

CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Regular Board of Trustees Meeting
August 17, 2021

Supervisor Kowall called the meeting to order at 7:00 p.m. The meeting was held via Zoom video conferencing. He then led the Pledge of Allegiance.

Clerk Noble called the roll:

Present: Rik Kowall, Supervisor – present in White, MI
Anthony L. Noble, Clerk – present in White Lake, MI
Mike Roman, Treasurer – present in White Lake, MI
Scott Ruggles, Trustee – present in White Lake, MI
Liz Smith, Trustee – present in White Lake, MI
Andrea C. Voorheis, Trustee, present in White Lake, MI
Michael Powell, Trustee – present in White Lake, MI

Also Present: Sean O'Neil, Director (Planning)
Catherine Derocher, Human Resource Manager
Lisa Hamameh, Attorney
John Holland, Fire Chief
Daniel T. Keller, Police Chief
Jennifer Edens, Recording Secretary

AGENDA

Trustee Powell requested to add three items to the Agenda:

- State of Emergency due to weather
- Communications between the Township and the Board
- Discussion on Township generator

Supervisor Kowall indicated that the generator is on the Agenda as an FYI in the updated Agenda.

Trustee Smith requested of Trustee Powell that he entertain communications between the Township and Board as a motion to add into the Administration Policies under 2.0 last update April 21, 2020.

Trustee Powell indicated he would second such a motion.

It was MOVED by Trustee Smith, SUPPORTED by Trustee Powell, to add to the Agenda Communications between the Township and Board and to add into the Administration Policies under 2.0, last update April 21, 2020. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

Supervisor Kowall clarified that Trustee Smith would like the item added to the Agenda and noted that Township Communications will be added as item 10D. He clarified that item 10B is the Township Generator and 10C is the State of Emergency due to weather.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles, to approve the Agenda, as amended. The motion PASSED by roll call vote (Noble/yes, Powell/yes, Roman/yes, Voorheis/yes, Kowall/yes, Ruggles/yes, Smith/yes).

PUBLIC COMMENT

No public comment.

CONSENT AGENDA

- A. REVENUE AND EXPENSES**
- B. CHECK DISBURSEMENTS**
- C. DEPARTMENT REPORT – POLICE**
- D. DEPARTMENT REPORT – FIRE**
- E. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT**
- F. DEPARTMENT REPORT – TREASURER**

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis, to approve the Consent Agenda. The motion PASSED by roll call vote (Smith/yes, Ruggles/yes, Kowall/yes, Voorheis/yes, Roman/yes, Powell/yes, Noble/yes).

MINUTES

A. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, JUNE 29, 2021

Trustee Smith noticed there were no trustee comments included in her copy and questioned why.

Supervisor Kowall does not believe trustee comments were provided during the special meeting as they typically are not.

Clerk Noble stated that he does not believe there were trustee comments at that meeting

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble, to approve the Minutes of June 29, 2021. The motion PASSED by roll call vote (Powell/yes, Noble/yes, Roman/yes, Voorheis/yes, Smith/yes, Ruggles/yes, Kowall/yes).

PRESENTATIONS

A. PROCLAMATIONS FOR NATIONAL RECOVERY AND SUICIDE MONTH AND OCHN BOARD OF DIRECTORS RESOLUTION TO PROTECT AND PROMOTE PUBLICLY FUNDED PUBLIC MENTAL HEALTH SERVICES FOR PEOPLE

Supervisor Kowall proclaimed and read into the record the proclamations for National Recovery and Suicide Month and Oakland Community Health Network Board of Directors Resolution to protect and promote publicly funded public mental health services for people.

Trustee Voorheis shared the hotline number for those in need: 1-800-273-TALK or 1-800-273-8255.

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Smith, to adopt National Recovery and Suicide Month, September 2021 along with Suicide Prevention Month, September 2021. The motion PASSED by roll call vote (Smith/yes, Ruggles/yes, Roman/yes, Voorheis/yes, Kowall/yes, Powell/yes, Noble/yes).

NEW BUSINESS

A. REQUEST TO APPROVE TENTATIVE AGREEMENT FOR POLC AND PAID ON CALL FIREFIGHTERS

Cathy Derocher briefed the Board that she and Chief Holland met with the bargaining unit a few times and that the Tentative Agreement before the Board identifies some areas where language was cleaned up. She stated that more importantly they identified a way to do some restructuring within the unit, which changes the paid-on call to part-time firefighters, which is a significant change. It also identifies some shift work to fill in some of the gaps when there are scheduled vacations. The Tentative Agreement also identifies slight changes in the pay structure. It went from seven different levels of pay to a consolidation of four, which is more consistent and easier to follow. The pay schedule is only for 2021 as all the contracts will expire at the end of this year.

Treasurer Roman questioned whether the part-time firefighters who work fulltime elsewhere can schedule their shifts on weekends only.

Chief Holland indicated that they could schedule around their own lives.

Trustee Powell indicated that he is not involved in this on a day-to-day basis and noted that it would be helpful in evaluating what he is voting on, to have a redline version showing what was and what changes are being made.

Cathy Derocher indicated that change can be made in the next contract.

Clerk Noble confirmed the goal is ten part-time firefighters. He also noted that as part-time it gives the firefighters a month in advance notice to schedule around things.

Chief Holland shared that there is a national shortage currently and the he will be very active in trying to get part-time firefighters. He further indicated that the part-time firefighters will be called out. He shared that

there are significant run volumes and that yesterday's shift had four firefighters who ran eighteen calls in twenty-four hours.

Trustee Voorheis noted that she didn't know what MFR stood for and suggests that acronyms be spelt out in the future.

It was MOVED by Clerk Noble, SUPPORTED by Trustee Ruggles, to move forward with the paid-on call firefighters and moving forward with the one-year extension contract dated August 4, 2021 through December 31, 2021. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Noble/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

B. FIRST READING; OFFENSES AGAINST PROPERTY- TRESPASSING ORDINANCE, ARTICLE IV, SECTION 26-88

Attorney Hamameh shared that simply makes the Township consistent with the state law.

Chief Keller hopes this passes for consistency with the state law.

Trustee Powell as a point of order, again, would like a redline copy with noted changes.

Supervisor Kowall indicated that while the changes are not redlined, they are called out on the first page, which he read:

The current ordinance reads that the offense of trespassing is "...punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both imprisonment and fine." In keeping with the corresponding State law (MCL 750.552), I am requesting that the White Lake Township Ordinance be changed to coincide with current language. That language would be "...punishable by imprisonment for not more than 30 days or a fine of not more than \$250.00, or both imprisonment and fine."

It was MOVED by Clerk Noble, SUPPORTED by Treasurer Roman, to approve the requested change to the Trespassing Ordinance and move to second reading. The motion PASSED by roll call vote (Ruggles/yes, Voorheis/yes, Roman/yes, Smith/yes, Kowall/yes, Powell/yes, Noble/yes).

C. REQUEST TO CONSIDER DLZ PROPOSAL FOR ENGINEERING SERVICES FOR DUBLIN SENIOR CENTER PARKING LOT IMPROVEMENTS

Supervisor Kowall shared that the parking lot at this location has gone many years without maintenance and that there are issues with storm sewer structures, and that the lack of curving of the road has led to degradation on the edges. This proposed contract for services would take the Township through the process of rebuilding new approaches, the parking lot and providing an option of whether to do another particular area. He indicated that the future use of the building is undetermined, but that a good use would be for fire station #2. He has had favorable conversations with both the current and previous fire chiefs who agree it would be a serviceable area. He opined that the pavement work that would be done would not be for not, as the building would not be abandoned by the Township due to the park location. He noted the

building is in good shape and the intent is that the improvement would be able to accommodate future fire services.

Trustee Ruggles questioned Mike Leuffgen of DLZ regarding the breakdown of the fee table and asked what the construction administration fee includes.

Mr. Leuffgen stated that they would not currently be looking for approval of this, that it would be on a future phase when it goes to construction. The fee would be to administer the contract, deal with contractor questions, construction engineering, inspection, and managing the project.

Clerk Noble would like to defer with this as the construction administration costs seem pricey to him. He is no expert on this topic but believes that Trustee Powell is with his experience and years in the engineering business.

Treasurer Roman indicated that looking at the fee for engineering and construction administration shocked him at just under \$50,000 for a parking lot. He opined that it seems like an awful lot of money.

Trustee Powell admits that when he reviewed this item it got his ire up. He has thrown a shot across the bow of DLZ a couple of times already. He opined that this price is absorbent and does not even make sense. He indicated that the Township just did this exact same thing for another parking lot, which is about the same size, same slopes, included additional structures for drainage, designed the project, contract administration and the price was approximately a tenth of what DLZ has quoted.

He continued that it is an existing paved area and that it doesn't take a brain surgeon to survey it and he doesn't believe an engineer needs to be involved with this. He opined that if the Township put together a request for proposals from several qualified pavers with minor specifications that no money would need to be spent at DLZ and the Township could then choose from the bids. He believes the construction cost for the project will be about what DLZ has quoted for just the engineering. He is very disappointed and is not in favor of the Township extending this. He believes it should just be denied.

He further stated that until the Township knows what this building will be used for, he thinks it would be improper to do any major construction on it. He agrees that there may be some repairs that need to be done, but that the building itself and its future use is unknown as is the changes that could be made in the building, the structure, the driveway location, elevation of the same. He opined that you do not design a building to a driveway, you design a driveway to the building and its use. He also reminded that while completing building construction you would then have equipment and such all over new pavement. He thinks this is the wrong time and totally inappropriate to spend \$46,000 on engineering. He stated if this came to a company like his, with everything that DLZ has quoted would cost \$5,000. He is embarrassed that DLZ has put this before the Township and he is not at all in favor of it.

Mr. Leuffgen in response to Trustee Powell's comments shared his screen showing what he and Supervisor Kowall discussed and the work that would be done under the proposal. It was discussed as a base bid contract that would design repair methods for all of the parking lot, widening the south driveway, discussion about a deeper strength asphalt upfront to accommodate firetruck traffic, adding ADA portions,

and adding a feature to allow for a handicap portable restroom, sidewalk upgrades, storm structure evaluations and plan for repair, replace a trench drain, and sidewalks across the front the property which will cause regrading of the retention basin area.

Supervisor Kowall identified that there was an alternate #1 and a base bid. The alternate #1 was not to be necessarily worked on for just the reasons stated by Trustee Powell. The other area is typically used by individuals that frequent the park. He noted that the farther eastern area has trip hazards there that need to be remedied. He noted that the Township has to be held to the same standard as the community and that is to put the sidewalk across the Townships 's property. He believes there are structures there that need to be repaired, whether using DLZ or someone else. He believes the Township should consider installing the sidewalks in front of the property if it is going to move forward and also ADA accommodations. He believes the calculation for asphalt is \$91,000.

Mr. Leuffgen noted that DLZ estimated the base work at \$221,000 and the alternate work to be \$91,000, for a \$312,000 estimated cost. That is taking into consideration deep strength asphalt, sidewalk, grading of the basin, storm sewer work. In terms of percent construction, it breaks down to design fee 7.4% and the construction administration approximately 7.5%.

Supervisor Kowall noted there are funds that can be used for senior center improvements and as of today it qualifies as an expenditure from the \$3.25 million the Township will receive from the government.

Trustee Powell believes that everything Mr. Leuffgen stated could be written up in a paragraph form and given to any number of contractors that could accomplish all of that. He believes it would be ashamed to spend this much money for design without a penny going in for improvements when the Township doesn't even know what that building will be used for. He would be very disappointed to spend this kind of money on design.

Trustee Smith agrees with Trustee Powell on this issue. She is all for sidewalks but would like to see this go out for bids as this is an exorbitant amount of money and the Township is not sure what this building will be used for right now. It makes more sense to her to wait and make the building useable for its intended future purpose.

Trustee Ruggles agrees with most of Mr. Powell's comments. He also thinks it is a tough time to put together construction project in this economic climate. He will be voting against this.

Treasurer Roman believes the points made by his fellow Board members is valid and he agrees that anything dangerous there needs to be fixed and that he would be receptive to the sidewalk. However, he doesn't think it is a good time to do this project.

Supervisor Kowall shared from conversations he has had that one of the catch basins has about a three-inch tilt and is evident that the substructure is trying to collapse. It will need to be remedied. He would like to not necessarily turn this project down, but rather table it and have it brought back in a different form. Alternatively, the Board can decline it and he can bring it back in a repair form.

Trustee Powell is not in favor of this even being tabled as he feels it is so far out of reasonability that it needs to be denied. He believes Supervisor Kowall should bring back a repair proposal that the Board can analyze more.

Trustee Voorheis is in favor of tabling this item.

Clerk Noble thinks it needs to be repaired and agrees with that but the cost before the Board and taking the lead of the Board expert he is not in favor.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman, to approve the DLZ proposal before the Board. The motion FAILED by roll call vote (Ruggles/no, Voorheis/no, Kowall/no, Roman/no, Smith/no, Powell/no, Noble/no).

D. RESOLUTION 21-027; FOR TEMPORARY CLOSURE OF SHELBY DRIVE FOR BLOCK PARTY ON AUGUST 21, 2021

Clerk Noble noted this is for a block party on Saturday, August 21, 2021. The applicant is requesting to block out a section of 9513 and 9533 Shelby Drive from 12:30 p.m. to 4:30 p.m.

Supervisor Kowall noted no objection from Fire Chief Holland and that the Road Commission has a permission permit #52632.

Treasurer Roman added that he thinks this is great that the community is doing things outdoors.

It was MOVED by Clerk Noble, SUPPORTED by Trustee Ruggles, to approve Resolution 21-027 for temporary closure of Shelby Drive for a block party on August 21, 2021. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

E. RESOLUTION 21-028; DECLARING A LOCAL STATE OF EMERGENCY TO PROTECT THE PUBLIC PEACE, HEALTH, SAFETY AND GENERAL WELFARE (COVID-19)

Supervisor Kowall reminded that the Township is under two states of emergency. This is the Public Act 267 of 1976, as amended, on the 17th day of August. He noted there have been multiple outbreaks of the Delta variant of COVID-19. He believes that Clerk Noble has shared information that was provided by the Oakland County Health Department and other health sources. He indicated that the Board's number one job is to provide for the safety and well being and welfare of the employees and residents of the Township. He understands that everyone might want to hold in person meetings, and he too is tired of doing meetings via Zoom, but the variant is running rapid. In fact, Oakland County is considered a high-risk community. He further indicated that the Township must comply with CDC and MIOSHA guidelines. In preparation for what seems to be inevitable this would carry the Township along for a few more months.

Clerk Noble confirmed that he did share emails with the Board for informational purposes. He encouraged the Board to look at it and formulate their own opinions.

Trustee Ruggles asked Supervisor Kowall if the Township is under some kind of emergency order by a governing body.

Supervisor Kowall indicated that the Township is currently under the emergency order that the Township put upon itself and that will expire this month. He furthered that this is simply an extension of that order through December.

Trustee Ruggles confirmed there is no order from the Governor's Office or the state.

Supervisor Kowall confirmed not at this time. However, if MIOSHA comes along and requires masks/mandates, which he suspects they will do, it would enable the township to continue to conduct meetings under the Open Meetings Act and meet the requirements.

Trustee Ruggles asked if Supervisor Kowall brought this Resolution to the Board because he would prefer the continuation of Zoom meetings because he is worried about the Delta variant. He further asked what the plan is for the employees of townhall.

Supervisor Kowall shared that he is concerned about the variant as are multiple residents who shared their concerns. As for townhall, it will continue to comply with MIOSHA guidelines. Currently it is recommended to wear a mask, but not a mandate.

Trustee Ruggles opined that the Board of seven cannot sit six feet apart, but everyone at the Township offices can go to work.

Supervisor Kowall replied that most people in the Township offices work in isolates cells and that masks are to be worn in common spaces and when social distancing cannot be achieved.

Trustee Ruggles asked Supervisor Kowall if he believes they can test for the Delta variant. To which, Supervisor Kowall responded he has no comment as he is not a medical expert.

Attorney Hamameh indicated that if the Board passes this Resolution, it does not mean all meetings have to be held via Zoom. It just gives the Township the ability to do so. It also gives the Supervisor the ability to allow remote work if necessary. You won't have to have a special meeting to deal or address any issue that comes up.

Trustee Ruggles declared that it takes all the power out of the Township Board by saying the Supervisor doesn't have to have a special meeting to do something and that it means the Board doesn't get to talk about it. If the Board passes this Resolution, in the future the Supervisor has the ability to let people work from home or continue Zoom meetings without this Board being a part of those decisions.

Trustee Smith noted that she too did some research which she shared with members of the Board. She indicated that though many of the Board want to return to in person or not continue such mandates in our Township, it is her understanding that what this does for the Township, which was not presented in the Resolution, was to allow for a hybrid approach. She continued that if 3-4 Board members chose to attend

in person, the public can also be allowed in and if the other wishes to attend via Zoom through December they may. She noted that the Board must also take into consideration that the Board's decision affects Parks and Rec, ZBA, and Planning. If this Board decides to stay Zoom, they must stay Zoom. It gives her pause not know what their position is on this. She is not for unnecessarily continue more restrictions, but if the Board does move forward, it allows the Township more options.

Director O'Neil, as it pertains to the ZBA, Planning, and Parks Committee will do whatever this Board decides. His feeling is that he likes seeing everyone in person, but he too has heard from applicants, participants, and persons on these Boards that there are reservations for in person. It could be a problem if they were to lose any of them. He is 100% supportive of whatever this Board decides.

Supervisor Kowall indicated that the Township has been successful doing what it is doing. None of the Boards/Committees haven't missed a beat and all are moving forward. He further noted that just last week there were over 100,000 cases of the Delta variant diagnosed last week and that there is uncertainty of how it will affect the community just like the original COVID did. He is not willing to risk other people's lives.

Trustee Powell asked what the risk to the public is for this Board to hold a public meeting while social distancing. Specifically, what is the risk to the public. To which Supervisor Kowall responded, the Delta variant.

Trustee Powell shared that he just had a COVID test, which will tell you if you are positive or negative. It does not tell you whether it is a Delta variant. He further opined that this represents a miscommunication and misstatement that it is Delta variant because it is an unknown. His position is that there is a lack of representation at these Board meetings. He feels there is no public representation when a Zoom meeting is held as there are too many technological difficulties. He feels this state of emergency furthers the degradation of mental health in the Township. He feels there is a fear of God being put into residents by saying wear a mask if you are alone in the car, don't go outside of your house. Heaven forbid we hold a meeting where someone can come and talk to the Board. If stated if someone is uncomfortable coming without a mask, then let them wear a mask. He is totally frustrated with the use of the Delta variant scenarios as nobody knows if they have the Delta variant, just whether they are positive.

He doesn't believe that MIOSHA has any statement or control over public meetings in the Township. It controls the activity of construction and kitchen workers. He believes the State Health Department does, but MIOSHA does not. He would much rather wear masks than eliminate the ability to meet in a public in person meeting format. Additionally, he asked of Supervisor Kowall if there are any current capacity limitations for public meetings. To which, Supervisor Kowall indicated he does not believe that is the case at this particular time.

Trustee Powell asked why the Board doesn't wait until the people that know what is going on tell the Township, rather than the Board/Township scaring people. He is not buying that the meetings can't be in person because public health prevents it.

Trustee Voorheis agrees that one of the jobs of this Board is to protect the residents of White Lake Township. That is one of the reasons why she got vaccinated. She has personally instituted her own mask

policy as has her employer. She too misses the faces, but she agrees with Supervisor Kowall to continue this.

Trustee Ruggles questioned Trustee Voorheis that if she believed the government was telling her the truth then, when she took the needle, then she should believe them now since they told her she would be fine. He declared that we shouldn't be scaring the residents.

Supervisor Kowall reminded that everyone is entitled to their own opinions and he appreciates that. Trustee Voorheis is in the health care industry and they have a different outlook than Trustee Ruggles does, and he respects that.

Trustee Smith thinks that because there are some very strong and diverse opinions on this topic, she is a proponent of a hybrid so that everyone has their own choice. It would look like a quorum in person or a quorum online and that as Board members there would be a choice. She further indicated that even if a Board member is on vacation and he/she announces where he/she is, and a resident of the Township is there, they must entertain them as public. The Board is governed by the Open Meetings Act. She believes what her colleagues are indicating is that they do not like the language in this Resolution regarding the Delta variant being the reason. She suggests perhaps if it could be reworded or that the Board move forward without this Resolution. She reminded that the hybrid version would allow those who wish to be in person, be in person, and those who wish to appear electronically to do so. She also reminded that this is only until the end of the year. She believes the hybrid to be the best solution because it allows for everybody to choose.

Clerk Noble confirmed with Attorney Hamameh that if the Board decided hybrid that it would have to be open to the public.

Attorney Hamameh indicated that the quorum of the Board would have to be in person and that meeting would have to be open to the public. The Board could then allow members of the public and remaining Board members, not the quorum, participate electronically. She also indicated that the Township would have to have the technology for that.

Clerk Noble indicated that the technology has been ordered but is not available yet. He feels this should be considered when a decision is formulated. He believes a compromise will be necessary until the technology is available. He opined that this needs to be pushed out until there is a plan in place and believes that all can agree on that.

Trustee Powell doesn't understand that the Board appears from their homes now, but that it is being said the Township doesn't have the technology.

Attorney Hamameh indicated that if the Township did a hybrid, it would have to allow the public to be present and questioned how that could happen and how the public could participate and see the Board members who are not in the room.

Trustee Powell believes MERGE has the necessary technology.

Supervisor Kowall indicates that remains to be seen and that the equipment has been ordered with no ship date yet.

Trustee Powell feels that Supervisor Kowall is stating that if this is not approved then meetings will go forward in person and everything will continue the way it has to be in January because there will not be an opportunity to do it this way after January.

Supervisor Kowall would not agree with that as the technology that is needed for what Trustee Smith is proposing is not currently available. He doesn't disagree that it is a good solution, it is just that the technology is not available.

Attorney Hamameh offered to move this along, if the Board would be so inclined to approve this Resolution because you cannot have a hybrid or electronic meeting without a state of emergency, but keep discussion regarding state of emergency for every meeting coming up and reevaluate it. In the interim Supervisor Kowall could explore what MERGE's capabilities are and follow up with the company in which equipment was ordered from and provide updates to the Board. She reminded that if they do not pass this Resolution, the entire Board will be live in September unless a special meeting is held. This would be the compromise if everybody agreed to moving forward with the hybrid approach.

Trustee Powell questioned why it is not enough for him to simply turn his laptop around sharing it with the members of audience. He also questioned why the date is not just changed to the next meeting date so that it forces the Board to address it each month.

Trustee Smith believes with a little effort it can be done and that it would not be as hard as the Board thinks. There is technology with large TV screens. She believes that Ken from MERGE Live would have the ability to share the screen on the TV. She further reminded that it has been passed by the legislature that a board member can call in to vote. She has previously brought this up and identifies that she and Attorney Hamameh disagreed based on the opinion of an MTA member, but it has now passed and is allowed. A Board member does not have to be available via Zoom, they can be available by teleconference or speaker phone and be allowed to vote. She believes if this is the direction the Board decides to go, that the technology would not be that hard to accomplish.

Supervisor Kowall stated that you must have a quorum in person, which is four Board members.

Trustee Smith received information from the MTA, and it is also her interpretation that it must be a quorum, not specifically an in-person quorum, but a combined quorum.

Attorney Hamameh indicated that is not the interpretation of all the attorneys in her firm.

Trustee Powell questioned how it is different from conducting the meeting now electronically.

Attorney Hamameh replied that it is about having an in-person meeting for the public to attend. If you are going to the hybrid, you must have a quorum in person and allow the public to attend and then Board

members can attend remotely. If you are going to have an open meeting in person then it needs to have the quorum in person.

Trustee Powell declared that Supervisor Kowall could check that with the MTA as well. To which Supervisor Kowall responded that he will refer to counsel that represents the Township, not the MTA.

Treasurer Roman has mixed feeling on how to deal with this. He does like Attorney Hamameh's idea to avoid a new Resolution each month. He suggests that language indicating that each month the state of emergency is revisited to the motion, which would give the Board the ability to kill it at each and every future Board meeting.

Supervisor Kowall clarified that Treasurer Roman is proposing that if that is supported then next month's meeting would be remote and at that time it would be decided if the following month would be remote.

Attorney Hamameh reminded that her recommendation is that in the meantime Supervisor Kowall will explore the possibilities of hybrid meetings.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble, to approve Resolution 21-028 as stated. However, the Board will add to its Agenda each month the discussion on this Resolution that will give the Board the ability to kill it or amended as the Board wishes. Also, that the Supervisor look into remote options as discussed. The motion PASSED by roll call vote (Roman/yes, Noble/yes, Voorheis/yes, Powell/no, Ruggles/no, Smith/no, Kowall/yes)

F. PRELIMINARY SITE PLAN APPROVAL – WHITE LAKE RETAIL MANAGEMENT LLC

Director O'Neil shared that Mitch Harvey and Beau Wynn are present on behalf of the White Lake Retail Management LLC. He further shared that internally this project is referred to as the Sonic redevelopment. He continued that this group wants to redevelop this site that is currently vacant and unusable. It is currently an eyesore that will be developed and from an economic development standpoint it is straight forward. He shared his screen showing the Preliminary Site Plan before the Board tonight. The site plan shows a new two-unit building that is about 6,000 sq. ft in size. They do propose a drive-thru. At the August 5th Planning Commission meeting it was recommended for approval of this site plan with some conditions. A special land use was not needed because Sonic already had special land use. They will have to contend to the hours of operation, which he understands will not be an issue.

He continued with comments from the Planning Commission as follows:

- Front sidewalk be increased to a seven foot
- Sidewalk continued through the landscaped area
- The 4-foot strip of vegetation be converted to a 5- foot sidewalk

The one issue the Planning Commission was concerned with was the lack of a loading zone. He shared that Mr. Harvey has an acceptable proposal to the loading zone concern.

Mitchell Harvey with Stonefield Engineering Design, representing the applicants this evening. He shared his screen to address the plan for the loading zone. He stated that the retail space is planned to be a

mattress retailer and there is no tenant for the drive-thru restaurant as of now. They looked into the loading uses for a drive through tenant and mattress retailer and found that they don't need much of a loading zone as the deliveries are minimal. They want to utilize an area where they do not foresee a lot of traffic or use and designate it with signage preventing pedestrian vehicles from stopping/standing in the loading zone. He believes this will help preserve some of the green space that they have.

Director O'Neil noted that Sonic did not have a loading zone. He believes this is a reasonable solution. This was not presented to the planning Commission as it came up after the meeting. He believes if the Board finds this reasonable then it can be approved subject to working out details. The type of uses proposed here and the scale of this small project, he agrees they do not need a huge loading zone. The Planning Commission asked them to work on the mason of the building as well and to add some landscape.

Trustee Ruggles indicated that it would depend on who the drive-thru tenant is and noted that there could be a change in use of the retail space that could affect the need for loading. He questions if the green space behind the building might be a wiser space.

Director O'Neil shared that the connection from the northerly drive or bailout lane is not a fire lane. It is just a unique cut through and provides what is being proposed. It seems to him to be a reasonable and workable solution. He also at the request of Beau Wynn noted that this location does not allow 24-hour operations. The hours of operation allowed at this location are: Monday – Thursday 8am to midnight, Friday 8am to 2am, Saturday 10am to 2am, and Sunday 10am to 10pm.

Trustee Powell thinks it is extremely logical to have the loading zone in the pull through area. He is in favor of it and is also in favor of the wider sidewalk widths. He continued that people will be upset with a drive-thru lane that is only twelve feet wide and then stopping it with a curb twelve feet between curbs. He believes that 90% of people will try and jump the curb on east side. He opined that it should be fourteen/fifteen feet wide. He further opined that the access to the dumpster area will be difficult for a large truck to access that area.

Mitchell Harvey in response to the comment regarding trash pick up indicated that is largely why that area was struck off, to provide forty-seven feet for the garbage truck to maneuver.

It was MOVED by Trustee Powell, SUPPORTED by, Treasurer Roman to approve the Preliminary Site Plan as presented, with consideration of the Board's discussion, including the loading and unloading zone presented at tonight's Board meeting; discussions from the Planning Commission, consultants, sub-consultants and Planning Department and allowing for administrative tweaking. The motion PASSED by roll call vote (Kowall/yes, Smith/yes, Ruggles/yes, Noble/yes, Powell/yes, Voorheis/yes, Roman/yes).

FYI

**A. WESTERN OAKLAND TRANSPORTATION AUTHORITY – ANNUAL FINANCIAL REPORT
2020**

Supervisor Kowall indicated that the Board has received a copy of the Annual Financial Report that indicates W.O.T.A. is solvent and holding its own. In White Lake alone there have been 2,595 rides to date and 162,786,00 miles have been logged. He shared that a gentleman in the community who has been utilizing W.O.T.A. confided in him that it has been a life saver for him after multiple car accidents and now having a driving challenge. Supervisor Kowall continued that the organization is solid, and is applying for multiple grants, and will have a total of six new vehicles. He further shared in the words of Gary Wall, "I know it's working because my phones not ringing."

Lastly, supervisor Kowall made the Board aware of an open invitation to attend some events that are in the works.

Treasurer Roman thanked everyone who is making W.O.T.A. work as it is a great program and a great success. He asked the supervisor to touch base on the \$3.25 million ARPA funds that were allocated.

Supervisor Kowall indicated that one option under ARPA is that some of those funds can be used for transportation and some of the communities are looking into those funds for W.O.T.A. for up to six years. Senior transportation is an allowable spending. He will come back to the Board in the future to make the request to use the funds when a wish/needs list is provided.

Clerk Noble shared that the individual in which Supervisor Kowall spoke of doesn't have family support in the area and truly found it to be a lifeline. He further shared that he will be testing out W.O.T.A. himself by riding the transportation to get an idea of how effective it is. He thanked everyone for such a great program as his parents are aging and he is glad that the Township has this option.

Trustee Voorheis who is a mobility trainer in her fulltime job believes this is great for her patients. She works with a gentleman who works twenty hours a week utilizing W.O.T.A. It has given independence. She likes Clerk Noble's idea and may also utilize W.O.T.A. for herself as she talks about it all the time in her job.

B. TOWNSHIP GENERATOR

Supervisor Kowall indicated that the current generator is undersized for the building. He shared that on Wednesday a front came through and knocked out the power around 4pm. The generator turned on, but the Township is limited on what can run. However, within 24 hours the generator died, and the Township went dead. He contacted the Senator to advise him that he would be unable to meet any request to rescue anyone in a sense because it would make it very difficult when your 911 center is not working. The senator immediately addressed it and White Lake became prioritized.

Supervisor Kowall would like to see a law that requires public utilities by law to prioritize hospitals first, 911 centers second, and everyone else after that. He has friends that work for power companies and understands their priority is connecting grids that affect greater numbers. As a result of recent events, he will be speaking with several contractors, seeking multiple bids, and looking at a unit that can be sized appropriately for the new public safety building. He noted that when the Township moves locations, the new generator will follow. In the meantime, the risk of operating with the current generator is unacceptable.

He gave kudos to John Weaton for coming in and getting the current generator running again until the power came on. He declared that the fact that it happened twice in a short time is unacceptable. He will come to the Board with a proposal by next month for a new generator.

Treasurer Roman shared that his department lost an entire day's work. He thanked Supervisor Kowall for heading this up.

***Trustee Smith is disappointed to learn that it took twenty-seven days to think about fixing this generator when it failed on July 24th. She is glad to get a new one as it is desperately needed. She would like, moving forward, that this generator be tested monthly, if not already done so.

Supervisor Kowall interjected that it is tested monthly. He further stated that the generator will fire up right now, but that the capacity is the issue. It is undersized for the building. The generator works fine and has a history of service but is undersized for the building.

Trustee Smith commented that her greatest concern is keeping 911 working and questioned what the process will be moving forward regarding routine inspections.

Supervisor Kowall replied that it will be inspected as it currently is now, monthly.

Clerk Noble shared that the generator self-checks itself monthly. He believes this is an issue that cannot wait and suggest that the Board make whatever motion necessary to spend the money and get the generator that will be retro fitted and moveable. He agrees with Trustee Smith that 911 cannot go down. He did inform that there are two battery backups and if the Township is unable to respond the calls go to Waterford. He believes this absolutely needs to be addressed immediately.

C. STATE OF EMERGENCY

Supervisor Kowall indicated that the Township will stay in the state of emergency. The Township has not been federally recognized and therefore do not qualify for federal dollars. Being recognized as a federal area is set up to benefit persons with no insurance or those who are underinsured. Through the state's state of emergency under Article 19, the Township can seek up to \$250,000 recovery for clean up and things in that nature. Supervisor Kowall indicated that clean up is coming along and that the resilience of the White Lake residence has been amazing. He has a meeting at the end of August to review where the Township is and will report back to the Board. He shared that the Township does need to be in this state to qualify for any reimbursements.

