

CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Regular Board of Trustees Meeting
September 20, 2022

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

Clerk Noble called the roll:

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

Also Present: Sean O’Neil, Director Planning
 Nick Spencer, Building Official
 David Hieber, Assessor
 John Holland, Fire Chief
 Lisa Hamameh, Attorney
 Mike Leuffgen, DLZ Engineer
 Jennifer Edens, Recording Secretary

AGENDA

Supervisor Kowall amended the Agenda by adding Item 11D – DLZ Engineering Agreement for the Elizabeth Lake Road Corridor.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve the agenda, as amended. The motion PASSED by 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

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

MINUTES

- A. APPROVAL OF MINUTES – REGULAR BOARD MEETING, JULY 19, 2022**
- B. APPROVAL OF MINUTES – REGULAR BOARD MEETING, AUGUST 16, 2022**
- C. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, AUGUST 31, 2022**

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve the minutes of the regular board meeting, July 19, 2022, as modified, the minutes of the regular board meeting August 16, 2022, and the minutes of the special board meeting, August 31, 2022. The motion PASSED by voice vote (7 yes votes).

PRESENTATIONS

A. PROCLAMATION – NATIONAL RECOVERY MONTH, SEPTEMBER 2022

Supervisor Kowall read the Proclamation into the record and identified the National Recovery Hotline number is 1-800-522-4700.

Trustee Powell observed that it is easy for government to make such a statement but submits that the Board could go a step further in the '*Where Be It Resolved,*' to include efforts to putting an ending to the availability of illicit drugs that seem to come across the borders without any stopping. He would like that addressed as well.

Attorney Hamameh interjected that the Township opted into a class-action lawsuit on the national opioid litigation and it will receive significant sums to be used towards rehabilitations.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to approve the Proclamation for the National Recovery Month of September 2022 for substance abuse and mental health services as modified in the last paragraph to request the governmental agencies to promote the stopping of illicit drugs from crossing into the country and the continuation of our border wall. The motion PASSED by voice vote (7 yes votes).

B. PROCLAMATION – NATIONAL SUICIDE PREVENTION MONTH, SEPTEMBER 2022

Trustee Smith shared the National Suicide Prevention Hotline number of 1-800-273-8255 (1-800-273-TALK). She further shared that you can text home to 741741, as well.

Supervisor Kowall read the Proclamation into the record.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to approve the Proclamation – National Suicide Prevention Month, September 2022. The motion PASSED by voice vote (7 yes votes).

PUBLIC HEARING

A. PUBLIC HEARING – EMERGENCY SEWER CONNECTIONS 2022-02 SPECIAL ASSESSMENT DISTRICT (SAD)

Trustee Powell clarified that this is to confirm the roll.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to open the public hearing for the Emergency Sewer Connections 2022-02, Special Assessment District at 7:16 p.m. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Smith/yes, Ruggles/yes, Voorheis/yes, Powell/yes).

No public comment.

It was MOVED by Supervisor Kowall, SUPPORTED Clerk Noble by to close the public hearing for the Emergency Sewer Connections 2022-02, Special Assessment District at 7:16 p.m. The motion PASSED by voice vote (7 yes votes).

RESOLUTIONS

A. RESOLUTION #22-029; TO CONFIRM THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED EMERGENCY SEWER CONNECTIONS 2022-02

Supervisor Kowall reminded that this program was established to aid individuals who have difficulty hooking up to sewer when available.

It was MOVED by Trustee Powell, SUPPORTED Trustee Voorheis to approve Resolution #22-029; to confirm the Special Assessment Roll for the Special Assessment District Designated Emergency Sewer Connection 2022-02. The motion PASSED by voice vote (7 yes votes).

B. RESOLUTION #22-027; TO APPROVE CAPITAL IMPROVEMENT PLAN 2023-2028

Director O'Neil shared that on September 1, 2022 the Planning Commission held the required hearing and unanimously adopted the CIP which is before the Board tonight. He opined that it is very straight forward and thanked the departments and Building Official Spencer for the work put into updating this.

Trustee Powell thinks it is very critical to approve this as future grants and funds will be related to this and it is a precursor for approval. He further reminded the public that the cost identified within the document does not necessarily mean the monies will be used but that the Township cannot seek funds if they are not identified here.

Director O'Neil refers to it as wish list. It is a very detailed accounting of assets, both current and future desired assets. He referred to it as a transparency tool to inform the public.

Supervisor Kowall reminded that this is often a requirement for applications for grants/funding.

Director O'Neil noted that as a result of these documents the Township has acquired millions of dollars.

Trustee Ruggles questioned if prior to approval, if the Aspen Meadows Treatment Plant should be removed.

Director O'Neil indicated it will be charted as complete next year as it is underway currently and at the time of adoption, it is not done.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve Resolution #22-027 which is the Capital Improvement Plan for the years 2023-2028. The motion PASSED by voice vote (7 yes votes).

**C. RESOLUTION #22-030; TO RESCIND RESOLUTION NO. 22-010
AMENDMENT OF AMENDED INTERLOCAL AGREEMENT FOR
FORMATION OF AN ACT 196 AUTHORITY TO PROVIDE
TRANSPORTATION SERVICES AND TO APPROVE THE REVISED
AMENDMENT OF AMENDED INTERLOCAL AGREEMENT FOR
FORMATION OF AN ACT 196 AUTHORITY TO PROVIDE
TRANSPORTATION SERVICES**

Supervisor Kowall noted there was glitch when previously approved that prevented participation of another community, as it was the end of their fiscal year and the start of their millage, the

language prevented them. He continued that White Lake was the only community to pass it, unaware of the detriment to their cycle. This will rescind and readopt local agreement.

Attorney Hamameh reminded that it was an amendment presented to the Board last year, which was adopted. Since the communities that participate did not adopt it, it essentially was null and void. It is now presented as a new revised amendment, but since this Board already adopted it, it must rescind the resolution that adopted that one and adopt a new resolution.

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith to approve Resolution #22-030, to rescind Resolution No. 22-010 Amendment of Amended Interlocal Agreement for formation of an Act 196 Authority to provide transportation services and approve the revised Amendment of Amended Interlocal Agreement for formation of an Act 196 Authority to provide transportation services. The motion PASSED by voice vote (7 yes votes).

NEW BUSINESS

A. FIRST READING; HALEY REZONING

Director O'Neil indicated that the property identified as Parcel Number 12-15-300-005 (2110 Haley Road), located south of Hitchcock Road and east of Porter Road, consisting of approximately 68.93 acres. Applicant requests to rezone the parcel from AG (Agricultural) to SF (Suburban Farms). The rezoning is the recommendation of the Planning Commission after a public hearing was held on September 1, 2022. He further indicated that the rezoning is consistent with the Master Plan as well as adjacent properties zoned similarly.

Trustee Voorheis asked of the applicant if it was all open land.

Charles Burt, 2110 Haley, replied that it is approximately 1/3 open land and 2/3 wooded land. His plan is to have one personal home for himself.

Director O'Neil showed the property on the large screen.

It was MOVED by Trustee Ruggles, SUPPORTED by Supervisor Kowall to approve rezoning of Parcel 12-15-300-005 (2110 Haley Road) from Agricultural to Suburban Farms and move to second reading. The motion PASSED by voice vote (7 yes votes).

B. REQUEST TO CONSIDER RATE INCREASE FOR LEGAL SERVICES

Supervisor Kowall indicated that the Township has been very fortunate to have the relationship it has had with counsel for as long as it has. He also noted there was a previous two-year rate

reduction. The request before the Board is for a rate increase from \$140 an hour to \$155 an hour for civil general and \$160 for litigation services. There is also a request to change the flat monthly fee of \$5,000 to \$10,000 paid for prosecutions and business related to the police department. He referenced a letter of support from Chief Dan Keller, which actually requested a rate increase greater than what is requested by counsel.

For the benefit of the public, Supervisor Kowall noted that legal services can get very involved and time consuming to protect the best interest of the Township.

Attorney Hamameh clarified that it is an annual flat fee for the police.

Clerk Noble clarified that it is \$90,000 right now and this approval would bring it to \$100,000 and litigation services to \$160 an hour.

Attorney Hamameh commented that she was unaware of Chief Keller's letter and that she truly appreciates it. She further noted that as of October 1st court will resume in person. Prior to, and during the pandemic, with Zoom appearances she was able to accomplish more without travel time and in person court time. She mentioned that her request was written prior to the resumption of in person court notice of October 1st and believes that a conversation with Chief Keller may have prompted his letter.

Trustee Voorhies agrees with Chief Keller. She noted that counsel has been with the Township for nine years and is very dedicated and readily available both day and night. She even noted her participation at township events.

Trustee Smith also complimented counsel for her accessibility to the Board and Township. She noted that she is always available both day and night and is looking out for the people of White Lake.

Supervisor Kowall clarified that the timing of return to in person proceedings along with the recommendation letter of Chief Keller, the request is now from \$90,000 to \$100,000.

In response to Trustee Ruggles' question of how long of an agreement will it be for, Attorney Hamameh indicated that there is no agreement as both she and the Township can terminate at any time. As to locking in a fee, she joked that it has taken her this long to request a raise.

Clerk Noble thinks the Township has been getting a deal. He noted that the average small attorney in the State of Michigan is approximately \$150,000 to \$200,000. He thinks the Township is getting a great deal for the services and noted her availability on weekends. He further indicated that she always has the best interest of the citizens and tax payers first.

Trustee Ruggles agrees and believes the Township is well represented by attorney Hamameh.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble by to approve the legal services rate increase asked for and that the prosecution services fee be changed to \$100,000.00 per year commencing October 1, 2022. The motion PASSED by voice vote (7 yes votes).

C. FIREWORKS PERMIT REQUEST – LAKELAND HIGH SCHOOL

Chief Holland indicated that it was not an intentional delay of request, but rather a clerical error where an incomplete application was originally submitted.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to approve the Lakeland High School display application. The motion PASSED by voice vote (7 yes votes).

D. DLZ ENGINEERING AGREEMENT FOR THE ELIZABETH LAKE ROAD CORRIDOR.

Supervisor Kowall noted this is required to meet the qualifications for a \$1.6 million grant coming from Washington. The Township must have an engineer plan that is approved by the Road Commission for Oakland County (RCOC).

Director O'Neil indicated discussions and meetings with RCOC have been going on for some time. He continued that the concepts, design and focal of the area were things that they were not concerned about. Over many months he announced that the Township was able to get the RCOC on board with on street parking. Pedestrian safety, speed limits were concerns of the RCOC, but after a couple of designs their approval was verbally approved. He noted the next step is meeting time restraints that surround the federal monies.

Mike Leuffgen, DLZ, confirmed that they worked with the Township and RCOC to obtain a verbal approval of the concept. He noted that the roundabout that is planned for Teggerdine and Elizabeth Lake Road sets the stage for this and that is what is planned for the civic center drive. He highlighted pedestrian crossing and a landscape island. The next step will be to move forward with the design. He pointed out that while putting this proposal together there were a few things that will be necessary that are not priced in this agreement:

- RCOC will require an impact study and they are trying to get pricing for this. He noted that DLZ has pricing available for this and that they are obtaining a comparable price from Professional Road Services.
- Geotechnical Engineering. He admitted that DLZ will not be the Township's most competitive price on this because of travel time.

Supervisor Kowall thanked Director O'Neil and Mr. Leuffgen for the difficult meetings and conversations that occurred and their efforts for the same. He appreciates everything they have done to get the Township to this point. He reminded that the objective tonight is to keep the ball moving because there is \$1.6 million grant at risk.

Discussion ensued amongst the Board and Mr. Leuffgen as to the location and size of area for the crosswalks.

Trustee Smith wants to ensure the safety of pedestrians and questioned if there is a speed limit being discussed. To which it was noted that the RCOC has no say in the speed limit. She further asked Chief Holland's opinion on the plan for purposes of his department's response time.

Chief Holland is not in a position to discuss this as this is the first he has seen of the plan.

Trustee Smith would like both chiefs to weigh in at some point on the effect of their response time with the roundabout. She is curious of their take on it since it changes their path to M-59.

Trustee Powell spoke with the traffic engineer from DLZ regarding questions on parking and layout and he was very pleased with the answers he received. He was concerned with parallel parking on a through road but understood that the RCOC would backoff on the approval if the envelope was pushed. He is thrilled with the concept and opined that it is essential for this to come to fruition for the downtown to function properly. He believes working with DLZ and the chiefs that there will be lights up that will give them free access when responding.

Supervisor Kowall commended Chief Holland on having station three open more.

Trustee Smith wants to make sure that Chief Holland is completely satisfied with this before it is all said and done.

It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve the DLZ Proposal as presented, subject to future modification as suggested by the Township Engineer to potentially have to amend for additional services, in the amount of \$157,200.00 and subject to the final approval of the road commission. The motion PASSED by voice vote (7 yes votes).

OLD BUSINESS

A. SECOND READING; AMENDMENT TO THE CODE OF ORDINANCES CHAPTER 18, ARTICLE II, SECTION 18-25 – FIRE PREVENTION AND PROTECTION ORDINANCE

Chief Holland noted that there has been no language change since the last approval.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve for adoption the Fire Code Amendments as stated. The motion PASSED by voice vote (7 yes votes).

CLOSED SESSION

A. RECESS INTO CLOSED SESSION TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH OAKLAND COUNTY CIRCUIT COURT CASE NUMBER 2022-19504-AA (SQUIRES V WHITE LAKE) IN ACCORDANCE WITH MCL 15.268(1)(e).

Trustee Powell suggested to move this item until after Trustee comments.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to shift the closed session until after Trustee Comments. The motion PASSED by voice vote (7 yes votes).

TRUSTEE COMMENTS

Trustee Voorheis declared that she is disappointed with her fellow Board members for their lack of attendance at the Fire Department Open House last Sunday. She will remind everyone of the tree lighting when the information becomes available. She declared that she is not there for photo opportunities, but for the residents. She continued that one thing the Board would have found out about if they attended the open house is that there is a new fire safety program. She read from the brochure and noted that mpierce@whitelaketownship.com is in charge of it. She closed by stating that the Board needs to embrace the Township and its program and community activities.

Trustee Powell responded that he will personally invite Trustee Voorheis to all the sanitary sewer and road meetings that she doesn't attend during the day and will make sure that everybody knows that she doesn't attend those. He hopes that she could be a little more forgiving for those that spend time within the Township elsewhere. He does appreciate her attending those events when she can. He noted that absentee ballots are going out right now and he wants to make sure that the residents are aware that there is a millage request of over 0.95 mils for a transportation program. He continued that the Township currently has W.O.T.A. and that most of the communities in western Oakland County will receive zero benefit from this millage, yet every property owner will be taxed on it. In White Lake a small benefit will be received but it will mean almost \$1.00 per \$1,000 assessed value of your home. A \$400,000 home with a taxable value of \$200,000 would cost \$200 per year that will be paid to Oakland County for transportation to who knows where since no routes have been established.

Treasurer Roman interjected that it would be approximately \$1.3 million from White Lake Township.

Trustee Powell continued that the Township would pay \$1.3 million when it already gets services from W.O.T.A for approximately \$200,000. He declared that it is a very important millage much like the reproduction vote on the ballot. He declared that he is concerned that we will be giving away our money in White Lake Township and he believes it is critical that people become informed of what they are being asked to vote on.

Treasurer Roman thanked the Planning Department for all the work on the CIP, Supervisor Kowall for all his work on the road, and all of the residents for tuning in.

Trustee Ruggles noted that the Planning Commission will meet on October 6th. As for the Fire Department Open House, he was unable to be there, but he did send over 200 pumpkins to represent him. He also noted for the Fisk Farm Festival he sent sweet corn.

Clerk Noble noted that he had reached out to Chief Holland in advance due to his unavailability to attend the open house and was excused by the Chief. He indicated he was at Fisk Farm. He tries to make as many events as he can and appreciates Trustee Voorheis passion. He declared that suicide awareness is very dear to him and he shared that he had a dear friend take his own life over the weekend.

Supervisor Kowall interjected that it is very important that everyone, on a daily basis, keep their eyes and ears open and let people know that there is always someone to talk to.

Trustee Smith shared that it is National Voter Registration Day today and reminded residents to come into the Clerk's Office to get registered. She shared that today is also National Care for Kids Day as well, which is personal for her. She reminded that it is a day to recognize and support children in our community to thrive. As for the Friends of the Library, they recently held a successfully book sale with another one planned for December 8th. She shared that suicide is the second leading cause of death for children 10 to 14 years old. She further informed that the suicide prevention hotline number is on the back of every student ID from grades 6-12. She encouraged residents to speak with their children about it. Lastly, she noted that it was a pleasure to attend the State of the Lakes today with Trustee Powell, Clerk Noble, Supervisor Kowall, and support staff from the Township.

Supervisor Kowall declared a debt of gratitude to the Queen Mother who was in power from February 6, 1952 until her death. At one time she ruled 32 sovereign states. She was born April 23, 1926 and was staunch United States ally. As to countywide transportation millage, he indicated that W.O.T.A. will bring in approximately \$2 million under the current proposal but it

is not enough money to expand the system. He continued that on one hand you have the funding that would provide an opportunity to expand, but on the other hand you will not get back a proportionate amount of money that you dole out. He indicated that between Waterford, White Lake, Highland, and Walled Lake it will be roughly \$5.9 million paid to Oakland County with only \$2 million coming back. He highly recommends that residents educate themselves for all the ballot issues and realize that they will be paying \$1 for every \$1,000 value on your house. He shared that he has appointed Treasurer Roman, Trustee Powell, and Clerk Noble as RFQ Advisory Board. Regarding suicide prevention, he reminded everyone to smile as it is a universal language, and they go a long way. He commended Trustee Powell on his mission trip to Romania and looks forward to hearing about it. Good night and God bless.

CLOSED SESSION

B. RECESS INTO CLOSED SESSION TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH OAKLAND COUNTY CIRCUIT COURT CASE NUMBER 2022-195041-AA (SQUIRES V WHITE LAKE) IN ACCORDANCE WITH MCL 15.268(1)(e).

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to recess into closed session at 8:25 p.m. The motion PASSED by unanimous voice vote

OPEN SESSION

It was MOVED by Clerk Noble, SUPPORTED by Supervisor Kowall to return to open session at 8:57 p.m. The motion PASSED by unanimous voice vote

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk
Charter Township of White Lake