

CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Regular Board of Trustees Meeting
September 19, 2023

CALL TO ORDER

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

ROLL CALL

Clerk Noble called the Roll:

Present:

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

Absent:

None

Also Present:

Sean O'Neil, Community Development Director
Dave Hieber, Assessor
Daniel T. Keller, Chief of Police
John Holland, Fire Chief
Kristin Kolb, Township Attorney
Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

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

PUBLIC COMMENT

No public comment.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- B. CHECK DISBURSEMENTS
- C. BUDGET AMENDMENTS
- D. DEPARTMENT REPORT - POLICE
- E. DEPARTMENT REPORT - FIRE
- F. DEPARTMENT REPORT - COMMUNITY DEVELOPMENT
- G. DEPARTMENT REPORT - TREASURER
- H. SANITARY SEWER DEFERRAL AGREEMENT - 245 SERRA

Trustee Powell requested for item H removed from the consent agenda.

It was **MOVED** by Trustee Powell, seconded by Treasurer Roman to remove item H from the consent agenda.
The motion carried with a voice vote: (7 yes votes).
It was **MOVED** by Treasurer Roman, seconded by Trustee Smith to approve the consent agenda as amended.
The motion carried with a voice vote: (7 yes votes).

Trustee Powell wanted to make sure the Board knew why the sanitary sewer deferral was on the agenda. He said the Board may see similar matters like this in the future. In this particular case, the homeowner at 245 Serra had a failed septic system, and was left with a choice: to rebuild the septic, or tie into the sanitary sewer. The request was a modification due to special circumstances to be granted the ability to extend sanitary sewer down the street. The homeowner would have to extend the sewer to his home as there wasn't sewer at his street, but the design would be as though the homeowner was just extending the service lead from his house. There would not be a manhole as a traditional sanitary sewer connection would have. He said the homeowner was asking for a deviation in the sanitary sewer standards. Trustee Powell wanted to bring the matter to the Board as he personally did not feel like Director Potter should have been responsible for the decision himself. He wanted to relieve Director Potter from the responsibility of deviating from the Township Ordinance.

It was **MOVED** by Trustee Powell, seconded by Treasurer Roman to approve the Sanitary Sewer Deferral Agreement for 245 Serra as presented. The motion carried with a voice vote: (7 yes votes).

MINUTES

- A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, AUGUST 10, 2023
- B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, AUGUST 15, 2023
- C. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, AUGUST 24, 2023
- D. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, AUGUST 29, 2023

It was **MOVED** by Treasurer Roman, seconded by Trustee Voorheis to approve the Special Board meeting minutes of August 10, 2023, the Regular Board meeting minutes of August 15, 2023, the Special Board meeting minutes of August 24, 2023, and Special Board meeting minutes of August 29, 2023 as presented. The motion carried with a voice vote: (7 yes votes).

PRESENTATIONS

- A. **SWEARING IN OF FIREFIGHTERS - BRENDON HANIFEN AND BRENT LUDWIG**
Chief Holland wanted to recognize two firefighters that had just completed their probationary periods. Brent Ludwig was sworn in by Clerk Noble and was pinned by his wife, Lisa. Brendon Hanifen was sworn in by Clerk Noble, and pinned by his father, Fire Marshal Jason Hanifen, and his mother, Valerie.
- B. **PROCLAMATION - NATIONAL RECOVERY MONTH - SEPTEMBER 2023**
Supervisor Kowall proclaimed that the Township recognized September as National Recovery Month.
- C. **PROCLAMATION - NATIONAL SUICIDE PREVENTION MONTH - SEPTEMBER 2023**
Supervisor Kowall proclaimed that the Township recognized September as National Suicide Prevention Month.

PUBLIC HEARING WITH RESOLUTIONS

- A. **PUBLIC HEARING - TO HEAR PUBLIC COMMENT ON THE CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT FOR LAKE NEVA WEST CANALS WEED CONTROL AND LAKE IMPROVEMENT FOR THE YEARS OF 2023-2027**
It was **MOVED** by Supervisor Kowall, seconded by Treasurer Roman to open the public hearing to hear Public Comment on the Confirmation of the Special Assessment Roll for the Special Assessment District for Lake Neva West Canals Weed Control and Lake Improvement for the years of 2023-2027 at 7:18 P.M. The motion carried with a roll call vote: (7 yes votes)
(Kowall/yes, Powell/yes, Voorheis/yes, Roman/yes, Noble/yes, Ruggles/yes, Smith/yes).

