

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Special Board of Trustees Meeting
November 28, 2018

Supervisor Kowall called the meeting to order at 5:30 p.m. He then led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor
Mike Roman, Treasurer
Terry Lilley, Clerk
Mike Powell, Trustee
Scott Ruggles, Trustee
Andrea Voorheis, Trustee
Liz Smith, Trustee

Absent: None

Also Present: Lisa Hamameh, Attorney
Kathryn Chipman, Puppy Pirates
Sherri Ward, Recording Secretary

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the agenda. The MOTION PASSED by a voice vote (7 yes votes).

PUBLIC COMMENTS:

None.

**COMMERCE v WHITE LAKE v HURON VALLEY SCHOOL DISTRICT, OCCC CASE NO. 16-155404-CK,
CONSENT JUDGMENT**

Attorney Hamameh reported that this is litigation that the township has been involved in for over 2 years. The judge has not ruled yet, the trial is scheduled in two weeks.

Board members have the consent judgment as of last night – six attorneys have prepared and reviewed this consent judgment. It has taken lots of different forms. There is a new due date for when Huron Valley will have to pay, it is now December 15th.

The first part of this is invoices. According to the WRC, the Huron Valley meter was functioning for the first 1 ½ years and hasn't functioned properly since. Invoices went out on what were accurate billings and Huron Valley did not previously pay those invoices. They have agreed to pay those invoices. The second phase of the resolution is through July, 2018. The county was billing on sewer meter estimates. The parties agreed to 97 REU's from when the meter stopped working through the new REU schedule. Going forward, 84 REU's will be the new basis.

Clerk Lilley asked when the 2018 REU rate schedule was adopted. It is Attorney Hamameh's understanding that they are adopting the county's 1998 schedule as amended. Trustee Powell noted that the agreement with Commerce Township states the same thing.

Clerk Lilley asked if a rate study been done to support the new REU schedule? No, that has not been done.

Clerk Lilley asked who will pay for any deficiencies. Deficiencies of monies within the system.

There may be a rate study in the near future. Treasurer Roman noted that no one makes that deficiency up directly, it's shared by users and connections. Supervisor Kowall stated that the rates are not adjusted until a rate study is done. Clerk Lilley believes it's urgent to move forward on the rate study to avoid future problems. Supervisor Kowall believes Mr. Potter is in the process of this. Trustee Powell wanted to impress upon the board the urgency of negotiations with Commerce Township.

Treasurer Roman stated that the document may change, are we looking for the Supervisor to sign off? Attorney Hamameh stated that we need a motion to authorize the Township attorney to sign the judgment as proposed with any non-substantive amendments that may come up. Nothing that would change the substance of the agreement or the outcome.

Trustee Powell stated that it may not affect this agreement, but the interpretation going forward for new residents it could impact them. How does it impact the future? Attorney Hamameh stated that it doesn't.

Treasurer Roman has been watching the document change, and its change after change after change. We're trying to avoid another meeting for this document for one or two small changes. Trustee Powell wanted to thank counsel for her expertise.

It was MOVED by Treasurer Roman and SUPPORTED by Clerk Lilley to allow the Township Attorney to sign the consent judgment with any non-substantive changes. Clerk Lilley would like copies of any changes to the document prior to signing.

The MOTION PASSED by a voice vote (7 yes votes).

REQUEST FOR DEFERRAL OF SEWER REQUIREMENT – 8330 HIGHLAND ROAD

Kathryn Chipman was in attendance for Puppy Pirates. Supervisor Kowall stated that she has a considerable investment in the community. There is currently a functioning septic system and they are depositing \$ 4,000 toward the sewer. They are agreeing to hookup within 18 months (or upon failure of the septic), failure to hookup within 18 months will result in the revocation of their Certificate of Occupancy.

Kathryn Chipman stated that she'd really like to open. She can offer grooming through a mobile

groomer, but she's not offering that at her facility. She's going to concentrate on older dogs because that's more lucrative. Ms. Chipman is happy to hookup in the future, but right now to come up with \$ 45,000 is a lot. Chipman has complete intention to hookup, but not right now. She will put \$ 4,000 in escrow and the design fees have been paid. Supervisor Kowall noted that \$36,497 is the actual cost of the hookup. Puppy Pirates currently has a functional septic system – if it fails, they have no choice but to hookup.

Supervisor Kowall stated that, by ordinance, we can defer this up to 5 years. Trustee Powell asked if there is a SAD for businesses. No, it is not in place. We, as a board, could look at the emergency hookups for commercial uses.

Clerk Lilley has nothing in writing from the applicant to see what they are asking for. Specifically what hardship is being requested? Ms. Chipman stated that it's a simply a money issue. Clerk Lilley would like to see that this document is in agreement with ordinance 38-479, Section 3, Hardship. The applicant will need to pay for the agreement to be formulated by the attorney as well. Supervisor Kowall would like to work with counsel to put the agreement in place.

Trustee Smith stated she would like to see an agreement as well. She requested information and hasn't been given any. Trustee Smith asked if there a standard of hardship? Attorney Hamameh noted that hardship is not defined in the sewer ordinance. In the past, the Township has handled hardships as defined by tax laws because there is a definition there. If you're going to make a determination of hardship, you're going to have to apply that consistently. Trustee Smith feels that this could come to us again and again and it will set a precedence. Trustee Ruggles stated that he feels the same way, he's a small business owner, if we allow it, we'll see it more often.

Supervisor Kowall reported that a change of use triggered the necessity for hookup.

Clerk Lilley asked if this covers water. Supervisor Kowall stated that they're not required to hook up to water right now.

Trustee Powell stated that this is a perfect example of why the sanitary sewer ordinance needs to be reworked. White Lake Township has one of the highest, if not the highest, fees in Oakland County. We not only have to pay our tap fee but Commerce Township's as well. It is inappropriate for us to pay the exact same fees as Commerce Township tap fees and White Lake tap fees. We've been turned down many times by businesses trying to come into the Township because they cannot or will not pay our tap fees. It would be easier for small business to be able to spread their tap fees out over 5 or 10 years.

Attorney Hamameh stated that there were revisions and negotiations to the contract that were made and sent to Commerce Township, then it stalled. Trustee Powell stated that if we told them we were going somewhere else, they would respond very quickly.

It was MOVED by Clerk Lilley and SUPPORTED by Trustee Voorheis to authorize Supervisor Kowall to

sign an agreement to defer the sewer requirement for Puppy Pirates at 8330 Highland Road for 18 months. In the event of failure of the system during the deferral, they will be required to hook up within 90 days or close the business. There is no grooming allowed on site. The Township attorney will draft an agreement with these requirements and Puppy Pirates will pay for the agreement. The agreement will be in covenant form and recorded at the Register of Deeds.

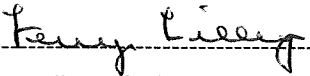
The MOTION PASSED by a voice vote (7 yes votes).

It was MOVED by Supervisor Kowall and SUPPORTED by Trustee Smith to adjourn the meeting.

The MOTION PASSED by a voice vote (7 yes votes).

The meeting was adjourned at 6:09 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 November 28, 2018 special board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan