

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Special Board of Trustees Meeting
August 6, 2020

Supervisor Kowall called the meeting to order at 5:31 p.m. The meeting was held via Zoom video conferencing. He then led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor
 Terry Lilley, Clerk
 Mike Roman, Treasurer
 Michael Powell, Trustee
 Andrea C. Voorheis, Trustee
 Liz Smith, Trustee

Absent: Scott Ruggles, Trustee

Also Present: Lisa Hamameh, Attorney
 Sean O'Neil, Planning Director
 Aaron Potter, DPS
 Jennifer Edens, Recording Secretary

AGENDA

Supervisor Kowall amended the Agenda as follows:

- Drop Item D
- Add as an FYI, Item G – Emergency Expenditure Fire Department

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

PUBLIC COMMENT

No public comment.

EXECUTIVE CLOSED SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATION, IN ACCORDANCE WITH MCL 15.268(h)

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to recess into closed session to consider attorney/client privileged communication, in accordance with MCL 15.268(h). The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Lilley/yes, Smith/yes, Powell/yes, Voorheis/yes).

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to open general meeting. The motion **PASSED** by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Smith/yes, Voorheis/yes, Powell/yes).

NEW BUSINESS

A. CONSIDER AMENDMENT TO SEWER ORDINANCE CHAPTER 38, ARTICLE IV, SEC 38-418

Attorney Hamameh reminded of previous discussions in regards to amending the sewer ordinance definition of available public sanitary sewer system and that at the last meeting, Aaron Potter brought to the Board a request for consideration to amend the ordinance to be consistent with the state law. She furthered that the proposed amendment does just that. The difference between the public health code and the local ordinance is where the two-hundred feet is measured from; property line versus structure.

Aaron Potter added that he is looking to amend two ordinances:

- Sec 38-418 under definitions of available public sanitary sewer.
- Sec 38-514, the property connected to the sanitary sewer system, the sewer system does not extend the full width of owners property, they will be responsible for extending the sewer system at the owners cost across the entire width of such owners property so as to allow future extension of the sewer system to joining the property. In the event of a corner lot, the property owner shall be responsible for extending the sewer along both width and length of the property along both roads of which the property is located.

He would like to amend to clearly define the interpretation of a right of way, to define them as separate, but connecting right of ways. He stated that the way the ordinance, and even the state ordinance is written, has allowed a lot of interpretation on this subject. He feels this is an important issue and asks the Board to make this clear. He reminded that there are a few issues that the Board is currently addressing that is directly impacted by this. He is asking the Board to approve him to work directly with the Township attorney to amend Ordinance Sec 38-514 to clearly define the interpretation of right of way; defining them as separate connecting right of ways and adopt the two-hundred-foot rule that is defined by MCL 333.12751. It would allow DPS to have more control of expansion of the system in a fair manner, rather than forcing the area of sewer expansion in areas that may not go along. It would also allow them to use unlimited financial resources for sewer systems in areas that are ecologically sensitive or areas of development.

Attorney Hamameh confirmed with Mr. Potter that the ordinance amendment on the Agenda is not what Mr. Potter is recommending and that he wants to make more tweaks to that definition. Additionally, he is recommending that the Township Board strike the second sentence in the corner lot section.

Trustee Smith would like to see the Board move these two amendments forward so that the residents that are in need right now can be served. She is also requesting a workshop to address this ordinance properly.

Treasurer Roman supports the idea of rewording talks of right of ways, easements, highway, or public ways and how it abuts or crosses the lots. He is in favor of making it clearer. Regarding the two-hundred-foot rule, he declared that White Lake's position has always been that you measure from the sanitary sewer system to the property line as opposed to Mr. Potter's recommendation of system to structure. The way it is written now is what he supports. It is more restrictive and that is why he likes it. He is concerned that future S.A.D.s will allow homes to get out of having to hookup. He is also concerned that new builds will be purposefully built to avoid having to hookup to sewers. The idea is to get as many people possible on to the sewer system. He does agree with Mr. Potter regarding the corner lots. It will avoid homeowners having to put sewers on two sides of their property when they are only going to benefit from one side. He asked that Mr. Potter and counsel to make sure that striking that one sentence does what it needs to do and does not open a can of worms.

Trustee Powell echoed his agreement with Treasurer Roman. He thinks the interpretation needs to be redefined in terms of right of way. He believes the ordinance is clear that it is the right of way that the sewer is in but believes it can be tweaked so that there is not more interpretation. He is in total agreement with Treasurer Roman regarding the two-hundred-foot rule. It is meant to promote the extension of the sewer, faster. He believes a subcommittee needs to discuss the pros and cons of the two-hundred-foot rule. He further questioned Mr. Potter whether it would make more sense to tie into the Master Plan when it comes to corner lots.

Mr. Potter indicated they always refer to the Master Plan when appropriate.

Clerk Lilley for the record supports Trustee Powell's comments.

Supervisor Kowall explained for the benefit of the public that when there is a sewer available to you one road or another, the ordinance as it is currently written mandates that you would need to have the sewer not only one side, but would potentially have to run it down the other side. The reality of it is that you are using the sewer in front of your property and it benefits you one time. His opinion is that in all fairness the property owner should not have to pay for both runs. If there is an S.A.D. then you would not be assessed, but the service could still go through to your neighbors. The Board is trying to define if the sewer is in front of your property, and you have the ability to tap into it, and you pay for it without causing financial harm, to expand the system, which is the goal.

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to request the Director of the Department of Public Services to work directly with the Township attorney to amend Ordinance Section 38-418, to include a clearly defined interpretation of the right of way, defining them as separate but connecting right of ways, therefore not to confuse the need to extend the sewer down both right of ways. Also, that the two-hundred-foot rule remain as presented in the Ordinance to be further evaluated under future study. Section 38-514 be looked at and amended by the DPS Director and Township attorney removing the second sentence that requires an extension down

both sides of a corner lot. The motion PASSED by roll call vote (Lilley/yes, Roman/yes, Smith/yes, Voorheis/yes, Powell/yes, Kowall/yes)

B. CONSIDER AGREEMENT FOR DEFERRAL OF SEWR CONNECTION REQUIREMENT (55 JESSWOOD LANE)

Attorney Hamameh recalled that at the last meeting that Treasurer Roman did not feel that according to the ordinance that a deferral was required because sanitary sewer was not available under the definition of the Township Ordinance. After further review, Ms. Hamameh and Mr. Potter agree that sewer is not available for 55 Jesswood Lane and therefore a deferral agreement is not required.

Trustee Powell requested that the Health Department be contacted to reissue a permit.

Samantha Malinowski, 55 Jesswood Lane. Questioned whether the deferral vote nullifies all the terms that she would have to sign and/or notarize and that she would just get her septic field done. She feels she is getting mixed signals. She confirmed she would no longer be required to sign the S.A.D.

She furthered that the language and process is incredibly stressful when you do not speak the political language. There is a great financial cost to her and therefore important to her. She declared that this has been a very frustrating process.

Trustee Smith responded that this Board expedited and held this special meeting to address her needs as quickly as possible and serve her as a resident.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley that because sewer is not available to 55 Jesswood Lane to consider the deferral agreement a moot point. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes).

C. REQUEST TO APPROVE BUILDING ELEVATION AMENDMENT TO SPRADER'S CONSENT JUDGMENT

Supervisor Kowall noted that Mr. Sprader is doing a total renovation of his establishment. He is requesting to make a minor elevation change. It allows egress out of that area and allows a cross ventilation and view of the lake. He noted that it really does not change the overall look and design of the building. He furthered that even though it is a small change with no objection from the Planning or Building Departments it does affect the Consent Judgment which required it to be brought back before the Board for its approval.

Trustee Powell is a major supporter of this new structure. He stated for the record that the owner needs to be careful not to keep sneaking up on changes with the thought that it will be rubber stamped at the Board level. There becomes a point in time when the Board will start to think they are being taken advantage of. With that said he agrees with the intent here, but it would be nice if it does not have to come back to the Board with additional changes.

Sean O'Neil understands this will also include the removal of the nonconforming post pylon sign in front of the building, which is a benefit from the zoning ordinance aspect. The ordinance allows for a wall sign which was discussed with Mr. Sprader, as was a lake side sign. Mr. O'Neil has no objection to the amendments.

Mr. Sprader noted that he is not trying to take advantage of anything. He reminded that the drawings were drawn over thirteen years ago and if drawn today, they would be drawn differently. He apologized for having to ask. He thanked the Board for everything.

Trustee Powell asked that both the Building and Planning Department heads be cognizant of lake lighting and reflection of the same.

Trustee Smith noted for the record that she did her homework regarding this topic ahead of time and that she has no questions.

Attorney Hamameh asked the Board's intention from a procedural standpoint regarding whether the Consent Judgment should be amended.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve the architecture for the dormer and the agreement regarding the signage and instruct the Township attorney to amend or seek to amend such consent judgment to reflect those changes. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes).

D. REQUEST TO APPROVE USE OF PREVIOUS TOWNSHIP LOGO FOR NEW WEBSITE

Removed from Agenda

E. REQUEST TO APPROVE DLZ PROPOSAL FOR CIVIC CENTER DEVELOPMENT COMMITTEE PROJECT

Supervisor Kowall summarized that this project is part of the Civic Center Development Committee's (CCDC) ongoing study into the development, marketing, and handling of the Township civic center area moving forward. They have reached a point where there will be a need for some conceptual items. He reminded that the CCDC only acts as an advisory board to the Township. He has been impressed with the Committee. He would like to give a snapshot of what the needs and requirements are and the conceptual ideas as well. Something to provide direction as to what it is and where we want it to go.

Sean O'Neil indicated that the Civic Center Development Committee is long overdue for a meeting. He believes it would be a good idea to have a combined meeting with the Committee and the Board. They are at a point of finalizing the RFQ that will be sent out. He stated that some of the information in this proposal is helping them frame the concept to share with prospective developers that may want to partner with the Township. He furthered that the pandemic has complicated/confused the matter. He will feel more comfortable bringing the Board into the fold as they are the ultimate decision makers. He does not want to lose momentum.

Trustee Smith thanked Mr. O'Neil for speaking up and advocating for her position after their conversation. She thinks a joint meeting is long overdue as this Board has not been updated at all and that there has been zero communication from the CCDC to the Board. She stated that this Board represents the residents, it monitors the money and she is sorely disappointed in the lack of communication. She is not comfortable spending \$20,000 of taxpayer's money without meeting first. She feels this is too important to

have communication lacking. She noted that she had to track down information that they were not made public as indicated by Supervisor Kowall. She questioned how she would know what to ask for something, if she does not know it exist.

Supervisor Kowall believes that to be an untrue statement.

Treasurer Roman has been involved as a fill-in for Mr. Lilley. He would like to know more about how this proposal differs from the conceptual drawings that have already been done.

Supervisor Kowall indicated that would be part of the engineering package (i.e. placement of the buildings, placement of roads, and necessary infrastructure) it was never part of the original proposal. The original work was based on a larger picture. He stated that they are now taking it down to a macro (i.e. where the buildings will go). Further he stated that this is the natural progression which is the placement of the buildings and that there is not a full solid picture that can be given until this is done.

Treasurer Roman is not convinced that they are there yet. He questioned if a dog park would be built and was advised that it will be determined down the road. He further questioned how do you have a concept if you do not know what you are even going to have.

Supervisor Kowall indicated the park itself will be part of a Master Plan that Mr. O'Neil is putting together to request an RFQ. This is more of a mechanical and physical placement of roads and buildings in relationship to the property. This has nothing to do with the park except how it will be accessed. He indicated this is strictly the Township facilities, where the public safety building would go, the road would go in relationship to the public safety building. He indicated that it defines the needs for the Township so that there can be a concept that can be presented when another person is looking at this. He reminded what Clerk Lilley noted prior that our needs be met first.

Mike Leuffgen, DLZ. Clarified that the original contract that this would be an amendment to was specifically for the township hall building with the special analysis for that building. This amendment takes a step back from that one building and looks at the overall site and how things will fit into the property.

Sean O'Neil indicated that the Township does not want to sell itself short. This would give a rough idea of space needed and provide a footprint first before we can go to a future partner. He stated that the Township does not want to put the cart in front of the horse. The park is separate and the only thing in common is maybe an entrance. He is just trying to get from concept to draft.

Trustee Powell shares in Trustee Smith's concerns that there is a lot of information out there that has not been shared with the Board. He believes the Board would be excited to see all that has been done. His concern is that he does not believe DLZ is an expert in development, they are expert planners and engineers, but a not developers. He thinks it would be great to make a presentation to the Board and maybe have a potential partner help in the layout that DLZ is proposing. He has concerns that the experts that know how to build, lease, and make a profit will come back and say this is unacceptable. He feels it would be nice to have that arm included with what DLZ is proposing. He agrees that what they are proposing needs to be done but has concerns that it is premature.

Clerk Lilley reminded that there is a Board meeting on August 18, 2020.

It was MOVED by Trustee Smith, SUPPORTED by Clerk Lilley to table to the August 16, 2020 meeting and request a workshop or joint meeting with the Civic Center Development Committee to allow for the Board to be informed. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/no).

F. DISCUSSION REGARDING PREPAREDNESS PLAN

Attorney Hamameh indicated this is a fluid document. She suggests the Supervisor seek the authorization of the Board to amend the Plan as new executive orders were released and changes in the CDC guidelines were implemented.

Trustee Smith has no objection to this if the Board is kept informed before it goes public.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to allow the Supervisor to address the fluid preparedness document as necessary and keep the Township apprised. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Lilley/yes, Roman/yes, Kowall/yes).

G. FYI – EMERGENCY EXPENDITURE FIRE DEPARTMENT

Supervisor Kowall shared that early this morning he was contacted and informed that the oxygen compressor deteriorated and failed, which means the Fire Department does not have the ability to fill their oxygen tanks that are carried as backpacks into fires. He therefore authorized an emergency acquisition for a compressor. The approximate cost of the order is \$27,000. The safety and well-being of firefighters are important and he wanted to inform the Board of the same.

TRUSTEE COMMENTS

Trustee Powell hopes the Board members make themselves available when the Supervisor asks for a work session. He congratulated his colleagues that were reelected on Tuesday. His heart goes out to Clerk Lilley as it has been an honor and a pleasure to work with him. He knows his chair will be hard to fill. He also thanked his fellow residents for the humbling honor to be reelected and pledges to do his best.

Trustee Smith echoed Trustee Powell's comments. She thanked the residents for entrusting the Board. She is sorry that Clerk Lilley will not be continuing with the Board. She thanked Clerk Lilley for his long hours on election night and throughout the process. She thanked the residents for getting out to vote. She would like to see a workshop before the August 18th meeting to allow for a freer discussion.

Treasurer Roman indicated that he will not say goodbye to Clerk Lilley because he knows that he will be around and will be heard. As for the DLZ proposal, he thinks it would be good for the Board if DLZ could provide an example of what they are going to for the Township from what they have done from another community already. It would provide the Board with a better idea of what they are going to get next.

Trustee Voorheis shares the same sentiments as Trustee Smith and Powell. She reminded the Board members that there is still a democratic opponent and that they must bring it until the November election. She is hopeful that there will be a celebration for Clerk Lilley and had enjoyed working with him. She closed with stay safe and be healthy.

Clerk Lilley indicated that he congratulated Mr. Noble who worked hard for the position. He would prefer to reserve comments until he is more rested following the strenuous election process.

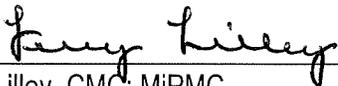
Supervisor Kowall indicated that he has appreciated everything Mr. Lilley has done, including chewing his ear when he needed it. He appreciates all the knowledge that he has and that there is no doubt in his mind how much he cares about this community. He further thanked all the residents that voted. He noted that sometimes change is good and sometimes it is not so good and that we have no idea where this country will go in this November election. Good night God bless White Lake.

ADJOURNMENT

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

The meeting was adjourned at 7:28 p.m.

I, Terry Lilley, 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 6, 2020 special board meeting minutes.



Terry Lilley, CMC; MiPMC
White Lake Township
Oakland County, Michigan