

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
May 14, 2019

Supervisor Kowall called the meeting to order at 7:04 p.m. He then led the Pledge of Allegiance.
Clerk Lilley called the roll:

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

Absent: Scott Ruggles, 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 changes to the Agenda:

- Add 11G, Resolution to Opt-Out;
- Remove from Executive Session, 13A and 13B;
- New List of Bills dated 5/14/19;
- Remove item 10B; and
- Add item 11H, Dismissal of Lawsuit.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the Agenda as stated.
The **MOTION PASSED** by voice vote (6 yes votes).

PUBLIC COMMENT

Chief Keller, White Lake Police Department. He wanted to thank everyone and express their appreciation for the kind gestures made during Police Week.

Patricia Dove, 2800 McKeachie Road. She indicated that a man named Tom, came on her property and threw something in the stream. When approached, he indicated he was part of a grant from the state to put mosquito pellets in the wetlands in White Lake. She questioned why they were not notified of the same.

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 Treasurer Roman, to approve the Consent Agenda with the addition of the new List of Bills dated May 14, 2019. The **MOTION PASSED** by voice vote (6 yes votes).

MINUTES

A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, APRIL 16, 2019

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Voorheis to approve the Minutes of the Special Board Meeting dated April 16, 2019, as submitted. The **MOTION PASSED** by voice vote (6 yes votes).

B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, APRIL 16 2019

Trustee Powell proposed the following changes:

- Page 7, Second paragraph - change bided to bid;
- Page 9, Bottom of page – change \$20,00 to \$20,000;
- Page 9, Last paragraph – change Mike Lufkin to Mike Leuffgen; and
- Page 15, Item F, third paragraph – change the word not to no.

Treasurer Roman proposed the following changes:

- Page 3, New Business Item A – change Romans to Roman;
- Page 8, Item 8 – change Seettler's to Settler's; and
- Page 10, Paragraph 10 – change to there will most likely be a reassessment.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman to approve the Minutes of the Regular Board Meeting dated April 16, 2019, as amended. The **MOTION PASSED** by voice vote (6 yes votes).

C. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, APRIL 23, 2019

Treasurer Roman proposed the following changes:

- Page 2, Motion regarding Public Hearing - change the word Evolving to Revolving;
- Page 6, Change Tom Tracey to Tom Traciak;
- Page 7, Second from last paragraph – remove the word okay; and
- Page 8, First sentence – change from in material to immaterial.

Supervisor Kowall proposed the following change:

- Page 9, First sentence – change from costive efficient to cost effective.

Trustee Smith believes on page her statements noted on Page 14, should be more detailed and include facts and figures she stated. She would like them included in the minutes.

Approval of Minutes Special board meeting, April 23, 2019 is rescinded.

PRESENTATION

A. PLANTE MORAN 2018 ANNUAL FINANCIAL STATEMENTS

Presentation by Pam Hill, Amanda Cronk, and Christopher Gilbert of Plante Moran. The presentation included a slideshow of the high-level financial statements and references to the sixty-page packet presented to the Board. An approximate two-hour meeting was held with the three full-time elected officials going through the drafts of these statements. Over three-hundred hours were spent auditing the books of the Township for the fiscal year ending December 31, 2018. Pam Hill thanked the Board members and staff for participation in this audit. The Township's general fund came-in almost \$500,000 under budget, which is over 10% under budget. The Board should feel good about the decisions that are being made and due diligence on behalf of the department heads and others for watching the budget and looking for additional ways to save.

The Township had a good year, in part because of the expenditure's cuts and things that the Board is watching. Overall from a financial standpoint, the Township is in a very strong financial position. The Board has made hard decisions over the past ten-years to get to the point to be able to say that the Township is in a position to move forward with the growth that it has.

When asked by Trustee Powell why the library expense and costs were included as part of the Township budget, Ms. Hill noted that it must be included because the Township levied the millage to pay for the debt. It is the libraries building and the library is responsible for the maintenance and operations. Basically, the Township has it on the books, in order to facilitate the debt, it shows the expense and the revenue coming in for the debt – the proceeds received. Overtime, the property tax millage will repay any expenses that the Township had related to the library. It doesn't impact when you talk about the financial viability of the Township.

Referencing the end of audit letter, Amanda Cronk, noted that they did not deviate from their plan. They did not identify any controls that would elevate to the level of significant deficiencies or material weakness. Throughout the audit process they have identified recommendations to share with the Board. The first, being allocation of indirect cost (i.e. utilities) are not being allocated to the various departments of the Township. It is not required to be allocated but could give the Township a full understanding of what the costs truly are. The second recommendation surrounds unique challenges and unique considerations for a growing community – surrounding financial planning, capital budgeting and capital planning. Thinking longer term, with all the capital needs, improvements and goals that the Township has – formalizing that in first a capital plan and utilizing it for the longer-term forecasting would benefit the Township. The Township would be able to map out and react as things happen knowing that you have that longer-term financial plan. Lastly, how the Township is utilizing its improvement revolving fund from a budgeting perspective and planning perspective.

It was pointed out that there is a new accounting procedure that the Township will be required to adopt as of December 31, 2019, which involves fiduciary activities and what constitutes the same.

PUBLIC HEARINGS WITH RESOLUTIONS

A. PUBLIC HEARING; TO RENEW ESTABLISHED SPECIAL ASSESSMENT DISTRICT FOR BURGESS BAY AQUATIC WEED CONTROL AND LAKE IMPROVEMENT

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

Mary Garrone, 607 Burgess Drive. She has lived in her home in the corner of the bay for many years. She noted that there are no weeds near her. She doesn't believe she should be assessed in her taxes for an issue she doesn't have. She is on a retired income and \$500 a year for aquatic weed control is very pricey.

Mary Thayer, 603 Burgess Drive. She lives next door to Ms. Garrone. She too has no issue with her lake frontage. She has 125ft and it is all sandy. She is not in need of weed control. She agrees that \$500 is an exorbitant amount. She has lived there for ten years and in that time her taxes have increased over \$800. She feels that if she wanted that service provided, she could pay for it as a private citizen and not as an assessment. She really doesn't care for it and it is only a 51% necessity to push it through. There are twenty homes and she and Ms. Garrone are two of the twenty homes and they don't care for it. She asks that the individual homes that want the service pay for it as individuals and not through the assessment.

Sandy Brillinger, 555 Burgess Drive. She is a neighbor of the previous residents that spoke. She is in charge of the Burgess Bay. She knows that for the past twenty years she has been handling this and also

that it was done prior to her. She goes to each of the twenty houses and all but the two residents that spoke agree that they need this service for the weeds. She has gotten the signatures.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to close public hearing. The MOTION PASSED by voice vote (6 yes votes).

Clerk Lilley noted that the corrected version of Resolution #19-019, has a date for public hearing of the May 14, 2019.

Supervisor Kowall noted that a special assessment district was formed over twenty-years ago and it is a benefit for the bay in its entirety.

Trustee Powell indicated that a S.A.D. is legislation that allows the Township to spread the costs over residents and to have them pay their fair share. Before this legislation was approved, people would knock on each other's doors and try to get neighbors to participate in what would obviously benefit them and if they didn't want to, they didn't have to pay. You ended up with people benefiting at no cost to them. He is prepared to vote yes on this. He reminded that there will be an additional public hearing to discuss appropriate funds charged to each property owner.

Treasurer Roman urged residents that are in a S.A.D. and on a fixed income to call him. He believes there is a program that can help fund the S.A.D. for them. The monies would need to be repaid when the title changes. He is willing to look further into it for the residents.

Clerk Lilley agrees with Trustee Powell and Treasurer Roman that this is a long-standing assessment and it would be hard to determine the benefits of each individual.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Resolution #19-019 to establish a special assessment district for the Burgess Bay aquatic weed control and lake improvement for a five year assessment ending December 31, 2023 and the final hearing to be held on June 18, 2019 at the regular board meeting. The MOTION PASSED by voice vote (6 yes votes).

B. PUBLIC HEARING; CONFIRMATION OF ASSESSMENT ROLL FOR THE EMERGENCY SEWER CONNECTION 2019-01 SPECIAL ASSESSMENT DISTRICT

Supervisor Kowall noted that this is a program that allows for emergency sewer connection in areas, and to individuals if they qualify for distance to sewer, and the amenities that are related to it. It is a service that we feel is in the best interest of the Township as a whole. It does put more individuals on the sewers as we tend to see a lot of failures around the wet areas and lakes.

Clerk Lilley corrected that Resolution #19-020 should read 2019-01 throughout, not 2017-01.

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

No public comment.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to close public hearing. The MOTION PASSED by voice vote (6 yes votes).

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Resolution #19-020 to confirm the special assessment roll for the special assessment district designated emergency sewer connections 2019-01, as amended. The MOTION PASSED by voice vote (6 yes votes).

RESOLUTION

A. RESOLUTION #19-017; IN SUPPORT OF RUSSELL BEACH HOMEOWNERS APPLICATION TO THE ROAD COMMISSION FOR OAKLAND COUNTY FOR A TRAFFIC ISLAND AT CASCADE STREET

Supervisor Kowall stated this is a request by the residents of Cascade Street who are in the process of going through actions with the Oakland County Road Commission to implement a traffic island that would prevent traffic from going west onto Cascade Street off Cooley Lake Road, just past the commercial district. He noted that it has been a chronic problem in that area and that it has been used as a cut-through for years.

This area is peculiar as some of its property off Cascade is in White Lake and others in Commerce Township. The actual improvement is in Commerce Township, but does affect actual homeowners of White Lake Township. This requirement is to seek a Resolution from this Board that we support the traffic island. He noted that both Fire and Police are in support of this traffic controlling device.

Treasurer Roman commented that he is familiar with the street and is glad to see this finally on the agenda.

Trustee Powell questioned the term in favor of as opposed to noncommittal or not opposed too. To which, Chief Keller stated that the traffic control device that they want to put in is not in White Lake. It is in Commerce, but it affects residents that are in White Lake. The cut-through traffic from Cooley Lake Road to get to the other Cooley Lake Road is a problem. He is in favor of it because it will reduce people at the three-way stops and that will reduce the potential for a catastrophic event such as a pedestrian personal injury.

Trustee Powell noted that it will in fact add to the turning movements on Cooley Lake Road, because the residents will not have to use both intersections to enter their sub instead of going straight through. He

clarified that Chief Keller is in favor because they're not hitting the three-way stops, but yet you are adding to the traffic movements on the main roadways. To which, Chief Keller affirmed and stated he is more worried about the traffic in the subdivision and the residents because the traffic volume was never supposed to be that high in that particular area.

Trustee Powell declared that he is not typically in favor of restricting traffic within the Township. He believes this is a unique circumstance. He likes the fact that they are not closing the road down, but is curious why it is proposed as a concrete island rather than a narrow landscape island. He further questioned how traffic will be controlled and if this will now be an enforcement issue.

Supervisor Kowall reiterated that this is a Road Commission issue and they only want to know if the Township is opposed to it. He believes that it is in the best interest as he has witnessed a number of people not obeying the stop signs. He indicated that he has been assured that there will be no impediment for emergency vehicles.

Jean-Philippe Loew, 247 Rosario Lane. He wonders about pedestrians and how someone with a stroller or wheelchair will be able to use the side of the road.

Trustee Powell noted that the Road Commission is breaking their own rules with the width of the roadway. Their standard is 16ft wide and this will only be 11ft wide. He believes there ought to be a ramp on both ends for walkers and bicyclers to pass through. He would like the Township to present that concept to the Road Commission.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the Resolution #19-017 in support of the Russell Beach Homeowners Association to determine that it is in the best interest of the public to construct a traffic island on Cascade Street as proposed by the Road Commission of Oakland County at no cost to other township residents from any funds managed by White Lake Township. The MOTION PASSED by voice vote (6 yes votes).

NEW BUSINESS

A. FIRST READING, AMENDMENT TO CHAPTER 18, ARTICLE III OF THE CODE OF ORDINANCES- FIREWORKS

Attorney Hamameh stated that the previous law prohibited the Township from regulating consumer fireworks discharged on all national holidays, the day before the national holiday and the day after the national holiday. The Township's Firework Ordinance mirrored that and said that those are the only days someone can discharge fireworks. It was consistent with all other jurisdictions. Now the law has been amended because perhaps the 4th of July falls on a Wednesday and people have parties on the weekend, but they are now not allowed to discharge on Saturday.

She furthered stated that the Township has taken out the reference to national holiday and specifically listed all the dates. The new law says we can't regulate the discharge of consumer fireworks and that meant that the Township was prohibiting the discharge of consumer fireworks on all other days. The specific days and times are as follows:

- 11am on December 31st through 1am on January 1st
- 11am to 11:45pm on the Saturday immediately preceding Memorial Day
- 11am to 11:45pm on the Sunday immediately preceding Memorial Day
- 11am to 11:45pm on each day beginning on June 29th and ending on July 4th
- 11am to 11:45pm on July 5th, if that date is a Friday or Saturday
- 11am to 11:45pm on the Saturday immediately preceding Labor Day
- 11am to 11:45pm on the Sunday immediately preceding Labor Day

Those will be the only days that consumer fireworks will be allowed to be discharged in White Lake, if this new ordinance is adopted, and that is consistent with the new state law.

This ordinance also amends the penalty which is required by state law. It increases the penalty to \$500 for a first offense for a minor violation and \$1,000 for a first offense for a serious violation. The statute defines violations.

Treasurer Roman asked that if this is passed, that is be publicized very well.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to move to second reading the ordinance to amend Chapter 18, Article III Fireworks of the White Lake Township Code of Ordinances. The MOTION PASSED by voice vote (6 yes votes).

B. PURCHASE AGREEMENT WITH DLZ FOR HILL VIEW SCADA PANEL DESIGN AND INSTALLATION

Supervisor Kowall explained that there has been a merger of Johnson & Anderson with DLZ. The Township now has a much larger group of engineering professionals.

Aaron Potter indicated that DPS is requesting approval of the proposal by DLZ for design, installation, and programming of a new SCADA control panel to be installed in Hillview Wellhouse. The Hillview Wellhouse was not included in phase 2, which we completed in December. They were working on permit drawings for a future project at Hillview. That permit is being held up at the state level. In the meantime, the last remnant of the old SCADA program and control panel is failing, and it is starting to cost a lot of money.

Mr. Potter stated they would like to move forward with the Hillview panel now and pull that out of the Hillview proposal they come up with for that wellhouse. They plan to build the panel for the new plant and temporarily program it to work with what is there now. The radio tower and radio has been installed.

Treasurer Roman asked if Mr. Potter is proposing this come out of water operating or water capital. To which Mr. Potter indicated capital.

Trustee Powell believes this proposal takes the Township into a different position than in the past. Previously, the Township's consulting engineer, Johnson & Anderson, would design and put out to bid the installation and hardware for specific improvements. It appears now that DLZ is now offering a design build type contract and we are now purchasing hardware and installation directly from our consulting engineer. He feels that discussions are necessary regarding the process. Trustee Powell is good with this, but wants it discussed for future services and/or projects. At the least he would like to explore what options are available.

Treasurer Roman stated that Mr. Potter thought this was a very competitive price.

Aaron Potter reminded that this is not new. In 2018 this Board approved this same configuration for all the other SCADA sites. He indicated that this is the last piece of the puzzle of which they have been building for the last three years. He agrees with the decision to use Opto22 as he has experience with them. He questions the questioning at the eleventh hour.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to spend out of water operating, not to exceed \$21,700.00 on the Hillview Wellhouse SCADA panel replacement and to authorize the Supervisor to sign the Agreement. The MOTION PASSED by voice vote (6 yes votes).

C. FIRST READING, KIMMELL REZONING

Sean O'Neil noted that roughly twenty-years ago there was a map amendment that affected the property described under parcel numbers 12-26-107-019, 020, and 021. There was a public hearing held by the Planning Commission on May 2, 2019 and the Commission recommends approval of the rezoning request, which is to rezone these properties from General Business to Single-Family Residential (R-1D). He further stated that it is consistent with the master plan and future land use map. That rezoning the parcels to R-1D is compatible with the character of the surrounding area, it will not result in spot zoning, and it is consistent with the historical use of the property.

He further noted that this issue arose when a homeowner tried to refinance.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to move to second reading the rezoning from General Business to R-1D Single-Family on the following parcels: 12-26-107-019, 12-26-107-020, and 12-26-107-021. The MOTION PASSED by voice vote (6 yes votes).

D. APPROVE PLANNED DEVELOPMENT AGREEMENT FOR PRESERVE AT HIDDEN LAKES

Sean O'Neil noted that there are very few comments at this point. One comment was from attorney Hamameh regarding title work and the applicant is aware of the same and agreeable to updating that. There are minor modifications to the exhibit drawings, which are in the packet.

On May 2, 2019, the Planning Commission approved the Final Site Plan and recommended the Development Agreement to the Board for approval. The only conditions he would add would be any review comments as well as an additional condition by the Planning Commission to include language that protects the wetlands from being altered. They want some simple language added to the Development Agreement.

Supervisor Kowall asked that they be very cognizant of the set backs away from Union Lake Road. He firmly believes that we will see some improvements to that corridor in the future. He suggests giving as much space between Union Lake Road and these houses as possible.

Sean O'Neil clarified that the homes are 90 – 100 feet from the shoulder of the road. The sidewalks that will be put in are midway at approximately 40 feet. He also believes that the landscape screen will be important as well.

Trustee Powell is in favor of the protection of the wetlands. He reminded the Board that this is a Development Agreement which holds the developer responsible of doing certain things. He indicated that two major items are storm water system and private roads. As to the storm water system, he believes it would be helpful if the master deed and bylaws had a specific section that said that a certain amount of money out of all the fees would go into a sinking fund. This way in 10-15 years the money would actually be there to maintain the system. Then the Board wouldn't have a repeat of Settler's Point. He indicated that homeowner associations are notorious for not doing anything until their house or street floods.

He is very adamant about the road systems as well. He is suggesting that the Board require some means of a fund is kept in perpetuity until improvements need to be done. He would like to see this in the master deed and bylaws. At the time of implementation, the developer should be responsible for putting some money into the sinking fund that will grow over the next 10-15 years. He suggests that on each unit closing within the development an amount be put into that fund and that a certain percentage of annual maintenance fees be put into that fund too. He stated that in 15 years, there would be enough money to improve those roads. Without doing something like this, the residents will be back before the Board in 15 years asking for help. He feels that if we don't do it now, it will never be put in the master deed and bylaws. If they don't follow their own requirements then any homeowner in there can challenge the association. The Township wouldn't be responsible to do that. He declared the Township is however, responsible to make it happen when the system no longer functions.

Supervisor Kowall believes it is a great idea, but he is not sure of the timing for implementation. He declared that the Board doesn't police the bylaws of the associations.

Attorney Hamameh isn't sure how you monitor and or enforce if the homeowner's association isn't doing it. You would have to file suit against the association, which will cost the Township money in legal fees. She reminded that a S.A.D. could be created.

Sean O'Neil believes it would be easy to add language that directs them to do it. It could be there in black and white in the master deed and bylaws, which they receive upon closing, unlike the development agreement. He agrees that there should be some language in it, but also believes that logistically it will be difficult.

Treasurer Roman noted that he recently took on treasury duties for all the lake boards. He reminded that this is a private subdivision. He doesn't have a problem putting that language in the bylaws that states the needs for these monies for x, y, and z purposes, but he does not want to monitor that money. He would be taking on liability if there is a shortage.

Craig Piasecki, Preserve Hidden Lakes. He indicated that they do have provisions in the master deed that breaks down the budget. He stated that they could figure out the costs for the storm structure clean out and add a line item for it. They do have budget for replacement cost for 20 years for the road. They have provisions as far as numbers go, but they have no control how they spend the money. He stated that they can only prepare them for it. They have no issue putting anything in there regarding that.

Supervisor Kowall doesn't want to hold this process up. He asked that the developer to work administratively with Mr. O'Neil regarding this. He believes the residents should know up front and not be hit with a nasty bill down the road.

Treasurer Roman noted that he lives on a private road in the Township. He is also the president of his homeowner's association. He indicated that there is no way his association could afford to replace their road when it needs to be done. However, his recommendation to his neighbors will be to approach the Township and do an S.A.D. That way the new road is paid for by the people that are going to use it. To create a fund now, doesn't make sense. It should be paid for by the people that are going to use that road in the future. He believes it is on the homeowners' association and disagrees with paying for it all up front.

Trustee Powell clarified with Mr. Piasecki that they have two separate funds in the master deed and bylaws. One for the annual maintenance of all of these items and one for the replacement of these items in the future. He compared this funding to that of the Michigan College Education Fund. If you start when the child is born, you'll have the money when they go to college.

Supervisor Kowall thinks it would be in the best interest of the development and Township for some provisions and money set aside for the major road repairs. He defers to Mr. O'Neil administratively to make these suggestions and implement them.

Trustee Smith questioned that case by case when Mr. O'Neil administratively approves the H.O.A. bylaws that the Township is giving the authority to Mr. O'Neil then. To which both Mr. O'Neil and Supervisor Kowall indicated that he does it now. She further questioned that the sum of monies would be in addition to his authority. Mr. O'Neil indicated he would recommend money be set aside.

Supervisor Kowall interjected that we cannot give them specific amounts as that would create liability for the Township.

Trustee Powell believes there are three high ticket items that this Township needs to address. They are private roads, storm sewer systems and community septic systems. He noted that it is mandated by the state to have the funds there to replace community septic systems, because they don't want a health, safety, and welfare issue fifteen years from now. It is an issue that we, as a Township need to address.

Trustee Smith believes this would be most beneficial in a workshop.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Development Agreement subject to the following: adding language to the Development Agreement and Master Deed for protection of the wetlands, maintenance of the infrastructure and maintenance of the roads and subject to any other review comments that have not been completed. The MOTION PASSED by voice vote (6 yes votes).

E. APPROVE FIREWORKS PERMIT APPLICATION FOR CEDAR ISLAND HOMEOWNERS ASSOCIATION

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the fireworks for Cedar Island Homeowners Association for June 28, 2019 with a rain date of July 12, 2019, but to leave the rain date open to be approved administratively. The MOTION PASSED by voice vote (6 yes votes).

F. FIRST READING, CONSUMERS ENERGY FRANCHISE RENEWAL ORDINACNE

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to move to second reading the Consumer's Energy Ordinance for the next thirty years. The MOTION PASSED by voice vote (6 yes votes).

G. RESOLUTION TO OPT OUT OF RECREATIONAL MARIJUANA

Attorney Hamameh indicated that we have new laws in the State of Michigan that allow recreational marijuana. There are new rules and regulations being created that will govern all recreational marijuana within the state. The rules have not yet been published, but are anticipated on June 1, 2019. Upon the issuance of the rules, people can submit applications 90-days afterwards to the state to have establishments for the recreational use of marijuana.

She indicated that the Township must choose to opt in or out. The Township cannot just do nothing. To do nothing essentially opts the Township in. In light of the accelerated timing, she is recommending that the Township opt out now and as indicated in the draft ordinance that while opting out today, the Township may repeal this ordinance in the future and adopt an ordinance that authorizes or regulates in a matter consistent with the laws and administrative rules.

Trustee Powell thinks this is very wise since the rules are unknown. He stated there are so many twists and turns regarding growing, processing, distributing, distribution centers, and selling, that it is too complicated. He believes it would be nice to have some time and study this.

Supervisor Kowall completely agrees. He indicated that there are gaps in this law and we don't want to be the experiment at the cost of litigation and challenges. The state needs to go through its processes, procedurally or legislatively and workout the kinks to fill the gaps and make it a littler easier for the communities. He stated that we don't have the book that tells us what to do, so we don't know how to react.

Attorney Hamameh reminded that the Township's rules and regulations cannot conflict with the rules and regulations of the state.

Treasurer Roman agrees with Trustee Powell and Supervisor Kowall. He and Trustee Powell attended an MTA Conference and this was addressed. MTA recommended that Township's opt out until they get a better feel and have taken time to evaluate how this is going to be interpreted.

Trustee Smith identified for the public that a special meeting was held before hand on this topic. She stated that there are significant loopholes in this law right now and it would be wise for the Township to wait for state language.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to opt out moving the ordinance to second reading. The MOTION PASSED by voice vote (6 yes votes).

H. DISMISSAL OF LAWSUIT, WHITE LAKE TOWNSHIP V. WILLIAM KREINER, OAKLAND COUTNY CIRCUIT COURT CASE NO. 2018-169936-CZ

Attorney Hamameh indicated the Board is aware of this litigation as it was a complaint that the Township filed and served in November of 2018 for various ordinance violations. As with all other matters, the Township's ordinance officer tried to resolve this short of litigation but was unable to do so. She furthered that nothing has really happened on this litigation because Defendant has been working towards compliance. She has received word from Jason Hudson that Defendant is in full compliance of township ordinances. At this point, the Board must decide if it wants to proceed with litigation or dismiss the matter.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to authorize the Township attorney to dismiss the lawsuit against William Kreiner, Oakland County Circuit Court case number 2018-169936-CZ for the reason that Mr. Kreiner has corrected the violations and is in compliance with the Township ordinances. The MOTION PASSED by voice vote (6 yes votes).

TRUSTEE COMMENTS

Supervisor Kowall wanted to thank the Police Department for all of their efforts in making our community a very safe one. We have an accreditation from the Chief's Association; one of only 16 out of 600. He indicated hats off to the police department.

He stated that Police Week is very important. He knows the Board appreciates every effort that is made to keep this Township safe. He noted that June 9th is the Police Department Open House. He invited residents to come out from 12-3pm.

Trustee Voorheis shared the following:

Monday, May 27th there is a fundraiser at the White Lake Inn to support the White Lake Citizens League fireworks. It is all you can eat pancakes from 8:30am to 11:30am. It is \$7 for adults and \$4 for children 11 and under.

The White Lake Social Club is a group of young adults with special needs. They meet monthly on the second Saturday of each month at the Dublin community Center from 7-9pm. Anyone who has kids in that world, please don't hesitate to contact her or show up.

Saturday, June 8th is the no-haz day from 9am – 1pm at Kohl's. All of the acceptable items are on the Township website.

Trustee Smith asked for a standing ovation for the Police Department in honor of Police Week. She thanked the Board members and residents for wearing blue to honor the police department. She further asked the community to continue to show your support to the police department (i.e. prayers, light up your home, and food) and noted that she made a flowerpot for their front door.

She suggested policeweekmichigan.com or their Facebook page for other things going on this week. She is honored to part of the Police Week Committee and note that they are now a 501c3. If you would like to support the cause it can be done on the above website. She further noted that Emagine Theatres in Hartland is offering free tickets to police officers and that May 15, 2019 is National Michigan Police Memorial Day and a ceremony in Washington D.C. will be televised.

Additionally, she mentioned that the Police and Fire banquet was wonderful time and that the Police Open House is June 9th.

With regards to the CERT Team, she participated last weekend at Indian Springs in a regional mock search, as did Trustee Voorheis and the Mr. and Mrs. Early.

She welcomed interim Fire Chief Marinucci.

She noted that it is foster care awareness month. She thanked all the foster parents out there as she too was a foster parent. She will continue to call out DHHS as they can do a better job. It is also mental health awareness month and she indicated that there is no more stigma in mental health. She encouraged people with mental health issues to reach out for help if needed.

She wanted to address something that was said at the last board meeting. She would appreciate if the Township attorney has their undivided attention. She doesn't mind if our Board members, staff, fire or police speak to her, but past board members and residents shouldn't be emailing or texting our Township attorney during board meetings.

She declared that the library is moving. Their last day at the old location was May 4. Their grand opening is planned for early June. A soft opening is planned for the 5th or 6th of June and a full grand opening is planned for the second weekend in June. The summer reading program is planned as usual and will kick off at the new location.

The Library Board meeting is May 22, 2019 at 6:45pm, but she unsure of the location. The Friends of the White Lake Township Library had a fun and successful event on May 4th. She thanked those that attended and supported, especially the fire and police department and Trustee Voorheis.

As library liaison she thanked the department heads. She thanked the boy scout troop and residents that attended tonight. She wished everyone a very safe and happy Memorial Day.

Clerk Lilley thanked his election staff, internal staff and election workers for a very successful election. He thanked Supervisor Kowall for his time in sitting down and discussing issues as he finds it very helpful. He thanked the Board for their participation and noted that it is proof in the audit that the Township is staying its course in the right direction.

Trustee Powell mentioned that in the Consent Agenda it didn't really come out, but he wants to thank the planning and elected staff as they were granted \$1.2 million dollars from the State Trust Fund for the purchase of the Brendel Lake property. It would be difficult for a group to fault this Township for not accepting state funds for enhancements of the assets in the Township and parks are a major part of that. The Township had to have a matching fund and its match was \$483,000.00. It will be an incredible future park that will be on the next agenda. Congratulations to all of us for that success.

Additionally, he believes the Department of Public Services, Planning and himself would like to make a presentation to this Board, perhaps in a work session or next meeting for the pros and cons of assisting our residents in extending sanitary sewers. He has received communications from residents of Brendel Lake Heights. He noted that there are residents spending up to \$40,000 on septic systems that we know will fail in 20 years.

He believes it is a shame that the Township can't step up and initiate installation of sanitary sewers in key areas and assist those residents in tying in. He feels that the Board owes it to the residents to at least initiate a discussion. He doesn't believe that residents should have to gather signatures in order to help extend sanitary sewers into the environmentally sensitive areas of this Township. He looks forward to discussing it in the future.

Treasurer Roman thanked the residents for attending. He will be posting his 2018 Annual Treasurer Report on the website. Since his time with the Township, they have always received an A+ from the auditors. The Township is in good shape. The Report will tell you how he invests the Township funds and the investment vehicles he uses, yields, independent ratings, and the funding of the legacy costs.

He passes on his sincerest thank you to his Senior Treasurer Specialist, Amy Curtis who will be retiring at the end of the month after 18 years of service. She will be dearly missed.

Supervisor Kowall indicated that it is interesting to have the Township's report card out there. The efforts that the Township has taken in trying to plan as much as possible for the future. We are a very fortunate community that we are experiencing considerable growth. Traffic is inevitable with this growth and hopefully the Road Commission will recognize the same. He and Mr. Lilley have attended meetings and stressed the importance of Union Lake Road and Cooley Lake Road. In the next two years, we will see over 400 new residents in that corridor. He believes that from a congestion and safety standpoint this is important.

He was interested to hear from the auditors own report that the Township has a little extra money. He has spent his time trying to go after every dime he can get from every connection. The \$1.3 million is a direct result of networking, effort and hustle. He acknowledges that it was an effort on everyone's part.

He noted that the Township is in the final state of discovery on the property and that appraisals will start in the next few weeks. They got competitive bids, but they must be on the approved list from Lansing. It is moving forward.

He shared that we need to be more aware of what is going on in our community. Being neighborly is a good thing. We have a growing population of seniors in our community, try and be neighborly and watch out for them.


He feels privileged and honored to be here, to be part of this community, and to be in the position he is in, but he could not do it without this Board and without Attorney Hamameh. He is glad she is back and healthy. Good night and god bless.

Treasurer Roman commented that since Supervisor Kowall has come on, he has seen millions come into this Township in the form of grants and it is a direct result of your aggressive behavior in going after it. Don't change that.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to adjourn the meeting. The MOTION PASSED by voice vote (7yes votes).

The meeting was adjourned at 9:39 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 May 14, 2019 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan