

**CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Regular Board of Trustees Meeting
December 21, 2021**

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, Community Development Director
Aaron Potter, DPS Director
Lisa Hamameh, Township Attorney
Nick Spencer, Building Official
Jennifer Edens, Recording Secretary

AGENDA

Supervisor Kowall amended the agenda to add item:
10D – Western Oakland Transportation Authority Request 2022

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Trustee Powell 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
- H. PLANNING COMMISSION AND ZBA 2021 APPOINTMENTS

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Smith to approve the consent agenda. The motion **PASSED** by voice vote (7 yes votes).

MINUTES

A. APPROVAL OF MINUTES – REGULAR BOARD MEETING, NOVEMBER 16, 2021

Trustee Powell corrected that on page 10, fourth paragraph from the bottom, it should read:

Trustee Powell reminded how vocal he has been regarding design **contracts** with DLZ.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Voorheis to approve the Minutes of the Regular Board Meeting, November 16, 2021, as amended. The motion **PASSED** by voice vote (7 yes votes).

PRESENTATIONS

A. TRIBUTE TO RUTH MCCULLOCH – IN RECOGNITION OF HER 100TH BIRTHDAY

Supervisor Kowall read the Proclamation recognizing the 100th Birthday of Ruth Edna McCulloch into the record and presented the same to her.

The Board and members of the audience sang Happy Birthday to Mrs. McCulloch.

NEW BUSINESS

A. DANGEROUS BUILDING – 11142 WINDHURST DRIVE – REQUEST BY OWNER TO EXTEND DEMOLITION DATE

Glenn Slabiak identified himself as an administrator for the property. He indicated that the last time he spoke was via Zoom. At that time, he indicated that he would get the building structurally analyzed by a structural engineer and that was done by a state certified structural engineer. He further stated that all concerned parties have a copy of said report and that he has signed receipts for "all you people". He identified the findings were "overall the residence is in adequate structural condition." He further quoted "the residence can easily be restored and should not be considered for demolition." He further indicated as stated in the report, that the home does not have to be restored right now as it is in no danger to anyone. He shared that they are still in the process of replacing the door on the east side of the home. He thanked the Board, said goodnight, and have a super holiday and walked out.

Official Spencer indicated that the structure has not changed and that complaints dating back to 2016 have been received. He opined that it is not a habitable structure and that the roof is in poor condition and has been for many years. He noted minor repairs made to it with an inadequate roll roofing. He shared that the house is boarded up and is not mechanically operational. He further reminded that it was the determination of the dangerous hearing officer that the structure be demolished. It is his recommendation that the Township continue with the demolition.

Treasurer Roman questioned the difference between habitable versus structurally sound.

Attorney Hamameh noted there is a list of factors in the Dangerous Building Ordinance that a hearing officer evaluates each case on. She noted that in this instance it was determined to be a dangerous building and demolition was ordered. She acknowledged discussion of a structural engineer report that indicates it may be structurally sound but is unaware if said report was submitted that would allow the dangerous hearing officer, building official or this Board to modify the demolition order, which is the request before the Board today.

Official Spencer shared at the first meeting with the dangerous hearing officer regarding this property a report was requested from an engineer and contractor to move this forward and make this a habitable structure. None of which was ever supplied to the Township.

Trustee Powell questioned how long this Township allows a partially completed or inhabitable structure to remain standing without action being taken. He believes this Board gave deadlines prior.

Supervisor Kowall interjected that not only were deadlines given but an opportunity to formulate a plan of action was given. He furthered that if the house is supposedly structurally sound but cosmetically, it is a deterrent to the neighborhood, then a minimum would be to bring the outside of the home up to proper standards. He believes that is a minimum of what should be done as the neighbors don't need to look at it. He is surprised that the effort has not gone further, and he is at a loss.

Trustee Voorheis questioned how much contact has been made with the owner prior to tonight.

Official Spencer indicated that at least two letters, two or three visits to the office by the owner, and at least two or three phone calls. He opined that the owner has not really made any effort additional effort.

Trustee Powell confirmed that the owner has not submitted any plans to make changes to the structure.

Trustee Smith clarified in response to the statement that the Board was in receipt of something, that she has not received anything from the resident.

Supervisor Kowall interjected that the trustees would not be in receipt as the resident came into the building and gave a note to Official Spencer and himself that basically stated the house shouldn't be torn down. He then indicated that lead to one more opportunity to develop a plan. We are trying to be fair and equitable.

Trustee Smith asked if there is any remedy to bring the outside to standard rather than demolition. She questions if there is any recommendation other than demolition to compromise with the resident.

Official Spencer replied that certainly it can be done, but reminded, as stated, that this goes back to February of 2021. He thought the resident would come in with a plan since he was told to do so.

Supervisor Kowall would like to consider tabling this item for 30-days to see if any action is taken, if not the Township can proceed to demolition.

Trustee Powell clarified if the progress to be made is different than what was stated at the last meeting that stated the property owner would be required to apply for building permits by January 2021, which hasn't been done. Then in February of 2021 he was to have it assessed and a structural report be presented as to why it should not be demolished and plans to remedy it, which also were not done. He continued that at the Show Cause Hearing in July it was indicated that the property was going to be sold, which has not been done. The action hasn't been followed through with and he questions of Supervisor Kowall what he is looking for in the next 30-days that hasn't been provided in the last year.

Supervisor Kowall reminded that the Board is talking about somebody's property which is probably the most valuable thing they own and because the Board has the power and authority to order this, he would like to give a last ditch opportunity.

Official Spencer interjected that the gentleman that spoke today is the property owner, or the executor of the estate in which owns the property.

Attorney Hamameh indicated that the trust has been notified at the address provided. As to the individual present tonight, she has no knowledge as to who he is in relation. She clarified that he indicated he was here as a representative of the property owner.

Trustee Powell has no problem tabling this but wants to know what Supervisor Kowall's line in the sand is.

Supervisor Kowall indicated 30-days to bring in a plan that at a minimum brings the outside of the home up to standard so that the neighborhood doesn't have to deal with it. He further indicated that the Board does have knowledge of the trust's finances. He believes it should be identified that the owner needs to do certain things at a minimum and present a plan. If that is not done, then that's it.

Attorney Hamameh reminded that this has gone through the dangerous building process and was determined to be a dangerous building. If this Board is going to work with the owner, the ultimate end should be to not be a dangerous building and not to just make it look pretty.

Trustee Powell confirmed with Official Spencer that permits would be needed to achieve what the Supervisor is seeking. Official Spencer furthered that the inside is in poor shape and a new roof is necessary. He furthered that the structure is being held up by a couple of 2x4's in the home. He reminded that this home has been vacant for twenty-five years. He stated that to make it not an eyesore, new windows, doors, and roof would be necessary. He also noted it will need a lot of work on the inside.

Trustee Ruggles asked if these items are completed, would it no longer be a dangerous building.

Trustee Powell interjected that one of the findings of the dangerous hearing officer is that it was found to be structurally dangerous and an eyesore and attractive nuisance. He opined that at least those three things should be corrected.

Supervisor Kowall would like to defer to Official Spencer as he is the one who will have to enforce it. He further noted that the brick exterior is not in bad shape.

Trustee Powell interjected that Official Spencer would have to come to Supervisor Kowall to approve that he would be okay living next to this structure.

Supervisor Kowall indicated if it is remedied on the outside and a plan of action is in place, he would be okay with it.

In response to Treasurer Roman's question as to how the owner is contacted, Official Spencer indicated by letter.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to table until the next regular meeting and to stay the demolition at this time. The motion PASSED by voice vote (7 yes votes).

B. REQUEST TO CONSIDER CORRIDOR IMPROVEMENT AUTHORITY PROPOSAL

John McGraw, from River Caddis, who will be collaborating with and overseeing Giffels Webster and Advanced Redevelopment Solutions to develop a plan moving forward in developing a Corridor Improvement Authority (CIA). He identified Jill Bahm from Giffels Webster, who was not in attendance, and Eric Hauser from Advanced Redevelopment Solutions.

He noted that the goal is to create a public/private partnership and to do so they are looking to leverage the resources they have or about to have. One of which is private development and getting municipal facilities through the program. A critical component of the public private partnership is leveraging the benefits of private development to assist in payment or reimbursements for the municipal buildings.

Additionally, he indicated the goal was to marry the public and private sectors with less burden on the public. River Caddis is holding the contracts, presenting the scope with tasks and the associated fees. At the end of this meeting, he wants the Board to understand the scope, understand what is being received from Giffels Webster and Advanced Redevelopment Solutions and to approve the fees and scope based on what we are getting back. The Township will not be directly paying for the contract, nor is it directly signing it. He reiterated that this is to approve the scope and fees based on the professional service agreement. The motion at the end will be to approve conditioned upon legal review of the full contract or the scope and fees.

Treasurer Roman clarified that River Caddis is not asking the Township to pay for this.

Mr. McGraw indicated the way the contract is set up, requires the Township's approval for any contracts. River Caddis is doing nothing without the Board's approval. It will hold the contract and pay for it as part of the project.

Attorney Hamameh understands that the Township will not sign any contracts with the contractors or directly pay contractors. It will pay River Caddis, who on behalf of the Township will pay the contractors, leaving the Township out of it.

Treasurer Roman confirmed that ultimately the Township will pay for it.

Supervisor Kowall clarified that River Caddis is coming to the Township before money is spent and that this is the first presentation of services.

Trustee Powell interjected that if the Board approves the contractors then ultimately White Lake Township will be responsible for the payment of the same.

Eric Hauser indicated there are essentially two plans: a developer plan and a Tax Increment Finance Plan (TIF). For cost purposes, public appearance and expediency, all of the plans are put into one document. He continued that the way the scope was written, while it is one document, it contains two separate paths. A Corridor Improvement Authority contains a TIF plan similar to a downtown development authority. He shared that there is a development area, sometimes referred to as a district. The development area is normally where all taxes are captured from. What is uniquely different here is that inside that development area is that they intend to identify specific tax capture areas. Rather than capture from the entire developing area, they want to capture key development parcels that have the highest improvement opportunities, highest private investment opportunities, and highest incremental increases in tax base. That is the goal of doing this. He has done this in other townships.

Mr. Hauser further stated that by only leveraging a few areas the Township gets the continued increase of taxes on all the properties within the district/development area. By leveraging on only the captured areas the Township can then spend it anywhere in the district. The goals and objectives will be identified (i.e., sidewalks, watermain, lighting, etc....).

He explained that once the costs are identified, the revenue is understood, then the two are married together, which derives time. The CIA can go out thirty plus years and it can be amended and extended, but the goal is to not have huge multi year plans. He further explained using a \$50 million project cost example that is derived based on the capture areas and the revenue from those areas that it would take twenty-years to complete that work and receive the necessary revenue to pay off the expenses. In this example he would recommend no less than a twenty-year TIF plan.

He continued that they will be working with the county, a key player in this, to show them that there is cost control, limited capture, and that they will continue to get the incremental growth throughout the district for all those other properties. He opined that rather than grabbing from all the properties and then going to the taxing authority and asking them to not opt out of it, there is a better chance of having them pass an agreement and stay in. He feels it is a better approach. It will be done somewhere in the middle of the work before they would complete the development plan and before they complete the ultimate TIF Plan.

He would hate to get to the end of the scope and have the accounting not add up with resources to complete the development. He opined that if they can leverage what the Township wants to do from private investment then a public return can be obtained and that is the goal.

He continued that there needs to be a certain amount of forecasting on the revenue side for the projects that the Township wants to leverage, to identify the capture areas, identify the Township's needs and the cost side of it. Once that is together, it is county specific. To show them here are the base taxes in the capture areas and here is the incremental increase from those capture areas. He shared of captured areas with other projects he worked on.

Supervisor Kowall asked for the definition of an area.

Mr. Hauser indicated by example if a developer is looking at five parcels to develop then that would be the captured area. He reminded that there was an approved development area, but he believes he will recommend extending/adding parcels to that, if there is a benefit.

Treasurer Roman asked for additional clarification of the definition of an area.

Mr. Hauser indicated getting a base model, working with the county, getting the models set up is where the front end of the cost is. He indicated they spread that across two captured areas. He noted that it doesn't matter if it is five, ten, or fifteen parcels. He indicated that it doesn't matter the base parcels, it is more the process and time it takes to go through the development. He indicated with regards to incremental increase in value, that they must work with equalization, the county, the assessor's office, and the treasurer's office to get their approval. He closed that he is talking about however many parcels, which must be part of the same project.

Treasurer Roman asked if they have had any luck getting the school systems to buy into these TIFs.

Mr. Hauser indicated they are not proposing to have the schools captured at all. He furthered that they are looking at local versus state and state is often schools, which he is not recommending. He indicated that school debt is a no, no.

Supervisor Kowall interjected that the incremental increase over the base to the Township can be specified to this particular project.

Treasurer Roman notes that he understands, but if the Township doesn't go after county money, then this whole thing would be worthless and it wouldn't make sense to do a CIA/TIF to capture money that the Township is going to get anyway.

Mr. Hauser shared that he is correct. He advised that all tax jurisdictions have sixty days to opt out of it, as they are automatically in it. Except for libraries, it is the reverse, they are automatically out of it.

Trustee Powell noted he has a little experience with TIFs. The one he was directly involved with was in Highland Township. When the county was approached, they did not allow any infrastructure to be captured

at all. They wanted the township to front all of the cost for the infrastructure and then the buildings themselves. He indicated it was a major hurt and sunk it as the vast majority of the cost is the infrastructure. He further reminded that from 2005 – 2007, this Township attempted a corridor authority which included property on M-59. The Board studied and adopted it, but when it came to the details of establishing the TIF, it fell apart for various reasons, one being the county.

Trustee Powell has a problem authorizing the Township to spend \$50,000 before anyone even meets with the county for fear that they will say no to approving any TIFs.

Supervisor Kowall interjected that he doesn't think that is going to happen.

Trustee Powell believes it is one thing to say, I don't think it's going to happen and another for the Board to say it will bet \$50,000 on that. He suggests, with the contract complications, that this Board authorize the spending of those funds, but not allow it to be consummated until after the initial meeting with the county. He suggests county commissioners be invited to said meeting, along with a couple of Board members, and CCDC (Civic Center Development Committee) members to understand whether or not the county is going to consider being part of a TIF before there is a \$50,000 contract is authorized.

