

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
July 16, 2019

Supervisor Kowall called the meeting to order at 7:01 p.m. 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
 Scott Ruggles, Trustee
 Liz Smith, Trustee
 Andrea C. Voorheis, Trustee

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

AGENDA

Clerk Lilley noted the following additions to the Agenda:

- New List of Bills
- Fire Department Promotion Presentation

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the Agenda as amended. The MOTION PASSED by voice vote (7 yes votes).

PUBLIC COMMENT

Toni Meisel, Pinecrest Drive. She reminded that she attended last month's meeting and of the problems that she and her neighbors are having with their septic systems. They have been working with the Township for over a year to extend the sewer line into their subdivision. She stated that the Township keeps extending the scope of the project to make the success of extending the main impossible. She is not the only resident having these issues. She noted that Mr. Dery received a call from Mr. Potter on June 21, 2019 indicating that the Township is going back to the original request of Pinecrest Drive and Pinecrest Court. It was further indicated that they would receive paperwork by June 24th to obtain signatures. She furthered that as of June 28th that paperwork was not received and now Mr. Potter indicated they would have it next week or it may be extended due to the holiday. It is well past that and they still have received no paperwork. She stated that she has been trying to work through the association president but cannot seem to get any information. She reminded that unless you have lived through this problem, you don't know what she is going through. She should not have to pay \$50,000 to install an engineered septic,

especially since an S.A.D. has been started and there is 60% approval from her street alone. Her frustration is that promises are not kept. She is looking for support from the Board for an emergency sewer line installation. She further questioned when this will end. She asked the Board to care and questioned again, what can be done tonight to move this through.

Doug Klein, Cedar Island (near Mr. Ron's vacant property). He questioned the status of the market and if it will be torn down or refurbished. He believes it has been an eyesore for about seven years. There are drug sales and vandalism taking place.

Mike Kitchen, Pontiac Lake Road. He lives on the gravel portion of Pontiac Lake Road. He is unclear of the process but would like it on the agenda next month. They are not getting straight answers and he is here to figure out what the path is to get changes made. Not necessarily paving, but something to stop all the accidents (i.e. three way stop), something to slow down the dust. He questions what the proper steps are.

Bill Sinzheimer, Aspen Meadows President of the Homeowners Association. He is here tonight to ask a rhetorical question. Who does the Building Department and code enforcement people work for? Do they work for White Lake? Doesn't White Lake work for the taxpayers? Why aren't they doing something about what is going on in Aspen Meadows. He has talked to Brent, Aaron and Jason regarding the dumping on the empty lots. He was told that it is a construction site and that is construction material. He presented the Board with photographs of the site(s) he references. He furthered that there are more than just construction materials. There are trusses that have been there since last Thanksgiving. They pay taxes, we are in White Lake and White Lake does nothing to help. He invites the Board to drive to the location and see for themselves. He wants to know what the Building Department does and what code enforcement does. He indicated that they need to hold the hammer to developers and builders. He furthered that they are the ones that issue building permits and that they are not being held accountable. He has written letters to the developer threatening fines, but believes the Township needs to intervene.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSE**
- C. CHECK DISBURSEMENT**
- D. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. TREASURERS REPORT**

It was MOVED by Clerk Lilley, SUPPORTED by Supervisor Kowall, to approve the Consent Agenda. The MOTION PASSED by voice vote (7 yes votes).

PRESENTATION

Presentation by Supervisor Kowall. He provided a brief employment background of firefighters Lieutenant Jim Craft and Lieutenant Jason Crean, and promoted them to the rank of Captain. Supervisor Kowall welcomed their families to join in the pinning of the rank.

MINUTES

A. APPROVAL OF MINUTES - REGULAR BOARD MEETING, JUNE 18, 2019

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Powell to approve the Minutes of the Regular Board Meeting dated June 18, 2019. The **MOTION PASSED** by voice vote (7 yes votes).

PUBLIC HEARINGS WITH RESOLUTIONS

A. HEARING TO ESTABLISH THE SPECIAL ASSESSMENT DISTRICT FOR MEADOW LANE ROAD MAINTENANCE

It was **MOVED** by Supervisor Kowall to open public hearing. The **MOTION PASSED** by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Ruggles/yes, Smith/yes, Powell/yes, Voorheis/yes).

No comments made.

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to close public hearing. The **MOTION PASSED** by voice vote (7 yes votes).

B. RESOLUTION #19-024; DETERMINING TO UNDERTAKE A ROAD MAINTENANCE PROJECT AND TO ESTABLISH AND MAINTAIN A SPECIAL ASSESSMENT DISTRICT FOR MEADOW LANE

It was noted that on Page 2, No. 6, the date should be corrected to read December 31, 2023, not 2018.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve Resolution #19-024 and set a second hearing date of August 20, 2019. The **MOTION PASSED** by voice vote (7 yes votes).

RESOLUTIONS

A. RESOLUTION #19-026; INTENTION TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS EMERGENCY SEWER HOOK-UP 2019-02

Supervisor Kowall opened it for public comment. No comments were made.

The matter will appear again before the Board for Public Hearing on August 20, 2019.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the Intent Resolution #19-026. The MOTION PASSED by voice vote (7 yes votes).

OLD BUSINESS

A. SECOND READING, RENTAL PROPERTY ORDINANCE

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the Rental Property Ordinance with provisions. The MOTION PASSED by voice vote (7 yes votes).

B. SECOND READING, ORDINANCE TO AMEND CHAPTER 38, ARTICLE II, SEC. 38-245 WATER SYSTEMS CODE OF ORDINANCES

Attorney Hamameh noted that there are no proposed changes between first and second reading.

Trustee Powell complimented Mr. Potter for reaching out to him and going over the Ordinance with him. He likes the changes and is in favor of the Ordinance.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to approve the Ordinance to Amend Chapter 38, Article II, Sec. 38-245. The MOTION PASSED by voice vote (7 yes votes).

NEW BUSINESS

A. FIRST READING, ORDINANCE TO AMEND CHAPTER 18, ARTICLE II – FIRE CODE

After some discussion and concerns raised by the Board regarding outside storage and the language contained, it was suggested by counsel that the matter be postponed. Fire Marshall Holland requested concerns/issues be emailed to him.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to postpone. The MOTION PASSED by voice vote (7 yes votes).

B. REQUEST TO PURCHASE REPLACEMENT MECHANICAL COMPRESSION DEVICE

Chief Marinucci indicated that based on the department evaluation and the related costs, the Fire Department is requesting permission to purchase two (2) Lucas3 mechanical compression devices in the amount of \$28,822.30 from Stryker.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the purchase of three two Lucas3 units from Stryker in the amount not to exceed \$29,000.00. The MOTION PASSED by voice vote (7 yes votes).

C. REQUEST TO PURCHASE REPLACEMENT SELF CONTAINED BREATHING APPARATUS

Chief Marinucci indicated that the Fire Department is requesting authorization to purchase 32-self-contained breathing apparatus (SCBA), 32 additional spare cylinders, 46 face pieces and protective bags, 18 battery packs and 3 station chargers. The cost is not to exceed \$204,867.88.

It was noted that grant applications were denied.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the purchase of 32 SBCA, spare cylinders, 46 face pieces and protective bags, 18 battery packs and 3 station charges from Apollo Fire Equipment not to exceed \$205,000.00. The MOTION PASSED by voice vote (7 yes votes).

D. REQUEST TO PURCHASE REPLACEMENT FIRE COMMAND VEHICLE

Chief Marinucci noted that this request would replace a 2014 Ford Explorer with 85,000 miles. The request is to purchase a 2019 Grand Cherokee from M-59 Szott (local dealer) for \$26,499.00.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the purchase a Jeep Cherokee from Szott Automotive in the amount of \$26,499.00. The MOTION PASSED by voice vote (7 yes votes).

E. REQUEST TO APPROVE PUMP 1 REPLACEMENT FOR MEIJER SANITARY LIFT STATION

Aaron Potter indicated they have been completing Saw Grant Assessments (Storm Asset Management and Wastewater) and during said assessment of the Meijer Pump Station it was discovered that it is showing symptoms of failure and it has been taken out of service.

He is asking the Board to authorize the WRC to purchase and install the replacement pump. The pump will be converted from a Flygt pump to an ABS pump, which will save approximately \$7,000. He asks the Board to approve this purchase not to exceed \$30,000.00.

Brief discussion or questioning as to why Oakland County didn't discover this during their routine maintenance took place.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Ruggles to authorize DPS to purchase an ABS pump to replace the Meijer Station Pump 1 using county contractors not to exceed \$30,000.00. The MOTION PASSED by voice vote (7 yes votes).

**F. REQUEST TO APPROVE EGANIX HYDROGEN SULFIDE REDUCTION SYSTEM
INSTALLATION FOR MEIJER AND KROGER SANITARY STATIONS**

Aaron Potter indicated that over the past couple years, DPS has received numerous complaints of an obnoxious odor (H₂S/Hydrogen Sulfide) from residents along Elizabeth Lake Road and Oxbow Lake Road. DPS in conjunction with WRC identified several areas where it is exiting the pressurized sewer system in larger concentrations than the odor control filters can handle. It was noted that the smell is so bad that some residents cannot even open their windows in the summer. Other attempts to reduce the odor have been unsuccessful.

In 2018, approximately \$113,000 was spent to reline nearly 300ft of pipe and to replace a manhole due to extensive H₂S damage. More H₂S damage has been discovered at these sites.

Baseline data was gathered in March of this year which revealed at the stations the H₂S was 4 parts per million. He noted that 3 parts per million is the level of detection. It was extremely high at 290 parts per million at the drop connection which proves that it developed in the main and is the result of a naturally occurring anaerobic bacterial activity due to low flow, few connections and long dwell times (27 hours).

Eganix, who comes recommended by WRC, recommends a system that includes a blower aerator to the wet well at the Kroger and Meijer stations. They also recommend a one-time treatment to kill the anaerobic bacteria in the main followed by a time release treatment of aerobic bacteria which would reduce H₂S production and eliminate the problem at the source while protecting the system.

The cost estimate from Eganix includes a single source purchase that includes the equipment, operating supplies, and installation. Eganix will assist in the maintenance as well. The dosage rates and bacteria quoted are estimates based on calculation. DPS will use data collected in follow-up H₂S studies to determine the most effective dose.

Mr. Potter is asking the Board to approve the installation of Eganix equipment and purchase of materials for one year, not to exceed \$40,785.00.

Sean Egan of Eganix identified that there are only a few ways to address H₂S. This is an environmental standpoint of combatting it. It reduces the food upstream because it will reduce all the fats, oils, greases and carbohydrates. Then the bugs will be inoculated before they hit the forced main and drive up the dissolved oxygen where you have another portion of anaerobic bugs that cannot sustain life if there is more than .3 parts per million of oxygen.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve DPS hiring Eganix for the installation and purchase materials for one-year for a total not exceeding \$45,000.00. The MOTION PASSED by voice vote (7 yes votes).

G. REQUEST TO APPROVE ANNUAL SUBSCRIPTION RENEWAL OF CITYWORKS ASSET MANAGEMENT SOFTWARE

The annual CityWorks subscription license is due at this time. Mr. Potter is asking the Board to approve the annual renewal in the amount of \$9,000. He asks that the Board approve this expenditure for multiple years. DPS has used CityWorks for the past two years for asset and work management. CityWorks allows DPS track costs and attach work orders. It allows DPS to keep track of everything from start to finish on each job and to create a permanent record.

It was MOVED by Trustee Ruggles, SUPPORTED by Supervisor Kowall to approve the request for the annual renewal of the asset management software for two years not to exceed \$20,000.00. The MOTION PASSED by voice vote (7 yes votes).

H. REQUEST TO TRANSFER CABLE FEE REVENUES TO IMPROVEMENT REVOLVING FUND

Treasurer Roman is asking the Board for permission to transfer the 2018 cable franchise revenue to the improvement revolving fund to be used for future Township improvements. He noted that there is small restricted amount, but that \$509,349.00 could be moved. The current reserve is \$9.4 million in the general fund. He noted that if the Board wants to keep a full year of general fund expenditures as reserves, the Township would still have in excess of \$4.3 million.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to transfer \$509,349.00 to the improvement and revolving fund that will come from transfer of cable fee revenues. The MOTION PASSED by voice vote (7 yes votes).

I. FIRST READING, BRENDEL ROAD REZONING

Sean O'Neil identified the property known as 12-08-251-007(vacant land) located east of McKeachie Road and South of Brendel Road. It is approximately 78.8 acres. The request is to rezone the property from (AG) Agricultural to (SF) Suburban Farms.

On June 20, 2019 the Planning Commission held a public hearing at which time the Planning Commission recommended approval of the rezoning request because it is consistent with the Master Plan and Land Use Map, it is compatible with the character of the surrounding area, the rezoning will not result in spot zoning and the parcel is a reasonable module of land for single family development. Concept images were displayed for the Board's review.

Clerk Lilley expressed concern regarding driveway locations on any hilltop.

Trustee Powell confirmed with Mr. O'Neil that the Board is not approving the splitting of the property, just the rezoning request.

Brad Thompson indicated that they are allowed the bonus because they are keeping one parcel at 60% of its original size. There are 4-5 parcels that are fronting on the road. He furthered in response to Clerk Lilley that the location of the road access is at the highpoint of the hill. Five properties to the west will have direct access to Brendel Road. He further indicated that there is an approximate 1,000-foot private road.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Ruggles to move to second reading for rezoning of Brendel Road property. The MOTION PASSED by voice vote (6 yes votes – Clerk Lilley was absent during this vote).

J. REQUEST TO APPROVE QUIET TITLE ACTION FOR A PROPERTY IN SUBURBAN KNOLLS SUBDIVISION

Supervisor Kowall noted there is a well house which was disconnected years ago and remains vacant. Recently the State contacted the Township with a requirement that the Township abandon and demolish the well house structure on the property. It was discovered that despite clear obligation, the developer did not convey the well house and the property to the Township.

This request is to seek the Board's approval to authorize the Township Attorney to file a quiet title action regarding a property within the Suburban Knolls Subdivision.

Attorney Hamameh interjected that Mr. Potter has done due diligence regarding this. A title search was completed and there is nobody to contact. There are historical documents that show it was clearly the intent to convey this property to the Township.

Trustee Powell questioned the expense of filing a lawsuit, to which Attorney Hamameh gaged that it would be more than \$2,000, but less than \$10,000.

Sean O'Neil indicated that the wellhouse is dilapidated and dangerous to the community. He knows that it will be a cost to DPS as they anticipate an expense close to \$100,000 and that they will not sell said property for that same amount. He further noted that rehabbing this station would be a greater cost.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to move forward with a quiet title action for the property located in Suburban Knolls Subdivision where the wellhouse sits. The MOTION PASSED by voice vote (7 yes votes).

TRUSTEE COMMENTS

Trustee Ruggles: Announced the birth of his son, Brooks Ruggles on June 18, 2019 at 11:15 p.m. He weighed in at 7.5lbs.

Informed that the Planning Commission meets in two-days.

Trustee Voorheis: Shared a historical fact of a special board meeting held on April 28, 1913 for the purpose of voting and granting a franchise to Eastern Michigan Edison Company. She thanked Barb Allison for this information.

She and the other members of the Board wished Carol Burkard a happy birthday.

Trustee Smith: She congratulated Trustee Ruggles on the birth of his son.

The next Library Board meeting is scheduled for July 24, 2019 at 6:45 p.m.

She announced that over 1,000 library users signed up for the summer reading program. She reminded that there is still time to sign-up.

She just participated in the Police Team Golf Outing. She thanked the volunteers and officers that made it happen. She thanked her husband for the sponsorship and for organizing sixteen teams.

She encouraged residents to join the White Lake Police Department on August 3 from 11am to 3pm at the White Lake Kroger for the Zero Hunger Emergency Food Drive. They are collecting nonperishable food items and filling a police car.

She encouraged the residents that spoke this evening during public comment to email her directly. She hears you; she works for you and she wants to help you out.

She wished Brent Bonnavier well as he retired last Friday from the Building Department.

Clerk Lilley: He feels that the residents of Pinecrest made a legitimate request for an S.A.D. He doesn't know why the Township can't respond and explain to people why the costs are what they are and ask them where they want to go from there. People are complaining that they have serious issues at the present time, and he believes the Township needs to respond better to them.

With regards to Ron's Market, he read the dangerous building hearing officers report on this and other properties. He doesn't understand why dangerous building hearings are held multiple times for the same property and for the same issues, only to have the hearing officers give them more time. Some of these properties are ridiculous and Ron's Market is one of them. He declared that it is known that it was only bought for the liquor license.

As for Aspen Meadows he asked Supervisor Kowall to direct the ordinance officer out there tomorrow morning and have him report back to this Board at the next meeting.

Lastly, there is a parcel on Elizabeth Lake Road near Oxbow Lake Road. They tore down a house on a very shallow parcel and it is now advertised as three parcels. With the future consideration for a roundabout at Teggerdine and Oxbow, there is not enough room to accommodate three driveways on a parcel that had one home. He encouraged direction to Mr. O'Neil or the Building Department that this needs to be addressed. They need to be on notice that when they sell parcels, they'll need to submit site plans to show sufficient space for parking, ingress and egress out of those properties.

Trustee Powell: He is a big fan of extending sanitary sewer systems. He offered his services to Mr. Potter to meet with the homeowners and see if they can move a little faster on this. He was close to motioning that J&A start designing the sanitary sewer for that street.

Regarding the issue of gravel road portion of Pontiac Lake Road, he has personally used asphalt millings which are widely available and totally eliminates dust. He believes this free product might be an alternative.

He thinks the lots at Aspen Meadows should be addressed.

He shared that one week after Trustee Ruggles son was born, his eighth grandchild, Adelyn Joy was born. He will be traveling to Colorado to meet her.

He has been through the Citizens Academy and enjoyed learning what he did. He had the ability to offer his mother-in-laws home for training purposes. For the past year, they have been training in it and this past Sunday they did a controlled burn. He found it very interesting to watch the Police and Fire Departments use the equipment that is discussed/requested at the meetings. He has a healthy respect for both the Police and Fire Departments.

Treasurer Roman: Thanked the residence that watch the board meetings live stream and those who attend. Thank you for keeping in touch with us.

Supervisor Kowall: He had a great time at the recent golf outing. There was a great show with all the people there and sponsorships. He further thanked all the people they harassed to buy tickets.

He won't get into the sewer issue at Pinecrest. He noted they are proponents of this, but they have a responsibility to look into things at a greater scope. He commented that construction turn-around right now is taking longer than you like.

He believes that we as a community need to keep looking forward. The mechanisms that are available to save and reserve funds so that there is a lesser impact on the public is something that should be made an

absolute goal. It would be nice to go to the public for a significantly less amount of mileage than what the project is going to cost.

The community here as a whole has been extremely positive for this development. They are looking at all the different avenues to minimize the costs to the community.

He encouraged everyone to shop local. M-59 is the economic lifeline to the Township. Shop local.

Good night and God bless.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman 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, Lilley/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

The meeting was recessed at 9:04 p.m. into Executive Session.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to return to open session The MOTION PASSED by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve the employment agreement for the Fire Chief. The MOTION PASSED.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to adjourn the meeting. The MOTION PASSED by voice vote (7 yes votes).

Meeting Adjourned at 9:20 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 July 16, 2019 regular board meeting minutes.

Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan