

## CHARTER TOWNSHIP OF WHITE LAKE

Minutes of the Regular Board of Trustees Meeting

October 17, 2017

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  
Mike Powell, Trustee  
Liz Smith, Trustee  
Andrea Voorheis, Trustee

Absent: Scott Ruggles, Trustee

Also Present: Lisa Hamameh, Attorney  
Jennifer Edens, Recording Secretary

Clerk Lilley amended the Agenda as follows: Amend Item 12, to read Executive Session Approval to Recess into Closed Session to Consider Attorney/Client Privileged Communication, In Accordance with MCL 15.268(h). Add New List of Bills dated October 17, 2017. Add Item 12A, Tentative Agreement dated September 25, 2017, Union Employees. Add Item 12B, Non-Union Employee and Election Official Wage Resolution #17-040. Add Item 12C, Policy and Procedure Manual Amendment. Add Item 18, Adjournment.

**It was MOVED by Clerk Lilley, Supported by Trustee Powell to approve the Agenda as amended: Amend Item 9E, New List of Bills dated October 17, 2017. Amend Item 12, to read Executive Session, Approval to Recess into Closed Session to Consider Attorney/Client Privileged Communication in Accordance with MCL 15.268(h). Add Item 12A, Tentative Agreement dated September 25, 2017, Union Employees. Add Item 12B, Non-Union Employee and Election Official Wage Resolution #17-040. Add Item 12C, Policy and Procedure Manual Amendment. Add Item 13, Adjournment. The MOTION PASSED by a voice vote (6 yes votes).**

### PUBLIC COMMENTS

Dr. Sharon Lynn Keranen, White Lake. She understands that there are students present that are in a political science class or civics and she happens to teach the same and she is here to talk about the library. Her concern with the library is that it might make a perfect public policy case management study on what not to do because there is a cost overrun. These are concerns when you talk about the constituents' who have given our public trust to public officials, these are the monies to be spend for the

library. As a professor, she loves libraries, she voted for the library as she is all for it. The concern is that a little bit of a cost overrun right now – it's going to escalate. It never gets better, it gets worse. Secondly, she thinks you have to learn fiscal responsibility early on. She interjected that she's glad to see the students here tonight and that this would be a good piece to add to their class and whatever they are writing up, because this is what you don't do. You don't want cost overrun. You don't want to lose public trust with constitutes. She reminded that we're here because we trust you. She urged to please follow through not only for us, but also for the students of White Lake.

Dennis Fiems, 9095 Satellite. He is grateful for the progress that the Township Board and Library Board seem to be making towards the realization of a modern, suitable new facility for the library. This new building, possibly the beginning of a township campus would be an asset to our community. He thinks it would be appropriate for the Township to consider, positively in sharing the cost of the waterline to that site because ultimately that waterline will be used by the Township as it expands its facilities there. He thanked those that who made this possible and urged the Board to issue the bonds at the earliest practical date.

#### **CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSE**
- C. CHECK DISBURSEMENT**
- D. BUDGET AMENDMENT**
- E. 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 October 17, 2017 and the Treasurer's Report. The MOTION PASSED by a voice vote (6 yes votes).**

Trustee Powell stated that because we have so many young people here, this is the part of the Agenda where it is ongoing business that we do everyday and at every meeting. Instead of us going through a long list of bills and dealing with the mundane practice of summarizing all of that, we are able to approve a bunch of things all at once. That is called the Consent Agenda and under it is a list of bills the Township has to pay, revenue expense reports, check disbursements, budget amendments, department reports (i.e. police, fire, community development and treasurers report). All of those things are items that would put most of us to sleep if we went through them. We are able to address them all with just one motion.

Supervisor Kowall indicated that in other words, it is the light bill, the gas bill, insurance bill, all of the above.

## MINUTES

### A. APPROVAL OF MINUTES – CANCELLED REGULAR BOARD MEETING, SEPTEMBER 19, 2017

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to Approve the Minutes of the Cancelled Regular Board Meeting, September 19, 2017. The **MOTION PASSED** by a voice vote (6 yes votes).

### B. APPROVAL OF MINUTES – BOARD OF TRUSTEES SPECIAL MEETING, SEPTEMBER 26, 2017

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to Approve the Minutes of the Board of Trustees Special Meeting, September 26, 2017. The **MOTION PASSED** by a voice vote (6 yes votes).

### C. APPROVAL OF MINUTES – RESCHEDULED REGULAR BOARD MEETING, SEPTEMBER 28, 2017

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to Approve the Minutes of the Rescheduled Regular Board Meeting, September 28, 2017. The **MOTION PASSED** by a voice vote (6 yes votes).

Trustee Powell thanked Amy Bertin as she did an amazing job catching and capturing everyone's comments.

Supervisor Kowall agreed and stated that it was a productive meeting and that Amy did a great job.

## RESOLUTIONS

### A. RESOLUTION #17-038, MDOT PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

Supervisor Kowall stated that it allows for annual permits for operations that fall within the state highway right of way. Our current resolution is in effect through December 31, 2017. The approved resolution will serve as the annual permit and be effective January 1, 2018.

Activities under routine service and maintenance are allowed under this permit as well as emergency repairs. However MDOT will require the agency to submit an electronic notice of the work. Individual permits are required for all proposed operations not covered under the annual permit.

In addition, municipalities are exempt from permit fees when working within their municipal limits. He furthered that as a government we have to abide by rules and regulations from the other branches of government so that we don't get in trouble. This is from the Department of Transportation. He gave

an example that if someone said to go out and fix something on the side of M-59, you can't do it without a permit. He reminded that these are things that we as a township have to do. If there is a sewer hook-up or water main break, any issue that requires the Township to work within their right-of-way, we have to have a permit. This gives the Township a blanket permit where all they have to do is notify of the work.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve Resolution #17-038, MDOT Performance Resolution for Governmental Agencies. The MOTION PASSED by a voice vote (6 yes votes).**

**B. RESOLUTION #17-039, 2018 GENERAL APPROPRIATIONS ACT**

Clerk Lilley explained that the General Appropriations Act basically outlines the estimated revenues and expenditures for the Township for the year 2018.

Trustee Powell asked if all governmental agencies need to adopt something like this. To which he received multiple yes answers.

**It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve Resolution #17-039, 2018 General Appropriations Act. The MOTION PASSED by a voice vote (6 yes votes).**

**NEW BUSINESS**

**A. 2018 BUDGET APPROVAL**

Supervisor Kowall stated that discussions were held at a budget workshop meeting and that several discussions regarding the budget have been had in efforts to ensure it will be a balanced budget. The only change he would like to make is under the Building Department on Page 14 of 19, under the Building Department Expenditures. He would change the estimated amount for overtime of \$20,000 and move that to salaries part-time. He believes that would take care of his concerns regarding additional help because development has gotten much busier in our community.

Trustee Powell referenced minor changes that have been made based on the Boards discussions and comments from the public. An item that caught his attention is on Page 13 of 19 under police expenditures, line item 000 – Youth Services. He noted that there was a \$4,000 budget last year for youth services. He stated that they originally had in their discussions \$1,000 in the 2018 budget and it has been reduced to \$0. His suggestion and hope is that the Board could put \$4,000 to \$5,000 in there for Huron Valley Youth Assistance. He provided to in-house staff a letter from the Oakland County court system that the courts themselves actually donate to the Huron Valley Youth Assistance, as well as many other communities. He believes that since the vast majority of young people treated and helped in that organization come from White Lake Township – it would be great if we could help support them.

Supervisor Kowall responded that he has turned documentation over to counsel and that research has been done, but he is unsure where it stands.

Attorney Lisa Hamameh takes the position that it is an expenditure that is not permitted. She notes that she has seen the correspondence provided from the courthouse that indicates otherwise. She has reached out to Deputy Court Administrator David Bilson who indicated he would look into the correspondence and get back with her, which has not yet happened.

Supervisor Kowall indicated that a budget amendment can always be made.

Trustee Powell suggested that the Board could make it now and whether or not they spend it wouldn't matter.

Supervisor Kowall referred to Chief Keller regarding their budget.

Chief Keller stated that as far back as he can see the police department budget has never given to the Youth Assistance Program. He stated that the Township has, but not the police department. He doesn't know why it was put in their budget as they have never given to Huron Valley Youth Assistance. Trustee Powell questioned his understanding that individuals are referred to the organization by the police department and yet we don't support the organization.

Chief Keller replied that the Township can support them with their budget. He reiterated that historically the police department has never given them money.

Supervisor Kowall reminded Trustee Powell that funds have gone to them through the Community Block Grant Program.

Trustee Powell closed that it is his suggestion that we step up and help this organization, but acknowledges that he is only one vote.

Supervisor Kowall stated it is not that there isn't interest in helping, just that they need to go about it in the right way. He will carry the torch and have further discussions regarding the same. He will happily support a budget amendment if necessary.

Trustee Powell questioned who would have a problem donating like all the other townships do and the court system itself donates. He feels it would be very difficult for the public to question why Youth Assistance is being supported.

Trustee Smith stated she would be in favor of looking at a budget amendment later. As is Treasurer Roman and Trustee Voorheis

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve the 2018 Budget as amended on Page 14. The MOTION PASSED by a voice vote (6 yes votes).**

**B. REZONING REQUEST FROM AG TO SF (1250 DOLANE)**

Sean O'Neil, Planning Director. Mr. O'Neil stated that this is very straight forward request. It was before the Planning Commission on October 5, 2017. They recommend approval of the proposed rezoning of parcel no. 12-21-201-004 (1250 Dolane) currently zoned AG and they wish to rezone to SF, five acre minimums to 2 acre minimums. The applicants, the Seward's and their son are present tonight. The Planning Commission recommends approval because: 1) The requested SF zoning district is consistent with the Master Plan and Future Land Use Map; 2) Rezoning the parcel to SF is compatible with the character of the surrounding area; and 3) Rezoning the parcel to SF will not result in spot zoning.

He further referenced a visual map with explanation of what would change. The referenced map went out as part of the public hearing notice to everyone that lived within 300 feet. He identified Dolane Blvd., and the single family homes that are zoned R1C. He further identified the 10.1 acre parcel with a panhandle that is approximately 20 feet wide that goes out to Porter Road where currently there is a rezoning sign. He stated that Mr. Nick Seward currently lives in the home on the property with his family. Mr. and Mrs. Seward wish to divide several acres off the back of this 10 acre parcel to build a second home. Per the Township ordinance they would have to extend Dolane Blvd. To do that as a private road far enough back to get road frontage on SF parcel. They would need 165 feet of road frontage. He furthered that this is not something that is done through Board of Commission, but that it is all done administratively through the Planning Commission and Assessing Office. It is a simple land division, but the private road is necessary to achieve the zoning ordinance requirements.

He is telling all of this simply to say that some of the people who called were very concerned about what will happen on this parcel. They heard fifteen different things that were not truly being proposed, but he thinks the folks on Dolane Blvd., came to find out this will be two homes and not multiple homes. They seem to be supportive with one caveat that Dolane is a public road that was last worked on sometime in the 1980's and is not necessarily in the greatest condition. Their concern was that the construction traffic not only to build the road, but to build the homes, would be detrimental to the condition of Dolane. Because the Seward's have the panhandle they have agreed that they would not use the public road. They are not required to use that access, but have agreed to and the neighbors appreciate that. By enlarge the neighbors that appeared were in support. He reminded that again, it is a very straight forward request and it is here for the Board's consideration for approval.

Trustee Powell questioned whether or not it is a legal non-conforming lot right now. To which Mr. O'Neil responded that it is. They have frontage on two roads, but do not have the required number of front footage for AG.

Supervisor Kowall stated that this is one of the many sins of our grandfathers and that we will see more of these and less of these over the next few years as these types of parcels break up. Mr. O'Neil responded that possibly to that end, this private road extension off of a public road would take a parcel that is currently non-conforming and potentially make it conforming – or it would have to in order to do the division.

Supervisor Kowall asked if there would be a total of two parcels or three. Mr. O'Neill replied that that was their plan as of right now. They would have the ability as long as they have the road frontage to add a third parcel; by the time you net out the road acreage, it might be tough to get four. He believes there is a maximum potential for three lots.

Trustee Powell indicated that is one of the downfalls for not allowing some flexibility, because the cost of extending a private road. Now they have to somehow recoup that. It almost now forces people to build an additional home to pay for the cost of the roadway instead of just allowing the split and allowing a driveway to come in. There are two ways to look at it.

Mr. O'Neil without wanting to evolve the conversation too much indicated that there are other communities, townships in particular that will not allow private roads anymore. He indicated that it is really more of a headache for the staff here because we are not a road agency. He would be curious to know, as time goes on, if more and more go that route. He stated there hasn't been a push here yet. It would not break his heart if we did away with private roads, but it would certainly further increase the costs and the burden of the applicant. Private road standards mirror closely those of the County road standards. He is not sure that the County is still allowing gravel roads any longer.

Trustee Powell interjected that in development splits he believes they still allow a Class-C roadway. With that being said he might make a presentation to the Board, he and Mr. O'Neil will need to discuss it, because the benefits to going to a county road in subdivisions these days in more of a detriment and he can explain that as we get into it.

Mr. O'Neil closed that again, he wishes all request were this straight forward. It is before the Board with recommendation from the staff and Planning Commission for approval.

**It was MOVED by Trustee Powell, SUPPORTED by Clerk Lilley to approve the rezoning request from AG to SF for parcel 12-21-201-004 as presented. The MOTION PASSED by a voice vote (6 yes votes).**

**C. REQUEST FROM LIBRARY FOR TOWNSHIP TO SHARE COST OF WATER MAIN EXTENSION ON ELIZBETH LAKE**

Trustee Smith as liaison to the library stated that she just assisted with the process to place their motion on the Agenda for consideration tonight. She has provided a letter from the Library Board and she believes there is a representative from the Board here tonight.

Glenn Rossow, Library representative. He is not necessarily here to present, he is here to answer questions. To go through it since not everyone has seen the document. He stated that basically we have two parcels of property; one that the Township has and one that library has. Neither of which these properties have water – in the form of a water main. The water main ends at Kroger and at what has become known as the rehab center. We have a situation where the library has a piece of property, which needs water and the township ordinance calls for a loop system that says we can't just take the water from Kroger and bring it to our property. The water main has to go from Kroger, down to the rehab center where it crosses over to the newly purchased land by the township, increasing the value of the land once there is water on it. The library is looking at it from the perspective that the ordinance calls for a loop system if the distance is more than 600 feet for which they are. They are improving their property at the same time the township property then becomes more valuable because it has water.

He knows that some are looking at it as what's the cost. The first estimate from their construction manager is based on \$120.00 per linear foot. Another estimator told them \$100. He is sure that if they talked to three more, they'd have another number. He believes that gives the size and scope. They're not looking to share the cost of \$300,000, more the magnitude of \$240,000. He doesn't want to get fixed on the absolute number that is just to give you the size and scope. He believes as neighbors and in the process of improving the value of the property next door – whether you develop or for some reason someone else comes in and develops it, the value of the property is more escalated because of the improvement made. We put forth 3 or 4 different scenarios and he learned after the letter was provided that the more official way for a S.A.D. would be linear foot on the road. To him it is just a mathematical equation of how the cost should be shared. Because it is an improvement to the property, therefore you are gaining value. He really doesn't know which S.A.D. linear foot or buildable acreage we just need to come up with a mathematical formula that then gets applied to the actual dollar. As the memo states, do you want your engineering firm, does the Township want to take the lead or does it just roll under the fact that we are developing the property and our construction manager who we are already paying to manage things takes on that issue also. He is happy to address questions.

Clerk Lilley stated that this issue has been before the Board for several months now and the issue has always been give me the money, give me the money. He takes the position that we can give you the money but there are certain qualifications that you must meet in order to obtain those funds. From his perspective, in particular, he believes that the Township was presented an estimate of costs, and he really feels strongly, as his background is in property and commercial development, that the Board should ask for bids to be taken to nail down the amount of money that is necessary to truly build this library. We've all been told that we're going to have a 30,000 square foot library. That may or may not happen depending on cost. He believes in Supervisor Kowall's concept that while we are progressing into this process of bonding and the library fulfilling their requirements regarding site plan approval and getting bids, which will likely take another month or so to accomplish. He believes in Supervisor Kowall's concept to explore the fact that is there going to be some cooperation between the library and



the township and to look at how we can justify the cost. He believes this is an example of what Supervisor Kowall was trying to accomplish when he said you want to get into this thing or you want to be all by yourself and the Township is not ready to go with you, there have been many cases of commercial development (i.e. Meijer development), they ran a sewer line from Meijer to Union Lake and Elizabeth Lake Road which was quit an expensive route, and it increased everyone's value, but Meijer paid for the whole thing. Kroger and all of those developers have extended water main at their expense.

He is surprised that the Library Board in the last month has taken opportunity to discuss some cost savings that they need to do accomplish the project. He believes this is a typical example, that is ridiculous to come to this Board when the library will be granted bonds in the amount of \$8.6 million and you want the Township to pay in addition to the \$8.6 million. He's all in favor of a later discussion when the library finds out through the bidding process what the entire project that they have embarked on will cost them. He doesn't believe there is a chance that the library will want to participate in a joint township hall and library combination. It is his personal opinion and he feels that this may not be the only example that they are going to face when the bids actually go out and with all of the requirements of the Township and county. All of those reviews come back will add additional expense. He is surprised at the request and push to keep this thing going forward. The Township has a process to go through and when we are done then we can move ahead and approve the bonds is he willing to look at this.

Trustee Powell agrees with Clerk Lilley. There are many examples of first developer in pays for the costs and utilities and the neighbors then partake of that. There wouldn't even be a sanitary sewer there for the library if another developer hadn't extended it for them first. He had a very good meeting with Library Board and he has to compliment the Library Board for having such excellent consultants – first rate consultants. Dealing with the Board they went over opportunities to cut \$1, \$2 may 3 million dollars without any change in the building itself. They were not entertained by the committee/group that was there. He would not be ready to approve this at this time.

Treasurer Roman stated that now that the library has made it clear that they want to go on their own with a separate building, to him that means that the Township is now starting over – back to square one. The Township doesn't know exactly what it is going to do, it hasn't gone back to the voters, we are looking at all options; one option being having commercial developments along that frontage in which case those commercial developments would pay for sewer and waterlines. That is one of his concerns at this time and he would not support contributing to the waterline for the library. There is another issue, our voters went to the polls last August and they approved a bond for a new library not to exceed \$8.6 million dollars. He feels that giving more than the \$8.6 million is basically circumventing those voters and going behind their back and he is not comfortable supporting that.

Glenn Rossow interjected that at this point and time they need to have a further discussion. From the perspective of the comments regarding the \$8.6 million, there is no budget overrun. There is \$8.6

million dollars, period. Any professor, any person that walks up here and says that there is a budget overrun is completely not correct.

Secondly, as you look at from the perspective that you have stated, giving the library money, he would counter that with you are improving your property, the tax payer property. The library has an alternative and we will pursue it and it will cost the tax payer more money in the long run. From the perspective of, we will take an option to develop the property without waterline. We will spend \$100,000 and we will put that money into a process that isn't the waterline. You will not get increased value for the other part of the property parcel and we will have spent \$100,000. We will secure our building with the \$8.6 million dollars. If you don't want to participate, that is alright, but the tax payers will lose in the long run. From the perspective of, if the value of the township parcel is improved because there is a waterline, it would then be more valuable. If the comment that the sewer line was put in for our benefit, then why is the sewer line a \$100,000 tap fee he questioned. It was put in there, but the first person didn't pay for it in totality. It is there and as people come onto it they're paying for it. He questioned that they Board members are shaking their heads no and that they don't have to pay a tap fee, they just get to use it for free?

Trustee Powell replied that it has nothing to do with the sewer main. The sewer main was paid 100% by Meijer. You are paying for the use and the treatment of the water into Commerce Township. It has nothing to do with the cost of putting that sanitary sewer into the street.

Mr. Rossow interjected questioning that it there is no cost for the upkeep. To which Trustee Powell replied that if it failed we would have to take care of it. The library did not pay a penny and neither did the residents of White Lake Township pay a penny to put that sanitary sewer system in.

Mr. Rossow finds it disappointing from all of the discussions about saving the tax payer money, all of the fiduciary responsibility, all of the willingness to come together, and when we say there is a waterline for both to use, that the first right out of the box is that's terrible.

Trustee Powell stated that the first right out of the box was this Board asking you, the Library Board, to please work with the Township Board and please share some space in the building. That has been turned down, absolutely, categorically, now that there is an expense involved you want us to participate with you.

Mr. Rossow declared for value you receive to which Trustee Powel replied unrealistic.

Treasurer Roman stated that at the last meeting he would support a standalone library and that he would support up to the maximum of \$8.6 million. He further reminded that he qualified it, you have to get a handle on your cost and you have to follow all of the township ordinances. The township water ordinance because you are within 200 feet of a water main, you don't have a choice, if you want water in the library, you will hook-up to the waterline. That is the way the ordinance reads and that is what you have to follow.

Clerk Lilley followed up with it is really amazing that you can come to this Board and expect this Board to jump over hoops, which you have done for several months now. He finds it ironic that even in your news letter you said whether you voted for the proposal or not, the voting process is being circumvented by the majority of the White Lake Township Trustees. It is the duty of the trustees to implement the wishes of the voters, but so far they have not passed a resolution to issue the bonds to pay for the project that was approved by you the voters.

Then you go on to say that we don't have to issue the bonds, you make this comment that the Board has said, we don't have to issue the bonds if we don't want to. I have better idea; I don't care if the library has to close due to the lack of funds and many similar comments. All of these are just inflating the big problem of the Board being the bad person. Where the library has taken on the responsibility of budgeting and moving forward to do their own stuff. He would also like to report to the general public that as of tonight, the library owes the Township for salaries, benefits and fees, as of September 30, 2017, \$174,000 to reimbursement for wages and benefits.

In a meeting that was held today, he admits he may have lost his cool a little bit, but he takes this very personally when you owe and he is responsible as the Clerk for the accounting of money, and that you would vote to not pay this township until this bond issue is resolved. It is striking to him and yet you come to them and ask for cooperation. He has already laid out what he expects this Library Board to accomplish and that's the bidding and all of those things that need to be done. He doesn't feel bad from the board perspective that they may have done what they had to do, but the Board has a right to enforce its ordinances and processes to move forward and he as Township Clerk is going to abide by his part of the bargain.

Trustee Smith would like to clarify a few things that have been said. Clerk Lilley is asking for the bids, this Board has not voted or decided on this process. Also, they are here so instead of responding adversarial, they are here extending an olive branch, and she believes trying to mesh in some sort of campus idea. Trustee Powell said that saving dollar amounts was not entertained in that meeting. I too, was in that meeting; we were all there with open minds. That just wasn't the case; many options were entertained and are still a work in progress where the building can be tweaked or parking can be moved, things like that. That wasn't quite the outcome of that meeting.

Next, in this memo it is very specific. They are asking us to consider three possibilities of a percentage split, so she would like to at least give them the courtesy and respect to at least talk about each request. In the bigger picture, they are approaching us to try and save both parties money and she's all for saving the tax payers money. There are ways to save money in this process, even though we are not going to move forward in a combined building. There are ways to save money in a campus idea, as far as where the boulevard goes, or where we pull in utilities, and water mains and things like that. Instead of taking an adversarial approach she would like to respectfully go through their request and then after that, she

would like to offer that perhaps we table this issue so that we can gather more information and information towards a positive outcome for both boards. Instead of us just saying a flat out no. Supervisor Kowall believes that you have the right, as does any organization, to ask for information back and forth. That is why we are here. Is this a flat out no, he doesn't believe there ever is. He thinks there is always room for a symbiotic relationship to develop. It is just a matter of sitting down and figuring it out. He welcomes conversation regarding this matter. He would like to consult the Township Engineer first and foremost and he has not had an opportunity to do so. He puts his faith in them, he doesn't know the other company. He has seen their work, but as the Supervisor he would have to consult with their consultant.

Mr. Rossow welcomes a number from them.

Supervisor Kowall followed that we'll will sit down with them and have some conversations with them regarding this matter and that is all he can add and take this all under advisement at the moment.

Mr. Rossow thanked the Board for their time.

#### **D. FIRST READING, AMENDMENT TO FIRE CODE ORDINANCE**

Attorney Lisa Hamameh received an email from John Holland asking to make one minor change. She referenced that in front of you is a redline version of the entire ordinance so that you see the changes being proposed to conform with the 2015 version of the International Fire Code. On Page 5 of that, after where it reads Chapter 4: Chapter 4, he has asked that we add with the exception of 401.8 (interference with fire department operations). That would be the only change. With that amendment to the version in front of you, we would ask that you move this to second reading.

Supervisor Kowall thanked attorney Hamameh. He indicated that he did peruse this and there are a lot of technical things of that nature and of course this does bring us up to the 2015 Code.

Trustee Powell directed to attorney Hamameh, the majority of this ordinance revision is in black, as she indicated it has been red bullet pointed for the changes. The other sections still state, "shall be amended to read as follows:"

Attorney Hamameh indicated that it is a little bit confusing because what is happening here is this ordinance adopts the 2015 International Fire Code, but if you look under Page 2, §18 – 25, we have changes in the code. So basically everything after this section are the changes to the big 2015 Code. That whole code applies as modified by this section.

Trustee Powell reworded it that the modifications that are requested in black have already been changed because they are a carryover from the previous version. The red are only the changes we are making to the entire NFPA.

Attorney Hamameh corrected that the black is all of the changes of the 2015 version, but the red is showing you the difference between 2012 and 2015 versions. This is the whole ordinance.

Trustee Powell further questioned on Page 4, §108.3 indicates to be amended as follows, and he doesn't understand the thinking of our fire department for one member of the board of appeals has to be a professional with certain qualifications and cannot be an employee of White Lake Township. He doesn't understand the reasoning for that.

Attorney Hamameh cannot explain the reasoning behind it. She furthered that there is a §108.3 that addresses qualifications in the International Fire Code. This is how he wants to change it to customize it for White Lake, but she can't tell him why. She does know that there have been discussions about trying to have the same Board of Appeals for building as fire, because he was having hard time recruiting a Board of Appeals for fire and there is already a board of appeals for building and he was looking for a way to mesh them. This could be a way, but she cannot say for sure.

Trustee Powell believes that the Board has already adopted that. Merging the two boards.

Attorney Hamameh replied that if the fire code had certain things that had to be modified, it would have had to be modified through this. There will be a second reading, so she can get the answer for you. She was called today and he indicated that he couldn't be here, but we can definitely get an answer for you before adoption.

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to move to second reading of the amendment to fire code ordinance. The MOTION PASSED by a voice vote (6 yes votes).**

## **NEW BUSINESS**

### **A. SECOND READING, AMENDMENT TO MINOR IN POSSESSION ORDINANCE**

Attorney Hamameh recalled that the legislature amended the minor in possession to make the first offense a civil infraction as well as other changes. The effective date of that legislation was supposed to be January 2018. Therefore plenty of time to adopt and go through the process. There was a subsequent amendment to that law that changed the effective date to October 2020. She reminded that last month she scrambled, threw something together, added it to the agenda last minute and the Board moved it from first reading to second reading so that our ordinances are consistent with state law.

The legislature just past a new piece of legislation making it effective again January 2018. So rather than adopt it and have an ordinance inconsistent with state law, she is asking that the Board postpone second reading to the November 21, 2017 Township Board meeting agenda. In order for it to be effective after the Township Board adopts it, it has to be published and then it is not effective until 30 days later. It should line up with the effective date.

Trustee Powell questioned the reason why the Board couldn't do it tonight. Attorney Hamameh explained that the ordinance would say it's a civil infraction and state law would say it's a misdemeanor. There is a separate piece that says you can't call something a civil infraction if state law calls it a misdemeanor.

Attorney Hamameh was asked to give a quick synopsis of what is involved. She stated that a minor caught with alcohol will be put through the criminal justice system, except that a first offense will no longer be a criminal offense it will be a civil infraction. The judge can still order counseling and there will be fines.

Supervisor Kowall reminded the students in attendance to mind their P's and Q's because you or your parents will be paying for this. A minor in possession is not to be taken lightly.

Citizen comment concern: Some omissions regarding minors in possession who are at work (i.e. stocking alcohol at Kroger). As was when the parents would be notified. Omissions that may still be in the state statute, but not the township ordinance.

Attorney Hamameh reminded that we are still bound by the state statute. It's not necessary to reiterate the entire statute. The police department is well aware of state law. They know if they write a ticket that shouldn't be written they will get challenged on it.

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to table the second reading, amendment to minor in possession ordinance. The MOTION PASSED by a voice vote (6 yes votes).**

#### **B. STATUS OF CIVIC CENTER CONSULTING PROJECT**

Sean O'Neil displayed the invite for tomorrow night, October 18, 2017 that was mailed out. He reminded that it is from 7-9 p.m. in the auditorium at Lakeland High School. The Committee has seen the nearly finished product that will be discussed tomorrow night. They will also discuss the survey results, pocket schemes, and different layouts or buildings. He was advised that there will be a survey trying to capture feedback following the presentation. He is hopeful that when we are all sitting at Lakeland tomorrow night that the survey will be on our website and functioning. He is also hopeful that there will be stronger feedback than the less than 300 we received the first time around which was unfortunate.

Trustee Smith interjected that 334 were received.

Mr. O'Neil is hopeful that it will be stronger than 334 in a community of almost 31,000. He is looking forward to them going through some of this. He hopes that everyone can make it. The next meeting after that will be November 8, 2017 to cover draft concepts. This too will be at Lakeland High School and updates will follow. He hopes the community is aware and will attend tomorrow night.

Trustee Powell asked if there will be an open mic or Q&A sessions. To which Mr. O'Neil indicated he asked and was told it will be similar format where they will present and conversation will follow. They plan to bring a couple of computers to help people with the survey and assist those who require assistance. He doesn't think it will be quite what it was last time.

Supervisor Kowall urged everyone here and anyone watching to attend. He spoke to the students in attendance and urged them to get involved. He declared that in 10 to 20 years from now some of us will be worm food, but you guys will be around. This is your community that we are trying to forge, so the decisions that have to be made will affect you tomorrow. Get involved. Find out what's going on.

Survey information should be revealed tomorrow at the meeting. They are the experts and we are relying on them. There are opportunities to speak with them after the meeting in the lobby.

He closed by thanking Mr. O'Neil.

#### **TRUSTEE COMMENTS**

Trustee Smith – Regarding the Civic Center she reminded that it is tomorrow at Lakeland High School from 7-9pm. They have compiled the information from the surveys and have come up with 3 options which will be presented tomorrow night. An additional survey will be more digital, more picture based, easier for residents to get through. She reminded the importance to taking the survey as quickly as possible. While the current survey is still opened, they are not really pulling from it. With regards to the second survey, they will cutoff input about a week before the November meeting. It will technically still be open, but unfortunately will have to disregard those. It was disheartening that only 334 residents participated in a survey for a \$45,000 consultant. She hopes that more participation takes place as we move forward. They will be available in the lobby when it is over. It will be livestreamed if you cannot make it.

As for community updates: The Library Board will meet again for their regular meeting on October 25, 2017 at 6:45pm in the lower level of the library. The next Steering Committee, while not open to the public, will be October 24, 2017. Some fun things in the community include the Fisk Farm's trunk or treating. Parks and recreation will put on a movie; there is a scarecrow contest and some other fun things. She hopes the community can join them.

Community Unity Breakfast, November 9<sup>th</sup> from 7:30 – 9:00 a.m. at the Independence Village. Tickets are \$8.00. Open to all of the public who can R.S.V.P. by email to [communityunitybreakfast@gmail.com](mailto:communityunitybreakfast@gmail.com). This is a chance to network, to put faces and names together, to socialize with our community leaders. She thanked the community members present for their work on this event. There are recognitions for those who have gone the extra mile. She hopes everyone joins, it is \$8, but is not a fundraiser the cost covers the breakfast.

Tree lighting will be at Fisk Farm this year, Friday, December 1<sup>st</sup> from 6-8pm. This year we're trying something new – a tree walk. Any resident, business or organization can donate a tree this year, please keep it under six feet. You may take the tree back home with you when the event is over or you can leave it for the historical society or you may donate it. Donated trees, with the help of the police department, will be donated to a family in need. Those interested in participating should visit the library website. She is hopeful that it will be on the township website. More information will be around town. They need help that night, as it is a mighty committee of five, including herself. If you are available to help they would really appreciate it as there is a lot of set up and will need help organizing all the activities. If interested you can contact her, Greg Baroni or the library.

She is tempted to make a motion since she has asked so many times to put community events on the marquee, she is hopeful the survey will make the marquee eventually, as they have paid a lot for the consulting. She is further hopeful that all of the community events will make the marquee and the township website.

She wanted to reiterate with regards to the confusion circling with the consulting. It is not your typical consulting process. It is not going to give us a concrete answer. She believes there should have been a good old fashion town hall on this topic where you can give your input. She's sorry that this is not the case. Three options will be presented; this company is not going to tell us that this option is the best one. They will come back to the Steering Committee and back to this Board, they don't get into cost saving, they don't get into dollars. They get into planning the area. It is not what you think of a typical with other consulting agencies. She has been contacted by a lot of people who are confused by this. She encouraged people to contact her and she will try and provide an understanding.

Finally, she suggested if anyone needs further information about any of the great community events coming up to please see her after the meeting.

Trustee Voorheis thanked the Fire Department for a great open house on October 8, 2017. She reminded that October is national fire prevention month. They provided free hot dogs, rides on the fire truck that was at Meijer, spraying the hoses, climbing on the trucks, and application of fake wounds. They even saw a marriage proposal where they flipped over the hood of the truck and it read will you marry me.

Regarding Trustee Smith's comments, she reminded that this Saturday is the trunk or treat at 6pm outside the Farm. There will be a scarecrow contest and a movie. She referred to Mr. O'Neil as to the movie that was being purchased through Parks and Recreation. To which he indicated it was purchased today, The Ghost of Mr. Chicken purchased for \$7.00.

Trustee Voorheis furthered that you can come dressed in costume as there is a costume contest. She will not be Jason Voorheis like she was last year.



Clerk Lilley mentioned that the Rick Fisher who our Firehose Officer has a co-op grant with Springfield Twp., and from what he understands, he has brought about \$10,000 to the Township for the purchase of new firehose. He would like to take a moment to thank Rick Fisher.

He then stated that he spoke his piece when we discussed the library issue and he just wants everyone to know that his honesty and his integrity are important to him and so long as he sits as the Clerk for the Township he will continue to be an advocate that our policies. They are important to me and he will to the best of his ability, see that they are followed. Once they are followed he thinks that makes good decision making on behalf of the Board members.

Trustee Powell wants to assure the public and the Library Board that he is total favor of the library and he will do everything he can to assist them, but he would very much like for it to be a reciprocating communication. He would really like the Library Board to work with them instead of just waiting until they need something from us. He stated it must be a two-way street. In that respect the Library Board did get him a copy of the projected new budget for the operating of the library and he thanked them for that. He does have some questions regarding that as it doesn't seem to show any increase in dollar amounts for programs, books, or anything, just the library itself. He has some questions as to why the programs aren't showing any increase in dollar amounts. He stated, maybe because he is not a library expert, he visited Commerce Township Library that has a similar size building and they sent him their operating budget and it is substantially higher than what the library is projecting. That may be an issue that the Library Board may want to check on as well. He is also in receipt of a notification/worksheet form the bond attorney and it doesn't have an item in here that he would be willing to discuss of eliminating or reducing, he stated that the ordinance requires 7% administration fee for bonding / collection of bonds and that is not included in here. In any event we should think about waiving that to assist the library.

Lastly he wanted to recognize that several are wearing pink and that this particular month is a month to pay attention to breast cancer and all cancers. He certainly remembers there were a lot of tears when he came home and announced to his wife that he had cancer. The "C" word is fairly traumatic. Attorney Hamameh interjected and thanked Carol Burkard for all the reminders.

Treasurer Roman stated that he had set up a meeting with Clerk Lilley, Denise and the Treasurer from the library and the whole goal was to meet and keep the train on the tracks in the process. His goal is to make this process work for both sides, it cannot be one-sided. He thinks meeting every couple weeks is a good thing. Two of the concerns that came up today were bond discount and timing of the resolution. That is a fee that the underwriters charge. Their biggest issue is the timing of the resolution. The library's concern is that the resolution is approved before they go out to bid. Their reasoning is that those who do go out to bid on bonds have a better assurance that this bond is going to get funded. He is going to talk with Paul next week when he's back to see what his suggestion might be to make this resolution work for both sides. The municipal advisor did advise that the library go out and get sealed bids before the actual bonds are released. That is on the timeline which was covered today.

Trustee Smith asked for clarity regarding Agenda item 9C. She suggested that it be tabled and Supervisor Kowall said it would be taken under advisement. They had very specific request and she wants to make sure they leave here tonight feeling like it is – Supervisor Kowall interrupted stating there would be some conversation shortly, before the next meeting.

Denise Stefanick. She thought Trustee Powell wanted them to take the initiative to meet with him before they need something. To which he rebutted, not the initiative, but serious consideration of the alternatives.

She reminded Trustee Powell that she called him to set up a meeting. She further pointed out that the library staff including herself have been very active in their community. Regarding the lack of increase in the programming she indicated that they already have a very robust program schedule and it likely will not cost more. As far as books, they have a book sale and now they will not have to sell those books they will go on the shelf. In the mean time in the next year or two they hope to store the books and have them available for when the new library opens. They will have a nice collection, it won't be bare, it will be just right.

She stated that most libraries have a better budget than they do. West Bloomfield has five times bigger budget. They do a good job on their budget, they are frugal and smart. Commerce has money, there mileage was set up to build that library. It was originally set up to build it ten years ago. They decided to wait until they had a pot of money to build the library which is why they were in the country club for awhile. It is a nice library, but they had a bigger budget. The public is allowing them to have it and they will have a nice library because of it.

Trustee Powell asked that they compare the utilities. He referenced the gas amount in White Lake's budget compared to Commerce for an equivalent size building.

Glenn Rossow asked Treasurer Roman if the rest of the Board members know that the list of actions have no items assigned to the library for the sale of the bonds. He indicated that there is a lot of discussion of what we need to do, we meaning the library, but there is not a single line item that the participant is the library.

Treasurer Roman questioned what document he is referring to. Mr. Rossow led him to the Bendzinski document. Treasurer Roman then asked him to look at it and whatever additions/changes that he would recommend be emailed to him.

Supervisor Kowall thanked everyone for coming tonight. Participation is what makes these meetings work and sometimes not, but nonetheless it is good to have the participation. It is breast cancer

awareness, we have all been touched by it, we are all aware of cancer in every way shape and form. He thanked Carol Burkard again, for the reminders.

He states that there has been a lot of back and forth on this, but he does believe they are moving in forward direction. Some people may think a straight line, others a zig-zag, nonetheless still going forward and this will somehow iron itself out. We will see what the outcome is to be. The building will need to be built with \$8.6 million dollars because that is what the public has approved. We will take it from that point forward and try to be as cooperative as possible with the information at hand and go from there.

**It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to approve adjourning into Executive Closed Session to consider attorney/client privileged communications in accordance with MCL 15.268(h). The MOTION PASSED by a roll call vote (Powell-yes/Voorheis-yes/Smith-yes/Lilley-yes/Roman-yes/ Kowall-yes).**

**It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Powell to return to open session. The MOTION PASSED by a voice vote (6 yes votes).**

Clerk Lilley identified the remaining items on the Agenda as

- 1) Tentative Agreement dated September 25, 2017, Union Employees;
- 2) Non-Union Employee and Election Official Wage Resolution #17-040; and
- 3) Policy and Procedure Manual Amendment.

**A. TENTATIVE AGREEMENT DATED SEPTEMBER 25, 2017, UNION EMPLOYEES**

Catherine Derocher briefed the Board that the Michigan Association of Public Employees have voted and agreed to the Tentative Agreement on September 25, 2017. They would like you to consider ratifying the contract.

Supervisor Kowall indicated that at their request they would like it addressed at this meeting.

Catherine Derocher answered affirmatively. She apologized for the late notice, but the Union did not ratify the contract until late last Wednesday after the Agenda was already prepared.

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Tentative Agreement dated September 25, 2017, Union Employees. The MOTION PASSED by a voice vote (6 yes votes).**

**B. NON-UNION EMPLOYEE AND ELECTION OFFICIAL WAGE RESOLUTION #17-040**

**It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the Non-Union Employee and Election Official Wage Resolution. The MOTION PASSED by a voice vote (6 yes votes).**


**C. POLICY AND PROCEDURE MANUAL AMENDMENT**

**It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the Policy and Procedure Manual Amendment. The MOTION PASSED by a voice vote (6 yes votes).**

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

The meeting was adjourned at 9:01 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 October 17, 2017 regular board meeting minutes.



Terry Lilley, Clerk  
White Lake Township  
Oakland County, Michigan