

CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Regular Board of Trustees Meeting
November 21, 2023

CALL TO ORDER

Supervisor Kowall called the meeting to order at 7:00 P.M. He held a moment of silence for veterans of the past and present.

He then led the Pledge of Allegiance.

ROLL CALL

Clerk Noble called the Roll:

Present:

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

Absent:

Scott Ruggles, Trustee

Also Present:

Trish Pergament, Deputy Supervisor
Sean O'Neil, Community Development Director
Daniel T. Keller, Chief of Police
Lisa Hamameh, Township Attorney
Hannah Kennedy-Galley, Recording Secretary

It was **MOVED** by Treasurer Roman, seconded by Clerk Noble, to excuse Trustee Ruggles. The motion carried with a voice vote: (6 yes votes).

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Jason Hooper, 9090 Hickorywood, spoke of his concerns about a neighbor discharging storm water onto his property.

Charles Shott, 417 Rosario, voiced his concerns regarding the funds Township staff retirement plans in the proposed budget.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- B. CHECK DISBURSEMENTS
- C. BUDGET AMENDMENTS
- D. LIST OF BILLS
- E. DEPARTMENT REPORT - POLICE
- F. DEPARTMENT REPORT - FIRE
- G. DEPARTMENT REPORT - COMMUNITY DEVELOPMENT
- H. DEPARTMENT REPORT - TREASURER
- I. CERTIFICATE OF LEVIES ON TAX BILLS FOR TAX YEAR 2023
- J. RESOLUTION #23-053; APPROVING THE ELECTED OFFICIAL AND APPOINTED DEPUTY WAGES

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

MINUTES

- A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, OCTOBER 4, 2023
- B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, OCTOBER 17, 2023

It was **MOVED** by Trustee Voorheis, seconded by Trustee Powell, to approve the Special Board meeting minutes of October 4, 2023 and the Regular Board meeting minutes of October 17, 2023 as presented. The motion carried with a voice vote: (6 yes votes).

PUBLIC HEARING

- A. TO HEAR PUBLIC COMMENTS REGARDING APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION - PROGRAM YEAR 2023

It was **MOVED** by Supervisor Kowall, seconded by Trustee Smith to open the public hearing regarding the Community Development Block Grant (CDBG) Application at 7:08 P.M. The motion carried with a roll call vote: (6 yes votes) (Roman/yes, Noble/yes, Kowall/yes, Smith/yes, Powell/yes, Voorheis/yes).

Charles Shott, 417 Rosario Lane, had questions regarding funding of the program.

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

Deputy Supervisor Trish Pergament said the funds were usually based on the prior year's allowances. This year, the allotment was reduced to 15% due to other communities' interest in the program. The bulk of the projects would go towards the Minor Home Repair Fund, and the rest to public service projects like Meals on Wheels, and Haven. A third public service project, Huron Valley Youth Assistance, was not included this year because they have funds from the previous year they did not spend.

B. TO HEAR PUBLIC COMMENTS REGARDING APPROVING THE 2024 TOWNSHIP BUDGET

It was **MOVED** by Supervisor Kowall, seconded by Trustee Smith to open the public hearing for the approval of the 2024 Township Budget at 7:13 P.M. The motion carried with a roll call vote: (6 yes votes) (Kowall/yes, Voorheis/yes, Smith/yes, Powell/yes, Roman/yes, Noble/yes).

NO PUBLIC COMMENT.

It was **MOVED** by Supervisor Kowall, seconded by Clerk Noble, to close the public hearing at 7:13 P.M. The motion carried with a voice vote: (6 yes votes).

NEW BUSINESS

A. RESOLUTION #23-043; APPROVING THE PY2024 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) APPLICATION

It was **MOVED** by Clerk Noble, seconded by Treasurer Roman, to approve Resolution #24-043, the PY2024 Community Development Block Grant Program Application. The motion carried with a voice vote: (6 yes votes).

B. RESOLUTION #23-045; 2024 GENERAL APPROPRIATIONS ACT

It was **MOVED** by Treasurer Roman, seconded by Trustee Smith, to approve Resolution #23-045; 2024 General Appropriations Act. The motion carried with a voice vote: (6 yes votes).

C. REQUEST TO APPROVE THE 2024 TOWNSHIP BUDGET

Trustee Powell asked Supervisor Kowall if any taxes would be raised in the proposed budget.

Supervisor Kowall responded no.

Treasurer Roman said there was a potential of a one percent administration fee being added to future tax bills.

It was **MOVED** by Trustee Powell, seconded by Clerk Noble to approve the 2024 Township Budget as presented. The motion carried with a roll call vote: (6 yes votes) (Smith/yes, Noble/yes, Kowall/yes, Roman/yes, Voorheis /yes, Powell/yes).

D. RESOLUTION #23-052; LIQUOR LICENSE APPLICATION FOR 9260 COOLEY LAKE ROAD - FILLING STATION BURGER BAR LCC

Clerk Noble introduced the request. He indicated the Township has 3 remaining liquor licenses. The investigation regarding the application was complete.

Applicant Stacey Orosz, owner of Filling Station (formerly Nick and Tony's), was present. She said she lives behind the restaurant, and has owned small take-out businesses for the past 15 years. The restaurant would be open until 9:00 P.M., and she wanted to have beer and wine options for the community.

Supervisor Kowall said the licenses are reserved for different economic districts. He said there are two reserved for the Town Center District, and one reserved for the Pontiac Lake Gateway District. He added there may be another avenue for Ms. Orosz that will not affect the Township's license quota.

Treasurer Roman clarified the types of available licenses and asked the applicant about her business.

Ms. Orosz spoke to the current finances of the business. Currently, she is only breaking even with the restaurant and would do better business with a liquor license. She also mentioned she was not made aware prior to opening there was no outdoor food service allowed at the property.

Trustee Smith welcomed Ms. Orosz to the community, and said applicants for liquor licenses had in the past approached the Board prior to opening for a liquor license request.

Clerk Noble asked Ms. Orosz how long it took to get her liquor license at her Lake Orion restaurant.

Ms. Orosz said Lake Orion had no available licenses. She was able to receive the license through the DDA by providing a community benefit.

Director O'Neil addressed the outdoor seating ordinance.

Trustee Smith asked Attorney Hamameh if the remaining licenses could be held indefinitely.

Attorney Hamameh confirmed.

Treasurer Roman asked Supervisor Kowall if a liquor license could be transferred out of the Township once received. Supervisor Kowall confirmed. Attorney Hamameh added that liquor licenses could be transferred after three years if the liquor commission deemed it acceptable.

It was MOVED by Supervisor Kowall, seconded by Treasurer Roman, to deny the Liquor License Application for 9260 Cooley Lake Road - Filling Station Burger Bar LLC. The motion carried with a roll call vote: (5 yes votes) (Voorheis/no, Powell/yes, Smith/yes, Roman/yes, Kowall/yes, Noble/yes).

- E. REQUEST TO APPROVE AGREEMENT BETWEEN WHITE LAKE TOWNSHIP AND HURON VALLEY YOUTH SERVICES

Supervisor Kowall stated the money from the program would benefit children within the Township with counseling services, prevention of juvenile delinquency, and for youth education and recreational services.

The funds would come out of the General Fund since the program was not included in the 2024 CDBG Program; the funding previously came out of the General Fund before when it was not included in the CDBG Program.

It was MOVED by Trustee Powell, seconded by Trustee Smith, to approve the agreement between White Lake Township and Huron Valley Youth Services for a donation of 7,994.90 and to authorize the Supervisor to sign the agreements. The motion carried with a voice vote: (6 yes votes).

F. RESOLUTION #23-050; CONFIRMING THE SPECIAL RE-ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED 2021-2025 RESIDENTIAL REFUSE COLLECTION PROJECT

The Assessing Office kept track of parcels that needed to be removed from this assessment. Nine parcels would be removed this year due to demolitions, and 73 parcels would be added due to new construction.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall, to approve Resolution #23-050; Confirming the Special Re-Assessment Roll for The Special Assessment District Designated 2021-2025 Residential Refuse Collection Project. The motion carried with a voice vote: (6 yes votes).

G. REQUEST TO APPROVE AXON HARDWARE REFRESH AND CONTRACT RENEWAL - POLICE DEPARTMENT

Supervisor Kowall noted the current body worn cameras and in-car recording systems are five years old and at the end of their contract.

Chief Keller spoke of his satisfaction with the Board approving AXON five years ago. He stated AXON has grown and is much more than a camera company. They are a technology company with a large share of the market. He stated the new cameras would have the ability for Dispatch to live stream remotely. The AXON cameras would be integrated with CLEMIS, the Prosecutor's Office for evidentiary purposes, and it would also integrate with the FLOCK cameras as well. This would create a mobile FLOCK system for officers on the road.

Chief Keller is requesting authorization for another five years at a total cost of \$241,301.10 to be spread over the five-year term. He stated he has specifically budgeted a line item for these expenditures and that the funding is available.

Supervisor Kowall stated this technology is constantly updating. He stated the integration with the FLOCK system is extremely important and that this has been a very successful tool.

Trustee Powell expressed his concerns about the sharing and privacy of the images obtained with the proposed AXON cameras due to their integration with the FLOCK cameras. He stated he is disturbed that the FLOCK system will not be a closed system and that it can be saved to the evidence.com system. He is concerned that we are going down the road of allowing years of retention with more storage on the cloud and governmental agencies can now add information to their investigation processes. He stated he believes it is a slippery slope allowing government to expand to keep track of people.

Chief Keller clarified that the only way evidence.com would receive the information is if the Police Department manually uploaded the information. FLOCK and evidence.com were two separate entities, and were not in integration with each other. The AXON cameras were not able to download information from FLOCK, the AXON cameras served as another camera alongside the FLOCK system. Chief Keller reiterated that the images obtained from the camera systems could only be used if they were manually uploaded as evidence.

Trustee Powell stated if the FLOCK camera can pick up an image of an emblem on the side of a car, it is going to pick up a picture of a person. He indicated with the increased storage of such information and the ability of other communities to access the information nationwide, he is concern with where this is going in respect to intrusions into privacy.

Chief Keller explained that the AXON cameras are just that, cameras. They do not download information for FLOCK. He also added, part of the integrity of the FLOCK system is that they have stop measures in place that do not allow AXON access to their operating system and can be viewed as a pass through only.

Trustee Smith asked for clarification of the body camera's image and voice recording compared to when acting as a FLOCK camera. She asked if there is no voice or recording but the image is only captured if the data is put into the FLOCK system.

Chief Keller confirmed, and added the data could also be entered by NCIC in cases such as stolen vehicle or high-risk vehicles put in the system by other police departments.

Trustee Powell added, for example, for a certain division of our government to find someone walking on the streets of Washington D.C. on a particular day they used technology they did not originally anticipate using for that purpose and he is concerned that nobody ever anticipates the end results of where that might go.

Supervisor Kowall responded that we already participate in that technology with cellular phones. He stated that it is a tool and we can only hope that the national success continues, including the protection of our officers.

Trustee Powell asked for an explanation of why any of this information would be available to the Prosecutor's Office.

Chief Keller stated it is only available from the Police Department and that the Prosecutor's Office cannot access the department's cameras. The prosecutor's office can only access data the police upload to the system and then they would download it from the system.

Trustee Powell asked if they can get a Court Order to obtain data.

Chief Keller said they could not get a court order just to get the data and would need to have a valid reason but if a judge issued such an order for any camera, the police would have to abide by the order. He reiterated that it is a vehicle recognition system and not a facial recognition system.

Trustee Powell stated he is in full support of the Police Department; he just has some concerns about this technology.

Trustee Smith stated she wanted to make it known that the Chief is speaking to a Republican Board and things like this makes their hair stand up a little bit. She stated she thought the FLOCK presentation was thorough and Chief Keller did a good job answering the Board's questions. She stated ultimately her vote is driven by public safety.

Attorney Hamameh said her firm was successful with negotiating the terms of conditions from AXON in other communities, and would like to include language regarding attorney review and approval in tonight's motion.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall, to approve up to \$242,000.00 for the AXON Hardware Refresh and Contract Renewal - Police Department, subject to attorney review and approval. The motion carried with a roll call vote: (6 yes) (Powell/yes, Voorheis/yes, Roman/yes, Smith/yes, Noble/yes, Kowall/yes).

H. FIRST READING; AMENDMENT TO FEE ORDINANCE, ORDINANCE NO. 129

Clerk Noble briefly went over the proposed amendment regarding the cost adjustment for cemetery costs. He noted Treasurer Roman had asked about clarification of the fee for multiple cremations. He also stated in response to Trustee Powell's question, the Clerk's Office will update that language so that it is easier to follow the price increase of \$150 for multiple cremations and not an additional \$700. The \$700 represents the total of a \$500 fee plus the additional \$150 for more than one cremation burial.

It was MOVED by Supervisor Kowall, seconded by Treasurer Roman, to move the amendment to the Fee Ordinance, Ordinance No. 129, to the second reading with the noted clarification for Section D. The motion carried with a voice vote: (6 yes votes).

I. RESOLUTION #23-054; REAFFIRMING THE RATIONALE BEHIND THE TOWNSHIP BOARD'S APPROVAL TO EXTEND PART OF A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE 4 CORNERS SQUARE LLC - CERTIFICATE #C2016-015A

Assessor Hieber stated based on this Board's previous directives, the Township submitted the applicant's extension request to the State. The response from the State was that they could recommend the approval if the Board's actions were outlined in a resolution.

Supervisor Kowall explained the matter is a housekeeping matter of what the Board previously approved.

Trustee Smith indicated she would not be voting yes for this matter.

Board members discussed the previous Board's vote.

It was MOVED by Supervisor Kowall, seconded by Clerk Noble, to approve Resolution #23-054 as drafted by Counsel and reviewed by the Assessor. The motion carried with a roll call vote: (5 yes votes: (Voorheis/yes, Powell/yes, Roman/yes, Kowall/yes, Noble/yes, Smith/no).

J. REQUEST TO APPROVE DISTRIBUTION OF 2024 MASTER PLAN FOR 63 DAY PUBLIC REVIEW

Director O'Neil said the request was simple; it was required by law for the Township Board to approve the release of the Master Plan for public review. The Planning Commission recommended approval of distribution of the 2024 Master Plan for the 63 Day Public Review at their meeting on October 19, 2023. Final action on the plan would potentially happen in February of 2024. An Open House for the Master Plan was scheduled for Thursday, December 7 at 7:00 P.M.

Trustee Smith said the Master Plan was a planning tool and guide. The Township would give the public opportunity to give their comments on the Township's future.

It was MOVED by Clerk Noble, seconded by Trustee Powell, to approve distribution of the 2024 Master Plan for 63 Day Public Review. The motion carried with a voice vote: (6 yes votes).

K. RESOLUTION #23-044; TO ESTABLISH THE MEETING DATES OF THE WHITE LAKE TOWNSHIP BOARD OF TRUSTEES FOR CY2024

Treasurer Roman noted that the Township Board meeting times were changed to 6:30 P.M. instead of the current 7:00 P.M. Director O'Neil requested that the time change be made across all the meetings (Planning Commission, ZBA, Parks & Recreation Committee). He added that he would like the CIA meeting start time of 5:00 P.M. to remain unchanged.

It was MOVED by Clerk Noble, seconded by Treasurer Roman, to approve Resolution #23-044, establish the meeting dates of the White Lake Township Board of Trustees for CY2024.

Additionally, to apply the 6:30 start time for all the Boards and Committees except the Corridor Improvement Authority. The motion carried with a voice vote: (6 yes votes).

L. RESOLUTION #23-051; TO APPROVE INFORMATION TECHNOLOGY SERVICES AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE TOWNSHIP OF WHITE LAKE

Trustee Powell commented on the expansive language in this document and feels it could only be written by an Attorney.

Attorney Hamameh noted that the resolution specifically authorizes the Supervisor to execute the agreement and for the Police Chief to complete the portion related to CLEMIS.

It was MOVED by Clerk Noble, seconded by Supervisor Kowall to approve Resolution #23-051; To Approve I.T. Services Agreement Between the County of Oakland and The Township of White Lake. The motion carried with a voice vote: (6 yes votes).

FYI

A. 9885 CEDAR ISLAND ROAD UPDATE

Attorney Hamameh advised that the judge granted all the relief the Township requested; specifically, to declare the property a nuisance. It was also ordered that the defendant clean up the property at his sole cost to Township's compliance within 90 days. If the cleanup was not cleaned after 90 days, the Township or an agent may enter the property after a 90-day period and clean up the property at the defendant's expense. In the event the defendant does not pay the cost, a property LIEN can then be place on the property.

The order was supposed to be signed by Attorney Hamameh and the attorney for the defendant, but the attorney for the defendant did not sign. Attorney Hamameh had to submit an order to enact the 7-day rule. This meant that the order would be submitted to the court, the defendant's attorney would be notified, and if there was no objection from the defendant's side, the judge would sign. The order was submitted with no rejection, and Attorney Hamameh was waiting on the judge's signature. Once the order was signed, the 90 days would go into effect.

B. CIVIC CENTER COMMITTEE UPDATE

Treasurer Roman stated the project was in the design and development phase. There was still work being done to the exterior design. The furniture committee would be looking at furniture showrooms next month. He added the bond market's interest rates were coming back down, which is good for the Township.

Supervisor Kowall added he and Trustee Powell visited the Oakland County Road Commission to hammer out details regarding the Elizabeth Lake Road Project. They had a good conversation, and he anticipated receiving the permit soon.

Trustee Powell indicated he is thrilled with the look of the building and he wanted to point out for Trustee Smith that concerns for the window level behind the Township Board room were addressed and spectators would no longer be able to peer in behind the Board members.

Trustee Smith stated she is glad because safety of the Board room is important.

TRUSTEE COMMENTS

Supervisor Kowall: The Tree lighting ceremony was December 1st, and beginning December 3rd, the Township would be collecting canned goods for the "Can the Halls" program. He thanked everyone for attending the meeting today, in person or online. He said our country was the land of the free because of the brave, and the Veteran's service was great. It was very important that the community was appreciative of their service. The Fire Department was doing a coat drive, and he and Chief Keller recently delivered outdoor wear and gear to the local elementary schoolchildren. He encouraged donations to the Can the Halls program.

Trustee Voorheis: The Fire Department is hosting a Coat Drive and she will not be able to attend so she dropped off coats early. She noted while she was in the fire hall, she saw a painting of a flag by Captain Crean. She thought the painting was fabulous and complimented Captain Crean on his work. She acknowledged Human Resources Manager Cathy Derocher for all her salary work with the Labor Attorney. She hopes we are done with salaries for 2024. She wants to see everyone at the Tree Lighting.

Trustee Powell: He recently returned from a cruise originally designed to be a visit to the Holy Land. He met many people and discussed current world events. He offered daily prayers for the country daily.

Treasurer Roman: He thanked everyone in attendance and wished all a Happy Thanksgiving.

Clerk Noble: He requested a moment of silence for the fallen officer in Austin, Texas. He wished everyone a Happy Thanksgiving.

Trustee Smith: She thanked the Police Foundation for their donation of coats and boots for our community students. She thanked the VFW Post for their Veteran's Day Ceremony. The Library had a Red Tote Donation box for Community Sharing. She wished a happy and safe Thanksgiving to all.

Supervisor Kowall summarized the holiday and outreach programs here in the Township.

ADJOURNMENT

It was MOVED by Clerk Noble, seconded by Trustee Smith, to adjourn at 8:53 P.M. The motion carried with a voice vote: (6 yes votes).

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk
Charter Township of White Lake

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