Seeing none, it was **MOVED** by Supervisor Kowall, seconded by Trustee Smith to close the public hearing at 7:19 P.M. The motion carried with a voice vote: (7 yes votes).

B. RESOLUTION #23-031; CONFIRMING SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED LAKE NEVA WEST CANALS WEED CONTROL AND LAKE IMPROVEMENT - YEARS 2023-2027

It was MOVED by Treasurer Roman, seconded by Trustee Ruggles to approve Resolution #23-031; Confirming Special Assessment Roll for The Special Assessment District Designated Lake Neva West Canals Weed Control and Lake Improvement - Years 2023-2027. The motion carried with a voice vote: (7 yes votes).

C. PUBLIC HEARING - TO HEAR PUBLIC COMMENT ON THE CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED EMERGENCY SEWER CONNECTIONS 2023-02

It was MOVED by Supervisor Kowall, seconded by Trustee Ruggles to open the public hearing to hear Public Comment on the Confirmation of the Special Assessment Roll for the Special Assessment District Designated Emergency Sewer Connections 2023-02 At 7:19 P.M. The motion carried with a roll call vote: (7 yes votes) (Kowall/yes, Roman/yes, Smith/yes, Ruggles/yes, Noble/yes, Voorheis/yes, Powell/yes).

Seeing none, it was MOVED by Supervisor Kowall, seconded by Trustee Smith to close the public hearing at 7:20 P.M. The motion carried with a voice vote: (7 yes votes).

D. RESOLUTION #23-032; TO CONFIRM THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED EMERGENCY SEWER CONNECTIONS 2023-02

It was MOVED by Trustee Powell, seconded by Clerk Noble to approve Resolution #23-032; to Confirm the Special Assessment Roll for the Special Assessment District Designated Emergency Sewer Connections 2023-02. The motion carried with a voice vote: (7 yes votes).

NEW BUSINESS

A. RESOLUTION #23-033; TO APPROVE AN EXTENSION TO PART OF A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE - 4 CORNERS SQUARE, LLC CERTIFICATE #C2016-015A

Treasurer Roman said in the fall of 2016, the Board approved a Public Act 210 District for the Four Corners project. It paved the way for the 7-year tax abatement that was approved from the year 2017-2023. The project ran into several issues regarding supply chain, utilities, and construction, as well as the COVID-19 pandemic. The level of contamination on the property was greater than anyone thought. The apartment portion of the property was currently only benefitting from 3 of the 7 years of the abatement. The 4 Corners Management team was requesting the Board approve an extension of their abatement for the apartment complex through 2026. The additional three years would be the maximum allowable for the abatement. The current abatement would expire after the current tax season, and the extension would allow the abatement to run through the 2026 tax season. The delays due to the aforementioned issues had cost the developer over \$130,000.00 in property taxes on buildings that were demolished. Additionally, the developer had also lost out on approximately \$400,000.00 in lost abatements from 2018-2021. Extending the abatement would allow the developer to recoup some of the monies lost with the project.

Treasurer Roman reminded the board that the developer, Shakir Al-Khafaji, came forward and took a piece of property within the Township that was an eyesore and turned it into, what he believed, was a first-class development. If the Board could have foreseen some of the issues the developer had run into, they would have tried to shift the abatement forward in time so that the developer would get the full 7-year abatement as intended.

Supervisor Kowall said the intention of the Board's actions was for Mr. Al-Khafaji to be able to utilize the tax abatement during the previous several years, but there were unfortunately several setbacks. COVID-19 was a big setback.

Trustee Smith reminded the Board that in 2016, the Board had said they would not grant abatement extensions. She asked the Board to hold to their word. She said she would not move forward in approval of the extension.

Trustee Voorheis said she was not against making some adjustments, but due to the lack of care to the current property, she was not in favor of a three-year abatement. She had received complaints from a resident regarding the upkeep of the apartment building, there was damaged siding, dead landscaping, warped trellises, and cracked sidewalks on the property.

Trustee Powell said the Board had previously allowed for the architecture, materials, and time frame of the building to be modified. He did not believe the developer lived up to what the Board intended for the property when it first came before them. He stated he would be voting no on the extension.

Supervisor Kowall said he disagreed with Trustee Powell, and said the property was atrocious economically, environmentally, and socially. Mr. Al-Khafaji took it upon himself to invest in the community and better that entire end of the Township. The site was a huge improvement and a huge endeavor. The COVID-19 pandemic did make for a problem, and when the Board originally approved the abatement, it was prior to all of the issues mentioned previously. He does not believe it is going to send a good signal to those wanting to come to White Lake Township if the Board is not going to assist in the establishment of business ventures that improve our community.

Treasurer Roman asked the Board to keep in mind that although the original abatement was to only be 7 years, we had no idea at the time that the benefit for that project was going to lose 4 of the 7 years. If that had not had happened, he would not be for it.

Clerk Noble said he grew up in the area and knows the property was dilapidated and there were many issues he knows from speaking to developers back when he served on Planning. This developer took a chance on the property. He questioned if the Board really is pro-business? He cited the dilapidated former Wendy's/Tim Horton's building and asked when that is torn down, who is going to want to come here if the Township will not work with people?

Clerk Noble said there were extenuating circumstances in regards to the Four Corners site, and he is for the business man and he is for this project extension request.

Trustee Ruggles said he echoed Trustee Powell's statements and added that the project had come before the board a number of times asking for extensions. He said the developer received a no vote from the Board before, and there may have not been a good job of explaining, so he wanted to make sure he explained himself so it doesn't come back. He stated he is still upset about the restaurant.

Shakir Al-Khafaji, developer for Four Corners, said he had remedied the sidewalk issue after waiting six months for a chemically treated gasket to repair the water line part on back order. He added the landscaping would be fixed soon as well. He added that the project is currently at 21.7 million dollars, several million dollars over the initial budget of 13.7 million, and the cost problem continued to escalate. He added that he was having issues finding renters for the apartments due to closed corridors not being

ideal. He said if he knew there was going to be so many issues, he would have asked for the abatement to begin when the Certificate of Occupancy was received.

Trustee Voorheis asked the developer if the extension were not granted this evening, would he sell the property. Mr. Al-Khafaji said he could not due to financial terms.

Trustee Smith said the Board was pro-business, but the Board had given the property several chances. The limits had been pushed and stretched every time in what the Board was comfortable with. The Board had given in to previous requests to try to make the project viable as a pro-Business Board. She was unsure if the Board could stipulate the extension on the repairs being made.

Assessor Hieber added that October 31st would be the deadline to either approve or deny the extension. He did not see it being possible to tie in the extension to the valuation process.

Clerk Noble said the developer recently paid a punch list completion bond. Director O'Neil said the bond was around \$10,000 for completion of site work punch list items.

Supervisor Kowall said the resolution could be modified from a three-year to a two-year or even a one-year extension. He stated he supported Treasurer Roman's analysis.

Treasurer Roman said he was initially against the extension, but he went back and realized that not only did the developer not get the full seven years originally intended, he was forced to pay property taxes on buildings that weren't even there. He said it wasn't fair but it was based on how PA 210 is structured.

Further discussion ensued amongst the Board on repair contingencies and outstanding punch list items.

Director O'Neil said the sidewalk issue and gasket were on the punch list; the warped roof trellises, dead landscaping and the siding were not. Mr. Al-Khafaji offered to post a bond for the non-punch list repairs.

Trustee Smith asked the Assessor for the expiration on the AT&T portion.

Assessor Heiber the retail property with the ATT storefront had an abatement that would expire in 2026; the retail property which held the Taco Bell and Tim Horton's had an abatement that expired this year and that they would then be added to the Ad Valorem tax roll.

**It was MOVED by Treasurer Roman, seconded by Trustee Voorheis, Resolution #23-033; to approve a 2-year extension to part of a commercial rehabilitation exemption certificate - 4 Corners Square, LLC certificate #C2016-015A subject to the completion of the punch list on or before October 19, 2023. The motion carried with a roll call vote: (4 yes votes)
(Noble/yes, Voorheis/yes, Powell/no, Smith/no, Ruggles/no, Roman/yes, Kowall/yes).**

B. REQUEST BY FIRE DEPARTMENT TO PURCHASE STRUCTURAL FIREFIGHTING GEAR

Fire Chief Holland addressed the Board and advised that this gear is replaced in full every ten years, or sooner if there is damage or disrepair. Every firefighter was issued two sets of gear, in order to have a backup set when a set was being cleaned. Four bids were received.

Trustee Smith said she supported the request, and the newer gear she had seen at other departments were lighter, and she supported the safety of the firefighter's and citizens.

Trustee Voorheis asked for clarification on how many sets were requested for purchase. Chief Holland said 6 sets.

It was **MOVED** by Trustee Ruggles, seconded by Trustee Smith, to approve the request by the Fire Department to purchase (6) six sets of structural firefighting gear, supplied by McQueen equipment, for a total expenditure of \$27,878. 58. The motion carried with a voice vote: (7 yes votes).

C. FIRST READING; AMENDMENT TO CHAPTER 18, ARTICLE II OF THE CODE OF ORDINANCES - FIRE PREVENTION AND PROTECTION - SECTION 110 UNSAFE BUILDINGS

Supervisor Kowall said he had discussed this with Chief Holland. There was a rental property committee discussion about the issue; it would give an option for enforcement and surveillance. It would require the property owner to check in with the Building Department after 90 days of the house fire. Burned down houses were a nuisance, and this amendment would protect the neighborhood.

Chief Holland said his intent was if there was a structure that posed inherent health issues, or could not be occupied due to a fire, the ordinance would make the structure inhabitable.

It was **MOVED** by Trustee Powell, seconded by Supervisor Kowall to move the amendment to Chapter 18, Article II of the Code of Ordinances- Fire Prevention and Protection – Section 110 Unsafe Buildings to second reading. The motion carried with a voice vote: (7 yes votes).

D. REQUEST TO APPROVE POLICE DEPARTMENT ADMINISTRATIVE VEHICLE PURCHASE NOT TO EXCEED AMOUNT

Chief Keller said there was a 2015 Chevy Impala in the fleet that had over 125,000 miles on it. The vehicle needed to be replaced, but fleet vehicles were not being sold anymore. The new vehicle would meet the same standards as the current vehicles in the fleet, and Chief Keller said he would be purchasing a vehicle no more than \$35,000. The old vehicle would be auctioned.

Trustee Smith asked Chief Keller to define what an "Admin vehicle" was. Chief Keller clarified that the vehicles were only for sworn officers and not for the vehicles were not for administrative staff such as secretaries. There were no extra vehicles to shift around in the department, and the Police Department was down two vehicles at this time.

It was **MOVED** by Clerk Noble, seconded by Supervisor Kowall to approve the purchase of 2 non-patrol vehicles not to exceed \$70,000. The motion carried with a voice vote: (7 yes votes).

E. RESOLUTION #23-034; APPROVING INTERLOCAL AGREEMENT WITH OAKLAND COUNTY FOR PARTICIPATION IN THE COUNTY INCIDENT MANAGEMENT TEAM

It was **MOVED** by Supervisor Kowall, seconded by Treasurer Roman to approve Resolution #23-034; Approving Interlocal Agreement with Oakland County for participation in the County Incident Management Team. The motion carried with a voice vote: (7 yes votes).

F. RESOLUTION #23-022; APPROVING THE CAPITAL IMPROVEMENT PLAN 2024-2029

The CIP was used a budgeting tool for projects that rose above the amount of \$50,000 and above. Projects such as new fire trucks, utility improvements, and the Township Hall were included in the document. Items such as office equipment were not included in the document. The projects included in the document served as a "wish list" for the Township, and the document actually helped when applying for grant funding. Director O'Neil thanked the staff for their help, and especially Staff Planner Quagliata, as he did the bulk of the updates to the document.

It was **MOVED** by Trustee Smith, seconded by Trustee Powell, to approve Resolution #23-022; approving the Capital Improvement Plan 2024-2029. The motion carried with a voice vote: (7 yes votes).

G. RESOLUTION #23-035; APPROVING THE LISTING AND SALE OF THE GALE ISLAND PROPERTIES

The properties had been purchased by the Township, and the lots were re-configured. The properties are in the process of getting a marketing analysis done to see what the properties were worth. This resolution would give authority to use Steve Stockton to list, market and sell the properties and to allow the three in house officials to negotiate, expedite and execute any documents of sale as they came forward.

The Board discussed at length the approval procedures by the Board for the final sale.

It was **MOVED** by Trustee Powell seconded by Trustee Ruggles to approve Resolution #23-035; to grant the Supervisor Clerk, and Treasurer to sign the marketing documents for the vacant parcels on Gale Island and for any offer to purchase the properties to be brought back to the board for approval and for Steve Stockton to serve as the listing agent. The motion carried with a voice vote: (5 yes votes) (Ruggles/yes, Smith/yes, Powell/yes, Kowall/no, Noble/no, Roman/yes, Voorheis/yes).

H. REQUEST TO APPROVE AGREEMENT FOR ELECTION SERVICES BETWEEN OAKLAND COUNTY AND CHARTER TOWNSHIP OF HIGHLAND AND CHARTER TOWNSHIP OF WHITE LAKE (#23-036)

It was **MOVED** by Clerk Noble, seconded by Trustee Ruggles, to approve the agreement for election services between Oakland County and Charter Township of Highland and Charter Township of White Lake, pending further legal review. The motion carried with a voice vote: (7 yes votes).

FYI

A. 9885 CEDAR ISLAND ROAD UPDATE

Attorney Kristin Kolb updated that a motion of resolution in favor of the Township had been filed with the court. The motion was scheduled before a judge in November.

B. CIVIC CENTER COMMITTEE UPDATE

Member Powell thanked the Board for their participation in the Special Board meeting earlier this evening. Clerk Noble thanked all of those who sat in the all-day Committee meeting and specifically thanked Director O'Neil and Building Official Spencer.

TRUSTEE COMMENTS

Trustee Smith said the Friends of the Library had another successful book sale. The Fisk Farm festival was successful as well. She was incredibly proud of the Township's firefighters, and had the opportunity to welcome the firefighters who participated in the Walk for Red. She said it was incredible to see the support shown at this event from the community. The Fire Department Open House was great, and one of the best events all year. She congratulated the four female police officers on the force for National Policewomen's Day. She thanked Director O'Neil for his time spent with the Civic Center project and keeping her in the loop.

Trustee Voorheis thanked all the volunteers and residents who supported the Fisk Farm Festival. She thanked the Fire Department for their work at all their events this month. She wished a Happy Birthday to her mother, who turned 88 today.

Trustee Ruggles said the Planning Commission would meet this Thursday; there were a few items on the agenda. His family enjoyed the Fire Department Open House. He thanked everyone who was involved with the Civic Center Project.

Trustee Powell thanked the White Lake Township staff in all departments. He thanked Staff Planner Quagliata, Director O'Neil, and Building Official Spencer for all their work behind the scenes. ZBA will meet next week.

Treasurer Roman congratulated Chief Holland for the Fire Department Open house, and thanked Ruggles Ranch for their pumpkin donation. He wished speedy get well soon to the Township Attorney, Lisa Hamameh.

Clerk Noble reminded everyone that today was Voter Registration Day, and thanked the Chief for the Open House. He also thanked everyone on the Civic Center Committee for their work.

Supervisor Kowall thanked the Board for their work, and for doing what they think is right. The Fire Open House was great, he loved the foam machine. This is a great community and it shows in how they give back by supporting the different events we have. The money raised from last month's Police event at Skull Island was over \$12,000 and would help with youth programs within the Township. He thanked the Chipman's for hosting. He wished everyone a safe and healthy evening.

ADJOURNMENT

**It was MOVED by Supervisor Kowall, seconded by Clerk Noble, to adjourn at 8:57 P.M.
The motion carried with a voice vote: (7 yes votes).**

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk
Charter Township of White Lake