

CHARTER TOWNSHIP OF WHITE LAKE
Draft Minutes of the Regular Board of Trustees Meeting
August 15, 2023

CALL TO ORDER

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

Clerk Noble called the roll:

ROLL CALL:

Present:

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer
Scott Ruggles, Trustee
Liz Smith, Trustee (late arrival at 5:02 P.M.)
Andrea Voorheis, Trustee

Absent:

Michael Powell, Trustee

Also Present:

Sean O'Neil, Community Development Director
Daniel T. Keller, Chief of Police
Dave Hieber, Assessor
Cathy Derocher, Human Resources Manager
Lisa Hamameh, Township Attorney
Hannah Micallef, 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: (5 yes votes).

PUBLIC COMMENT

Matt Sprader, 10070 Elizabeth Lake Road, spoke regarding a letter he received about a food truck in his business' parking lot. He said the food truck at his property was not permanent and could be moved. Supervisor Kowall asked Mr. Sprader to call his office to set up a meeting.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- B. CHECK DISBURSEMENTS
- C. DEPARTMENT REPORT - POLICE

- D. DEPARTMENT REPORT – FIRE
- E. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT
- F. DEPARTMENT REPORT – TREASURER

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

MINUTES

- A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, JULY 11, 2023
- B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JULY 18, 2023
- C. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, JULY 20, 2023

It was **MOVED** by Trustee Voorheis, seconded by Trustee Ruggles, to approve the Special Board Meeting minutes of July 11, 2023, the Regular Board Meeting minutes of July 18, 2023, and the Special Board Meeting minutes of July 20, 2023 as presented. The motion carried with a voice vote: (6 yes votes).

NEW BUSINESS

- A. REQUEST TO APPROVE PRELIMINARY SITE PLAN APPROVAL – PANERA BREAD

Director O’Neil said the project was considered by the Planning Commission at the July 20th meeting for preliminary site plan approval recommendation. The project did not present any issues at that time.

Erin McMachen, Stonefield Engineering, was present to represent the applicant, development firm Alrig USA, along with Panera, were excited to make their presence within the Township.

Supervisor Kowall asked Ms. McMachen when ground would break at the site. Ms. Machen said sometime next year.

Trustee Ruggles said the Planning Commission was in favor of the project, and granted the applicant a waiver to open earlier in the morning.

Trustee Smith said she loved the idea of outdoor seating; it was a great idea.

Treasurer Roman asked Ms. McMachen when the target opening date would be. Ms. McMachen estimated a year from now.

Trustee Voorheis expressed her concern with staffing the Panera properly.

It was **MOVED** by Supervisor Kowall, seconded by Trustee Smith, to approve the preliminary site plan for Panera Bread. The motion carried with a voice vote: (6 yes votes).

B. PUBLIC HEARING - TO HEAR COMMENTS ON THE REASSESSMENT OF THE SUNSET/TAYLOR ROAD MAINTENANCE SPECIAL ASSESSMENT DISTRICT

It was moved by Supervisor Kowall, seconded by Trustee Ruggles to open the public hearing to hear comments of the reassessment of the Sunset/Taylor Road Maintenance Special Assessment District at 7:08 P.M. The motion carried with a roll call vote: (6 yes votes). (Kowall/yes, Voorheis/yes, Roman/yes, Noble/yes, Smith/yes, Ruggles/yes).

PUBLIC COMMENT

None.

It was MOVED by Supervisor Kowall, seconded by Treasurer Roman, to close the public hearing at 7:09 P.M. The motion carried with a voice vote: (6 yes votes).

C. RESOLUTION #23-023; CONFIRMING THE SPECIAL REASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED SUNSET/TAYLOR ROAD MAINTENANCE

Dave Hieber, Assessor, said the public hearing was noticed twice in the Oakland Press, and the neighbors received notices as well. He received no comments or calls regarding the SAD.

It was MOVED by Treasurer Roman, seconded by Clerk Noble, to approve Resolution # 23-023; confirming the Special Reassessment Roll for the Special Assessment Designated to Sunset/Taylor Road Maintenance. The motion carried with a voice vote: (6 yes votes).

D. PUBLIC HEARING - TO HEAR COMMENT ON LAKE NEVA WEST CANALS WEED CONTROL AND LAKE IMPROVEMENT 2023-2027

It was MOVED by Supervisor Kowall, seconded by Clerk Noble to open the public hearing to hear comments on the Lake Neva West Canals Weed Control and Lake Improvement 2023-2027 at 7:11 P.M. The motion carried with a roll call vote: (6 yes votes). (Kowall/yes, Smith/yes, Ruggles/yes, Voorheis/yes, Roman/yes, Noble/yes).

Rex Suffel, 6115 Whispering Meadows Drive, spoke in favor of the SAD.

Christina Garwood, 6105 Whispering Meadows Drive, read a letter protesting participation in the SAD project.

Mr. Hieber said the resident was able to make the protest at this time since the SAD was expired, and not a renewal. The resident had the right to appeal.

Rex Suffel, 6115 Whispering Meadows Drive, added the HOA Board for the neighborhood was not actively involved with the SAD.

Nancy Baleja, 6185 Whispering Meadows Drive, said she benefitted from the weed assessment control, and she was in favor of the SAD.

Dave Ribikowski, 6125 Whispering Meadows Drive, said the weed control did a great job and made it possible to fish and use the lake.

Ron Kastelen, 6265 Whispering Meadows Drive, said when the chemicals were not being dispersed, the weeds would grow back with a vengeance. The properties near him that did not have weeds before do now. He said the weed control worked and made an improvement for the water flow on the lake.

Kurt Grant, Blue Water Aquatics, was present to answer any questions residents had regarding the weed control treatment. He would be the one applying the treatments the majority of the time. He had great success with controlling the weeds and algae in the past. A tentative schedule would be available to the residents and posted prior.

It was MOVED Supervisor Kowall, seconded by Trustee Smith, to close the public hearing at 7:24 P.M. The motion carried with a voice vote: (6 yes votes).

E. RESOLUTION #23-024; DETERMINING TO UNDERTAKE AN IMPROVEMENT PROJECT AND TO ESTABLISH AND MAINTAIN A SPECIAL ASSESSMENT DISTRICT TO PAY COSTS ASSOCIATED THEREWITH, APPROVING THE PLANS AND ESTIMATES OF COSTS THEREFOR TO BE KNOWN AS: LAKE NEVA WEST CANALS WEED CONTROL AND LAKE IMPROVEMENT 2023-2027

Trustee Smith said it was important to be a good steward of the lakes, and this was an important step to do so.

Trustee Ruggles asked Mr. Grant when treatment would start. Mr. Grant said next April.

Trustee Voorheis asked Assessor Hieber what the pro-con ratio was of residents that signed the petition. Assessor Hieber said the petition received 62% of resident signatures but he does not equate the absence of signatures as a con because a resident may have simply not been home when the petition was circulated.

Supervisor Kowall asked Assessor Hieber when the district would be fully established. Assessor Hieber said after confirmation and final determination of the costs at the September Board Meeting, the SAD would go on the roll for the 2023-2024 taxes.

It was **MOVED** by Treasurer Roman, seconded by Clerk Noble, to approve Resolution #23-024; determining to undertake an improvement project and to establish and maintain a special assessment district to pay costs associated therewith, approving the plans and estimates of costs therefor to be known as: Lake Neva West Canals Weed Control and Lake Improvement 2023-2027. The motion carried with a voice vote: (6 yes votes).

F. PUBLIC HEARING - TO HEAR COMMENTS ON THE ESTABLISHMENT OF THE EMERGENCY SEWER CONNECTIONS SPECIAL ASSESSMENTS DISTRICT 2023-02

It was **MOVED** by Supervisor Kowall, seconded by Trustee Smith by to open the public hearing to hear comments on the establishment of the emergency sewer connections Special Assessments District 2023-02 at 7:29 P.M. The motion carried with a roll call vote: (6 yes votes) (Kowall/yes, Roman/yes, Noble/yes, Voorheis/yes, Smith/yes, Ruggles/yes).

PUBLIC COMMENT

None.

It was **MOVED** Supervisor Kowall, seconded by Treasurer Roman to close the public hearing at 7:29 P.M. The motion carried with a voice vote: (6 yes votes).

G. RESOLUTION #23-025; TO ESTABLISH AND MAINTAIN A SPECIAL ASSESSMENT DISTRICT TO PAY COSTS ASSOCIATED THEREWITH AND TO APPROVE THE PLANS AND ESTIMATES OF COSTS THEREFOR TO BE KNOWN AS: EMERGENCY SEWER CONNECTIONS 2023-02

It was **MOVED** Supervisor Kowall, seconded by Treasurer Roman, to approve Resolution #23-025; to establish and maintain a Special Assessment District to pay costs associated therewith and to approve the plans and estimates of costs therefor to be known as: Emergency Sewer Connections 2023-02. The motion carried with a voice vote: (6 yes votes).

H. RESOLUTION #23-026; AT&T METRO PERMIT AMENDMENT 20234

Supervisor Kowall said this was an amendment to the permit, and it has come before the Board previously. Attorney Hamameh said it was an extension of an existing permit.

It was **MOVED** Trustee Ruggles, seconded by Clerk Noble to approve Resolution #23-026; AT&T Metro Permit Amendment 20234. The motion carried with a voice vote: (6 yes votes).

I. REQUEST TO APPROVE POAM (PATROL) TENTATIVE AGREEMENT

Human Resources Manager Derocher said there was a compelling presentation a few months ago given by Chief Keller about restructuring the patrol division wages that was received

favorably and she was instructed to come up with comparables from other communities. She did so with labor counsel and that was reflected in the tentative agreement presented this evening. The patrol division had been presented with the wages as well, and the restructured starting wages were considerably higher than before, and the wages also capped out higher too. The restructured wages presented were comparable with the surrounding communities and would hopefully improve retention and recruitment efforts.

Supervisor Kowall said this matter was discussed at length with the Board, and Chief Keller was proactive in moving this matter forward. He spoke with a local municipality recently that was down 15 officers due to recruitment issues. White Lake Township was recently noted in an FBI statistic study for being the 15th safest city in the continental USA.

Trustee Voorheis asked Chief Keller where the new wages brought the Department County wise. Chief Keller said the new wage proposal put the Township in the top one third percentile of Oakland County, where as before the wages fell in the bottom 20% of Oakland County.

Trustee Ruggles said the agreement was needed and well deserved.

It was MOVED Supervisor Kowall, seconded by Clerk Noble to approve the POAM (Patrol) Tentative Agreement as submitted. The motion carried with a roll call vote: (6 yes votes) (Smith/yes, Ruggles/yes, Noble/yes, Roman/yes, Kowall/yes, Voorheis/yes).

J. REQUEST TO APPROVE POLC (COMMAND) TENTATIVE AGREEMENT

It was MOVED by Supervisor Kowall to approved the POLC contract as submitted, seconded by Trustee Smith. The motion carried with a roll call vote: (6 yes votes) (Voorheis/yes, Roman/yes, Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes).

Chief Keller thanked Cathy Derocher and Brandon the labor attorney for working on this and making sure it went smoothly. He said his men and women in the Police Department were grateful. He added that his department appreciated the Board's support.

Trustee Smith said she was appreciative of Chief Keller's work on this matter as well.

Supervisor Kowall reiterated how important it was for the Township to have a functioning police department. He added that the contract was extended to 2026.

Clerk Noble commended the Chief for his work on this, and said this action would set the Township up for a succession plan of hiring the best officers available.

K. RESOLUTION #23-028; APPROVING THE OPTING-IN TO THE NATIONAL OPIOID LITIGATION SETTLEMENTS WITH WALGREENS

Supervisor Kowall said there was an opioid epidemic, and there were multiple legal actions being taken against pharmaceutical companies for their opioid practices. He was not sure of the exact dollar amount, but the monies received would be used toward the various programs within the Township.

Chief Keller added these funds would help to fund the "Hope, Not Handcuffs" program. The program would be directed at helping individuals addicted to drugs, and getting those individuals realigned and reorganized to get on the right path again. It was another avenue to help those individuals succeed.

Supervisor Kowall said the Police Department had many outreach programs, and they worked on finding out the needs of the community and serving those needs.

Chris Russell, 85 Oak Place, said he was familiar with the Hope, Not Handcuffs program. He said it served as a great third leg to the recovery community. He said the course would only add to the law enforcement community.

It was **MOVED** by Supervisor Kowall, seconded by Clerk Noble to approve Resolution #23-028; opting-in to the National Opioid Litigation settlements with Walgreens. The motion carried with a voice vote: (6 yes votes).

CLOSED SESSION

- A. CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH BLACK ROCK WHITE LAKE v. WHITE LAKE ZBA, 6TH CIRCUIT COURT, CASE NO. 2023-200907-AA IN ACCORDANCE WITH MCL 15.268(1)(e)

It was **MOVED** by Supervisor Kowall, seconded by Trustee Smith to move into closed session to consult with legal counsel in accordance with MCL 15.268(1)(e) at 7:47 P.M. The motion carried with a roll call vote: (6 yes votes)
(Kowall/yes, Roman/yes, Noble/yes, Voorheis/yes, Smith/yes, Ruggles/yes).

It was **MOVED** by Supervisor Kowall, seconded by Treasurer Roman, to return to regular session at 8:17 P.M. The motion carried with a voice vote: (6 yes votes).

It was **MOVED** by Supervisor Kowall, seconded by Treasurer Roman to allow the Township Attorney to proceed with what was discussed in closed session. The motion carried with a voice vote: (6 yes votes).

FYI

- A. 9885 CEDAR ISLAND ROAD UPDATE

There would be another hearing in two weeks. Attorney Hamameh said she would argue against allowing withdrawal.

B. CIVIC CENTER DESIGN COMMITTEE UPDATE

The schematic phase was ongoing, and the construction manager was working on cost estimates. Styles, materials, and colors were still to be determined. The construction manager contract was reviewed by the attorneys, and it would be reviewed in house. The in-house committee would be meeting tomorrow.

Director O'Neil said pricing and scheduling would be discussed tomorrow, as well as smaller contracts for the gun range. Soil borings were received back today and sent to the architects for review. Beckett and Raeder transferred the CAD files to DLZ for the road curb cut.

TRUSTEE COMMENTS

Treasurer Roman said taxes were due September 14th, and dog licenses were past due. New dog licenses would come out on December 1st.

Trustee Voorheis thanked the volunteers and Township staff for their work at the Rockin' the Farm event, it was a great evening. The Fisk Farm Festival would be held on September 9th and 10th.

Trustee Smith said the library was hiring. In addition, the library had food trucks available; the schedule was posted on their website. The summer reading program party was coming up. The drive-up window would be opening soon. The Police Foundation had a charity event at Skull Island on August 26th. The Fire Department Open House would be September 17th. The Master Plan Open House was scheduled for this Thursday. The roundabouts were close to completion. She wished everyone a safe and wonderful back to school year.

Trustee Ruggles said his family attended Rockin' at the Farm; the event was great. He said he would donate the corn for the Fisk Farm Festival.

Clerk Noble thanked the Supervisor's Office, and Kelly Lang, for their work on the Rockin' the Farm event.

Supervisor Kowall said the roundabouts would have their top coats of asphalt in the next couple of days, lighting and signage were being erected currently. He encouraged those not familiar with roundabouts to practice on the one that was open at Elizabeth Lake and Teggerdine. The Cooley Lake Road bridge was not yet open. The CIA met with the Citizens Advisory Council to approve the draft CIA plan, and that plan would be in front of the Board for a public hearing in October. He thanked Library Director April Stevenson for hosting the youth Fire Department program.

ADJOURNMENT

**It was MOVED by Supervisor Kowall, seconded by Trustee Voorheis to adjourn at 8:33 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