D. TOWNSHIP COMMUNICATION

Supervisor Kowall noted that he speaks with members of the Board on a regular basis regarding different topics/issues. He and his office return phone calls and emails and he is unclear as to what the concerns are but is listening.

Trustee Smith noted that there was workshop in April of 2020 where administrative policies were worked on. In that workshop there was an agreement that community events would be shared with the Township

Board, and that information of importance would regularly be shared with the Board. She opined that it is not happening.

Supervisor Kowall asked for a case in point.

Trustee Smith indicated she could give lots of examples, but most recently a police banquet that none of the Board new about.

Supervisor Kowall noted that it was not a Township event or public event.

Trustee Smith indicated that they should have known about it. She is proposing after speaking with human resources and legal counsel and hopes that her colleagues will join her in an amendment to the Administrative Policies under 2.0, that a more formalized way to communicate with the Board. She does not believe Facebook is a professional form of communication and notes that often individuals find out after the fact when things are posted on Facebook. She knows that she and other members of the Board have asked for regular communication. She stated that Clerk Noble has stepped up communication in the past several months, but she is hoping to put it in writing so that there is one clear way of communicating. She thinks this might me a good time since a second fulltime person is being added to the Supervisor's Office and perhaps that can be added to their job description or perhaps Clerk Noble would like to delegate the responsibility.

Supervisor Kowall noted that some things warrant communicating and others do not. He further indicated that the Board will get information as it comes out of the Township and events that are made public that will have attendance by any of the Board members. There is not one that he has not made the Board aware of. He deferred to Chief Keller regarding Trustee Smith's earlier statement.

Trustee Smith interjected that she is not singling out the police department.

Clerk Noble declared a point of order when Trustee Smith began to speak over the Supervisor.

Chief Keller is unclear where the confusion is. He indicated they had a police picnic that was not a public event but for police officers and their families to get together after a year and half of not being able to spend time with one another. It was not and should have been construed as a public event.

Trustee Smith apologized to Chief Keller that he was brought into this as the topic is not solely about him.

Supervisor Kowall noted that he has yet to hear another communication issue. He asked the Board to site another issue. He declared that this Board is kept abreast of all necessary information.

Trustee Smith disagrees.

Trustee Voorheis indicated that she is good and has no problem picking up the phone and calling.

Trustee Powell shared as an example of a communication issue with tonight's agenda and the proposal for engineering of the Dublin Center. He had no idea/concept that his was coming. He indicated that Supervisor Kowall went out and asked for prices of things that were not brought to the Board and that the Board had no idea what was being proposed. He indicated that the item may have received a better response had the Board been given the opportunity to discuss it prior to.

Supervisor Kowall interjected that the packet was received by the Board over a week ago for review.

Trustee Powell responded that nothing in the packet told the Board what the Township engineer did. It did not include anything about the future use of the building and that it was strictly a proposal to redo the parking lot. Trustee Powell also addressed the police picnic. He indicated that even if the Board was not invited, they should have known there was a gathering of officials so that if asked they could identify that it was a private event between the police. He opined that it just so happens that Supervisor Kowall and Clerk Noble knew about it, but nobody else in the Township knew about it. He shared that the Board attends private events within the Township all the time. He states for thirty-years the Board has been attending and invited to police recognition/dedication dinners that were private events. He declared that he would just like to know what is going on in the Township before they must see it on Facebook.

Clerk Noble indicated that part of his job is to give special tributes and that he cancelled a family event to attend the police picnic that day. He was of the impression that it was a small event due to COVID and apologizes if he could have done something differently. On his end he tries to put memos out and communicate better. He thinks with the tornado and situations it has been a very busy few weeks. He apologizes if he offended anyone.

Trustee Powell noted in years past previous township clerks, treasurers, and supervisors were always trying to include trustees in signing proclamations, awards, and documents to employees or officials. It was his understanding that awards are given from the Township and he doesn't think that the Supervisor would assume that the trustees are not part of the Township, yet items are presented and presumed from the entire Board/Township.

Supervisor Kowall indicated that he has never seen a plaque or reward that has been signed by anyone other than the three in house officials. He doesn't have a problem with it, but in his five years as supervisor, or trustee for the previous four years he was never asked to sign. He doesn't know where Trustee Powell is basing his information on.

Trustee Powell thinks it might be a good thing to try and do, incorporate the trustees.

Treasurer Roman thinks the point is that we can all air on the side of too much communication as opposed to not enough. He thinks everyone can do a little better.

Clerk Noble indicated to Trustee Powell that it is a benchmark provided that the in-house officials incorporate the Board members. He doesn't just represent himself; he represents all Board members and that they are a team. It was never his intent or Supervisor Kowall's or Treasurer Roman's intent to offend anyone and notes that everyone can work harder to communicate.

Treasurer Roman commented that anytime there is a presentation the Trustees should be advised.

Trustee Smith stated that the Board has heard from more than one trustee that they would appreciate communication. She is not sure why Supervisor Kowall is getting defensive as it is an easy solution. She is not trying to point fingers or blame, but she can provide a lot of examples of poor communication. She doesn't want to embarrass anyone. She is asking for a formal procedure in the form of an administrative policy. She confirmed with legal counsel that it would be a good way of handling it. Or alternatively she asks that it be put into a job description. She noted that communication is a great thing and it makes this Board stronger. She is really puzzled at the resistance.

Treasurer Roman suggest Trustee Smith put together what she wants in there and bring it back to the Board.

Trustee Smith reminded that she placed this not for discussion, but for a motion.

Supervisor Kowall indicated he is not prepared to entertain a motion until he has time to review it.

Treasurer Roman interjected that he would not be prepared to vote until he has seen what amendment Trustee Smith would make.

Clerk Noble shared that he is confident with another person joining the office that the Board will see a lot more communication. He too would not be ready to vote until they have seen what amendment is being ask for.

TRUSTEE COMMENTS

Trustee Voorheis reminded everyone of the Fisk Farm Fall Festival which is September 11th and 12th from 10am to 5pm. She hopes to see everyone there including the Board to volunteer. Be safe, be healthy, and lets all get vaccinated to get beyond this.

Trustee Powell informed regarding ZBA actions and one that he would like remanded back to the Planning Commission for evaluation. He stated that counsel advised the ZBA that they may have been too lax in the past and that there are five-points that every single action must go through to evaluate whether a variance should be approved. If all five-points are not met the request must be denied. At the last meeting a builder inappropriately made a house larger than the ZBA had authorized and it went outside of the variances that were granted. A mistake was made, the accommodation for the brick on the outside of the house was not accommodated and the entire home was nine-inches wider that what was approved by the ZBA. It was brought back to the ZBA and it was decided that the mistake was not intentional, and the variance was granted for the additional nine inches of setback variance. He wanted the Board to know about this as had it not been granted it would have resulted in a court action.

Additionally, there is verbiage in the Zoning Ordinance that if you have a walk-out basement, it is not considered a story because it is behind the home. There was a variance requested where the grade

dropped from back to front and the ZBA Board felt there was a hardship there because they wanted a walkout on the frontside not the backside of the house. He asks the Planning Department to look at the language. He further mentioned the percent cost when improving your house is over 50% of its actual value and the ordinance does not allow that. He opined how little improvement could be done to an old cottage and it would exceed that 50% rule. It is in his opinion way outdated and they are held to a strict compliance and would have to deny it because it would be a self-imposed hardship. He thinks things need to look at things to take some pressure off the ZBA. He also thinks this Board should be proud of the ZBA as they are granting less variances than they have in the past.

He commented that if you think about the request from DLZ for \$46,000 to just design a parking lot renovation or resurfacing; the Township could hire an entire staff person for just about twice what that the one project was going to cost the Township.

As for the generator and the receipt of \$3.25 million in funds received, he thinks it would be terrible if there is a major COVID outbreak and the Township is unable to send ambulances because our emergency power went out.

He is hoping that the Township with the devastation seen in the past few weeks could figure out ways to help residents using township funds or at the very least if the Township could put together proposals where it could then offer the best prices to the residents instead of being taken advantage of by out of state tree companies.

Treasurer Roman thanked all the residents that tuned in to tonight's meeting. Stay safe.

Trustee Smith stated that the library is back to regular services. Masks are no longer required in the library, no time limits for browsing, seats are available, computers for 2-hour sessions, no appointments needed, virtual programs and outdoor events, sitting rooms are available for one person use, returns are no longer quarantined and curbside delivery continues. The patios are also finished.

The Friends of the Library are having a book sell on August 19th from 3-7pm and August 20th from 10am – 4pm, and August 21st from 10am – 4pm.

She thanked the fire department, Chief Holland and Captain Lilley for holding down the fort with the CERT Team in White Lake Township, which is volunteer residents. It received aid from other communities, and she thanked them for their volunteer service. She thanked the Homeland Security and Emergency Response Team for their leadership from the County. She thanked the residents for being resilient and neighborly.

Lastly, she wished all the students a great start to the school year.

Trustee Ruggles noted that the White Lake Township Planning Commission has met a couple of times. It will meet again this Thursday. He stated that he did not mean to upset Trustee Voorheis earlier, but the topic is one that is extremely frustrating to him. He indicated that he respects her decisions.

He didn't comment on communication as he has a hard time with constructive criticism, so it is hard for him to hand it out. He would say that communication is one thing that can always be improved upon. He shared that he saw pictures on Facebook and just thought that it was something that passed him by. He asked other Trustees and learned that none of them were there, which is how he found out.

As for the generator he is 100% behind getting a new one.

Moving forward with the kids going back to school, he saw that Linden voted to not have masks and he sure hopes all the other schooled districts follow suit. He does not want to force his kids to put masks on for school.

Clerk Noble recognized Lt. Hill for twenty-five plus years of dedicated police service. He is retiring and continuing on with one of the police unions as a second career. He has dedicated a lot of hours, worked countless weekends and holidays, and has worked on a lot of high-profile cases/investigations. He also recognized his wife for her sacrifices.

He also recognized Anna Cross for receiving the police employee of the year award. She takes on a lot of liability making sure officers are certified.

Lastly, he recognized John Weaton for all his work with the generator. He was an intricate part of keeping things running during the emergency.

Supervisor Kowall shared that there is a lot to be thankful for, primarily making it through the storm without any casualties. There is a learning curve for everything, and that situation was a very tough one to learn through. You find out what brings out the best in people and what brings out the worst in people. When he was out clearing roads with the CERT Team until 2:30 a.m. in the morning, it was interesting to him to see people just pulled over to help. The fire and police departments did the best job they could even though communications were difficult.

He thanked the unsung hero church groups that helped a lot of residents. He hopes that we don't have another experience like this one, as once was too much. The Township is moving ahead and trying to help residents to the best of its ability. He thanked the Board, residents for tuning in tonight and wished all a good evening. Good night and God bless.

ADJOURNMENT

It was MOVED by Supervisor Kowall, SUPPORTED by, Trustee Smith to adjourn. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

Meeting adjourned at 9:29 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 August 17, 2021 regular board meeting minutes.

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