

# CHARTER TOWNSHIP OF WHITE LAKE

## Approved Minutes of the Regular Board of Trustees Meeting

July 20, 2010

Supervisor Kowall called the Board of Trustees regular meeting to order at 7:00 p.m. He led the Pledge of Allegiance. He asked for a few moments of silence to remember the troops that are serving for us overseas.

Clerk Lilley called the roll:

Present: Mike Kowall, Supervisor  
Terry Lilley, Clerk  
Forrest Jay Brendel, Trustee  
Mike Powell, Trustee  
Todd Birkle, Trustee

Absent: Carol Burkard, Trustee  
Beverly Spoor, Treasurer

Also Present: Greg Need, Attorney  
Ole Anderson, PE  
Kristin Goetze, PE  
Sean O'Neil, Planning Director  
Paul Shearlock, Water Department Manager  
Amy Bertin, Recording Secretary

### PUBLIC COMMENTS

Michael Roman, resident of White Lake for 12 years. He would like to be considered as a candidate for the position of Treasurer of White Lake Township. He has 25 years of professional experience in various capacities as a licensed Michigan CPA. He's been very active with Huron Valley School District. He recently visited Lansing with the school superintendent to meet with state representatives in an attempt to bring equity to the school foundation allowances. He's worked personally with Township Supervisor Mike Kowall in an awareness program for White Lake Township homeowners wishing to challenge their assessed values for property tax purposes. He's assisted the White Lake Citizens League with budgeting spreadsheets. In his role as a CPA, he has vast experience in all areas of finance. Thank you for the time.

Clerk Lilley requested two items be added to the agenda. One is the vacancy in the Treasurer's office and how the Board wishes to treat that. Also, the Board approved an administrative fee to be imposed for the Sewer Department and I would like to have further discussion about

that.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Brendel to add two items to the Agenda as Items 12 E & F. The **MOTION PASSED** by a voice vote (5 yes votes).

#### **MINUTES**

##### **A. July 6, 2010 and July 15, 2010**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell to approve the Minutes of July 6, 2010 w/correction and July 15, 2010. The **MOTION PASSED** by a voice vote (5 yes votes).

#### **CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
  - 1. TREASURER**
  - 2. POLICE**
  - 3. FIRE**
  - 4. BUILDING**

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Brendel to approve the Consent Agenda, A, B, C 1-4. The **MOTION PASSED** by a voice vote (5 yes votes).

##### **D. APPOINTMENT TO THE PLANNING COMMISSION**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Birkle under recommendation of Supervisor Kowall and the Planning Department to approve Carrie Mann's appointment to the Planning Commission for a term ending December 31, 2010. The **MOTION PASSED** by a voice vote (5 yes votes).

#### **PUBLIC HEARING**

##### **A. 2011-2015 RESIDENTIAL REFUSE COLLECTION**

- 1. RESOLUTION #10-021, 2011-2015 RESIDENTIAL REFUSE COLLECTION**

It was **MOVED** by Trustee Brendel, **SUPPORTED** by Trustee Birkle to open Public Hearing on Resolution #10-021 - 2011-2015 Residential Refuse Collection. The **MOTION PASSED** by a voice vote (5 yes votes).

Bernadine Edwards, 10131 Joanna K. She would like to suggest that seniors receive a discount. They often go away on vacation for a number of months and they should not have to pay for service during that time. Also, if someone is handicapped and it is hard for them to get their trash out to the curb some services will make arrangements.

Resident. We have three trucks going up and down the road and only one truck picks up the garbage. No one is recycling; no one is using lawn refuse so maybe we can come back down to one truck.

Laura Lonergan, 6750 Manchester Drive. In regards to the refuse and lawn waste, maybe we can cut that back to spring and fall to cut costs. Most people do all their clean up through May 31<sup>st</sup> and then again in August.

Faye Hinkle, 193 Decca Drive. The large carts are difficult to push in the ice and snow for the elder people. Also, if you want to retrieve something you've thrown out it is very difficult because the cart is so large.

Peter Piccinato, 8771 Townsend Drive. I'm on the board of our homeowner's association. It was not clear what this was about. It's a Special Assessment. You said it was a renewal. Many people didn't understand what this was all about.

Tom DeSantis, 1961 Ridge Road. I'm president of the White Lake Citizens League. Sometimes high school students attend our meetings and volunteer to do things. Possibly somebody could send these high school students out to help senior citizens put their trash out or pick up their can.

Ms. Edwards. For some senior citizens, when you negotiate, you could request the ability to get different size carts. Maybe the high schoolers could help seniors as a way to get their community service requirements for school.

Bob Fergestrom, 9620 Montgold. On the side roads, all the mailboxes are on one side of the road. To expedite garbage collection, possibly the cans could all be put on one side of the road.

Tom Johnson, 9136 Buckingham. For those of you who have questions about the recycling, I have neighbors that wouldn't do it. I had to talk to them. A lot of them never really understood it. When I first came out here, what I saw on the side of the road all over the township was what everybody else didn't want. Costs are going up, fuel, maintenance on trucks. It can be expensive but it is worth every penny. The idea with the high school kids is a big help but you can also help your neighbors. This will help keep the township clean.

Clerk Lilley read into the record two letters received by the Township on the subject.

\* Mr. Bob Plansek, 11323 Diana Court. He objects to the special assessment. It is too much money for them to pay.

\* Ms. Roberta C. Carpenter, 8287 Fox Bay Drive. She is an elderly lady and gone eight and a half to nine months out of the year and does not generate garbage so she has the same concerns that the rest of the seniors have.

**It was MOVED by Trustee Brendel, SUPPORTED by Trustee Birkle to close Public Hearing on Resolution #10-021 - 2011-2015 Residential Refuse Collection. The MOTION PASSED by a voice vote (5 yes votes).**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to approve Resolution #10-021 - 2011-2015 Residential Refuse Collection/Garbage. The MOTION PASSED by a voice vote (5 yes votes).**

**B. RENEWAL OF SUNSET/TAYLOR ROAD MAINTENANCE SAD**

**2. RESOLUTION #10-015, SUNSET/TAYLOR ROAD MAINTENANCE SAD**

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Brendel to open Public Hearing on Resolution #10-015 - Sunset/Taylor Road Maintenance SAD. The MOTION PASSED by a voice vote (5 yes votes).**

Matt Shelly, 589 Sunset. I was just here to answer any questions. This is just a renewal of the same services that we've been utilizing on our road. It is a private road. There is no increase at all.

**It was MOVED by Trustee Birkle, SUPPORTED by Trustee Powell to close Public Hearing on Resolution #10-015 - Sunset/Taylor Road Maintenance SAD. The MOTION PASSED by a voice vote (5 yes votes).**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to approve Resolution #10-015 - Sunset/Taylor Road Maintenance SAD, inserting paragraphs 5-9 as approved in Resolution #10-021 - Residential Refuse Collection SAD Project. The MOTION PASSED by a voice vote (5 yes votes).**

**C. NEW SAD FOR MANDON LAKE IMPROVEMENT**

**3. RESOLUTION #10-018, ESTABLISH AN SAD FOR MANDON LAKE IMPROVEMENT**

Supervisor Kowall stated that normally under SADs for lakes a Lake Board Improvement

Authority is established. The Township is not aware if there are augmentation wells, of weed control or a lot of the activities on the lake. He strongly recommended they set up a Lake Improvement Board.

Debbie Brailean, 9590 Montgold. For the past few years we've been trying to develop a Lake Board. Because of economic conditions, it was suggested that it could be a hardship for those people that live on the lake. We did meet with Charles Dunn; we talked about the process, everything that needed to be done. We talked to the neighbors. We just don't have people supporting taking care of this lake. In the best interest of the lake we really need to do something. It was suggested that we approach the Township for a special assessment to maintain our lake and keep it within a certain condition. We did take a petition around. We are well above our percentage of people that want to do this. We are looking at doing it on a five year basis.

Jim Sanders, 9526 Garforth. You're saying if we agree to become a Board you will proceed?

Supervisor Kowall indicated that the Board is not objecting to the fact that they want to improve the lake nor the fact that they want to set up an SAD. There are ramifications from this. If they don't do a lake board, some of the protective mechanisms that are built in for lake boards, they will not be privy to. He would accept a motion to approve given that the people on the association do work with the township to help further this along into a lake board at some point in time.

Ms. Brailean. The Township needs copies of what incorporated us as a lake association, the Summer Resort Act that we file under and our budget?

Patrick Buchanan, 315 Sunset Drive. I empathize with the people about the maintenance of their lake but can I be assured that their personal projects, the expenses incurred, will not be passed on to me as a tax payer? I don't think that I, as a person not even remotely near their area, should have the potential of incurring expenses for their benefit.

**It was MOVED by Trustee Brendel, SUPPORTED by Trustee Powell to close Public Hearing on Resolution #10-018 - New SAD for Mandon Lake Improvement. The MOTION PASSED by a voice vote (5 yes votes).**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to approve Resolution #10-018 - New SAD for Mandon Lake Improvement, inserting paragraphs 5-9 as approved in Resolution #10-021 - Refuse Collection SAD; the Association submit documents proving they are a legal entity prior to the Second Public Hearing and an annual budget for their expected expenditures through the term of the SAD. The MOTION PASSED by a voice vote (5 yes votes).**

## RESOLUTIONS

### A. RESOLUTION #10-022, PURCHASE OF PROPERTY FROM OAKLAND COUNTY

It was **MOVED** by Trustee Brendel, **SUPPORTED** by Trustee Powell to approve Resolution #10-022- the purchase of Sidwell #12 23 477 002 for the amount of the tax lien \$6,692.94. The **MOTION PASSED** by a voice vote (5 yes votes).

## PLANNING

### A. FIRST READING, AMENDMENT TO ZONING ORDINANCE NO. 58-13

Supervisor Kowall suggested to the Board that because of the public interest in this particular issue there be a Special Board Meeting on Tuesday, October 5<sup>th</sup> at 7:00 just addressing this because many residents are very passionate about the issue.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Brendel to open Public Hearing on Amendment to Zoning Ordinance No. 58-13. The **MOTION PASSED** by a voice vote (5 yes votes).

Larry Wolok, 8861 Tackles Court. This meeting on October the 5th, are you going to send a letter out to the Township? I'm wondering how the information gets disseminated.

Peter Piccinato, 8771 Townsend Drive. I don't even understand the Ordinance. As a township resident, I'd like to know where I can read about it. Everybody goes to a web site. Not everybody has access. Somewhere we need to understand this ordinance.

Gersh Avery, 9205 Dexter Chelsea Road, Dexter, Michigan. If you decided to turn off public comment tonight, are you able to do that on the 5<sup>th</sup>, also?

Mr. Wolok. What are you looking for in writing? This is a state law. What are you actually looking for?

Supervisor Kowall stated the Board is looking for how it pertains to you as an individual, how it pertains to state law and how it affects the residents of this township.

Matthew Abel, Detroit, Michigan. I'm a lawyer. It seems to me that this ordinance that says that any purpose that violates federal law attempts to supersede the Michigan Medical Marijuana Act and I don't believe that it will fly. I think it will be held unconstitutional or invalid in some way and that there should be a different way the township approaches this that doesn't impact patient's rights the way this would. This would completely eliminate any

patient's rights within the township the way I read it and that is just wrong and it won't stand.

Tonya Castle, 8604 Bishop Road, Brighton. I'd just like to state that a lot of these people here like me are disabled. For us to all come here and come together is a really big thing and it is really hard on a lot of us to even stand or sit this long. I just want you to take that into consideration.

Edean Dean, 9779 Fairway Drive, Pinckney, Michigan. I would just like to say I hear this talk about state law, federal law. The president of the United States, our Commander in Chief, has given a directive to the Justice Department to leave medical marijuana patients and caregivers alone if they operate within the guidelines of their state law. I hope that the Board will take that into consideration when you talk about federal law.

Frank Lynn, 1240 Bogie Lake Road. Something else about the change in the Ordinance, just to get out of the medical marijuana industry, how it relates to businesses all over the community I think might be affected. There is a lot of legislation federally, over 72,000 pages written last year alone, that affects small businesses in your community. And I just want the Board to do some extra research on the addition of the federal part into your Ordinance to make sure it is not going to be detrimental to other businesses in the community, not just the medical marijuana people.

John Tenjeras, 8750 Arlington. What is the last day of the moratorium?

Mr. Wolok. I'm curious about the Planning Commission. Are they going to be redoing this, too? And are they going to be making a presentation on October 5<sup>th</sup>? Do people have to go to their meetings?

Mr. Tenjeras. Will this be resolved before elections?

Dondi Meitz, 289 Rustic Circle. Are you saying on the 5<sup>th</sup> you will be voting on this issue?

Attorney Need indicated the issue will be on the agenda on the 5<sup>th</sup>. The Board can take action or table it. It is really up to them what course of action they take then. They can approve it, deny it, table it or amend it.

Clerk Lilley stated, just speaking for himself, allowing people to submit additional information, and for the Board to consider what they've said at that meeting, he wouldn't be particularly interested at that special meeting in making a decision. He would probably want to give it some time, at the next regularly scheduled meeting, to actually make that decision. It is important to understand the process of getting information to the Board which is usually the week previous to the meeting to make sure that they all have the same information.

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Birkle to close Public Hearing on Amendment to Zoning Ordinance 58-13. The **MOTION PASSED** by a voice vote (5 yes votes).

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Brendel to move the Amendment to Zoning Ordinance 58-13 to Second Reading to be held on October 5, 2010 at 7 p.m. at the White Lake Township Hall. The **MOTION PASSED** by a voice vote (5 yes votes).

**B. SECOND READING, REZONING FROM (AG) AGRICULTURAL TO (SF) SUBURBAN FARMS**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Brendel to approve the Rezoning from (AG) Agricultural to (SF) Suburban Farms for Parcel #12 17 326 010 and #12 17 326 009. The **MOTION PASSED** by a voice vote (5 yes votes).

**C. SECOND READING, REZONING (GB) GENERAL BUSINESS TO (R1-D) SINGLE FAMILY RESIDENTIAL**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to approve the Rezoning from (GB) General Business to (R1-D) Single Family Residential for Parcel #12 23 455 020. The **MOTION PASSED** by a voice vote (5 yes votes).

**D. RESERVE AT TULL LAKE, REPLAT #1 (UNIT CONTRACTION) REMOVED FROM JUNE 15, 2010 AGENDA**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Birkle to Table the Reserve at Tull Lake, Replat #1 (Unit Contraction). The **MOTION PASSED** by a voice vote (5 yes votes).

**OLD BUSINESS**

**A. SECOND READING, FEE ORDINANCE AMENDMENT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Brendel to approve the Fee Ordinance Amendment to the new sections of the water system operating ordinance and sewer with correction to Item G - the \$100 fee remain, the plus 5% administration fee be removed. The **MOTION PASSED** by a voice vote (4 yes votes, 1 no vote by Powell).

It was **MOVED** by Trustee Powell to amend the above-stated motion to remove Item G from the fee schedule. **NO SUPPORT. MOTION FAILED.**

**NEW BUSINESS**

**A. WATER RATE STUDY**



Tom Traciak, of ACI Finance, gave a presentation to discuss the results of the Water Rate Study. The Water Fund, historically, has been performing quite well. There is a good solid cash balance. A couple of negative things that are happening, the number of connections has slowed down so that has reduced the revenue side. Also, current interest rates at the bank have reduced revenue as well. Operation maintenance costs have increased with inflation along with various capital improvement spending.

The good news is the Township engaged in a Drinking Water Revolving Fund loan and it is not going to cause a rate increase. There is some special assessment revenue coming in for that, and also a 40% reduction in the form of a grant and the interest rate is 2 ½%. It is a very favorable debt service loan situation.

You have a good rate structure the way it is right now. The ready to serve fee or minimum charge makes up about 40% of your revenue stream. The meter ratios are not very aggressive. What this does is make it more conducive to commercial entities. The cash flow projection, revenues and expenses, is doing fine but you have to keep an eye on what could happen over time if you don't increase rates for inflation.

In summary, the Water Fund is generating an ample positive cash flow. The current rate structure is acceptable but it is not something you want to ignore. Various accounts should be streamlined. The special assessment collection should be deposited directly to that debt. You should be able to adjust rates by resolution as opposed to going through an ordinance amendment.

**It was MOVED by Trustee Birkle, SUPPORTED by Trustee Powell to receive the Water Rate Study. The MOTION PASSED by a voice vote (5 yes votes).**

**B. 2010 RCOC COST PARTICIPATION AGREEMENT FOR ROADS**

**C. RCOC COST PARTICIPATION AGREEMENT FOR COOLEY LAKE ROAD  
PAVING**

**It was MOVED by Trustee Birkle, SUPPORTED by Clerk Lilley to amend Fund Equity in the amount of \$18,960 to approve Tri Party cost participation in Project Nos. 50582 and 50171. The MOTION PASSED by a voice vote (5 yes votes).**

**D. REMOTE BACKUP AGREEMENT COMPUTER SYSTEM**

**It was MOVED by Trustee Birkle, SUPPORTED by Trustee Brendel to enter into the Backup Agreement for the Computer System for \$109.95 a month, adding a Confidentiality Clause, removing Item 26 (The automatic renewal after 12 months). The MOTION PASSED by a voice vote (4 yes votes, 1 no vote by Lilley).**

**E. ACCEPTANCE OF RESUMES FOR TREASURER POSITION**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Birkle to accept resumes for the position of Treasurer of White Lake Township until August 15, 2010, to be reviewed by a Committee of Board Members. The **MOTION PASSED** by a voice vote (5 yes votes).

**F. SEWER ADMINISTRATION FEE**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to treat the Motion adopted on July 13, 2010 as the first introduction for the required Ordinance Amendment, the township attorney then preparing the Ordinance language which will then be published and brought back before the Board for final consideration at the regularly scheduled August Board meeting. The **MOTION PASSED** by a voice vote (5 yes votes).

FYI

**A. OVERTIME REPORT**

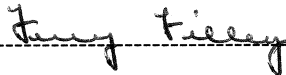
**B. CORRESPONDENCE FROM ATTORNEY CHARLES DUNN**

**ADJOURNMENT**

It was **MOVED** by Trustee Brendel, **SUPPORTED** by Trustee Birkle to adjourn the meeting. The **MOTION PASSED** by a voice vote (5 yes votes).

The meeting was adjourned at 10:14 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 July 20, 2010 regular board meeting minutes.

  
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Terry Lilley, Clerk  
White Lake Township  
Oakland County, Michigan