Supervisor Kowall indicated that these things Trustee Powell is talking about have already been considered.

Trustee Powell believes without a doubt a corridor authority and a TIF is the best way to do this. He just wants to make sure it will come to fruition rather than be slammed after a contract is signed.

Supervisor Kowall indicated the intent is to get the scope of the work and pricing understood. He suggests tentative approval subject to counsel's approval and further information.

Director O'Neil shared that he spoke with Oakland County last week and shared that the plan was to move ahead and request a meeting after the first of the year via Zoom. He is happy to include whomever the Board feels appropriate. He opined that the county is well aware that this was tried fifteen years ago, and that the Township fell short. He believes they are optimistic that there would be better luck this time around.

Supervisor Kowall shared that he would not sign for a dollar until he knew they were at least accepted. He agrees with everything Trustee Powell is saying.

Mr. Hauser interjected that River Caddis would not get to the end of this without knowing that. An initial meeting would be great, but they will want to know what the limitations are, what are you spending the money on, specifically those tasks/activities, what are the capture areas, and what numbers are you talking. These answers will be necessary to get a nod from the county.

Director O'Neil shared that the Board of Commissioners is reviewing their TIF policy and are looking to make recommendations to move in a direction that is a little more flexible. He believes the timing may be pretty good.

Treasurer Roman would like to understand better once the money is captured and what it can be used for. He asked if it differs from county to county.

Mr. Hauser responded that it can be, and that any jurisdiction can put limitations on it. He indicated that normally you enter into a cost sharing agreement with the county, in that agreement it will specify/reference the policy. He shared from another project he worked on that they included a list of things they didn't want included.

Treasurer Roman indicated that if the TIF money cannot be used towards buildings that it would be a big issue for the Township.

Mr. Hauser noted that is the big part of the needs. That it will be identified and that is what the development plan is for. It will include a projects plan that it can be spent on. He noted that normally he sees limitations on private buildings. He continued that CIAs can be used to pay for skeletal shells and private buildings. He indicated that they normally do is only allow the capture from that project/property to go toward that private building. Here they are discussing public buildings and it will be very specific to exclude those concerns.

Director O'Neil didn't want to go into the weeds, but it was conveyed to him that the county portion of the capture they will not support it being spent on buildings. The policy change he mentioned was to move in the direction or allow for the county's captured portion of an increment to be used for public buildings.

Treasurer Roman shared that the Township has American Rescue Plan Act money that can be used toward infrastructure. He asked if they are thinking that the county will allow them to reimburse itself for infrastructure with grant money.

Mr. Hauser indicated that there are other communities where they are using the infrastructure packet in concert with TIF authorities set up as a loan. They end up revolving, rather than one and done. He advised that you won't get it all back, but a portion. He noted there is an opportunity to do it in concert with the monies Treasurer Roman speaks of. It is creative and being talked about amongst many communities across the state. He declared the authority will have to be established and the TIF plan in place.

Treasurer Roman asked if there was anyway to do all of this with a fixed cost as he sees so many fees. He indicated that in looking at audit engagements, they typically quote a fixed fee and that they do so, because they know in certain areas, they'll make time up and others will take extra time.

Mr. Hauser indicated the fees are one of the things they can't control due to meetings. It is really driven by the Township and other taxing authorities. He cannot control the public, the number of meetings, or the will of the authorities. He indicated that they have assumed the minimum of what is fair and representative of Giffels and his firm. He feels this should cover this, but should they have to go over is where the additional fees would come into play. He noted it can be structured that when that point is reached, that there is an approval process. He indicated a firm price can be given, once it is known. He has no problem with that.

Director O'Neil interjected that this is apples to oranges when stacked up against an audit. This Board is always happy to involve the public especially if it is something they could not have foreseen. If it requires an additional meeting, then that is something out of their control. He stated that in fairness the Township cannot expect them to bare the cost because the Township decided to have extra meetings.

Treasurer Roman noted he is really trying to get an idea of what this is going to cost. He further asked if the TIF is audited every year.

Mr. Hauser indicated it can be, but it depends on the jurisdiction. He indicated that they are very careful in papering this property to have a very clean path where everything is legal, and all boxes are checked.

Trustee Smith thanked Treasurer Roman for his questions as she too was curious how the federal funding came into play. She wasn't sure how they meshed together.

Mr. Hauser indicated you cannot double dip.

Trustee Smith indicated the Township may be chasing its tail for something it cannot double dip on.

Mr. Hauser indicated it is a revolving program and the other monies are a loan. There is a lot of unknown as to how the monies can be used. The federal funds will not resolve all the Township's problems. He imagines the Township will know in the next 3-6 months regarding the federal funds.

Supervisor Kowall indicated that they have already made some revisions which include park improvements.

Mr. Hauser indicated that they could, where there is overlap, take it out of this.

Trustee Smith thinks at this moment she needs much more convincing as to why this is beneficial to the Township. She noted there is a lot of unknowns.

Mr. Hauser surrendered that he doesn't know the Township's budgets for certain things, but that a TIF is going to be the largest opportunity to finance, adding a revenue stream from a private investment that is not there today, capturing that investment, and the incremental taxes, where we know what that revenue stream is. When it is leveraged to finance against that with the annual captures of the tax captured areas. There is no other program the township can go with to capture that.

Supervisor Kowall noted this is the process that is necessary to present to the county. He does not believe it is a \$50,000 crapshoot. He believes that the odds are very much in the Township's favor to some degree. The specific degree is yet to be seen. He opined that it is the chicken and egg and a convoluted process that is commonly done throughout the State of Michigan. It is just new to the Township. He reminded there are many new things that the Board will have to look at for the very first time and there would be periods where it would have to invest money to yield the benefit. He opined this is a prime example of one of those examples.

Director O'Neil asked for the timeline to be addressed and also asked how far back in time can one go to capture. He shared that he sat down with Eric Hauser a few weeks ago and could sit and listen to him for hours. He appreciated the talk.

Mr. Hauser indicated there is no statutory time and that is a decision that the Township can make. He suggests that the Township set a policy or a lookback period. There are certain statutory timeframes that cannot be changed. He believes that assuming timelines are met, it can all be done this year. He has seen them take two years.

Trustee Smith asked of Director O'Neil, what it is that would be looked back upon.

Director O'Neil indicated if we identify a property, we want to capture the increment on. To which Mr. Hauser indicated you cannot do that.

Mr. Hauser furthered that you can only do projects or tasks. He opined that the word "projects" is confusing in CIAs. He will use the word task or activity here. If you are trying to look back to pay for a watermain installation in the district/development area, you can do that. Assuming you adopt the TIF plan 2022, that is based on the base taxable value as of December 31, 2021. That is not a lookback.

Director O'Neil noted whatever is on the assessing roll.

Mr. Hauser interjected that anything that happens in 2022, that is being improved in the captured areas. If there are projects going on and the capture is excluded there will be no benefit from them. This is where defining captured parcels is critical.

Director O'Neil thinks it is important since Mr. Hauser explained that it goes back to December 31st, which is a good thing for the Township since there is a lot going on right now and several parcels that are seeing development plans, moving through the process, may be under construction in six to eight months, the Township will still pick them up at the baseline. The key is to have the baseline as low as possible and have the increment is as high as the Township can get it for that development. The Township then will have that growth to put toward the infrastructure and to offset the public cost.

Mr. Hauser noted that they would hate for things to get tabled into a January 2023 decision because that would make the new baseline December 31, 2022.

Director O'Neil declared that the timing is important.

Treasurer Roman asked Mr. Hauser if he is out of the picture once the CIA/TIF is created.

Mr. Hauser indicated for the most part, but they are brought back in at various times to recalculate/refinance.

Trustee Powell declared that if a pointed question is asked at the county meeting in a few weeks and both the executive and legislative branch is asked if they will even consider the recapture of the buildings and they say no, it will pretty much shut down this process.

Director O'Neil interjected except for it can be used for infrastructure. He further stated we are spending \$57,000 potentially to have access to millions of dollars that would otherwise leave our community if the Township doesn't do this. He recognizes it is a lot of money, but thinks the Board needs to look long-term. He noted that it may not workout the way the Township had hoped but he believes there is still benefits to consider in moving forward.

Trustee Powell indicated that the recapture based on just infrastructure is not nearly the value of a building.

Mr. Hauser indicated you can spend \$20 million like a snap of the finger, but when you look at your cost long-term, there is a substantial value. Especially if the county is in.

Trustee Powell asked if the Township can recapture infrastructure or buildings on properties outside of the properties the Township actually owns - adjacent properties.

Mr. Hauser indicated that is the only way the Township can do it. It can only capture on privately owned properties. The TIF captured areas.

Clerk Noble asked Trustee Powell with his experience if he is correct that the infrastructure is one of the costliest things. To which he replied yes, absolutely besides the building itself.

Clerk Noble interpreted that it would be a win capturing the infrastructure and that the Township would get the green light shown out as previously stated.

Trustee Powell reiterated that the TIF plan, if accepted is a huge win for the recapture of funds spent.

Trustee Smith asked if there is anyway to move this forward and not physically commit this \$50,000 until there is some kind of feeling from the county.

Trustee Ruggles noted that Mr. Hauser mentioned to get to the halfway point here, the Township must go to the county and get feedback.

Mr. Hauser indicated the task list defines that the quarter analysis of a certain portion would have to be done so we know what we are spending the money on and what the needs are. There is a stakeholder and public workshop that flushes out some of that. Out of that we would know where are developing captured areas are. From that point you marry the revenue to the costs, then the breakdown of millages will be available. This is likely what the county will want to see, real numbers. He opines that a meeting in January will likely receive a nod of support, or these are the things it is definitely out on. He thinks that will be the best the Township will get until they see numbers.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Supervisor Kowall to waive the procurement policy and authorize River Caddis to proceed with a scope of services for CIA development and TIF plans as presented, subject to the following: 1) A favorable meeting with the county regarding TIF funds towards public buildings and infrastructure; 2) A contract of services in a form approved by Township attorneys; and 3) Resolution of the appropriate parties to the contract by the Township attorneys. Upon satisfaction of all these contingencies the Township supervisor is authorized to sign the contract(s) on behalf of the Township as needed. The motion passed by roll call vote (Smith/yes, Noble/yes, Ruggles/yes, Kowall/yes, Powell/yes, Voorheis/yes, Roman/yes).

C. REQUEST TO APPROVE VOIP/FIBER SERVICES NETEXPRESS CONTRACT

Supervisor Kowall noted the Township has had the same phone system for some time and that it is aging out. He noted that Clerk Noble's staff has done a lot of homework on this topic and through Dawn and her research it is brought to the Board for consideration.

Clerk Noble indicated it was put out to bid per the procurement policy. The lowest bid came in from Netexpress at \$28,778.00 for a thirty-six-month timeframe. He further indicated they are not charging for additional hardware, which is a yearly savings of \$15,144.00 for the year. He confirmed it is updating the antiquated phone system currently in the Township. He noted Dawn did an excellent job performing this task.

Trustee Smith disclosed her connection to one of the quotes and asked to recuse herself from discussion and voting by abstention.

Supervisor Kowall asked for an oral vote regarding Trustee Smith's abstention. (7 yes votes).

Treasurer Roman confirmed this is regarding fiber optics and that it will speed up the phones and internet.

Jeff Mellow with Netexpress thanked the Board for the opportunity to speak tonight. He has worked with Dawn from the Township for several months now and he believes he has a relative understanding of what the Township's needs are going forward. He is here to answer any questions the Board may have regarding telephones, current internet versus proposed internet, and anything else.

Supervisor Kowall noticed that this will take the Township off of the optic fiber that is literally here at the pole and asked if it that was the intention.

Jeff indicated the fibers are already inside the building and the fiber being proposed is from Peninsula Fiber Networks (PFN) out of Marquette, Michigan. He furthered that they were awarded the E911 contract for the State of Michigan back in 2017. As a result of that Peninsula Fiber Network is located within the Township's police network and they are connected to Oakland County's E911. He indicated that it will be Peninsula Fiber lighting another port on their fiber switch and a there will be a cross connect (ethernet cable) ran from their current switch to the Township's switching in the data rack.

Currently the Township is on a shared coax network from the cable company, and this would be a dedicated fiber connection.

Clerk Noble asked him to explain how this building is currently on its own, as Director Potter can confirm. He explained that Director Potter has to physically dial out to connect to the Township offices instead of being able to connect. He asked for him to explain the video integration system.

Mr. Mellow indicated there will be connectivity amongst all of the buildings, including fire, and community center. They will all have a cloud-based platform housed locally and in Grand Rapids.

Supervisor Kowall opined that it is a huge plus for the Township as now individuals will simply have an extension. He has no doubt that it will be an improvement.

Trustee Powell doesn't think the Board can make a bad decision, because whatever they get will be better. That being said, he asked in what way does Netexpress rely on Comcast.

Mr. Mellow indicated they do not rely on Comcast. He further stated that the Township currently has a couple of fire stations that currently use coax internet, he did not propose to replace that and therefore that will stay in place. He explained that the phone hardware would be housed in those stations and that phone traffic would come and go across the Comcast internet connection. This along with a soft app there should be relatively seamless connectivity. He does not think for what is done in those facilities today that it would make good business sense to try and bring more internet into those facilities. It would be expensive and not warranted based on the need and use at those facilities today.

Trustee Powell asked if the \$1,090.00 a month currently being spent on Comcast will be in addition to the Netexpress cost. To which Mr. Mellow indicated all of the cost with Comcast for the Township Building and Annex will be gone.

He continued that currently the Township has Comcast phone and internet, this will be replaced with Peninsula Fiber Internet and Netexpress phone service.

Trustee Powell asked if this will be tied to the wireless service for staff and public to tie in wirelessly.

Mr. Mellow indicated the Township owns its infrastructure and hardware and a firewall is part of the project. he indicated that IT Right will be communicated with and that they will specifically maintain and manage Wi-Fi.

Trustee Powell asked if the Township's Wi-Fi is a separate entity or does it run through Comcast.

Mr. Mellow shared that Wi-Fi is just a medium to broadcast a signal wirelessly. You have to have a feed for that signal and today it is provided by Comcast coax service. Going forward that feed to broadcast the Wi-Fi in the Township building and Annex will be provided by PFN fiber.

Treasurer Roman asked of the current wires that run through the building and asked if they will be replaced. To which Mr. Mellow indicated they will not and to a certain extent they will be abandoned. He continued that the internet plug currently in the computer would be plugged into the phone, and then ran from the phone to the computer. They will build a V-land firewall that will keep the traffic in the right lane, again in concert with IT Right.

Clerk Noble inquired to the ability of call forward for staff working off campus. To which Mr. Mellow stated that a soft app or simultaneous ring would be beneficial for anyone away from the desk, as call forward is antiquated. He further noted that every feature available on a landline is available on a soft app and that a nice feature is when you make outbound calls through the soft app it will identify a Township number via caller ID.

Trustee Voorheis asked if there would be any disruption with the 911 service.

Mr. Mellow indicated it would be scheduled with Dawn for either 2pm or 3pm a Tuesday or Wednesday. The switch is done phone number by phone number and tested. Interruption is minimal if that.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to head into this subject and for the Township attorney to finalize the service local agreement terms and allow Township supervisor to sign the agreement. The motion PASSED by roll call vote (Voorheis/yes, Powell/yes, Roman/yes, Kowall/yes, Noble/yes, Ruggles/yes, Smith/abstain).

D. REQUEST TO APPROVE WHITE LAKE CITIZEN'S LEAGUE FIREWORKS DISPLAY FOR WINTER CARNIVAL

Supervisor Kowall noted that their event has not yet been approved, but he sees no reason why it will not be.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve White Lake Citizen's League Fireworks Display for Winter Carnival, subject to the approval of the event committee approval and allow the supervisor to sign the appropriate documents. The motion PASSED by voice vote (7 yes votes).

E. RESOLUTION #21-049; TO OPT-OUT OF PA 152

Treasurer Roman indicated this is in regard to the Township health care plans and without the opt out the Township would have to withhold a lot more money from everyone to take health care coverage out.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Noble to Resolution #21-049; to Opt-Out of PA 152. The motion PASSED by voice vote (7 yes votes).

F. PLANNED DEVELOPMENT ACREAGE WAIVER REQUEST – OXBOW LAKE PRIVATE LAUNCH ASSOCIATION

Director O'Neil indicated before the Board tonight is a request from Rick Walklet who represents the Oxbow Lake Private Launch Association (OLPLA). They are seeking a waiver of the minimum acreage requirement to install a private boat launch, for riparian owners only on Oxbow Lake. The parcel is approximately 1.9 acres in size (.76 net acres), is currently zoned local business (LB), and is bordered by other residentially owned properties to the east and south. Across Lakeside Drive to the west is a parcel zoned general business (GB). The Master Plan designation for this parcel is planned commerce. The project would not require water or sewer connections.

Director O'Neil indicated from a staff level, there was no objection to this moving forward. On November 18th the Planning Commission recommended approval by a 5-3 vote. He noted that the no votes may have been looking forward to the next step in the process. A waiver does not in anyway guarantee site plan approval. It simply allows the applicant to proceed through the PD process with a parcel smaller than 10 acres in size. The applicants are aware of the risk. He opined that this is a very challenging parcel due to shape and topography. He shared his screen to show the parcel in discussion. He noted it would be an odd place to build a home and a challenging place to build a building. He shared that the biggest thing at a staff level was how would this launch be managed. He also shared that it was made clear by the applicants that it would be a private club to be used only by riparian's and it is for them to organize and regulate.

He understands from Mr. Walklet that there is no good launch on this lake that is kept up and that many people use neighbors' property where a boat can be launched. He shared that another launch area is Sprader's Bar which poses its own challenges with the business. This was them recognizing that they have a problem and coming up with a private solution.

Trustee Ruggles on behalf of the Planning Commission, noted the gentleman representing the OLPLA were not given an opportunity to speak. Their end use was portrayed and the Planning Commission did have concerns. Those concerns were parking, policing, and enforcing. It was outlined to them that the process involves a few meetings and that it will take a long time for them to get an answer. He understands that they are looking for a yes or no as to whether they should continue down this path. If this Board or that Board will allow the end use as they want it and there was no feedback for that.

Director O'Neil noted there is no parking or dockage being proposed and that neither would be supported. It is simply a launch to put your boat in the water in the spring and get your boat out in the fall. It is not intended for day use.

Supervisor Kowall notes that it is extremely difficult to have access to the lake front you have on this lake. He sits on many lake boards in this community, and he recalled a point in time when there was conversation to determine if there was interest in forming a lake board for Oxbow Lake Road and it was not received very well. The objective of the Township is to have a quality way of life in this community and maintain property values. He noted that lake properties have the highest value and add value to this community and a quality of life we are accustomed to. Therefore, having an organization with restrictions that would be part of their agreement will assure that this property will be maintained going forward. It will have a charter and charter members that will operate it. It will also allow the Township to have another organization that becomes a caretaker of it and has a strong interest and benefit in it.

He noted there is no limit to the number of riparian's, it is just riparians. He applauds them for having the initiative to come forward with this. He believes it is in the best interest of the riparian's and the Township to proceed with this.

Treasurer Roman asked how it will be paid for if it is approved.

Frank Bowers spoke on behalf of the OLPLA. He shared that there are 279 lakefront homeowners and 28 launch spots. He agreed with Supervisor Kowall that residents are at the mercy of their neighbors. He noted they have 83 charter members and a purchase agreement for the property. They have engaged an attorney to write the bylaws and also a professional site plan has been done by engineers. The property is staked out if anyone would like to take a look. There is no parking, and it will have a physical barrier. He further noted that they would deed a portion of the property to the Township. He indicated that fundamentally they want this to be an enhancement for the community and everyone on the lake. It will be privately funded. He shared that they tried to go the S.A.D. route but there was not enough interest.

Clerk Noble learned that letters were sent to the lakefront owners and asked how many of those letters were responded to.

Mr. Bowers indicated that 230 responses were received and of that 83 were positive.

Clerk Noble confirmed that the people who said no thank you will have an opportunity to join later.

Mr. Bowers shared that there was certain cost associated with being a charter member. It will open back up in April and at that point there will be additional fees/penalties, but it is possible to join at a later date.

Clerk Noble also confirmed that the police and fire would have access to any lockbox/gate.

Trustee Voorheis questioned how many more boats they anticipate being on the lake and if key sharing would be a problem. She also questioned the space around Lakeside.

Mr. Bowers indicated it is a \$5,000 membership and you risk it if you don't follow the rules.

Supervisor Kowall reminded this is just for the waiver.

Trustee Smith questioned the policing and pocket part. She further questioned out of curiosity if they are not forming an association because there was not enough interest in that.

Mr. Bowers indicated there is an association, but it is separate from this. He reiterated that they attempted to go the S.A.D. route, but it failed.

Trustee Powell indicated confusion in how it was presented that there was going to be an easement to the Township for public benefit. He is not necessarily in favor of a deed to the Township because that makes the Township legally responsible.

Supervisor Kowall interjected that this will be worked out with Director O'Neil and the Planning Commission. He does believe Mr. Bowers misspoke as the initial conversation was for an easement to the Township because of the walkability desirability.

