

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

February 21, 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
Sean O'Neil, Planning Director
Aaron Potter, Water Superintendent
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Add Item 6A, New List of Bills dated 2-21-17; after Consent Agenda add Presentation, Proclamation to Honor Greg Baroni; move Item 8F to the first item under New Business; Remove Item 8C, Request to Refurbish Rescue 1 (Fire).

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Agenda as amended: Add Item 6A, New List of Bills dated 2-21-17; after Consent Agenda add Presentation, Proclamation to Honor Greg Baroni; move Item 8F to first item under New Business; Remove Item 8C, Request to Refurbish Rescue 1 (Fire). The MOTION PASSED by a voice vote (6 yes votes).

PUBLIC COMMENTS

Bethany Dannewitz, 2262 Hampton Street. She is here tonight to address the Board with a concern she has regarding the conduct of Ms. Smith. Her daughter is a second grader at Houghton Elementary. As PTA President she is very involved in the school and it is through this involvement she has crossed paths with Ms. Smith. On multiple occasions she has witnessed Ms. Smith berate school employees and other parents during school hours and in front of students. On Feb. 14 she observed her in a heated conversation with the principal where she was raising her voice and showing agitation. This was taking place in the hallway where students were able to be witness to this behavior. She was asked to leave the school and when she refused the police were called, Police report Case #17-3241. Oct. 30 while attending

a Halloween Party Ms. Smith screamed at her personally as well as the classroom teacher in front of a room full of students making them feel scared and uncomfortable. She is a nuisance and creates undue stress and hostility to the students, staff and parents at Houghton Elementary.

As a taxpayer, parent and active voter she takes offense to Ms. Smith's behavior and is disgusted by her representation of the community in her current roll as a board member. Her use of bullying, threats and intimidation all in the presence of students is unacceptable and an abuse of her power as a trustee of this Township. Her hope is based on the information that has been shared the Board will review the behavior of Ms. Smith and hold her liable for her conduct.

Phil Dannewitz, 2262 Hampton. He is here to speak for his 8 yr. old daughter. She deserves to be in a safe and welcoming environment in which to learn. On two occasions, that right has been taken away from her by an adult who is a family member of one of her fellow classmates. It doesn't matter why she has been in the school, the issue is her conduct which is hostile, disruptive and completely against what our local school, Township and this Board stands for. As a resident and taxpayer he is appalled and deeply saddened that this conduct can go on unabated without any recourse. He is embarrassed to have this person who should be an example for his daughter to represent his Township. His daughter stated to him, "Why was that lady screaming in my class? Why was my class party scary instead of fun? Why are all the grown-ups so upset? Why did that lady yell at my friend's mom? Why did that lady yell at my mom? Why were there policemen at my school? Why were there people crying? Why do I feel scared when this lady comes into my class? Would any of you like to hear those things from your second grade daughter? I want this Township Board to be one I'm proud of. He asked respectfully for an investigation into these actions through police reports, information from school administrators and parents who were eye witnesses to these actions.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. CHECK DISBURSEMENTS**
- D. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. TREASURER**

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

PRESENTATIONS

A. PROCLAMATION TO HONOR GREG BARONI

Senator Mike Kowall presented a Proclamation in Honor of Greg Baroni. He was very happy and honored to have Mr. Baroni follow his tenure as Supervisor of the Township. He had no worries that the Township was in good hands. It was impressive that he carried on the Historical Society here in White Lake. It's important for young folks to understand, if you don't know where you've been, you don't know where you're going. This special tribute has been signed and dedicated to Honor Greg Baroni, stating in part, "As he celebrates the conclusion of his civic service may he know of our admiration and warmest wishes for continued success in every endeavor".

County Commissioner Eileen Kowall, also presented to Greg Baroni a Proclamation on behalf of the Oakland County Board of Commissioners. During his tenure as Supervisor many good things were said about him at the County. He was very cooperative and had a very good working relationship. The entire Board of Commissioners proclaim commendation of Greg Baroni and wish him a wonderful retirement. Congratulations.

Greg Baroni stated his appreciation for the Proclamations from the State as well as the County. This is not all about me. As supervisor, he had a team of people working with him. There is no 'I' in team. He would like to recognize the team that makes this Township run; the Board, the departments from A to Z, Assessing through Zoning. They are awesome people who keep the Township running. People were always greeted with a smile and they walked out happy. That is what makes White Lake a wonderful place to live.

MINUTES

A. JANUARY 17, 2017

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Powell to approve the Minutes dated January 17, 2017. The **MOTION PASSED** by a voice vote (6 yes votes).

B. JANUARY 31, 2017

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Minutes dated January 31, 2017. The **MOTION PASSED** by a voice vote (6 yes votes).

NEW BUSINESS

F. KROGER REDEVELOPMENT (MONDRY BLDG. PRELIM SITE PLAN & FINAL SITE PLAN)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to approve the Kroger Redevelopment (Mondry Bldg. Preliminary Site Plan & Final Site Plan), File #16-017, subject to compliance with all Planning Commission recommendations. The **MOTION PASSED** by a voice vote (6 yes votes).

A. BUDGET AMENDMENT FOR SEWER DEBT

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Powell to approve the Budget Amendment for Sewer Debt via Resolution #13-006B, transfer of \$325,000 from the General Fund to the Sewer Fund in order to make the Bond Payment. The **MOTION PASSED** by a voice vote (6 yes votes).

B. 8565 PONTIAC LAKE ROAD

Clerk Lilley noted for the record there is a letter in the packet dated February 9, 2017 and another letter handed out tonight dated February 21, 2017.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to authorize initiation of litigation against property located at 8565 Pontiac Lake Road. The **MOTION PASSED** by a voice vote (6 yes votes).

D. REQUEST FOR ROOF REPLACEMENT STATION 2 (FIRE)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to approve the Request for Roof Replacement for Station 2 (Fire) by City Roofing Company, amount not to exceed \$9000.00, allowing the Building Dept. to inspect and approve any maintenance issues, and shingle samples be provided to the Administration for review and approval. The **MOTION PASSED** by a voice vote (6 yes votes).

E. REQUEST FOR BIDS TO RESURFACE PARKING LOT STATIONS 2 & 3 (FIRE)

It was **MOVED** Clerk Lilley, **SUPPORTED** by Trustee Powell to approve the Request For Bids to Resurface Parking Lot Stations 2 & 3, subject to J&A's design recommendations and quote for any necessary surveying, and appropriate permits from the Oakland County Road Commission. The **MOTION PASSED** by a voice vote (6 yes votes).

G. UTILITIES VARIANCE FOR 4 CORNERS SQUARE

Mike Leuffgen, PE, J&A. This issue is better reviewed and discussed through the Preliminary Site Plan process. After that, we will come back for Board approval.

Trustee Powell agreed that due to the placement of the utilities it is premature for the Board to

act at this time.

At this time, Item 8G will be deferred to the Planning Commission.

H. ASPEN MEADOWS WELL HOUSE UPGRADE

Thomas Johnson, 9136 Buckingham Drive. Any time you've got a motor jumping in and jumping out, all pipes coming in and out will suffer vibration. Any time you flush pipes you have metal fatigue and can have loose joints and develop leaks. The variable speed motors are fantastic. They do save on pipes as well as the motors themselves.

Clerk Lilley expressed concern regarding the amount of money being spent. Although it is in the 2017 operating budget, it has already been supplemented to meet the operating expenses. There are a lot of items that are becoming necessities for Water and he is a bit concerned about the dollars and cents and where we're going in the near future.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Aspen Meadows Well House Upgrade of two Variable Frequency Drives, amount not to exceed \$50,000. The **MOTION PASSED** by a voice vote (6 yes votes).

I. TRANSFER OF FUNDS TO PARKS AND REC FOR PURCHASE OF TREES

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the Transfer of Funds to Parks and Rec for Purchase of Trees. The **MOTION PASSED** by a voice vote (6 yes votes).

J. RESOLUTION #17-002, SUGDEN LAKE GOOSE ROUND UP RENEWAL

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve Resolution #17-002, Sugden Lake Goose Round Up Renewal. The **MOTION PASSED** by a voice vote (6 yes votes).

TRUSTEE COMMENTS

Trustee Voorheis. As Park & Rec liaison, she thanked the Board for the transfer of funds of \$5000. Parks & Rec didn't have a meeting last month and she wasn't able to attend the Historical Society meeting so there is nothing new to report at this time.

Trustee Smith had a quick update regarding the library. The Library Board did fill their vacancy with Karen Birkholz. Mr. Ostrowski, Library Director, had concerns the Library might need to hook up to the sewer system in the near future. They are whittling down interviews for architects for the new library. The annual Mini Golf Fundraiser is coming up on Sunday, March 5, 2017 from Noon to 4 p.m. This is a big project and all help in setting up and tearing down

would be appreciated. There is a Library Board Meeting tomorrow at 6:45. It is getting exciting with input for the new library being built.

Ms. Smith responded to the comments made at the beginning of the meeting. She has never met the people who spoke before. She is a child advocate. There is no police report, to her knowledge. She will continue to advocate for children. She doesn't have a child that attends that school. If they would like to speak to her privately, she would be willing to do that.

Clerk Lilley stated he felt a bit disadvantaged during Public Comments. Many times the Board members are accused of some wrong doing or something they did right and are still accused. He is not able to answer truthfully to the people that came to the Board tonight to say that this issue has been appropriately dealt with. At some point in time, he would like to be apprised of the situation and be part of the recommendation so that truthfully we can tell people that it has been dealt with. Also, he would also like to express his confidence in Mr. Potter and is encouraged by the progress made with document retention.

Trustee Powell thanked Ms. Smith for the updates regarding the Library. He would like to schedule some discussion regarding changing the 45 days in the permitting process regarding fire works as that always seems to come up as an issue. There are problems in maintaining county roads in the Township, typically gravel roads. At one time he had suggested establishing a road maintenance district wherein the homeowners can tax themselves for improvements. It might be a nice option to allow local residents to have some say over the improvements and maintenance of existing roadways. Also, Commerce Township was being inundated with gas station requests. In response they have adopted the position that they will not approve any gas stations in any location where the Master Plan has to be modified.

Treasurer Roman thanked the Supervisor for his level of involvement in understanding and learning about the water and sewer issues. To truly understand an issue you can't do it from a desk. You've got to get out there, see it and learn it and that's what he's been doing.

Supervisor Kowall commented that he holds all members of this Board to the highest standards of ethical behavior. We are public figures in the limelight and we do have accountability to the Township, the Board members and ourselves. The allegations regarding Ms. Smith will require further review. We have a very good Board and will accomplish many good things, giving the citizens the services they've come to expect from us. He's been trying to slowly rebuild the Water Dept. with Mr. Potter's help. His input will help the entire Township in the way that it operates with microfiche and a variety of other applications. Some things we'd like to see is pressurization on the system become equal and additional iron filtration which will make a big difference in the quality of water.

EXECUTIVE SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER THE PURCHASE OF REAL PROPERTY IN ACCORDANCE WITH MCL 15.268 (d)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to approve adjourning into Executive Closed Session to consider the purchase of real property in accordance with MCL 15.268 (d). The **MOTION PASSED** by a roll call vote (Powell-yes/Voorheis-yes/Smith-yes/Roman-yes/Lilley-yes/Kowall-yes).

B. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATION IN ACCORDANCE WITH MCL 15.268 (h)

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

C. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING TRIAL AND SETTLEMENT STRATEGIES IN CONNECTION WITH LITIGATION OF WHITE LAKE TOWNSHIP V MUNRO & FRANKLIN, INC., ET AL, OAKLAND COUNTY CIRCUIT COURT CASE NO. 2016-152176-CZ IN ACCORDANCE WITH MCL 15.268 (e)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Smith to approve adjourning into Executive Closed Session to consult with legal counsel regarding trial and settlement strategies in connection with litigation of White Lake Township v. Munro & Franklin, Inc., et al, Oakland County Circuit Court Case No. 2016-152176-CZ in accordance with MCL 15.268 (e). The **MOTION PASSED** by a roll call vote (Smith-yes/Voorheis-yes/Powell-yes/Roman-yes/Lilley-yes/Kowall-yes).

D. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATION REGARDING WHITE LAKE V. RANDY HEBERT, OAKLAND COUNTY CIRCUIT COURT CASE NO. 92-431212-CZ IN ACCORDANCE WITH MCL 15.268 (e).

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve adjourning into Executive Closed Session to consult with legal counsel regarding White Lake v. Randy Hebert, Oakland County Circuit Court Case No. 92-431212-CZ in accordance with MCL 15.268 (e). The **MOTION PASSED** by a roll call vote (Powell-yes/Voorheis-yes/Smith-yes/Roman-yes/Lilley-yes/Kowall-yes.)

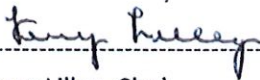
It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Powell to move back into general

session. The MOTION PASSED by 6 yes votes.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to proceed as directed in executive session for items 10 C and 10 D. The MOTION PASSED by 6 yes votes.

The meeting was adjourned at 10:28 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 February 21, 2017 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan