

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
December 18, 2018

Supervisor Kowall called the meeting to order at 7:00 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
 Andrea C. Voorheis, Trustee
 Liz Fessler Smith, Trustee

Absent: Scott Ruggles, Trustee

Also Present: Lisa Hamameh, Attorney
 Aaron Potter, DPS Director
 Jennifer Edens, Recording Secretary

PUBLIC COMMENTS

Mary Early, 5925 Pineridge Court. She wants to address four things. She thanked the Board for the very informative and appreciated newsletter that came out and noted that she looks forward to more. Secondly, she wanted to mention the Grass Lake paving both east and west side need help as do other roads in the township. She would very much appreciate any other funds that could be used. Next, she mentioned that she missed the November meeting, but watched it online. She noted that those that didn't use the microphone were very difficult to hear. Lastly, looking ahead to summer, Quake on the Lake is going to be reconsidered at a later board meeting and a few Board members had concerns regarding following procedures on permits and regulations. She hopes that there are no problems and that the Township insist that everything is followed.

Clerk Lilley amended the Agenda as follows: Budget Amendment regarding elections overtime, add item H under New Business and correction to item 9A – Resolution #18-039, Establish SAD – Settlers Pointe Storm Water Detention System Restoration SAD.

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

CONSENT AGENDA

A. LIST OF BILLS

- B. REVENUE AND EXPENSE**
- C. CHECK DISBURSEMENT**
- D. BUDGET AMENDMENTS**
- E. PLANNING COMMISSION AND ZONING BOARD OF APPEALS APPOINTMENTS 2019-2021**
- F. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. TREASURERS REPORT**

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Consent Agenda as amended. The MOTION PASSED by voice vote (6 yes votes).

Trustee Powell complimented the Police and Fire Department for the amazing job the do.

Supervisor Kowall identified the individuals on the Planning Commission: Steve Anderson, Marrie Carlock, Anthony Noble, and to the Board of Appeals: Alison Swanson and Cliff Sieber. This Board gives a lot of credence and weight to what the Planning Commission does and they do not meddle with them because they work hard at moving the Township forward. He welcomes these individuals back to the Board.

MINUTES

A. APPROVAL OF MINUTES-REGULAR BAORD MEETING, NOVEMER 20, 2018

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Fessler Smith to approve the Minutes dated November 20, 2018. The MOTION PASSED by voice vote (6 yes votes).

B. APPROVAL OF MINUTES-SPECIAL BOARD MEETING, NOVEMBER 28, 2018

Treasurer Roman made an amendment to the November 28, 2018 Minutes. On Pg. 2 of 4, in the 4th paragraph should read, Treasurer Roman noted that no one makes that deficiency up directly it is shared by users (not uses) and connections. He further amended the next sentence that reads, Supervisor Kowall stated that the rates are adjusted until a rate study is done, that is to read **are not** adjusted until a rate study is done.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve the amended Minutes dated November 20, 2018. The MOTION PASSED by voice vote (6 yes votes).

PUBLIC HEARING

A. PUBLIC HEARING TO ESTABLISH SETTLER'S POINTE STORM WATER DETENTION SYSTEM RESTORATION SAD

Aaron Potter, DPS Director. Settler's Pointe Storm Water Retention System is in a state of disrepair. These folks have approached the Township to assist them in getting it back into working condition. An engineering escrow was discussed at the last meeting in the amount of \$8,000.00. They were not able to provide a check for that amount, but they provided one for \$2,000.00. For a neighbor as small as theirs, \$8,000 would essentially take away their ability to operate during the winter months. He feels that they have complied with the Township's wishes and is asking the Board to establish the district tonight and to approve the Engineer Servicing Agreement that he provided last month.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Fessler Smith to open Public Hearing to Establish Settler's Pointe Storm Water Detention System Restoration SAD. The MOTION PASSED by voice vote (6 yes votes).

John Cole, Resident of Settler's Pointe – Huntersedge. He has several questions he would like J&A to answer. He has been a residence there since 1993. He recalls being told that if he wanted to have a tree removed, he needed the permission from the Board at that time, which was the developer. This was because they wanted to preserve the natural look of this neighborhood. The estimate from J&A removes twenty trees 6-18 inches, eight trees 19-36 inches, and two trees 37 inches and larger. It also includes stumps being removed of various sizes. He is concerned that this is not a remediation, but a total clearing. He doesn't understand why the trees need to be removed to fix a retention pond. He believes they are trying to make it pretty instead of workable.

Supervisor Kowall stated that it is really simple. The trees were not supposed to be there from day one. It was through neglect that these trees even came up.

John Cole, disagrees with Supervisor Kowall and would like to see some proof to that fact. He questioned how a tree can affect drainage in a retention pond.

Aaron Potter replied that Mr. Cole is referring to a willow tree. The plan is to restore the basin to its original design as indicated in the 1991 aerial. He assured Mr. Cole that the Township is not making money on this project. The 7% pays for their time, not a profit. They are going to create a bid spec that will bring the pond back to its original condition. At the last meeting they talked about things they were unable to look at. This is an engineering estimate, not quotes. These are engineers' costs opinions; the final prices will go out to bid and that is how the Township controls costs. If the pipe work is in good condition, they will not be touched. Trees will be removed and the property will be revegetated.

Ron Summers and Bridget Orzak, 8050 High Point Trail. The Oakland County property gateway goes back to 1940 and it shows the willow tree talked about tonight. He encourages the Board to look at the images from then and see. In 2000, the satellite image shows that this was not completely cleared. The retention pond problem affects one of the basins and he doesn't disagree with that. He sees no issue with the second one, which backs up to the woods. He agrees it needs to be cleaned up. He doesn't see an issue because it would need an astronomical amount of water to appear to use it. He's not sure that this all needs to be done and thinks maybe it can be done in phases. It will change the look of the neighborhood. He's not sure what the problem is.

John Cole doesn't argue that basin-one needs works. He questions if the overflow is supposed to go to the drain commission and if there is standing water, one would question why if its going to a public area, why isn't it functioning. He further questioned If there is water in the pipe, why isn't running off the emergency pipe. Why is it standing in the pond?

Aaron Potter stated that the overflow if functioning. He visited the site in May. The design of the filter is two-parts. There is a control that is covered with stone and then there is the overflow. There is only one outlet pipe. Water was overflowing, but not draining. The problem is that is not supposed to be overflowing. There is debris and it is flowing and potentially plugging the Oakland County system and that can't happen.

John Cole understands that the Oakland County system is an emergency system. He sees the issue as clearing and making retention pond one functionable. He needs proof that there is anything wrong with retention pond two.

Mr. Potter replied that this is exactly the cause of the survey and why they don't know what the costs are. The Township does not have a revenue source to do repairs on private storm systems. They get an engineering estimate, they do some preliminary investigations with a survey, but an engineer has not been out there. These numbers are preliminary estimates only. He has provided a Johnson and Anderson proposal for an engineer to come out to the site to do the engineering there and correctly assess the condition of both ponds and what is necessary to bring them back to the original condition.

John Cole questioned the basis for serving them with notice of retention pond two needing to be rebuilt. He furthered that they cannot prove that there is anything wrong with retention pond two.

Mr. Potter does not recall such service. He stated that they have an approved as built construction design from the 1990's that gave value calculations and it met the Township standard at that time. Certified as built drawings were submitted to them to identify those specs. Engineers can easily see the differences when comparing.

Mr. Cole stated that the Township doesn't have to prove them wrong, but they have to prove the Township/ J&A wrong at their costs. He agrees that basin-one needs a lot of work. He estimates a lot of stuff and rarely sees things come in cheaper.

Mr. Potter has made it very clear that they don't know what the costs will be.

Trustee Powell understands where Mr. Cole is coming from. The process is set forth in Act 188, which allows the Board to spread costs over public improvements to assist residents. This process requires three different meetings. One which was held last month for the Board to approve the intent to establish a SAD. Next is to approve the boundaries of the properties that benefit from the improvement. What is before us tonight is strictly the boundaries of the SAD. That number is only a guidance, we are not voting on numbers tonight. The last public hearing will be after the engineers

finish their survey, the analysis of how much work needs to be done and potentially going out for bids. It would be inappropriate for this Board to come to the residents without some idea as to what it might cost. So, we have asked our engineers for a ballpark/best guess, which he believes is worst case scenario and high. If its not too high then some may comeback and say its too much and we don't want it anymore. Or doing part of the work and having to do the rest later causes twice the attorney and administration costs that the association has to deal with. The Board will have to make sure it makes sense. He understands his concerns, but this conversation is more appropriate at the next public hearing because they will know exactly what the costs will be and how much to each property owner. This meeting is only setting the boundaries for the basin.

Bridget Orzak, 8050 High Pointe Trail. She just moved in and lives behind the basin-two and is most effected. She thanked the Board for taking the steps. She questioned who approves the actual itemized costs.

Supervisor Kowal replied that it will come before the Township Board in a bidding process.

Ms. Orzak questioned who approves the tree removal.

Supervisor Kowall. It will be the engineering team.

Ms. Orzak followed that the Board will not have a say in that.

Supervisor Kowall. In order for it to function in the way it was originally designed, typically they are void of all trees. We are looking at overgrowth since 1991 – twenty-some odd years of overgrowth that wasn't maintained and this is the resolve. There have been issues of the same type in other areas overflowing to the Oakland County drain. The more vegetation that grows and leaves that fall slows that percolation process.

Ms. Orzak understands and has no issue with basin-1 needing to be cleaned-up. She wants evidence that basin-2 is a problem. Who is saying that there is a problem with basin-2? Wants to know what Mr. Potter saw there?

Mr. Potter replied that he didn't inspect basin-2. The system is designed to what met the Township standard at that time. He reminded that your association has asked us to do this and he has been working with them since May. Our engineers noticed a large number of trees. Until we have the full survey completed, we don't know how much needs to happen. That is how we will find out exactly what needs to be done.

Ms. Orzak indicated that Mr. Potter previously indicated that basin-2 needs to be completely bulldozed. She is questioning why.

Mr. Potter replied that he doesn't recall ever using those words. We have the exact numbers of how that was originally built and our intention is to bring it back to exactly that.

Supervisor Kowall interjected that it is based on an original plan.

Ms. Orzak stated that it is based on plan that was designed thirty-years ago and why are they not grandfathered in since they have not had any problems.

Mr. Potter interjected that it just hasn't been maintained.

Attorney Hamameh. For the sake of the new people that weren't here at the last meeting: When an HOA is developed they have to submit plans/engineering explaining how things are going to function. Part of that process is submitting a plan with regards to these basins. That is the plan that governs those basins. The Master Deeds and bylaws that governs your association requires the association to maintain those, so really the Township has a couple of options. The Township can simply sue your association for not maintaining the basins in accordance with the approved plan when the development started. Instead the association came to the Township for help. So, if the Township is getting involved it cannot violate the plans that were approved for this development. If the Township is doing the work particularly, they have to restore what was approved thirty-years ago. They have to hire someone, the engineers, to look at the plan and tell the Township Board what needs to be done. With that said, it doesn't sound like this Board is opposed to revisiting this issue, it is just a matter of timing. As Mr. Powell indicated today is just establishing who is going to be part of it and the next phase is going to be costs associated with it. With basin-2 included it would be a cost increase.

Ms. Orzak clarified that they are not approving it, the Board is – correct?

Attorney Hamameh replied unless you want to do the work, which you are required to under the Master Deed, the Township is essentially taking responsibility. They would approve the plans, the contracts, and the bids that go out. The Township is never opposed to listening to the association and their feedback, but if it to violate the plan, it is not something the Township can do.

Ms. Orzak asked even if they can prove that the original plan that was approved was never there.

Attorney Hamameh referred to Mr. Potter about the process of amending a plan. If it requires an amendment to those plans then you have to follow the process to amend a plan. If that gets approved then construction can be in accordance to that.

Mr. Potter indicated that if you amend the plan then you are held to today's standards and he doesn't believe they will want that. They will want to restore it back to how it was designed.

Trustee Powell. Your questions are premature as you are saying prove to us it is broke. We are saying it is broke, but we need to assess it to determine how badly it is broken in order to define work to be done and costs associated. The engineers will come up with a plan and next phase when we get an engineer report.

Mr. Potter wants to explain what an as-built-plan is. The plan set goes through a series of reviews. From preliminary site plans all the way through preliminary construction plans. Then when the project is completed the plan set is submitted to the Township called the as built plan set. This is the approved construction plan with adjusted measurements as built. When we talk about original design, we are talking about the design as built. Those are certified by an engineer and approved by a Township engineer. There is no question on what was built out there, we have the plan set that describes it in detail. This is a very standard process.

Mr. Cole. No offense intended, but if a tree doesn't affect water drainage and your only concern is leaves falling and now, we have to cut down a tree. Leaves can be cleaned-up. He hates to see living trees cut down just because some leaves might fall on a retention pond.

William Thomas, 8180 High Pointe Trail. He is the secretary of the Settler's Pointe Association. He apologized that the president and vice president could not be here tonight. He welcomes people to his home where he will try to explain what is going on. He doesn't believe that the trees will affect the appearance from any home.

He read a letter from Rick Brown, Association Vice President. Although the members have shown support, the overwhelming concern with the majority is the scope of the project as outlined by Johnson and Anderson. The goal is to return the basins to their original design. They acknowledge that basin-1 is overgrown. Basin-2 and basin-3 are operating as planned with the exception of some overgrowth that needs attention. The homeowners are the stake holders in this projecting and are asking for a voice in the process. Want to ensure that needless trees are removed and that that needless work performed. They want to retain the natural setting and keeping the costs effective.

Mr. Thomas stated that 29 of the 33 homes in the association have signed the petition with one descending vote. He is hopeful to have the other signs shortly. The association is overwhelmingly in favor. He appreciates the Board and their efforts.

Supervisor Kowall. It is not the intention of the Board to look at this as a canvas type project and cut down every tree. It needs to be looked at by the engineers and see how everything effects the whole system. We don't want to cut down anymore trees that they have to. We want to retain natural beauty, but we do have a responsibility to maintain. The Township has the means and mechanism to do it economically rather than everyone having to write a big fat check and that is through the SAD. It spreads it out over time.

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

RESOLUTIONS

- A. RESOLUTION #18-039. ESTABLISH SAD – SETTLERS POINTE STORM WATER DETENTION SYSTEM RESTORATION**

Trustee Powell asked Jeanine if the other homes are included in the SAD. He understands there are 33 homes in the subdivision and the SAD is needed because if the association deals with it on their own, they will have to pay for it. There are other properties that benefit from the basins are they included in the Resolution? To which, Jeanine replied there are 4 other homes and they are included. He further clarified that by the Board establishing an SAD they can by law incorporate them because they benefit from it. He asked if we had heard anything from these others and if they were opposed. Jeanine indicated she received one phone call today indicating they didn't want to pay for it. Mr. Powell asked for a copy of the Resolution, which was provided.

Treasurer Roman asked if it is correct that the Resolution Heading 18-039 reads that it is approving the estimates of costs. He asked that it be stricken from the heading.

Supervisor Kowall confirmed that this is incorrect.

Attorney Hamameh sees no harm in the language as the Board will not assess anyone until the roll is confirmed and that won't happen until the meeting.

Treasurer Roman asked if the Resolution and/or exhibits included the 7% and contingencies from Johnson and Anderson. (references to exhibit).

Mr. Potter stated that the problem with a contingency is that you hold onto that money for 10 years.

Treasurer Roman is okay with the language as it is only an estimate.

Clerk Lilley stated that 70% of the people are in favor of this. The Township's problem is that they don't have the resources to hire engineers to provide a cursory review of what needs to be done to restore it to its original state. The big thing for him is people are asking for this project to be done and use Township funds, we are not a bank, but we do have appropriate funds to handle a situation like this.

He stated that it is very difficult to make a record during public comment when Board members are providing answers/comments. We need to get back to opening and closing public comment, then addressing those issues with the Board and the Township consultants. He is surprised how much time we spent on this tonight.

Supervisor Kowall. He recalls that we put a cap on this of \$8,000 and Johnson and Anderson is at \$18,000. The association has brought \$2,000. They have made an earnest effort and he would like to help them out and move it forward.

Trustee Powell reminded that last month we wanted to allow Johnson and Anderson to start the survey ahead of time to get a 30-day head start, did this happen.

Mr. Potter reminded that the Board asked them to put down \$8,000 and they put \$2,000 down so nothing was approved to happen until these discussions tonight. Part of that discussion was that they would deposit that money and when the SAD was created that money would go back to them for their operating and he would like to maintain that. He notes that we heard from two oppositional residents, but reminds that the association has asked for this. He would like to get it going a.s.a.p.

Trustee Powell indicated that there are two motions to address. Authorizing Johnson and Anderson to proceed pursuant to their quote and then the approval of the SAD boundary. His response to all of this is that the Board holds the cards and if the association at the next public hearing decides its too much and they don't want to go forward, we can still assess the work that has been done so far.

Supervisor Kowall inserted that the Township won't be out of pocket.

Attorney Hamameh noted that this is true because when the Board approved this at the last meeting it was subject to an agreement to be established between the subdivision and the Township to reimburse the costs and authorizing the supervisor and attorney to prepare such an agreement. It authorizes the Township engineer to provide a survey and design development document to phases of their proposal at a cost not to exceed \$8,000 and subject to this agreement.

Trustee Powell asked if Attorney Hamameh is saying that we have to incorporate additional funds in the SAD motion.

Attorney Hamameh replied that you need to handle the SAD separately. Are you going to establish the SAD, yes or no? Then the other part is whether or not you are essentially going to front money by a private agreement.

Mr. Potter asked if the Master Agreement is not that agreement.

Trustee Powell replied in the negative as they do not need to take responsibility of the Master Agreement, they do.

Attorney Hamameh inserted that the benefit for the homeowners is they now have this plan going forward. They take the loss if the project doesn't move forward. The Township doesn't use its general funds to get the engineering done if the project might not go forward. It is really putting the onus on the association which is responsible for the maintenance of the project.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Lilley, to move the Resolution for the Charter Township of White Lake to determine and undertake the storm water and restoration project and establish and maintain a special assessment district to pay the costs associated therewith and approving the estimate of cost from the Township engineers and therefore Settlers Pointe Storm Water Detention Basin Restoration, Resolution 18-039 including the amendment which establishes the estimate and the district. The MOTION PASSED by voice vote (6 yes votes).

Mr. Potter stated that they would like to return the association's \$2,000 back into their operating funds if possible. It was suggested last month they would put this deposit in escrow with the Township and once an SAD was created and they were assessed they would put that money back into their operating budget. It will really handicap them over the winter months to keep that \$2,000. Your terminology was a non-refundable deposit.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to authorize the expenditure of \$18,800.00 to the Township engineer to proceed with the proposed project, to be eventually paid for in the SAD as an expense for the project and an agreement drawn up by Township Attorney and authorize the Township Supervisor to sign that agreement. The MOTION PASSED by voice vote (6 yes votes).

**B. RESOLUTION #18-038. CONFIRM SPECIAL RE-ASSESSMENT ROLL FOR 2016-2020
RESIDENTIAL RUBBISH REMOVAL**

Supervisor Kowall. We have a single trash service that saves our roads. He noted that other Townships are seriously looking into using a single hauler. This allows us to assess a fee to the new homes that have come into the township. Approximately 80 new homes added to our Township.

Trustee Powell asked what the costs is per resident. To which Jeanine replied approximately \$175 per year.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis, to approve Resolution #18-038 with the additions of new parcels and the deletion of the parcels that have been demolished previously. The MOTION PASSED by voice vote (6 yes votes).

C. RESOLUTION #18-040. APPROVE NON-UNION EMPLOYEE WAGES

Supervisor Kowall noted that it mimics the union agreement.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve Resolution #18-040 which includes raises for the Police Chief, Fire Chief and all the various non-union full-time and part-time employees. The MOTION PASSED by voice vote (6 yes votes).

OLD BUSINESS

**A. SECOND READING. AMENDMENT TO CHAPTER 26, ARTIVLE VII – SECTION 26-239 OF THE
CODE OF ORDINANCES – YOUTH TOBACCO**

Attorney Hamameh indicated this is an ordinance that was presented last month as first reading. It basically takes the Youth Tobacco Ordinance already on the books and incorporates vapor products. This is second reading, if you approve it will be adopted.

Supervisor Kowall noted that there was a segment on the news showing a 40% increase in the last 1.5 years.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Second Reading, Amendment to Chapter 26, Article VII – Section 26-239 of the Code of Ordinances. The MOTION PASSED by voice vote (6 yes votes).

B. SECOND READING. AMENDMENT TO CHAPTER 18, ARTICLE II OF THE CODE OF ORDINANCES – FIRE CODE

John Holland, Fire Marshall. His job is to monitor safety of the community. It is not his job to make popular decisions, but to make the right decisions. A lot of his decisions are based on complaints that come in. He is everyone's hero until something bad happens. He apologizes, as he knows there is a lot going on here. He was as creative as he possibly could be.

Supervisor Kowall noted that under prohibited contents it clearly states demolition debris which is a concern and large volumes of paper products. It allows cardboard for ignition so it is not a prohibition it is a limitation.

John Holland. Paper products turn to ash, but the dimension of it stays intact and ends up on a neighbor's deck. That is where the complaints come from. We are allowing saw and lumber. Determined by whether or not there is a construction site on the property.

Trustee Powell. How does a resident get rid of small furniture from the home?

Supervisor Kowall replied by putting it at the curb to be hauled away.

Trustee Powell asked about small construction pieces and how to properly get rid of it.

Supervisor Kowall replied by cutting it into smaller pieces and placing it at the curb.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley, to approve to Second Reading, Amendment to Chapter 18, Article II of the code of Ordinances – Fire Code. The MOTION PASSED by voice vote (6 yes votes).

NEW BUSINESS

A. SENIOR ADVISORY COUNCIL REQUEST – ANNUAL MASSAGE LICENSE FEE

Clerk Lilley. Stephanie Hubbs a masseuse who does annual massages at the Dublin Community Center. The Senior Advisory Council has requested that we waive the fee.

Treasurer Roman noted that we do this every year and asked if it could be made a three-year waiver.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell, to waive the annual massage license fee. The MOTION PASSED by voice vote (6 yes votes).

B. TRAFFIC ENFORCEMENT AGREEMENT IVY GLEN PARK HOA

Chief Keller, Police Department. Ivy Glen is a new subdivision association to our program. There are traffic enforcement agreements between the Township and private subdivisions that exist and an example was provided to them. He assumes the Board President signed it. He thought he would be here tonight, but he is not. This will allow us to enforce the laws within the subdivision.

Supervisor Kowall. As new developments come in, this will be a common occurrence.

Attorney Hamameh. There needs to be a slight modification to the Traffic Enforcement Agreement. Basically, the agreement says the police department can enforce the entire Michigan Vehicle Code and Traffic Code ordinances, but the authority doesn't extend to snowmobiles, off road vehicles or the motor carrier act. She would like to amend this to what the authority is, which is the Michigan Vehicle Code and the Traffic Code. It is a minor modification.

Trustee Powell clarified that this does not give the police the authority or responsibility to enforce HOA rules, just traffic rules.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman, to approve the agreement between the Ivy Glen Subdivision and White Lake Township and authorize the supervisor to sign, as amended. The MOTION PASSED by voice vote (6 yes votes).

C. FIRST READING. AMENDMENT TO CHAPTER 36, ARTICLE II OF THE CODE OF ORDINANCES – TRAFFIC CODE

Trustee Smith. On page 3 under Michigan Vehicle Code do we also need to add them as #6.

Attorney Hamameh. White Lake Township has adopted one ordinance that incorporates all of the traffic codes. We adopt the codes as amended, meaning as future amendments to the code, we adopt them. There have been challenges to this, so what we have done is every year we bring it back to the Board and have it approved it again to avoid those arguments. There haven't been many changes so it hasn't been brought to the Board in years. Whoever drafted this added Ivy Glen, but omitted it under the motor vehicle code. With those modifications this would be ready to move to second reading.

Trustee Powell. There is a provision that allows for imprisonment. He didn't think that they wanted to get into imprisonment.

Attorney Hamameh. The authority of local government is to prosecute misdemeanors up to 93 days in jail and/or \$500 fine, with the exception of super drunk cases which is 180 days. I am your prosecutor

on those and every Tuesday I have approximately 60 cases. I personally don't get involved in sentencing. I handle the pleas, but rarely offer an opinion for sentencing.

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman, to move to Second Reading, AMENDMENT TO CHAPTER 36, ARTILE II OF THE CODE OF ORDINANCES – TRAFFIC CODE, as amended. The MOTION PASSED by voice vote (6 yes votes).

D. FIRST READING. AMENDMENT TO CHAPTER 24, CODE OF ORDINANCES – MASSAGE

Clerk Lilley. The only change is to allow when we issue a license that is displayed by the applicant it has the photo of that person on the license to determine who that license is issued to.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Fessler Smith, to move to Second Reading, AMENDMENT TO CHAPTER 24, CODE OF ORDINANCES – MASSAGE. The MOTION PASSED by voice vote (6 yes votes).

E. FIRST READING. POPE REZONING

Aaron Potter. (Image displayed) tonight you are considering the rezoning of file 18-026 which we call the Pope Rezoning. This property is just down the street next to Auto Zone. The proposal that Mr. Pope has brought forward is to rezone the second home owned by the Cocker family to local business as well. The Planning commission considered this request and held a public hearing on December 6th. At that time, they unanimously approved rezoning of the parcel that would take this property from suburban farm to local business on parcel 12-21-276-020 also known as 7755 Highland Road. The planning review found this request should be supported because the request of local business zoning district is consistent with the master plan. Rezoning the parcel is compatible with the character of the surrounding area. Rezoning will not result in spot zoning and conditions in the area have changed since the sight was zoned suburban farm. Granting rezoning does not grant future site plan approval that is a separate process. Conceptual design was submitted as required (visual image displayed).

Mr. Pope intends to build a multi-tenant retail building the same size of Auto Zone. Mr. Potter and his department concur with the Planning Commission findings and recommend to rezone this property from suburban farm to local business.

Supervisor Kowall stated this would be a nice improvement to the corridor.

Trustee Powell likes the driveway being tied together and suggest one basin for this and the Auto Zone property.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell, to move file 18-026 Pope Rezoning to recommend the rezoning request from suburban farm to local business and move to second reading. The MOTION PASSED by voice vote (6 yes votes).

F. MEDC GRANT AGREEMENT FOR CONTAMINATION CLEAN UP

Discussion

Supervisor Kowall. This particular property has had some contamination issues. Back in 1988 had a settlement on a lawsuit that had in excess of \$1 million paid into the fund to pay for clean-up. Over the years there were some improvements made to a watermain and a variety of other things in West Bloomfield, but there was absolutely nothing done to mitigate the problem at that site by the MDEQ. A petition was put out to try and get some economic relief and contribution for expenses. I applied for this Grant and this money is to be used specifically for the financial related to the economic costs of the environmental clean-up.

Trustee Powell wants to make sure the Township is not bound by something that will provide liability against the Township. The termination clause provides either side can terminate after 30 days' notice. Michigan typically doesn't grant money up-front. If work is started and the State of Michigan pulls back within that 30 days the Township gets stuck holding the bag. How do we protect the Township more?

Supervisor Kowall. The reasons for them to backout are mostly not applicable to us. I can't guarantee anything, but this is very common language.

Trustee Powell stated that the next agreement is where we cover ourselves.

Treasurer Roman. The agreement with the MEDC, two different parts of that are termination and default. If the state terminates the grant then we are not going to give any money to the developer. The default would be a situation where we actually give money to the developer and then the state comes back after the fact and requires that money be paid back. That is his biggest concern. Referencing page 6. Perhaps we ask the developer to put up a bond, but this is something that can be discussed further. He noted nobody is here from Four Corners.

Attorney Hamameh advised that she did provide the Board members with an attorney client privilege communication regarding both of these agreements.

Clerk Lilley. I have the same concern that Trustee Powell has. He thinks some kind of liability insurance, if allowed on property you don't own or an issue of a bond for protection of the Township would be appropriate. Discussions are necessary between the applicant and the Township. He feels strongly that a representative should have been here to answer questions particular those to the confidence they have in being able to provide the Township Board with documentation necessary to qualify for the reimbursement of those funds. He doesn't think asking for some protection should be a difficult thing to provide.

Treasurer Roman in order for me to support this he would require the developer to pay for all cost of indemnification that the MEDC requires.

Attorney Hamameh She would suggest you reach out to your insurer because part of the MEDC requirement is that you provide insurance. If there is a way to do it, she would recommend it so you are not in breach of contract.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley, to postpone items 11F and 11G until such time the developer approaches the Township to be placed on the agenda. The MOTION PASSED by voice vote (6 yes votes).

H. FYI: INDEPENDANT VILLAGE

Clerk Lilley. Independent Village on Union Lake Road is being sold. The applicant is a huge corporation. They have asked the federal government to issue bonds in the amount of \$400 million and we are one of the Townships they want to purchase property in. They ask that we advertise and hold a public hearing at the next meeting in order for them to qualify for tax exempt bonds. There is no financial burden to the Township.

Trustee Powell questioned if we are advertising a public hearing to let the public know they are selling private property.

Clerk Lilley stated it is to let the public know of the sell of the property and that they are seeking federal bonds to make the purchase.

TRUSTEE COMMENTS

Trustee Powell. Welcomed Jennifer Edens as the new recording secretary.

He also noted that the lawsuit with Huron Valley has been settled and he appreciates everyone's efforts with that.

He wanted to respond briefly to Mr. Lilley regarding public hearings and responses. He believes it is valid for residents to get answers to their questions.

He wishes everyone a Merry Christmas and a safe holiday season.

Clerk Lilley. Wishes everyone a Merry Christmas. Reminded that MTA is coming up quickly and he needs to know who will be going and who will need accommodations.

Trustee Voorheis. She has had some good quality time with our First Responders in the last 30 days. She did a ride along with Officer Barber and she had to do a welfare check on her parents' home and in turn they found a gas leak in their home.

She also participated in the Shop-With-A-Cop and feels it was a great experience and she can't wait for next years. Walmart was a great community partner.

Congratulations to the supervisor of the Planning Department for putting together a grant, which they were awarded \$1.4 million. This will help acquire the Brendel Lake property on Elizabeth Lake Road for a future park.

She wishes everyone a great, safe holiday season.

Treasurer Roman. Reminded that this Saturday, December 22, 2018 at 8am they do the Goodfellow delivery. They meet across the street at the community hall. He wishes all the residents a Merry Christmas and Happy New Year. Be safe.

Trustee Fessler Smith. Gave a quick library update that they are on schedule and should be drywalled by the end of the year.

She had fun at the Pontiac extravaganza parade. It was a great turnout and she thanked everyone who participated.

She wanted to mention that we were recently named the 16th safest city even though we are a Township. She was glad to hear that Trustee Voorheis ride along was boring.

Next, she wants to talk about the tree lighting. It was cold, but a huge success. She thanked the police department for their helping hand as they drove Santa and Mrs. Claus in. She thanked the fire department for their help and for clean-up. She thanked former supervisor, Greg Baroni for his endless hours volunteering. She thanked the staff for volunteering and for full participation. Thank you, Mr. Potter, for your leadership, Cathy Derocher, Treasurer Department, Library and Friends of the Library for transporting all the ginger bread houses. She is thankful to the sponsors and anyone else who helped out.

She also had fun at the Shop-With-A-Cop. It is a fun night and she encourages everyone to come next year.

She thanked Dave & Amy's for catering the luncheon at the Senior Center today. They all had a great time and she enjoyed her time with her colleagues.

She wanted to clarify the grant. She has heard concerns from residents regarding the use of the grant. It is just for the park; the money will be used to purchase the park only.

They collected can goods at the tree lighting and they are going to Goodfellow.

She wishes everyone a Merry Christmas and a safe New Year.

Supervisor Kowall. Highlighted the new sign in front of the Township offices. They're still figuring it out and have had other communities where they got it from. He asked the Board for \$50,000, but was able to deliver and install it for about \$42,000, under budget. They bought it at a local company.

The newsletter will come out twice a year. It cost only \$1,420 to stuff into the envelope.

He commends Chief Keller and the crew for Shop-With-A-Cop. If you truly want to be moved, you need watch these kids light up at this event. They had 75 kids participate.

Thanked Kathy Gordinear at the Senior Center for the luncheon. It was well attended and a good time.


The grant was a culmination of a lot of work and a lot of time. We received \$1,372,000.00. He would equate that day in Lansing with being in the delivering room with his wife. He was very impressed how the DNR Board conducted the meeting and funded the money. Very interesting process. Parks and Recreation will work on a master plan for the park.

Merry Christmas to all, God Bless and thank you.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Fessler Smith, to adjourn the meeting. The MOTION PASSED by voice vote (6 yes votes).

The meeting was adjourned at 9:02 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 December 18, 2018 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan