

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

January 20, 2015

Supervisor Baroni called the meeting to order at 7:00 p.m.

Supervisor Baroni led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Greg Baroni, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer
Carol Burkard, Trustee
Scott Ruggles, Trustee
Andrea Voorheis, Trustee

Absent: Rik Kowall

Also Present: Lisa Hamameh, Attorney
Sean O'Neill, Planning Director
Amy Bertin, Recording Secretary

Clerk Lilley made the following amendments to the Agenda. Add Item 5A, List of Bills dated 1-20-15; Item 8H, Hydro Design, Service Proposal; Item 8I, Emergency Sewer Funding including two Resolutions #15-001 and #15-002. Delete Item 6B, Gabrielle Alvira, Making a Difference Essay.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Burkard to approve the Agenda as amended: Add Item 5A, List of Bills dated 1-20-15; Item 8H, Hydro Design, Service Proposal; Item 8I, Emergency Sewer Funding including Resolutions #15-001 & #15-002. Delete Item 6B, Gabrielle Alvira, Making a Difference Essay. The MOTION PASSED by a voice vote (6 yes votes).

PUBLIC COMMENTS

Larry Ostrowski, Director, White Lake Township Library. He announced two upcoming events for White Lake Township. The first is the 7th Annual Mini Golf Event. They are hoping to raise money to replace the computers at the library. The second upcoming event is the DIA Inside Out Event. This coming April eight pieces of art will be displayed at outdoor locations throughout the Township as well as 12 wall mounted pieces within various businesses.

Jean Philippe Loew, 247 Rosario Lane. He drives an electric vehicle. Currently, White Lake has no charging stations. It would be nice if in the future plans for the renovation of Kroger

they might consider adding a charging station within their parking lot.

Thomas Johnson, 9136 Buckingham. His comment tonight is regarding the No Left Turn sign which has been removed from the entrance area of the plaza by Bed, Bath & Beyond. He has brought this issue up before. It is a safety problem. He himself narrowly avoided an accident. This area has the potential for a deadly crash to occur.

Supervisor Baroni stated that just before the holidays he had a meeting with MDOT and the Road Commission. Within the next two weeks that No Left Turn sign will be reinstalled. Also, the timing on all the traffic signals from Williams Lake Road down to Fisk Road will be looked at. This hasn't been done for 12 years and will hopefully address some areas experiencing heavy back-ups.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. TREASURER**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. FIRE, DEC. 2014, ANNUAL 2014**
 - 5. WATER, JANUARY/FEBRUARY**

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

PRESENTATION

A. POLICE DEPT. PROMOTION OF PATROLMAN BRADLEY CONNELL TO SERGEANT

Chief Kline presented Patrolman Bradley Connell with a promotion to sergeant. Clerk Lilley administered the oath of office. Involved in the role of sergeant, you are field supervisor, administrative supervisor and a functional supervisor. This is the most difficult transition of any in the department. Mr. Connell graduated the Police Academy in 2002. He's been employed with White Lake Twp. since 2003. He graduated Ferris State with a Bachelor's degree in criminal justice. He's been a patrolman from 2003 to 2006 and again in 2014 til current. He was a Lakeland High School Resource Officer from 2006 to 2009 and a detective from 2009 to 2014. He has also held the positions of field training officer, evidence technician and special response team. He has been awarded two meritorious citation awards and one life saving award. He was township officer of the year in 2012.

MINUTES

A. DECEMBER 9, 2014

B. DECEMBER 16, 2014

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the Minutes dated December 9, 2014. The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve the Minutes dated December 16, 2014. The **MOTION PASSED** by a voice vote (6 yes votes).

NEW BUSINESS

A. APPROVAL OF BIDS FOR TWIN LAKES CONDO WELL REHAB

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Burkard to approve the bid by Northern Pump & Well for Twin Lakes Condo Well Rehab in the amount of \$14,043.10. The **MOTION PASSED** by a voice vote (6 yes votes).

B. APPROVAL FOR BIDS FOR HILLVIEW WELL #2 REHAB

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve the bid by Brown Drilling for the Hillview Well #2 Well Rehab in the amount of \$11,796.00. The **MOTION PASSED** by a voice vote (6 yes votes).

C. HISTORICAL FISK FARM PARK MASTER PLAN

Jason Iacoangeli, Staff Planner, representing the Parks and Rec Committee and Community Dev. Dept. He is here to present the recommendation for the Fisk Farm Master Plan. It is envisioned as being a comprehensive plan for Fisk Farm in order to identify for the next five to 10 or 20 years down the road what types of projects the Township would like to see occur at Fisk Farm as far as the types of gathering space and daily, monthly and yearly events being held at the farm. They were trying to look at the space from a historic preservation as well as a park and overall community perspective to see if there are some things that can be done to promote possibly a farmer's market and daily use activities. This plan would try and address those issues and also the historical assets to see what types of improvements could be done to those buildings to make them accessible and more useable for community events. The firm chosen by the committee members to undertake this study was Beckett & Raeder whose contract fee would be approximately \$20,000.

Trustee Burkard stressed that one of the reasons to pay a professional planner versus the township undertaking the park recommendations and design is that if you want any grant money in the future you have to have a professional plan to start with. Being in a wheelchair,

there are many events she is unable to attend. The Farm is located on M-59, a prime piece of property which is currently underused. We need to go into the future. People are anxious for open market shopping and evening concerts. Beckett & Raeder, in particular, is a good choice as they were responsible for and won awards for their design of Bloomer Park.

Trustee Voorheis stated that the reason she is behind Beckett & Raeder is their experience and the type of past projects they have done. It is necessary to have a firm who shares the vision of the Parks & Rec Committee and Historical Society members.

Linda Erlich, resident and Parks & Rec Committee member. Part of this plan is to provide access to bikes, strollers and wheelchairs. Right now there isn't any. There are a lot of people who would visit the Farm but they can't get there. Because of the location, Fisk Farm could become a destination. White Lake could become a destination. Right now, no one comes to White Lake just to visit White Lake. There is nothing here that is unique. Part of the planning process would be developing walkways and roadways and placement of shrubs and trees. A master plan would provide an overall vision and how to reach that vision.

Trustee Ruggles agrees there needs to be a plan but the amount of \$20,000 for a 5 acre plot of land is a bit much.

Karen Saul, Historical Society member. Beckett & Raeder was her first choice. They have people on their staff who are knowledgeable in restoration and preservation. She trusts this firm and feels they can do the job.

Supervisor Baroni spoke on this issue as past president of the Historical Society and as Supervisor of the Township. You are considering spending \$20,000 for a book from a planner with pictures and possibilities versus sitting down with the Parks and Rec and Historical Society who already know what is required and needed over at the Fisk Farm. It is his opinion that you can take that \$20,000, sit down as a group and get some of the things done instead of going out to have a master plan put together.

Matt Carr, resident and Planning Commission member. He is concerned that the magnitude of the events at the Fisk Farm have to be considered. There is not a lot of parking available. It is great that you have large and popular events but can it be supported traffic flow wise? The Township has to make the decision on whether they are willing to invest that kind of long-term money into the property

Thomas Johnson. There is an opportunity at this point in time to do something with a plan. Once you get a plan in order, instead of putting band aids on this, you can start putting things on there as a permanent fixture.

Barb Allison, Historical Society member. At this point in time the Parks and Rec Committee

and Historical Society aren't in sync with their vision for Fisk Farm. They definitely have not put together their ideas or agreed with everything that Parks and Rec has suggested. There needs to be more discussion between the two groups.

Trustee Burkard stated that there would be a vision meeting made up of both groups plus the public to say what they want. Beckett & Raeder would put on the meetings and have the public participate to see what they want, too.

Ms. Allison noted there is a core group of people that have been giving their time and own finances, heart and soul into the Fisk Farm property for 30 years. She isn't suggesting that the public shouldn't be involved but they don't carry as much weight as the person that has given years to keeping that Farm up and running, the buildings together and the property and contents protected. When you see everything these people have done it is astounding. The public might have a say, but it is a smaller percentage, maybe 10%. The Historical Society, they know what is there and what they've done and fought for.

Trustee Roman suggested the Board table this issue until the next meeting to obtain more information and have more discussion.

Sean O'Neil, Planning Director. It boils down to the Board's vision for this property. If you think it has been under-utilized and you want to see it improved, the direction to go is toward having a professional plan done. If the vision is to keep it operating the way it does now, it doesn't make sense to pay. If you have a small budget, commit the budget to make the repairs you need. If you're willing to commit a larger budget then do it completely and the correct and proper way.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to Table the Historical Fisk Farm Park Master Plan until the next regularly scheduled Board Meeting. The MOTION PASSED by a roll call vote (Voorheis-no/Ruggles-yes/Burkard-no/Roman-yes/Lilley-yes/Baroni-yes).

D. REQUEST TO ACCEPT OFFER FOR THE SALE OF THE 1996 PIERCE FIRE PUMPER

It was MOVED by Trustee Voorheis, SUPPORTED by Clerk Lilley to approve the sale of the 1996 Pierce Fire Pumper to the Aurora Rural Fire Protection District in Missouri. The MOTION PASSED by a voice vote (6 yes votes).

Clerk Lilley requested the Board move Item 8G up to be discussed next for the convenience of the Kroger representatives in the audience.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to move Item 8G, Kroger Remodel, up next for discussion. The MOTION PASSED by a voice vote (6 yes votes).

G. KROGER REMODEL (PRELIMINARY SITE PLAN & SPECIAL LAND USE) FILE NO. 14-020

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the Kroger Remodel (Preliminary Site Plan & Special Land Use) File No. 14-020 contingent upon the following items: 1. The water main extended into Elizabeth Lake Road for future connection; 2. The final plan detail the storm water forebay; 3. The existing sanitary sewer to remain in service be TV'ed to determine the condition and found deficiencies corrected; 4. Lighting plan be provided in the final plan set; and also subject to the Planning Commission recommendations. The **MOTION PASSED** by a voice vote (6 yes votes).

E. PROFESSIONAL PLANNING FEES FOR 2015, BIRCHLER/ARROYO

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve going out for Bid for Professional Planning Fees, temporarily accepting the current fee schedule from ClearZoning. The **MOTION PASSED** by a voice vote (6 yes votes).

F. TRANSFER OF FUNDS TO MERS RETIREMENT PROGRAM

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Burkard to approve the Transfer of Funds per the 2015 budget in the amount of \$400,000 to the MERS Retirement Program. The **MOTION PASSED** by a voice vote (6 yes votes).

H. HYDRO DESIGNS, SERVICE PROPOSAL

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the Hydro Designs Three (3) year service proposal in the amount of \$5,580. The **MOTION PASSED** by a voice vote (6 yes votes).

I. EMERGENCY SEWER HOOK-UP

A. RESOLUTION #15-001 TENTATIVELY DECLARING ITS INTENTION TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS: EMERGENCY SEWER CONNECTIONS

Clerk Lilley stated that the Board needs to decide whether, after the original special assessment for sewer hook up, it will continue doing that or not. Several people have expressed an interest in seeking financing and we need to provide some direction on whether to continue this program and what circumstances and requirements the Board wants. There are two Resolutions provided which will be needed if we are going to continue moving forward with emergency connections.

Lisa Hamameh, Township Attorney. There are two resolutions before the Board today. Resolution #15-002 authorizes the Supervisor and Clerk to execute and enter into the agreements for connection charges to the sanitary sewer system. These agreements are a

bridge until an SAD is created. Also in front of you is Resolution #15-001 which is the first step in the process of creating an SAD. It will take three months before it is established so this agreement protects the township until the SAD is established.

Trustee Burkard is concerned with what would happen if a resident is granted an emergency hook-up and the line is within 200 ft. of their neighbors. The neighbors should be made aware of the fact that they now might be considered to fall within 200 ft. She suggested a letter be sent out, plus a document be placed on the web site outlining the existing sewer lines and proposed future lines.

Ms. Hamameh stated that according to the current ordinances there is no legal requirement that a resident be notified if they are not in the district.

Treasurer Roman is in favor of the idea of an emergency sewer hook-up plan. There should be two criteria to allow somebody to apply. One is a letter from the county stating failure or, two, a letter from a certified septic company. So it's either/or. The other issue is administrative fees. This is a last resort to help residents who can't get financing but unfortunately there is a cost involved. It is his opinion not to waive the admin fees as it is part of the cost of hooking up to sewers.

Clerk Lilley mentioned that previously a \$3,000 contingency was rebated after the hook-up was completed. Moving forward that \$3,000 may not be rebated until after the loan is repaid. The Board needs to be aware of that.

Treasurer Roman noted that the cost of the sewer can sometimes be worth more than the value of the home. In a tax or loan foreclosure, our SAD will take precedence. The value to consider is the home has to be worth at least twice the cost of the sewer project.

Ms. Hamameh said the first question is whether the Board is interested in creating a second Special Assessment Emergency Sewer Connection Special Assessment District titled 2015-001. This Resolution is the Township Board tentatively declaring its intention to establish a Special Assessment District to be known as Emergency Sewer Connections 2015-001 and it includes the seven properties attached as Exhibits A and B.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve Resolution #15-001. The MOTION PASSED by a Roll Call vote (Vooheis=yes/Roman=yes/Baroni=yes/Lilley=yes/Ruggles=yes/Burkard=yes).

B. RESOLUTION #15-002 RESOLUTION TO APPROVE EMERGENCY SEWER CONNECTION AGREEMENTS

Ms. Hamameh said the next step in the process is to decide on the factors you want to consider.

One would be to demonstrate a failure by either a letter from the county or a certified licensed septic hauler evidencing to the satisfaction of the Sewer Department that there is a documented failure. Two, it applies to single family residential structures. Three, the property value has to be worth at least twice the cost of the sewer project. Other aspects to consider are admin fee, contingency fee, legal fees, and requiring the Sewer Department to hold a town hall meeting advising residents what is involved in agreeing to the SAD.

Treasurer Roman suggested the administration fee be five percent. There would need to be an amendment to the Fee Ordinance to distinguish emergency sewer connections from all others.

Ms. Hamameh stated that also before the Board is a resolution to approve the emergency sewer connection agreements. It is a sample agreement for one of the properties. The resolution authorizes the Supervisor and the Clerk to enter into these agreements in the form submitted to you. It will be executed by every property owner who wants to participate in the SAD and serve as their petition for the creation of the SAD.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Resolution #15-002. The MOTION PASSED by a voice vote (6 yes votes).

FYI

A. VETERAN'S MEMORIAL, BRICK PAVER PROTOCOL

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Burkard to approve the Veteran's Memorial, Brick Paver Protocol as written, striking the second sentence in Item A, 'Any exception to this would be at the discretion of the White Lake Township Board'. The MOTION PASSED by a voice vote (6 yes votes)

EXECUTIVE SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGE COMMUNICATION PURSUANT TO SECTION 8 OF THE OPEN MEETINGS ACT

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to adjourn into Executive Session to consider attorney/client privileged communication in accordance with MCL 15.268 H. The MOTION PASSED by a roll call vote (Voorheis-yes/Ruggles-yes/Burkard-yes/Roman-yes/Lilley-yes/Baroni-yes).

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to adjourn into Executive Session to consider attorney/client privileged communication in accordance with MCL 15.268 H, and to consult with its attorney regarding trial or settlement strategy in connection with the White Lake Township versus Ciurlik matter in accordance with MCL 15.268 E. The MOTION PASSED by a roll call vote

(Voorheis-yes/Ruggles-yes/Burkard-yes/Roman-yes/Lilley-yes/Baroni-yes).

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to adjourn into Executive Session to consider attorney/client privileged communication in accordance with MCL 15.268 H, and to consult with its attorney regarding trial or settlement strategy in connection with the White Lake Township versus Heiress Landscaping matter in accordance with MCL 15.268 E. The MOTION PASSED by a roll call vote (Burkard-yes/Ruggles-yes/Lilley-yes/Roman-yes/Voorheis-yes/ Baroni-yes).

The meeting was adjourned into Executive Session at 10:15 p.m.


It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to return to open session. MOTION PASSED by a roll call vote (Burkard-yes/Ruggles-yes/Lilley-yes/Roman-yes/Voorheis-yes/ Baroni-yes).

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to permit the Township Supervisor and Township attorney to proceed as discussed in Executive Session. The MOTION PASSED by a roll call vote (Burkard-yes/Ruggles-yes/Lilley-yes/Roman-yes/Voorheis-yes/ Baroni-yes).

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

Meeting adjourned at 11:10 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 January 20, 2015 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan