

CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Regular Board of Trustees Meeting
March 15, 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: Lisa Hamameh, Township Attorney
Sean O'Neil, Community Development Director
Nick Spencer, Building Official
Daniel T. Keller, Chief of Police
John Holland, Fire Chief
Jennifer Edens, Recording Secretary

AGENDA

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

PUBLIC COMMENT

Robert Szolach is here to represent White Lake Presbyterian Church and is excited to share with the Board and community that the Church will soon open its Food for Friends Pantry. It is an option for those in need, in the area, to find a bridge between assistance and hunger. It is their plan to offer non-perishable foods on the fourth Thursday of each month with hopes of expansion in the next couple of months. He has with him tonight flyers and is hopeful that the Township will display them somewhere. He is also asking the Township to collect can goods from time to time with containers that will be provided and picked up. He further noted, most importantly, if anyone knows of anyone who could use a little help each month to make their food stretch a little farther, to please send them their way. He noted there is a client information form. He believes they will be an additional asset in organizations to help those in need.

He shared that White Lake Presbyterian Church pledges to act boldly and compassionately to serve people who are hungry, oppressed, imprisoned, or poor. One of their pillars is to irradicate systemic poverty. He notes that they cannot single handedly achieve this, but with a partnership like the Township, they can try.

He thanked the Township for their hope and willingness to assist. He offered that if anyone had any questions, they could contact Pastor Debbie Lennis at 248-887-4654.

Tom Johnson noted that a large house was built on Kingston. He recalls previously that it was insisted that buildings were to be thirty feet off the road. He shared that he drove by this new home the other day and there was a black pickup truck hanging into the road and he thought this was not supposed to happen. He also noted that it is happening on Buckingham as well. He wanted to bring this to the Board's attention as this is something that has happened for a long time.

Trustee Powell announced that Carol Burkhardt was taken to the hospital last Wednesday. Through him, she thanked the Fire Department for their help and noted that she entered the hospital at St. Joe's with a blood oxygen of 73. He noted that the hospital stated that they might not have been able to save her if she had not gotten to the hospital when she did. He shared that she spent four days in the hospital and that she shared with him all the miracles that happened to heal her. He shared that he is just thrilled that the Township's former clerk and friend of his is still with us and the Township and he noted that she is thankful to everyone in White Lake Township.

Supervisor Kowall wished Carol well and a speedy recovery.

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**
- G. SENIOR ADVISORY COUNCIL APPOINTMENTS 2022-2024**

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

MINUTES

- A. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, JANUARY 25, 2022**
- B. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, FEBRUARY 10, 2022**
- C. APPROVAL OF MINUTES – REGULAR BOARD MEETING, FEBRUARY 15, 2022**
- D. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, FEBRUARY 17, 2022**

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to approve the Special Board Meeting, January 25, 2022, Special Board Meeting, February 10, 2022, Regular Board Meeting,

February 15, 2022, and Special Board Meeting, February 17, 2022, subjected to the items presented to the Clerk's Office. The motion PASSED by voice vote (7 yes votes).

PRESENTATIONS

A. SWEARING IN OF SHIFT SERGEANT MYLES PIERCE

Chief Holland shared that Myles Pierce started in 2011 as a paid-on call firefighter and became a career firefighter in 2014. He is a proven asset to the Township and is laser focused on the needs of the community and the department and has both in the best interest with every decision he makes. He further shared that he has a degree in fire science. He is also trained to the level of hazardous materials technician and has completed levels one and two of the fire officer training. He is also a state licensed paramedic and a state licensed NFPA certified fire inspector.

He brought forward, now known as Sergeant Paramedic Myles Pierce and his wife for the administration of the oath and pinning of the badge. Clerk Noble administered the oath, and Sergeant Pierce's wife pinned the badge upon him.

PUBLIC HEARING

PUBLIC HEARING TO ESTABLISH THE DISTRICT FOR THE EMERGENCY SEWER CONNECTION 2022-01 SPECIAL ASSESSMENT DISTRICT

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to open the public hearing to establish the district for the Emergency Sewer Connection 2022-01 Special Assessment District. The motion **PASSED** by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Smith/yes, Ruggles/yes, Powell/yes, Voorheis/yes).

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

NEW BUSINESS

A. RESOLUTION 22-011; TO ESTABLISH AND MAINTAIN A SPECIAL ASSESSMENT DISTRICT TO PAY COST ASSOCIATED THEREWITH AND TO APPROVE THE PLANS AND ESTIMATES OF COSTS THEREFOR TO BE KNOWN AS EMERGENCY SEWER CONNECTIONS 2022-01

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Noble to approve Resolution 22-011; to establish and maintain a special assessment district to pay cost associated therewith and to approve the plans and estimates of costs therefor to be known as Emergency Sewer Connections 2022-01. The motion **PASSED** by voice vote (7 yes votes).

B. CONCEPTUAL PLAN REVIEW, 8300 PONTIAC LAKE ROAD

Director O'Neil noted that the applicant is not present tonight to provide a presentation and suggested that the agenda item be tabled until next month.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to table to next month's meeting. The motion PASSED by voice vote (7 yes votes).

C. REQUEST TO APPROVE POLICE DEPARTMENT 911 HARDWARE/SOFTWARE UPGRADE

Chief Keller shared that approximately five years ago, the entire county and all municipalities received the emergency call works NextGen 911 system and now it needs to be updated. He shared that it actually lasted longer than he anticipated. He noted that the entire county is going with this and that he is requesting approval for the amount listed in his report.

Supervisor Kowall commended Chief Keller for stretching it as long as he did. He agrees that it is necessary.

Trustee Voorheis asked when the projected installation time is. To which, Chief Keller indicated before the end of this year.

Treasurer Roman confirmed that ECW is the vendor and asked if the Township writes the check to the county or ECW. To which, Chief Keller indicated the vendor, ECW.

Trustee Powell inquired if overtime is expected to learn the system. To which, Chief Keller indicated no overtime will be necessary.

It was MOVED by Trustee Ruggles, SUPPORTED by Supervisor Kowall to approve the Police Department's request to upgrade the emergency call works hardware service in the amount of \$27,063.63. The motion PASSED by voice vote (7 yes votes).

D. REQUEST TO APPROVE POLICE DEPARTMENT 2022 FLEET VEHICLE PURCHASE

Chief Keller noted this has been an unusual year for fleet purposes and noted that an admin vehicle was not purchased last year because of the supply chain. He noted this year is no different and no one can get vehicles. He noted that the Township is lucky to have Szott in the Township and that they are able to get the three V6 vehicles requested. Chief Keller further shared that it is his preference to have V6 vehicles over V8 engines.

Trustee Smith questioned if there is any feeling regarding the mixed fleet on the road.

Chief Keller noted that they are switching over to Dodge Durango entirely by phasing out all the Ford vehicles.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to purchase three new Dodge Durango pursuit vehicles from Szott Dodge with a cost not to exceed \$106,250.00. The motion PASSED by voice vote (7 yes votes).

E. RESOLUTION #22-013; AGREEMENT BETWEEN WHITE LAKE TOWNSHIP AND FIRE CHIEF JOHN HOLLAND

Supervisor Kowall commended Chief Holland and indicated he has done a great job reorganizing the fire department, including the elimination of the paid-on-call program and the modification of shift duty. It allows them to work 24 hours per month. He noted this will allow for more visible presence at Station III. He believes that he is worthy of this proposal. He further asked Chief Holland how long he has been with the Township.

Chief Holland indicated he has been with the Township for 37 years.

Trustee Smith interjected that he is the longest standing White Lake Township employee. She commends him and fully supports him and believes he has done a fantastic job since he has become Chief, and she could not be prouder of what he has accomplished. She indicated that he has the full respect of his department, which says mountains.

Treasurer Roman indicated ditto to what Trustee Smith indicated. He further thanked him for his service and noted it is a pleasure to have him on board.

Trustee Powell noted he has worked with Chief Holland for many years and noted that he is a thinking individual. He appreciates his ability to step outside of the box and represent White Lake Township properly.

Trustee Ruggles indicated that Chief Holland has done a great job and brought stability to the department. He appreciates his work and is glad the Township has him.

Clerk Noble thanked Chief Holland for doing a great job and for getting Station III opened. He appreciates his work regarding the part-time firefighters and job recruiting.

Chief Holland noted that he is receiving more applications than he anticipated and that they are coming from as far as Jackson, Michigan.

Trustee Voorhies thanked Chief Holland for being a wonderful White Lake Township Fire Chief.

Supervisor Kowall noted that with the transitions he has observed with the last several administrations, that it is a pleasure to work with Chief. He looks forward to working together to get the new public safety building going and achieving a new common goal.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve Resolution #22-013. The motion PASSED by voice vote (7 yes votes).

F. RESOLUTION #22-015; TO APPROVE NON-UNION 457(b)

Treasurer Roman indicated this brings the non-union employees under the same level as the union employees. He noted this plan is for employees that started after 2011.

It was MOVED by Trustee Ruggles, SUPPORTED by Treasurer Roman to approve Resolution #22-015. The motion PASSED by voice vote (7 yes votes).

G. PERSONNEL POLICIES AND PROCEDURES AMENDMENT TO VACATION POLICY

Supervisor Kowall noted that a great value has been taken in the Township employees and this has been discussed in great length. He further indicated that this would give the employees a few extra vacation days once they hit a certain point. He shared that the Township would continue to review necessary, productive, and creative ways to keep the Township's employees in alignment with what is going on in the labor and understanding that it is nice to have a family life as well. He indicated that several things have been done in the Township to make this better. He shared that Chief Keller implemented 12 hour shifts for officers that allow for the less seniority recruits to get a weekend off and be with their families.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to approve the amendments to the Personnel Policies and Procedures vacation rate schedule for employees as presented. The motion PASSED by voice vote (7 yes votes).

H. REQUEST TO APPROVE UTILITY VEHICLE PURCHASE – GENERAL TOWNSHIP

Clerk Noble noted that used vehicles are in high demand due to supply chain issues. He noted that Building Official Nick Spencer is currently driving a 2015 Ford Explorer with 50,000 miles on it. He indicated that the Township also has a 2017 Ford Explorer with 30,000 miles on it. He pointed out that the problem with vehicles that are five to seven years old is they have a lot of issues that come up. He shared that he was asked to research this matter and get comparable prices. His research shows that with regard to the 2015 Explorer, he checked with Golling, Szott, and LaFontaine, but per the procurement policy, the Township would want to stick with the local vendor. Szott has offered \$16,000.00 for Official Spencer's vehicle, which he believes is unheard of. As to the 2017 Explorer, Szott is offering \$18,000.00 for it. The cost to replace those two vehicles will be approximately \$35,694.00 for two utility vehicles. He noted that one vehicle is a quad cab SUV 4x4 with side compartments for tools. The other vehicle is also a utility vehicle that can be

utilized when another vehicle goes out for repair. He indicated that there would be a three-year warranty as well. The total would be \$35,694.00 with the trade-in of the two vehicles.

Trustee Ruggles questioned how long vehicles are normally kept. To which Supervisor Kowall indicated three to seven years. Trustee Ruggles noted that 30,000 miles jumps out at him as that is not a lot of miles.

Trustee Smith believes that 30,000 miles is low and questions what kind of maintenance problems have started on the vehicles in question.

Official Spencer indicated that currently, the vehicle he drives needs new tires, brakes all around, and it has two bad wheel bearings.

Director O'Neil interjected that Official Spencer's vehicle has had its air conditioning system replaced two- or three-times costing thousands of dollars.

Trustee Smith noted that the Township seems to have a lot of vehicles in its fleet and questioned if there is something else that Official Spencer could drive.

Clerk Noble would typically agree with Trustee Smith, but with the cost savings to trade in now, it makes good business sense to do it now as the cost savings will not be there later. He noted a couple of years ago, the Township was not getting these kinds of prices on vehicles. He shared that he purchased fleet vehicles when he was with the police department, and he believes this is the best economic time to buy. He opined that in a couple of years the trade in value will not be what it is now.

Trustee Ruggles confirmed that normally vehicles are not traded in but auctioned.

Clerk Noble indicated that he cannot believe the trade in value that is there currently.

Treasurer Roman confirmed that the building department would pay for at least one of these vehicles and asked the thought on the other. He further asked if only one vehicle was purchased would they hold these prices.

Clerk Noble indicated the other vehicle would be paid for using the general fund and reminded that they would have warranties for three years. He does not believe they would give these prices for only one vehicle. He further noted that the vehicles can be obtained within two months, unlike the police fleet vehicles that are on back order due to chip shortages.

Treasurer Roman indicated that they hold their value, and he does not know if the Township would ever get this kind of money in trades.

Supervisor Kowall believes it is time to move forward as maintenance is an issue and reliability is a plus. He shared that from time to time these vehicles have had to be commandeered for other uses throughout the Township. He reminded that the Township would be getting the most money that it can while eliminating three years of worry-free operation. He further noted that the Township has two trucks for snow plowing and one is on deaths door, which will be brought to the Board later.

Trustee Powell would normally agree with Trustee Smith and Trustee Ruggles but believes that Clerk Noble is correct here. He further noted that the milage is really low and that it would be difficult to talk him into this again since there are back up vehicles. He would request of administration, that the next time a vehicle request is made, and statements are also made indicating maintenance that exceeds the cost of the vehicle, that he be provided with actual numbers. He further indicated that he believes that most of the residents in this Township would not get rid of a vehicle with this many miles on it. He noted that he drives his vehicles until they die. He understands that the Township cannot afford to do that, but he thinks it is very easy to state that the expenses are going to exceed the new vehicle. He would really like to see the numbers.

Clerk Noble indicated that he would agree with Trustee Powell, but the cost of parts has doubled, and repair times are lengthier. He also opined that he does not think, in his lifetime, that trade in values will be what they are right now. He shared his personal lease trade in experience. He believes this is an opportunity to get the best bang for the buck.

Trustee Voorheis agrees after seeing the total trade in value and believes that the Township will get two vehicles for the price of one. She is in favor for that simple reason.

Trustee Ruggles noted that the trade in is significant when compared to what the Township paid for the vehicle.

Supervisor Kowall indicated that the gap of what the Township paid under the Government Purchase Program and from a business standpoint, it makes more sense to sell the vehicle because the gap between what it was purchased for, the time the Township has had it for, and what it can be sold for, is very narrow.

Clerk Noble believes Official Spencer's vehicle was purchased for \$24,000.00. It now has 50,000 miles and is seven or eight years old and the Township can get \$16,000.00 for it. He also noted that the wear and tear on the vehicles with the dirt roads is significant.

Trustee Smith would have voted no on this based on a need of new tires, but she fully understands that there is unusual market and that used cars are in high demand. She would like it in the motion that the Board would like to know what the maintenance is and what the comparable costs are.

Supervisor Kowall is not going to recommend that in a motion because there are different vehicles and some with no history. He shared that a recent change in the maintenance department brought to light that

the person that was in charge did not keep the best records. Therefore, there will be times when a history cannot be provided. Going forward vehicle maintenance will be tracked with software.

Trustee Smith reiterated that she would like, moving forward, any history of a vehicle that is brought before the Board.

It was MOVED by Trustee Smith, SUPPORTED by Trustee Powell to approve the purchase of two 2022 Ram Quad Cab vehicles, to include the 2015 Ford Explorer trade in at \$16,000.00 and the 2017 Ford Explorer at \$18,000.00 for a total trade in value of \$34,000.00 towards the purchase, not to exceed a total of \$36,000.00, Additionally that moving forward if any maintenance history is presented to the Board in conjunction with a proposed purchase of vehicles. The motion PASSED by voice vote (7 yes votes).

I. RESOLUTION 22-012; REQUEST TO APPROVE 2022 DUST CONTROL PROGRAM

Treasurer Roman questioned if five applications were necessary and how long each last. To which discussion ensued and it was noted approximately two to three weeks with no rain.

Trustee Powell indicated that it binds the materials together and creates a firmer surface.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Voorheis to approve the Dust Control Program of 2022, Resolution #22-012, not to exceed \$66,870.81. The motion PASSED by voice vote (7 yes votes).

J. REQUEST TO APPROVE 2022 GRAVEL ROAD PROGRAM COST PARTICIPATION AGREEMENT WITH THE BOARD OF COUNTY ROAD COMMISSIONERS OF OAKLAND COUNTY – TRI-PARTY PROGRAM FUNDING

Supervisor Kowall indicated there are \$160,893.00 that will be available in the tri-party program. It will allow the Township to treat and rebuild roads. He noted it has been very successful in the last few years. He believes this program has merit to aid the residents who live on gravel roads. He commended the Oakland County Road Commission for identifying some of the secondary roads in need.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to approve the 2022 Gravel Road Program as presented in the Participation Agreement, Order Project 56812. The motion PASSED by voice vote (7 yes votes).

OLD BUSINESS

A. SECOND READING, OXBOW LAKE PRIVATE LAUNCH ASSOCIATION REZONING REQUEST

Director O'Neil indicated the recommendation is to move forward with the rezoning request and allow them to move forward with a final site plan submission and a development agreement. He reminded that it is a rezoning request from LB to PD. He shared his screen identifying the parcel number before the Board.

Supervisor Kowall commended the organization for trying to solve a problem. He furthered that this is the closest thing to a lake board, with people looking out for the best interest of the lake. He notes this solves an access problem.

Rick Walklet, 10835 Oxbow Lake Shore Drive. He thanked the Board for consideration of the project. He noted that it has been a challenge for them as the primary access to the lake are privately owned. He indicated that with a personal situation or a sale of property that access to the water is denied. He noted that Sprader's Bar closing for construction really brought the access issue to light with that access point gone for one and half years. He is looking forward to moving forward.

Trustee Powell cannot think of a better use of the parcel and noted that it has a great view of the lake from M-59. He commends the residents for getting together and doing this.

Treasurer Roman also commends the OLPLA.

Supervisor Kowall thanked the OLPLA for their generous action of providing the Township an easement for the possibility of walkability.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to approve the Second Reading of the rezoning request of the Oxbow Lake Private Launch Association from Local Business to Planned Development. The motion PASSED by voice vote (7 yes votes).

A. REQUEST TO RESCIND DEMOLITION ORDER FOR 288 TOWER

Bob Hoffman provided a letter from a state inspector and pictures of the home to the Board. He thanked the Board for visiting the site and looking at the home and hopes that everyone has come to the same conclusion. He noted the first picture shows the clean-up that has been achieved outside to the landscape, which included approximately ninety cubic yards of debris removed, 30-yards of leaves removed, and trees that were cut back so the home can be seen again. The second picture he provided is a home he rehabbed in Centerline where he was able to track down the owner, purchase it, and just recently sold it. The third picture is an apartment in Holly that he rehabbed. He noted that he goes overboard when he does a rehab as he truly believes that quality rents and quality sells.

He continued that as indicated in the letter from the state inspector that this house is a great candidate to be rehabbed. He noted there are a couple of holes in the roof that need to be fixed, and that new HVAC, plumbing and electric are needed, but it will look like the house in Centerline. He further shared that this is

the fifth or sixth time he has done this being in the demolition business. He hopes that the Board will consider his request as it will be an asset to the Township.

Supervisor Kowall noted that Mr. Hoffman sort of hit the jackpot with the inspector from the state as he is the primary educator in asbestos abatement construction techniques and builders' licenses for the Construction Association of Michigan.

Treasurer Roman asked of Mr. Hoffman what is done with the asbestos.

Mr. Hoffman indicated there is no friable asbestos in the home. He explained that friable means it would crumble easily. He continued that there is floor tile in the home that does not need to be abated as it can be covered and is not a danger to anybody or anything. He reiterated that there is no friable asbestos in the home and therefore it is not even an issue.

Trustee Powell interjected that the report specifically states that the drywall in the home is friable material, but he is referring to it as being demolished. He opined that Mr. Hoffman's statement is not accurate as there is friable present, but it is only addressing if the home is going to be demolished. He believes this is an important distinction.

Mr. Hoffman confirms that is a valid point. He furthered that most friable asbestos can be seen, but that it is not his intent to remove it as the bones are great, the drywall is good, and it can be painted.

Supervisor Kowall noted in the 1960's and 1970's when asbestos became a larger problem, the EPA looked at it to identify alternate means to remedy it. He shared that school districts went broke due to expensive remediation projects. He noted that the EPA decided that latex paint keeps it from becoming friable. He noted when it is airborne it becomes a problem but when it is stable it can be remedied. He shared that as a contractor for forty years he had constant updates of how to handle it.

Clerk Noble visited the home in question with supervisor Kowall and Treasurer Roman and he notes that the home was sound, and the basement was dry. He was amazed at how dry the basement was after sitting for so long abandoned. He believes it is savable and that it will be a benefit to the neighborhood with it is fixed up. He reminded that Mr. Hoffman would have to adhere to the building official.

Official Spencer asked Mr. Hoffman if he planned to remove any of the drywall.

Mr. Hoffman indicated, "none at all." He further stated that there are repairs to the drywall that will be made. He continued that the insulation will be added and that once the roof is ripped off, he will learn how much of the plywood will need to be replaced and the same for the trusses. He noted there are fascia and soffits on the house and garage that are bad. His plan is to fix those and wrap it with aluminum and reroof it with architectural shingles.

Official Spencer pointed out that there are several reasons why this became a dangerous building and went through the dangerous building process. One of those being a failed septic system. He indicated that the Township would need a report from the County Health Department on that system or a new system installed. It is the same for the testing of the well as it was a consideration that it had a poor functioning well. He identified that a written report for both of those will be necessary from the county.

Official Spencer appealed to the Board as situations like this in the past, have required a state licensed engineer to provide the Township with a structural report for the structures and he does not think this should be any different. He is asking that this be part of any motion tonight. He noted that all applicable permits will be needed through the Township.

Mr. Hoffman agrees with Official Spencer as to the well and septic. He noted he does not even know where the well is. As to the structural engineer, he noted he has been a builder for forty years.

Official Spencer interjected that he respects that and the gentleman that submitted his report, but that every other project in the Township that has gone before the Board for a rescission of demolition, has been required to have a report from a state licensed engineer.

Mr. Hoffman is not familiar with other situations but noted that this is different. He indicated that there are two holes in the roof. He shared that at the suggestion of the Supervisor he had a state inspector look at it. He reiterated that there is nothing wrong with the bones of that house. He does not believe it is necessary to go into another expense because of his experience, Official Spencer's experience and the experience of members of the Board.

Treasurer Roman highly encouraged Mr. Hoffman, assuming the Board votes to rescind tonight, that he works with the building department to ensure that everything is done correctly as he would hate to see a renovation and then Mr. Hoffman have to come back because he is unhappy with the rental inspection.

Mr. Hoffman appreciates that advice but notes that everything will be brand new and will have to be inspected.

Trustee Smith did view the home with Trustee Ruggles and concurs, in her opinion that it is structurally sound. She noted that the basement did not appear to have any foundation issues or smells. She disagreed that there were more than two holes in the roof and that it needs to be a tear off. She questioned to Trustee Powell that she believes there is a friable issue in the bathroom where drywall would need to be removed.

Official Spencer interjected that there are areas of drywall that appear to need to be removed.

Trustee Smith supports Official Spencer in his request to the Board. She noted she does not love that Supervisor Kowall circumvented and instructed Mr. Hoffman to get another inspector instead of going through the equal and fair process that all of the residents are required to follow.

Supervisor Kowall interjected that Trustee Smith has made an incorrect statement and that it was a suggestion that he procure a letter and not an action to take and that it might have satisfied Official Spencer.

Trustee Smith reiterated that the Board needs to uphold the process explained by Official Spencer for everybody that comes to the Township. She does not have an issue with him rehabbing the home properly.

Irwin Schaefer and Jennifer Schaefer, 301 Tower Road. He lives directly across the street from the home Mr. Hoffman would like to bring back to life. He thanked the Board for hearing out. He apologized for two items; one that he is not a good speaker; and second that he has been up since 2:30 a.m. as he dropped his daughter off at Clifford Smart to learn about democracy and he is here to uphold his end of democracy. He is here as he understands the process of what to do with this house. He has lived here for eight years and has lived through the entire nightmare of this house. His son called in "the welfare check" that removed the homeowners from the house. He shared, that dogs came out of the house; the house was flea ridden and that he has seen and watched it all. He has watched the house deteriorate. He shared that he could not have been happier to learn that the house was going to be demolished. He thanked God he will look at an empty lot and somebody else will buy it and build beautiful house. When he heard about all of this, and then learned that an individual was awarded a contract by the Township to demolish the house and then he learned that individual approached the homeowner, which he thought was a conflict of interest from his perspective as he only knew about the house from his bid through the Township to demo it. This is the number one problem he has.

Number two is that if the Township is going to allow from what he is hearing, and he is going to read between the lines, that everyone has pretty much already approved this project, he wants his motion on record that an inspector comes in and goes through that house with a fine-tooth comb. It had animals, feces, the women who lived there use to come a bath at his home after they defleaed her for fear that she would fall through the floor. He declared that the Board cannot tell him that this house is structurally sound. He opined that somebody is not telling the truth here. He declared that if an independent state inspector that states it is sound at Mr. Hoffman's expense, then he can move forward. Outside of that he thinks this is Ludacris. He would rather look at an empty lot like the one that was torn down, down the street. That is his position.

Treasurer Roman clarified that the old homeowner is required to fix the house, and if he does not fix and rehab the house properly, that is when the Township comes in with the order to demo.

Official Spencer indicated the process is set up that a dangerous building hearing is set up with a dangerous building hearing officer who happens to be another building official from another township or city. That person hears the case from the owner, if present or a representative of the owner. They try to state their case as to why it is salvageable. In this particular case there was no one to represent this home and the order to rehab/demolish or demolish on your own was issued.

Treasurer Roman interjected that at that point the old owner could have listed the house and sold it, but for whatever reason chose not to.

Official Spencer indicated that the house sat for two and half years and it could have been marketed at any time.

Treasurer Roman in addressing the conflict of interest, indicated that the homeowner could have sold the home in open market for two and half years, but they chose not to. For this reason, the house was determined to be demolished. He points out that Mr. Hoffman was there at the last minute, but that the previous owner had a chance to sell the home but chose not to for whatever reason. He further asked if the Township wants empty lots or homes with taxable values on the lot.

Irwin Schaefer declared from the gallery that from the Township's perspective it wants taxable value but asked how many of the Board would want to live in his shoes and live on his street and put up with what he has lived through when the house should have been torn down already. In regard to the question about the homeowner putting it up for sale, the gentleman was two days away from dying while living in that house due to fleas eating away his flesh. He asked for forgiveness on how this sounds, but if he would have let him die, this house would have been torn down a long time ago. The conflict of interest is that Mr. Hoffman took advantage of a gentleman who has dementia. He does not even know who if anyone represents his best interest. He opined that Mr. Hoffman stole the house for a small sum of money which he only found out about because the Township awarded him the contract to demolish the house.

Treasurer Roman declared that he does not disagree with that.

Mr. Schaefer continued that Mr. Hoffman is big government and that he is an Oakland County Commissioner, while he is an irrigation service technician – a blue collar guy that works for a living.

In response, Supervisor Kowall asked Mr. Hoffman to share with the Board.

Mr. Hoffman indicated that winning the bid to tear down the home and after going through the home, he found it crazy to tear it down. He then came to the township and found there was not a lot of information to get ahold of the owner. He then went to Oakland County Deeds and found an up north address for the owner in Turner, Michigan. He tracked him down on the internet and spoke to him a few times. Ultimately, he made him an offer which he agreed to. He has a medical guardian, but not a personal guardian. He signed a purchase agreement. He continued that the previous owner had the opportunity to demolish or rehab and fast forward, he is here to rehab it. He reminded as he mentioned to Board members previously, that they have the same remedy under the law as the previous owner. He declared that he would never put his money into something and then walk away from it. He opined that he has a great reputation.

Trustee Smith to address Mr. Schaefer's question, noted that the home is pretty clean right now and she does believe that Mr. Hoffman can rehab this structure and that would be an asset to the neighborhood. Further, she shared that she talked with Official spencer about changing the process which will not be decided upon tonight. She would like to suggest in the future, that the Board consider a change in process where these types of buildings are shown to the Board prior to the dangerous building hearings. She admits details will need to be worked out, but that it may be a more efficient way to handle these. She also wanted to address that she thinks the Township is at a crossroad of either or. She continued that if the Township is going to publish these demolitions in the Spinal Column and attract certain contractors who perform demolitions then they all should be precluded from purchasing the properties. She is interested in changing that policy.

Supervisor Kowall shared that this discussion took place a few days ago with Official Spencer. He further indicated that White Lake is not a city/township that deals with oodles of homes to be demolished. There were a group of homes that needed to be addressed when he became supervisor and he pushed to look at these homes and prod owners along to remedy them. He reminded of a recent homeowner who appeared before the Board, stated a few words, and walked out the door. This Board was gracious enough to give that owner yet another opportunity, which resulted in the same. He stated that this particular individual has exhausted his opportunities, but that this particular opportunity, while unfortunate, the process is bids are put out and the Township takes the lowest bidder. He admitted there have been times in the past when the Township has invited persons, because when no one responds to the solicitation for bids, or the Township does not receive the amount it likes.

Official Spencer indicated that personally he would like four, five, or more bids to choose from, but most of the time only three are received.

Trustee Smith interjected that she is not disputing how many bids are received, but the process.

Clerk Noble confirmed with Mr. Hoffman that he is going to put a new roof on, rewire it, new HVAC system, and insulate it. He further asked what his plans are for the exterior.

Mr. Hoffman indicated new door, windows, black shutters, and black architectural shingles.

Attorney Hamameh for the record clarified that the dangerous building hearing officer's report indicates that he does not give the repair option. He indicates:

"That as a result of the house being vacant and open to the elements since July of 2019 and the lack of repairs or maintenance, the house meets the definition of a dangerous building. It is my decision and order that the structures be demolished, all debris hauled away, properly disposed of and that the property be graded, seeded, and mulched to the satisfaction of building official by May 1, 2021."

Attorney Hamameh indicated that it also reads:

"Further, the structures are secured and maintained. Secured to prevent entry until demolition."

She further commented on the process that it starts off with a letter from the building official indicating that he determines the house dangerous. It then goes to an independent individual who conducts a hearing and takes testimony, of which all property owners are identified by a title search and notified of. At the hearing anyone who wants to testify can. The purpose of the hearing is for the property owner to come in and explain why the property should not be demolished. In this case the only testimony was Jason Hudson the Ordinance Enforcement Officer as well as the building official as the property owners did not appear. She continued to explain that after the hearing before the dangerous building hearing officer it then comes before the Township Board. The Board reviews all the materials and then makes its own decision to follow the order of the hearing officer or at that time modify it. The property owners are again notified and given an opportunity to come before the Board to show why this Board should not enforce the order of the dangerous building officer. She reminded that there are a lot of protections along the way that ensure that

when it gets to the Township Board, it is ready for the Board to make a decision as to whether or not the building is dangerous. She continued that it is not to say that this Board has not in the past, at a show cause hearing, entertained discussions that possibly it can be rehabbed. She reiterated as Official Spencer indicated, that in the past it has been by show of engineering report that the building is structurally sound. She believes that is the most critical element of the building official. She wants to make sure the Board understands the process from beginning until it comes to the Board and how this case got here.

Mr. Schaefer added that in the time that the property sat vacant, and people were hauled out of that house, anyone could have gone to Oakland County, looked up the owner and made an offer on the house, but nobody chose to do so. It did not come until the award of the demolition contract that this came about. He thanked the Board for making changes and suggests that it post its bids through the Mitten, through the proper government channels as it helps weed out proper licensed and non-licensed contractors.

Trustee Powell thanked Attorney Hamameh. The process is very clear, and the Board adopted the policy ordinance that follows that process. The Board has the ability and responsibility to go out and make sure it understands what is being asked of them. He noted that no one has the authority to tear a house down except this Board. The dangerous building hearing is meant to create a record as to why a decision is going to be made. Therefore, there is a reason it was deemed inhabitable, and one cannot just say it would be nice for the neighbors if this house were gone. As part of this decision to possibly rescind, this Board must address the reasons why it was declared inhabitable up front. He indicated that Mr. Hoffman is a great builder, but he is not a professional and there are reasons why professionals are licensed with the state. They have certain credentials and if they are wrong, they can be held accountable. He also noted that Mr. Schaefer can stand up and declare that the house absolutely needs to be destroyed, but that is one man's opinion, and he is not an expert. That being said, this Board has a responsibility to address each reason why the hearing officer made the decision tonight. If the Board is going to rescind the order, there must a reason for doing so. He indicated that this Board may not have seen the things that the expert did and therefore they must be addressed tonight.

He truly appreciates Official Spencer as he is looking to the law and he wants this Board to say you need to hire the people to counter the decision from the dangerous building hearing because we don't want that responsibility, as we are not the experts. He opined that the request from the building official is right on the money. He wants the identified issues addressed. It has been pointed out that they exist, and this was written for a home that was going to be torn down. The report needs to be revisited and address the issues as to whether or not they can be rehabbed and if so, how is it done. He opined that it would be a shame to not give the building department and opportunity to call their experts. He indicated that he does not believe that the home is structurally unsound. He honestly believes that Mr. Wentz did not go through the house from a structural engineer standpoint because he did not mention all of the things that Trustee Powell found that need to be replaced. If he were the building official, he would not accept this. In his opinion there is sufficient reason to rehab this, but he is not in favor of tearing down structures just because someone doesn't want it there. He is in favor of saving this structure and allowing Mr. Hoffman to rehab it, but he is also in favor of what Official Spencer is asking for. He furthered indicated that in the past if a homeowner wanted to salvage a structure in the township, they have been required to establish a cash bond to cover

the cost of the demolition. That way if they do not finish it, the Township is not absorbing the cost to demolish. The cost to demolish this structure is \$12,700.00 plus the cost of the remediation of the asbestos which is \$15,789.00 for a total cash bond \$28,480.00.

Trustee Ruggles asked why it had to be a cash bond.

Trustee Powell indicated that surety bonds use to be allowed, but what happens is that the community that holds the surety bond does not have the legal right to cash it and must actually sue the bonding company and have a judge order that they follow through on it. He shared that most communities require a cash bond or letter of credit. He reminded that this whole process is not because a home is unwanted there, but because there is a danger there that needs to be corrected somehow. He is in favor of saving this home but putting some inconsistencies in the process so that Mr. Hoffman is treated like most everyone else.

Supervisor Kowall noted that a bond was not required for the home on Highland Road, which is a similarly situation, but an engineer letter was required. He further shared that often times in these situations people do not do anything until they are faced with the bulldozer. He indicated that this is one of those cases where the homeowner did whatever they could to get out of the house and benefit themselves however they could. He agrees that the consistency of the process is such and he did recommend to Mr. Hoffman that he get an engineer's letter and that potentially it may suffice, but he did not know, as it would be up to the building official.

Trustee Powell indicates that the bond does two things. One that the Township will hold your money until you do certain things, and he would like to see a timeframe put on it. He would also be in favor of the funds being given back to Mr. Hoffman once the exterior is done and all the items addressed in the dangerous hearing have been completed.

Clerk Noble asked for education on the bond and asked for the difference between someone putting up a surety bond and someone else doing it. He believes it would collectable.

Attorney Hamameh indicated that there is an elaborate process to cash a surety bond versus a cash bond. She continued that you have to write letters, timelines, it is very technical to meet the requirements to collect on a surety bond. She indicated that surety bonds were removed due to their difficulties, and it was left with cash or letter of credit.

Director O'Neil indicated fifteen years ago the zoning ordinance was amended because the surety process created a fight to get funds released to finish a project that the developer is trying to guarantee. The zoning board requires cash or letter of credit. He believes that by requiring the bond, it states that the Township has somebody who is going to come and has the wherewithal to make these changes, we are going to make sure and guarantee that the Township does not have to go through this process all over again.

Trustee Smith would like input from Official Spencer as to whether changing procedure to prohibit those who bid from purchasing can be handled internally in his office or does he need the Board's discretion.

Official Spencer believes it is a policy.

Trustee Ruggles request that any motion include letter of credit or cash bond.

Supervisor Kowall declared that it has not been done to others.

Trustee Powell recalls specifically that it was told to a homeowner to either put the cash up or it will be demolished. He has no problem with a letter of credit. He opined that if it is done properly Mr. Hoffman would have it done within 30-60 days, and he will have his money back with the motion he intends to make. He did note that it will cost him money to secure a letter of credit.

Mr. Hoffman indicated that he does not know all of the items identified by the hearing officer. He further indicated that the man the Township tried to drag in before the Board, the previous owner, and he was given the option to fix the house or tear it down, you will tell that man to get a building permit and he would not have to put up any money. He opined that this is the same deal. He was not dragged in here; he came at his own free will.

Trustee Powell interjected that Mr. Hoffman is comparing apples to oranges.

Mr. Hoffman again indicated if the owner came in and asked what he needed to do, he would have been sent to the building department to get a permit and the Township would not make him put up a cash bond. He reminded that he came in on his own, tracked the owner down and bought it. He informed that he has been around a hundred years and never had to put up a cash bond.

Supervisor Kowall warned Mr. Schaefer that continued interruptions would result in him being escorted out of the room.

Mr. Hoffman indicated that he does not want to put up a cash bond. He declared that he would do everything that he said, and that he has done other demolitions for the Township and there has never been an issue. He shared of one demolition that he, on his own, went out and spread forty yards of topsoil and seeded it without having to do it.

Trustee Powell interjected that this vote is potentially setting a precedent and while the Board knows him, it does not know the next individual to come in and in his opinion the Board needs to be consistent. To ensure that all are treated the same way.

Mr. Hoffman noted that no bond was required for the house that had a fire.

Supervisor Kowall agreed that Mr. Hoffman is correct that no bond was required.

Official Spencer reminded of 1337 Park where there was a similar situation wherein someone wanted to purchase the property. One of the requirements was going to be that they provide a bond.

Supervisor Kowall agreed the request was made.

Trustee Smith advised Mr. Hoffman that this is nothing personal and that it is a housekeeping issue that needs to be addressed.

Treasurer Roman asked of Assessor Smith what the lots value is. To which, she indicated she is not familiar with the address and cannot answer.

Discussion ensued amongst the Board and public as to the value of the lot.

Treasurer Roman asked if Mr. Hoffman did not follow through and the Township had to take ownership of it, would the Township get its money back. He further indicated that he believes if you asked Mr. Hoffman to put up a \$10,000.00 cash bond that would be enough pressure to get the work done.

Supervisor Kowall indicated no and in the meantime the Township is going to get calls about maintaining the property. He opined that it becomes a burden and liability to the Township.

Trustee Powell declared it is a process.

Trustee Smith pointed out that Mr. Hoffman has not seen the list that this Board is going to hold him accountable for.

Official Spencer believes that he will have to refurbish to code compliance and nothing more. It is not judged based on quality or craftsmanship, just code compliance. He will require a code compliance structure when all is said and done as well as, if approved by the Board, a report from a structural engineer.

Supervisor Kowall addressed Mr. Hoffman as he recommended, he procure a letter that may or may not be accepted, it is not acceptable to the Board, so you will have to obtain a letter from a structural engineer that the structure is habitable. He is not in favor of a cash bond, but he wants this to move forward.

Trustee Ruggles reminded that a letter of credit will suffice.

Mr. Hoffman suggested that he put a \$5,000.00 cash bond with the treasurer.

Supervisor Kowall would be fine with that.

Treasurer Roman believes it applies enough pressure.

Trustee Powell questioned what about the next guy. He asked if the \$5,000.00 is just a grab because Mr. Hoffman is known or is it going to be policy \$5,000.00 across the board.

Supervisor Kowall believes the Board should have that discretion. If the Board is dealing with someone new, someone it has no knowledge of, he would agree completely. However, when you have an individual who lives in an adjacent community and has a business in an adjacent community and has more to lose to not comply.

Official Spencer pointed out that the \$12,700.00 fee mentioned was actually a remediation fee from a contractor that the Township reached out to for the asbestos. The actual cost for demolition from Mr. Hoffman's company was \$8,900. He believes that the \$8,900.00 would be a good middle ground for everyone to settle on securing that it would cover the demolition if the project if not completed.

Trustee Smith feels more comfortable with a justification to the number and thanks Official Spencer for his suggestion as she does not want it construed as a favor or impropriety.

Attorney Hamameh indicated that it sounds to her like the presentation portion of this item is over. If the Board is inclined to rescind your previous order affirming the dangerous building hearing officer's order, that

will be the first step. Step two will be deciding whether the Board wants to affirm, modify, or deny the order of the dangerous hearing officer.

Trustee Smith asked Mr. Hoffman if \$8,900.00 sound fair to him.

Mr. Hoffman indicated these are all arbitrary numbers and that the Board has discretion in every case before it and that they are not setting a precedent because every case is different. He reiterated that the Board would not have made the previous owner pay a bond. He does not want to put up any bond money but offered \$5,000.00. He indicated that he does what he is told and that he is a licensed builder and that the Board would have so much recourse under the law to come after him.

Official Spencer questioned of Mr. Hoffman if he has closed on the property yet.

Mr. Hoffman indicated he has not yet because the property owner's driver's license is expired. He anticipates it will be remedied in a few days. He has closed his end with the title company. He does have a signed legitimate purchase agreement.

Mr. Schaefer feels a great deficit here as a resident of White Lake Township for eight years, and as a resident with skin in the game since he lives on Tower Road. He does not believe that Mr. Hoffman has any skin in the game. He also believes that there is the warm fuzzy feeling because the Board knows him, and he knows the Board. He declared for the sake of the Township and his tax dollars that pays everybody's wages, he that the Board needs to get something in place that makes sense across the board for every contractor that bids contracts in White Lake. He is asking for this to avoid future conflicts.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to rescind the demolition order of 288 Tower. The motion PASSED by roll call vote (Smith/yes, Ruggles/yes, Kowall/yes, Roman/yes, Noble/yes, Voorheis/yes, Powell/yes).

Supervisor proposed that a \$10,000.00 cash bond or letter of credit would be appropriate.

Official Spencer indicated it would be acceptable to return the funds to Mr. Hoffman upon the exterior repairs being completed.

Trustee Smith believes \$10,000.00 is an arbitrary number and she would prefer the \$8,900.00 that covers demolition or the \$12,700.00 that Trustee Powell proposed because one of them are based on factually something.

Supervisor Kowall noted the \$10,000.00 was between the abatement and demolition.

Trustee Ruggles reminded that the demo was \$8,900.00.

Official Spencer indicated the \$8,900.00 makes sense to him.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to modify the dangerous buildings officer's findings and request that a \$8,900.00 cash bond or letter of credit and a letter

from a Michigan licensed structural engineer will meet the requirements of the Township Building Official and the building will be brought up to code status. Additionally, the bond will be returned upon completion of the exterior repairs. The motion PASSED by roll call vote (Powell/yes, Voorheis/yes, Roman/yes, Smith/yes, Ruggles/yes, Noble/yes, Kowall/yes).

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to recess into closed session to consider attorney/client privileged communications, in accordance with MCL 15.268(1)(h). The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

Recessed into closed session at 9:23 p.m.

Returned to open session at 11:16 p.m.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to instruct attorneys to proceed in conversation as directed due to lack of clarity by River Caddis Development. The motion PASSED by voice vote (7 yes votes).

ADJOURNMENT

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

The meeting adjourned at 11:28 p.m.

I, Anthony L. 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 March 15, 2022, regular board meeting minutes.

Anthony L. Noble, Clerk
White Lake Township
Oakland County, Michigan