Trustee Powell is concerned about restrictions and asked if there are other restrictions other than having to be a riparian. He asked if a specific individual can be turned away from joining because he/she is unliked.

Mr. Bowers referred to the bylaws that identify how you get kicked out and how you get in if you are not a charter member.

Trustee Powell also questioned if it could be cost prohibitive to keep others from being able to join.

Mr. Bowers reminded that everyone on the lake had the opportunity to be a charter member. To join in April of the next year there is an additional price.

Trustee Powell applauds the OLPLA for their work done but noted if they don't allow everyone to join in the future, then everything the supervisor said goes by the wayside.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to waive the minimum parcel size of the project discussed. The motion PASSED by voice vote (7 yes votes).

G. PRELIMINARY SITE PLAN CONSIDERATION – FOUR CORNERS OUT LOT

Director O'Neil indicated that before the Board tonight is the request to approve both the preliminary and final site plan of the 7.1 acre out lot at the corner of Union Lake Road and Cooley Lake Road. The Planning Commission recommended approval on December 2, 2021, of the preliminary site plan and granted final site plan subject to this Board's concurrence on the preliminary as well as the ZBA's approval of variances requested. On December 9th the ZBA approved two of the four variances before them. The sign and loading dock variances were denied.

He continued that this is a three-tenant building with the following tenants:

- AT&T
- Beyond Juice
- Detroit Wings Restaurant

The proposed building will have an outside seating area that overlooks Cooley Lake Road.

Trustee Ruggles reviewed details from the Planning Commission meeting regarding parking spaces. He noted that some of the parking spaces are included on a neighboring parcel. He indicated it contains 66 parking spaces, but requires 88, which are on an adjoining parcel. He addresses that if this is sold, the parking spaces could become an issue unless it is spelled out in detail. He believes this is one thing for the Board to consider.

Director O'Neil noted that it was discussed and that every retail operator has to juggle and deal with making sure that co-tenants have enough parking and that high demand times aren't at the same time, or there may be an issue. He acknowledged that parking is a concern, and it is something that will have to be addressed. Director O'Neil indicated that you cannot rent easements to yourself.

Attorney Hamameh interjected that a declaration can be recorded where you essentially do the same thing.

Supervisor Kowall finds Trustee Ruggles points to be good and noted that this is something to be looked at by the Planning Commission. He further indicated that this Board has looked at this project and always knew there would be a fourth building on this site. He believes these discrepancies can be worked out. He opined that the product has turned out to be a remarkable change to that corner and that it has made a significant impact to the community.

Director O'Neil stated the Welcome to White Lake sign needs to be discussed. As to the end use, it was supposed to be a single restaurant building but they were not able to successfully land a single end user. The uses presented conform to the uses of the zoning district.

Supervisor Kowall refers to this building as a nondescript building and notes that in the future it could draw a single sit-down restaurant. He compared to the Sonic on M59 that will be repurposed.

Director O'Neil noted the AT&T retailer will be located in the center of the building, which may be unfortunate to have to walk across to use the outdoor patio. He also noted that both restaurants are owned by the same franchisee.

Trustee Powell expressed his personal discouragement in what is being presented. He believes that they misrepresented themselves before this Board stating that they needed three more years on a tax deferral program because they were having a hard time finding tenants, when all the while they knew what they were going to be doing. He noted he was in favor of granting the tax deferral extension because he knew the Board was asking for something that was taking time for them to find. He continued that a list of restaurants that were perused was not presented to this Board. He asked the Board to believe him when he states that developers will tell you anything to get what they want. He believes they misrepresented their request for extension.

Secondly, he sees no difference between this and a strip center that could be placed anywhere in the Township. He opined that if anyone of these business goes out then a standard strip center will be seen. He further indicated it was a key location for a food establishment in a prime location and he is not in favor of this. He believes the Board went over an above in giving the ability of three more years of deferment and they pocketed the funds, didn't care, and are not giving the Township what it was looking for. He stated that he might have been okay with it if it were three restaurants instead of AT&T. He feels the Board was bamboozled.

Clerk Noble respects Trustee Powell's opinion but does not believe that was their intent. He indicated the interest clock is ticking and he knows of several restaurant businesses that have gone out of business. He also pointed out that nobody knows if and when the economy changes and AT&T goes out that a single

restaurant won't go in. He sees it as filling the space during the economic times. He looks at it as they are trying to get the loan paid off and move forward.

Trustee Smith shares in Trustee Powell's thoughts exactly. She is disappointed in what is being presented. She feels that there has always been a switch-a-roo with them telling one thing and doing another. She feels the Board has been so gracious and that they never hold up their end. She thinks the last thing residents want is another strip mall. She shared that she has received a lot of complaints about this corner not coming to fruition of what was wanted by residents. She stated that residents are disappointed with the corner. She reminded that the three-year tax abatement was recently given in hopes that they would continue on with what was presented, a sit-down restaurant. She feels it is unfortunate that they are not here tonight to represent themselves. She is disappointed and believes residents would prefer a restaurant. She spoke with Director O'Neil and is unsure of the rush regarding this. She would like them to holdout and get what is right for the Township and residents, which is a sit-down restaurant and not another strip mall.

Clerk Noble noted he was contact by Mr. Alkhafaji who had to fly back to Iraq as his mother passed away.

Trustee Powell indicated if this is confirmed tonight, he will be asking the Board to reverse the tax abatement extension that was given and that it be added to the next meeting for discussion.

Trustee Ruggles agrees with Trustee Powell as he was very surprised when he saw these plans, as a month prior they held a position if they didn't get the abatement, they would go bankrupt, and then a month later they are building this. Trustee Ruggles guarantees he had the plans, the tenants, and that he knew what he was doing. He reminded that it was specially indicated by Trustee Powell that he would go along with this if the Township got a nice sit-down restaurant and the whole time, he knew there was no nice sit-down restaurant. He is in favor of Trustee Powell's suggestion.

Trustee Voorhies indicated that she is in favor of her fellow trustees. She asked when the Township would get a sit down.

Supervisor Kowall noted that economic conditions right now are dictating that.

Trustee Powell questioned that Supervisor Kowall does not feel misled when he was asked to grant a tax abatement extension with the anticipation of what the Board was looking for.

Supervisor Kowall does not feel misled because he knew the property was defunct and the Township was doing whatever it could. He noted that the developer's challenge was with the apartment building. He believes it is his right to pursue that and put whatever business in there that meets the proper zoning and use in that area.

Trustee Ruggles interjected that the Board cannot dictate what goes in where, other than if it is in the rights of that zone, but the facts get presented to the Board at his leisure so that he can accomplish what he wants.

Supervisor Kowall indicated that is speculation. He is not defending him, but notes that he may have also used the extra abatement as an incentive to entice new tenants. He agrees that it is a business move. He noted that Trustee Ruggles is entitled to his thought but that he is looking at it as a bigger picture. He reminds of the improvement of that corner and notes that he has not received a single complaint other than traffic, which has not increased due to the development.

Trustee Smith noted it is not how she feels personally but as a trustee representing residents. To her this is not in the best interest of the residents.

Treasurer Roman agrees with everybody. He questioned counsel if the Board wanted to investigate the possibility of reversing the abatement, would it be best to table this for a month.

Attorney Hamameh indicated these are two separate issues and that he has followed the process for the site plan approval. The abatement issue is a done issue. She noted that the Board does not even know if reversing it is even an option at this point. She reminded that the abatement was given for this property, not the apartment.

Clerk Noble reiterated that it was noted that they have the right to come back before the Board at a later time. He indicated that at that time the discussion was about financing, checking on the development, loans, and a lot of factors, much like the township civic center. He opined that it is a moving target.

Attorney Hamameh suggested that this could be filed away for when they come back for the apartments which would give an opportunity to look into what can done for the granted abatement extension.

Clerk Noble believes that would give the Township vicarious liability.

Supervisor Kowall stated that the site plan submitted followed the process and was approved by the Planning Commission. He asked Director O'Neil if there were any deficiencies.

Director O'Neil indicated that due to the actions of the Zoning Board of Appeals, they will need to go back to the Planning Commission to reconfigure the loading dock. There were no other deficiencies, but he asks if the Board takes action, then it should cite the actions taken by the ZBA, the recommendations made by the Planning Commission, and the review comments.

Trustee Powell noted this site does not have sufficient parking as required.

Director O'Neil indicated they received a variance 4.5 years ago regarding parking. He cannot say with every new tenant that the parking has been recalculated but noted that one tenant is an atm which generates no parking. Whereas Tim Horton's is very busy. Depending on who the users are parking will always be a challenge.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to approve the Preliminary Site Plan Consideration – Four Corners Retail Out Lot. The motion FAILED by roll call vote (Noble/yes, Roman/yes, Voorheis/no, Powell/no, Ruggles/no, Smith/no, Kowall/yes).

Attorney Hamameh asked if there is another motion.

Supervisor Kowall indicated he doesn't know of another motion to make as they (*the Trustees*) apparently have a bone to pick with this particular project. He thinks this will fall on Director O'Neil to come to some common ground with this as the developer has done everything. He does not personally see why it shouldn't be approved.

Director O'Neil asked that the developer be present at the regular January meeting and perhaps answer questions posed tonight. He further suggests the other issue be discussed at that time. With the Board's approval he will follow up with him.

Trustee Powell reminded that they have the ability to reapply.

Clerk Noble attempted to make a motion to table but was advised that he cannot as it has already been voted on.

Attorney Hamameh indicated that the non-prevailing [sic] side could make a motion for reconsideration and then a motion to table could be made.

Director O'Neil clarified that a motion failed is not an automatic denial.

Attorney Hamameh indicated that a motion fails if there is a tie vote and if there is no decision made. Here there was a motion to approve the site plan which failed and a decision was made. It is done. She continued that the decision can be reconsidered at the same meeting. At the next meeting that decision can be rescinded but if it is rescinded at the next meeting, unless someone provides notice of their intent to rescind, which can be made by either side, without notice in advance of the meeting then a 2/3 vote is required at the meeting to rescind with notice in advance a majority is required.

She clarified that today the only thing that can be done is to reconsider the vote and then table, if someone on the prevailing side makes the motion.

H. FIRST READING; AMENDMENT TO ZONING ORDINANCE, ORDINANCE NO .58

Director O'Neil indicated these amendments were before the Planning Commission on November 18th, at which time a public hearing was held and a recommendation to this Board was made to approve. He noted the amendments span many different sections of the ordinance and are largely meant to clean up or clarify language. He highlighted the more substantive change in zoning districts in Part 2, restaurants with alcoholic beverages, Part 3, drive thru restaurants, and Part 4, animal care facilities.

It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve the requested amendment to Zoning Ordinance, Ordinance No. 58 to second reading. The motion PASSED by voice vote (7 yes votes).

I. REQUEST TO CONSIDER RCOC COST PARTICIPATION AGREEMENT FOR PRELIMINARY ENGINEERING TO PAVE PONTIAC LAKE ROAD – MARGIE TO KINGSTON

Supervisor Kowall reminded that last month the engineering costs were discussed, and the Township will be responsible for 50% of the cost. The estimated design cost is \$125,000. This will allow the road commission and Township to enter into a preliminary engineering agreement to move forward with the paving of Pontiac Lake Road from Kingston to Margie. He believes this will happen in 2026 or 2027.

Treasurer Roman asked if motioned to approve that the motion mention that as much funds as possible be taken out of triparty funds.

Supervisor Kowall indicated that when the Township enters into an annual agreement with, the road commission funds can be earmarked.

Trustee Ruggles asked how much money Supervisor Kowall was thinking.

Supervisor Kowall recalled as mentioned at the last meeting \$400,000 to \$500,000 for \$3 million dollars of work done. He indicated that he would work with the road commission.

Treasurer Roman mentioned his previous concern with this project as he needs every cent he can get towards the buildings. He shared that Supervisor Kowall mentioned to him that the bulk of this money will not be paid out until 2026/2027. He feels better about that.

Supervisor Kowall indicated that is the schedule he was given is based on availability of federal funds for 80% of this project.

Trustee Smith asked of Treasurer Roman if this was a more acceptable timeframe. To which he confirmed yes.

Trustee Powell doesn't believe the contract money is going to wait that long as the county will start the design immediately. He believes the \$65,000 that is being requested, they will want tomorrow, but the construction costs can be delayed. He further asked if money was earmarked from triparty funds for Elizabeth Lake Road.

Supervisor Kowall indicated no, and that the county has taken that project on themselves. We have no funding contribution toward that.

Trustee Smith asked for details as that information was not shared with the Board.

Supervisor Kowall indicated the Township has no contribution towards the two roundabouts. There will be a share in the cost of the roundabout at Elizabeth Lake Road for the town center. It was his understanding all along that the county made the decision to put the roundabouts in at strategic traffic locations.

Trustee Powell asked if the Township assisted in the Carrol Lake Road/Cooley Lake Road round about. To which Supervisor Kowall indicated no that is another example.

Trustee Powell asked if the federal funds for the infrastructure quoted earlier can be applied towards paving of roadways.

Supervisor Kowall indicated that ARPA funds cannot be used for roads.

Trustee Powell noted that he gave this a great deal of thought as in his opinion the road commission is the most expensive engineering that can be used. He hesitated in giving them \$125,000 to design a little section of roadway and considered asking the Township engineer to give a quote. However, knowing that the road commission would basically say good luck, and knowing that the Township engineer would charge more than \$62,500, he doesn't think that route is worth doing.

Supervisor Kowall shared that he made that phone call and had a conversation with Mr. Leuffgen. He also indicated that the road commission had three road crews and now they are down to two. They are experiencing staffing problems.

It was MOVED by Trustee Ruggles, SUPPORTED by Clerk Noble to approve the cost participation agreement for preliminary engineering to pave Pontiac Lake Road – Margie Drive to Kingston Street, Project Number 56662, at 50% of the cost of design of an expenditure of approximately \$62,500, with funds to come from the triparty funds or general funds. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes, Voorheis/yes, Powell/yes, Roman/yes).

OLD BUSINESS

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

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Powell to approve and move for adoption the Fee Ordinance No. 129. The motion PASSED by voice vote (7 yes votes).

