yes, Kowall/yes, Noble/yes, Ruggles/yes, Smith/yes).

I. RESOLUTION NO. 24-009; TO APPROVE PARKS AND RECREATION BOND ISSUANCE - STANLEY PARK & TRIANGLE TRAIL

The maximum principal amount of the bond was \$2,700,000.00, on a presumed 15-year payback schedule. Attorney McGlothlin clarified that the bond years did not need to be decided at this time. If the bond was approved this evening and the notice of intent was published, and there was no opposed petition, the final resolution would include the maximum years for the bond issuance.

The resolution would be the first legal step to authorize financing under state law, and authorized the publication of a notice of intent to issue bonds. Once published, there would be a 45-day referendum period. If there wasn't a qualifying petition to send the bond to the voters during the 45-day period, the Township would have acquired the authority to issue bonds. Per the resolution, the maximum amount that was allowed to be issued was \$2,700,000.00. The bonds would be repaid from the General Fund. New taxes were not allowed to repay the bonds.

The resolution would qualify any current expenditures for reimbursement from future bond proceeds.

Treasurer Roman asked Attorney McGlothlin if Parks & Recreation millage money could be used to service the bonds. Attorney McGlothlin confirmed.

Treasurer Roman asked Attorney McGlothlin if the bond proceeds could be used for other Parks & Recreation projects. Attorney McGlothlin confirmed.

Trustee Ruggles asked if the Board needs to wait until the millage is passed to issue the bonds. Treasurer Roman said some of the General Fund money would need to be used if the millage did not pass.

This resolution would allow for the authority to issue the bond, and another resolution that listed the terms and parameters of the bond would need to be approved in the future.

It was MOVED by Treasurer Roman, seconded by Clerk Noble to approve Resolution No. 24-009; to approve Parks and Recreation Bond Issuance - Stanley Park & Triangle Trail. The motion carried with a roll call vote: (6 yes votes) (Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes, Roman/yes, Voorheis/yes).

J.

J. REQUEST TO APPROVE COST PARTICIPATION AGREEMENT (TRI-PARTY PROGRAM) WITH OAKLAND COUNTY FOR 2024 GRAVEL ROAD PROGRAM

It was **MOVED** by Supervisor Kowall, seconded by Trustee Voorheis, to approve the cost participation agreement (Tri-party Program) for 2024 for the Township's participation of \$57,203.00 for a total program cost of \$171,610.00 to be paid for out of the general fund. The motion carried with a roll call vote: (6 yes votes)

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

K. REQUEST TO APPROVE BID FOR ELIZABETH LAKE ROAD RECONSTRUCTION PROJECT

The permit was approved after two years. Supervisor Kowall thanked Mr. Leuffgen for all his work, as well as the Planning Department. DLZ recommended awarding a construction contract to Springline Excavating in the amount of \$3,075,377.47.

Treasurer Roman thanked Supervisor Kowall for all his time and work on the project.

Supervisor Kowall shared a letter he received from the Road Commission regarding the project. The Road Commission was giving \$200,000.00 cash towards the project, as well as the waiver of permitting fees. The contractor would still need to pull bonds and insurance as normally required for the project. The Road Commission would develop an agreement that outlined the above mentioned conditions once the contract was awarded by the Board.

It was **MOVED** by Supervisor Kowall, seconded by Clerk Noble to award the contract for the Elizabeth Lake Road Reconstruction to Springline Excavating, LLC in the amount of \$3,075,377.47 and for the Township to set aside an 8% contingency. The motion carried with a roll call vote: (6 yes votes) (Smith/yes, Voorheis/yes, Ruggles/yes, Noble/yes, Roman/yes, Kowall/yes).

L. REQUEST TO AWARD ELIZABETH LAKE ROAD RECONSTRUCTION CONSTRUCTION ENGINEERING SERVICES PROPOSAL – DLZ

Mr. Leuffgen said he was told that the Road Commission would waive their drive by inspection fee in anticipation of the Township doing their own inspections. The proposal projected 24 weeks of construction, so 1200 of full-time inspection hours were included. There could be opportunities for cost savings with the Triangle Trail project.

Supervisor Kowall said on behalf of Trustee Powell, they would both be willing to go out in the field to monitor construction on behalf of the Township's interests.

Trustee Smith questioned the overlapping cost if County Inspectors are on site.

Mr. Leuffgen said there would be a schedule shared between the Road Commission and DLZ in regards to inspections. Supervisor Kowall said he was told there would be a coordinated effort.

Treasurer Roman said Exhibit C was missing under the Terms & Conditions. He wanted the not to exceed amount for contract administration construction inspection and material testing to be 7% of the contract amount.

Supervisor Kowall added, if the project goes into contingency, DLZ would be entitled to the same rate of inspection fees.

Attorney Hamameh said she recently negotiated the Terms and Conditions with DLZ's attorney, which would include a new exhibit C at the time the contract is signed.

It was MOVED by Supervisor Kowall, seconded by Treasurer Roman to award DLZ the Elizabeth Lake Road Reconstruction Construction Engineering Services Proposal not to exceed 7% of the construction contract costs and or any applicable contingency of the 8%. The motion carried with a roll call vote: (6 yes votes).

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

OLD BUSINESS

A. SECOND READING; AMENDMENT TO FEE ORDINANCE, ORDINANCE NO.129 (DPS)

It was MOVED by Clerk Noble, seconded by Supervisor Kowall to adopt the amendment to the Fee Ordinance, Ordinance No. 129. The motion carried with a voice vote: (5 yes votes) Trustee Ruggles abstained.

FYI

A. CIVIC CENTER COMMITTEE UPDATE

Supervisor Kowall said the project is moving forward. Budgeting numbers would be reviewed tomorrow along with value engineering.

Director O'Neil said he wanted the building materials to be finalized. A special board meeting would be scheduled soon for this Board to decide.

Trustee Smith asked regarding materials, why the Board was only given limited options. She offered cost cutting suggestions.

Treasurer Roman added that it was done by design to prevent too many options hindering the Board from reaching an agreement.

CLOSED SESSION

- A. RECESS TO ENTER INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS IN ACCORDANCE WITH MCL 15.268(1)(h).

It was **MOVED** by Supervisor Kowall, seconded by Clerk Noble to Enter into Closed Session to Consider Attorney/Client Privileged Communications in Accordance with MCL 15.268(1)(H) at 9:20 P.M. The motion carried with a roll call vote: (6 yes votes).
(Kowall/yes, Roman/yes, Voorheis/yes, Noble/yes, Ruggles/yes, Smith/yes).

It was **MOVED** by Supervisor Kowall, seconded by Clerk Noble, to return to open session at 10:00 P.M. The motion carried with a voice vote: (6 yes votes).

TRUSTEE COMMENTS

It was moved by Supervisor Kowall, seconded by Treasurer Roman to skip Trustee Comments. The motion carried with a voice vote: (6 yes votes).

ADJOURNMENT

It was moved by Treasurer Roman, seconded by Clerk Noble to adjourn at 10:00 P.M. The motion carried with a voice vote: (6 yes votes).

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk
Charter Township of White Lake