B. SECOND READING; AMENDMENT TO CODE OF ORDINANCES, CHAPTER 38, ARTICLE II – WATER SYSTEMS AND ARTICLE IV – SANITARY SEWER

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve the amendment to Code of Ordinances, Chapter 38, Article II - Water Systems and Article IV – Sanitary Sewer. The motion PASSED by voice vote (7 yes votes).

C. DANGEROUS BUILDING ASBESTOS REMEDIATION QUOTE – 288 TOWER

Supervisor Kowall shared that the \$15,780.00 is the cost of the asbestos abatement alone. Along with the demolition the total cost will be approximately \$27,000.00. He further indicated that the Township will likely

have to buy it back at tax in order for the Township to recoup some costs. He opined that it is not a bad lot. He would recommend buying it back or the Township will just be out the money.

Nick Spencer interjected that he sent an email yesterday to Mr. Hoffman's office, as he is not a licensed abatement contractor in the State of Michigan. The email requested another quote to compare or two separate quotes on letterhead from two other contractors. He wants to make sure the Township is not overpaying.

Supervisor Kowall indicated that Ed Wenz from Lead Abatement did the asbestos quote. He recommends this be approved with the maximum amount allowed subject to a second opinion.

Treasurer Roman asked if the procurement policy needs to be waived.

Supervisor Kowall indicated that the Township wants a second bid but would like to approve with a maximum expenditure to be allocated to the asbestos abatement for 288 Tower.

Discussion amongst the Board regarding the number of required quotes ensued.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles moves that the Board accepts the maximum quote of \$15,780.00 subject to at least two bids coming in on licensed contractor's letterhead for this proposed work and that the Board waive competitive bidding for the procurement of these bids and authorize the Supervisor to sign a contract not to exceed \$15,780.00. The motion PASSED by voice vote (7 yes votes).

D. WESTERN OAKLAND TRANSPORTATION AUTHORITY REQUEST 2022

Supervisor Kowall reminded that almost five years ago he and Mr. Hamlin sat down and started W.O.T.A., which has grown into Waterford and Walled Lake. He shared that it is extremely successful in the amount of ridership. He reminded that in the first year, White Lake pledged \$185,000.00 for the first year and then agreed to go into a formulary, based on population and ridership. The Township is looking at a \$220,000 contribution this year of which there is a source of funding that will be of no costs to the Township. He identified that this 100% qualifies for ARPA monies. He recommends that the Board consider directing that money for this use.

Supervisor Kowall believes the growth of the authority in rides, especially in White Lake, to the number of vans, and he indicated that it is working with SMART, RTA, and are looking at transportation funding available for southeast Michigan.

Treasurer Roman noticed Szott's advertisement on one of the vans and questioned their contribution.

Supervisor Kowall can not recall the dollar amount, but noted it receives free oil changes and tire rotations.

Trustee Powell questioned the cost of a ride and if there was discussion of raising that amount. He continued that the service is available not because someone is destitute but so they don't have to buy a

car, pay insurance, etc. His quick calculations indicate it costs the Township \$40 a rider to provide W.O.T.A. He suggests ride costs based on poverty level/taxes.

Supervisor Kowall indicated it is \$2.00. He respects the economic suggestion but noted that the authority aids people on a fixed income or that are disabled and that could put people out of a ride. Supervisor Kowall believes Trustee Powell's suggestion would be a bookkeeper's nightmare with no great cost saving to the operation.

Trustee Powell further asked what the breaking scale per person would be. To which Supervisor Kowall indicated it would be in the \$50 to \$60 per person. He also shared that a wheelchair bound individual at Independence Village that needs to go to Henry Ford, would pay \$115.00.

Clerk Noble asked about regionalizing it.

Supervisor Kowall indicated this puts the Township in a defensive position to show the RTA that it is in this to make an improvement in transportation and therefore be able to go after the dollars that come through.

Clerk Noble shared of a resident that doesn't drive anymore and does not have children. This resident shared with him that he will donate to the Authority upon his passing as it has changed his life.

Supervisor Kowall reminded that the previous Board's made decisions to support more costly systems.

Trustee Voorheis shared that it cost individuals 65 years or older \$.50. She believes it is like comparing apples to oranges.

Supervisor Kowall shared that the director of W.O.T.A. will come in next year to provide updates.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve \$220,000.00 of ARPA money to be spent on W.O.T.A. for 2022 calendar year. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Powell/yes, Voorheis/yes).

TRUSTEE COMMENTS

Trustee Voorheis shared that she had the privilege and honor to help at Meijer with Shop with a Cop and that it was a fun activity. She wished everyone a great holiday season, to be safe and healthy, and suggests to get vaccinated.

Trustee Smith shared that the library is back to regular service. She indicated it is closed on Christmas Eve and Christmas Day. She also noted that the website is up to date. As for the Friends of the Library, they had a successful book sale. They are looking for new members and recently sent out renewal forms to existing members. She wanted to recognize and thank the fire department and anyone who attend the awards ceremony yesterday. She opined that Chief Holland was thoughtful and inclusive in thanking everyone that helped out with the tornado relief, staff, board members, CERT and so many well deserving

firemen were promoted. She thanked Chief Holland for an outstanding job during the clean up service and during yesterday's ceremony. She wished everyone a Merry Christmas, happy holidays, and safety.

Trustee Powell pointed out that it was a shame that there wasn't a portable microphone for Supervisor Kowall to read Ruth's proclamation into the record as he is certain nobody at home could hear it. He shared that the Civic Center Development Committee met last week, and John McGraw and his brother made the same presentation to the Committee. It was thumbs up by that committee. He wished everyone a Merry Christmas and safe New Year and gave a special Merry Christmas to Carol Burkhardt and fellow residents.

Treasurer Roman noted his department received approximately 300 calls from December 1st and 5th by residents wanting to know where their tax bills were. He did indicate the bills went out five days late due to an Oakland County mailroom equipment breakdown, but they should be received by now. Dog tags are available. He wished all a Merry Christmas and Happy New Year.

Clerk Noble wished the Board and staff a Merry Christmas and Happy New Year. He thanked his staff for the recent election. He thanked Elaine and Dawn for their hard work.

Trustee Ruggles is a big fan of W.O.T.A. and he thinks a big reason the numbers are rising is that the management is great, the vehicles are new and clean, and the drivers are reliable. He is a big fan. He will share some contacts with Building Official Spencer for asbestos quotes. He wished everyone a Merry Christmas.

Supervisor Kowall shared of a last-minute food drive called Can the Halls. He indicated approximately 800 to 1,000 pounds of food was received and that multiple pick-up trucks were sent to Open Door and Community Sharing. He is really proud of the Township. He opined that people need to remember how blessed they and the Township are. The Township survived the tornado with no lives lost, it saw the community come together and the first responders and Board were there to help out. He gave thanks for the generosity and support of what this Board is trying to do in moving forward. He wished all a Merry Christmas and a special Merry Christmas to Carol Burkhardt. God Bless and Good night.

ADJOURNMENT

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

Meeting adjourned at 10:35 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 December 21, 2021, regular board meeting minutes.

Anthony L. Noble, Clerk

White Lake Township
Oakland County, Michigan