

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

May 8, 2012

The May 8, 2012, meeting of the Charter Township of Oakland Board of Trustees was called to order at 7:00 p.m. in the Township Hall.

PRESENT: Joan Fogler, Supervisor

Judy Workings, Clerk

Sharon Creps, Treasurer

Michael Bailey, Trustee

Marc Edwards, Trustee

James Creech, Manager

Steve Joppich, Attorney

ABSENT: Sharon McKay, Trustee

Kathrine Thomas, Trustee

A quorum was present.

PLEDGE OF ALLEGIANCE

Supervisor Fogler led the Board, staff and those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

Clerk Workings proposed that the following corrections be made: on page 5 under “Blossom Ridge Senior Housing Development,” the second paragraph should be corrected to read, “...about the number of units that would be possible under the current-~~MRD~~ RM-PPRO zoning.” On page 8 under “Trustee McKay’s Report – Mill Race Clean Up,” the last sentence should be revised to read, “...homeowners have already cleaned ~~up~~ most of their properties along the Mill Race, and her husband cleaned the weir. ~~but that~~ the Township’s area around along the Mill Race Park still needs to be cleaned.”

Trustee Bailey referred to page 6 under “Blossom Ridge Senior Housing Development,” and said that he does not feel the third full paragraph (referring to Craig Blust’s questions) adequately reflects what was said at the meeting. Attorney Joppich responded that the minutes accurately reflect a summary of the discussion. However, Trustee Bailey felt that more detail was necessary, and proposed that the Township contact Mr. Blust and get his suggested wording for this section. Supervisor Fogler said that this is not appropriate. Trustee Bailey suggested, alternately, that the Recording Secretary be

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directed to review the recording of that meeting and develop more detailed draft minutes for this section. Supervisor Fogler recalled that the Board's minutes are a summary of what was discussed at the meeting and that they are not a verbatim transcript. Attorney Joppich proposed that he develop proposed wording for this section for the Board's consideration at the end of this evening's meeting. The Board agreed with this.

(Discussion from end of meeting included at this point in the minutes for cohesiveness.)

At the end of the meeting, Attorney Joppich proposed that on page 6 under "Blossom Ridge Senior Housing Development," the third full paragraph be revised to read as follows: "... He referred to certain sections of the Zoning Ordinance regarding the determination of density in the RM district relative to including rights-of-way for purpose of the density calculations. ~~and~~ He questioned how to read and apply these sections. Attorney Joppich explained that he has been informed that the Ordinance provision has been applied in other developments in a manner consistent with how it was applied for the Blossom Ridge review. He also explained that there are specific ways to interpret the Ordinance that would have the sentences considered as separate regulations, instead of together."

Trustee Bailey suggested that the Township contact Mr. Blust to ask for his concurrence with this proposed wording. Supervisor Fogler reminded Trustee Bailey that the minutes are a summary of what took place at the meeting and are not meant to be a transcript. Further, she said it is up to the Board to consider the proposed minutes, make revisions as necessary, and approve the minutes. It is not appropriate to ask others for their comments on or "approval" of the minutes.

The Board agreed that the Recording Secretary should incorporate the proposed changes into the draft minutes, and the Board will consider approval of the minutes at the next meeting.

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY BAILEY, SECONDED BY CREPS, to approve the agenda as presented.

MOTION CARRIED.

CITIZENS

Supervisor Fogler invited those present to comment at this time on an item that is not on this evening's agenda. Further, she stated that if someone wishes to comment on an item

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that is on this evening's agenda, they may do so at an appropriate time when the Board is considering that item.

Jan Olson: Millrace Issues

Jan Olson of 4190 Orion Road thanked Trustee McKay for organizing the Millrace Park clean up. She said that many of the residents who were present this evening helped with the work; she thinks there is a small amount still to be done.

Next, Mrs. Olson informed the Board that there is a permit posted on the Iafrate property, and the Michigan Department of Environmental Quality shows a permit pending for the Paterson property. She believes that the Clinton River Watershed Council ("CRWC") is having the property owners pull the permits instead of them. She suggested that the Board may want to ask the CRWC to share their plans.

Finally, Mrs. Olson said that the CRWC had cabled together a number of Christmas trees. When we experienced very heavy rains last Thursday night, a number of those trees rose up and floated onto private properties and became lodged. Residents cut some of the cables and have cut down some of the trees, but they still pose a hazard. Mrs. Olson informed Manager Creech of this problem, and said she understands that he contacted CRWC Executive Director Anne Vaara. However, no one has contacted the residents or come to the site to try to resolve the safety issues. Supervisor Fogler said she will look into this matter.

Robin Buxar: Flooding

Robin Buxar of 1540 W. Gunn Road shared photographs of her property before and after the recent rains. A large portion of her property is under water, and she reported that two to three feet of the creek's bank has eroded from her property. Ms. Buxar recalled that the CRWC had assured the Township and residents that safeguards were in place to ensure that this sort of situation would not occur. Supervisor Fogler will look into this matter also.

Greg Olson: Millrace Concerns

Greg Olson of 4190 Orion Road commented that it is ironic that the Clinton River Watershed Council is filling in one end of the millrace, while residents are cleaning up the other end of the millrace. He also recalled that Ms. Vaara of the CRWC had promised that her staff would make efforts to try to obtain a grant to clean out the millrace, and he questioned if this was occurring.

OLDER PERSONS' COMMISSION: Interlocal Agreement

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Agnes Bochenek, Oakland Township's citizen representative on the Older Persons' Commission ("OPC") Board, and Ravi Yalamanchi, City of Rochester Hills Councilman and OPC Board member were present. Ms. Bochenek shared greetings from OPC Director Marye Miller, who was unable to attend this evening because she is at another function.

The OPC was established in 1983 by the Charter Township of Avon (now the City of Rochester Hills), the City of Rochester and Oakland Township. Mr. Yalamanchi reviewed the OPC's purpose, vision and mission. He then reviewed the various amendments to the Interlocal Agreement over the years. Mr. Yalamanchi explained that at this time, the OPC Board of Directors is recommending a number of additional changes to the Agreement to allow for better operations and to increase the effectiveness of the OPC for the three member municipalities. He reviewed the proposed changes, and asked that the Oakland Township Board provide the OPC Board with their feedback by mid-June.

Dominic Mocerri of 3495 Mocerri Court noted that the Interlocal Agreement proposes a six month termination of participation period. He feels this is too short and, given that the OPC operates on an annual budget, he suggested that the Interlocal Agreement provide for a one year termination of participation period.

Treasurer Creps said that the OPC is an incredible place, and both the people on the OPC Board as well as those who work at the facility do a super job. Supervisor Fogler commented that she has been able to do therapy at the OPC, and it is working out very well.

The Board thanked Mr. Yalamanchi and Ms. Bochenek for coming this evening. Mr. Yalamanchi thanked the Oakland Township Board for being such supportive partners in the OPC.

CRANBERRY LAKE FARM: Silo Roof Replacement

Tammis Donaldson, historic preservation architect and principal of Ekocite Architecture was present. She stated that the silo at Cranberry Lake Farm was built in approximately the 1930s. It is a concrete stave silo built by the Interlaking Concrete Stave Silo Company. The silo originally had a galvanized steel roof, which lasted for approximately 60 years before it rusted and fell to the inside of the silo.

Ms. Donaldson is recommending that a new silo roof be reconstructed using the original roof pieces as a pattern. However, she is recommending that the new roof be constructed from "Cor-ten" (also known as "weathering steel"). She explained that Cor-ten rusts, but once the first layer rusts, it creates a protective barrier. Ms. Donaldson said Cor-ten was

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used for the roof of the old Kmart headquarters building in Troy. The contractor will pre-assemble the silo roof in their shop, and then will lift the roof into place with a crane.

The Historic District Commission obtained three bids for the silo roof replacement. Upon their review of the bids with Ms. Donaldson, the HDC is recommending that the Board approve contracting with GA Frisch, the lowest qualified bidder, at a cost of \$18,475.

Resident Terry Gonser of 4200 Heron Road shared that he is a metallurgic engineer. While Cor-ten is often used for roof applications, he said one problem is that it is known to stain (i.e., it may stain the concrete silo).

MOVED BY WORKINGS, SECONDED BY EDWARDS, to award the bid to GA Frisch, Inc., the lowest qualified bidder, for the Cranberry Lake Farm silo roof reconstruction project at a cost of \$18,475.

MOTION CARRIED.

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HISTORIC DISTRICT COMMISSION: Reappointment of Commissioner

Historic District Commissioner member Chuck Busch has indicated his willingness to serve another term.

MOVED BY BAILEY, SECONDED BY CREPS, to reappoint Chuck Busch to another three-year term on the Historic District Commission, to expire in May 2015.

MOTION CARRIED.

FIREWORKS DISPLAY AT THE WYNDGATE

The Board reviewed Building Director/Fire Chief Benoit's memorandum of April 9, 2012. He has received a request from Great Lakes Fireworks to conduct a fireworks display at the Wyndgate Country Club on June 16, 2012. The display is for the enjoyment of the members of the country club and the public will not be invited. The Township has permitted this in the past.

Neighbors Greg and Janet Olson of 4190 Orion Road said they are the closest neighbors. They have been startled in the past by some sort of "cannon" that are shot off at approximately 10 to 11 p.m. during the summer. Supervisor Fogler did not know what this might be, but said she will have Fire Chief Benoit look into this. Mrs. Olson also asked that she be given some sort of warning when fireworks will be set off, as she finds this disturbing.

MOVED BY BAILEY, SECONDED BY EDWARDS, to approve a fireworks display to take place at the Wyndgate Country Club on June 16, 2012, for their members.

MOTION CARRIED.

FIRE DEPARTMENT PERSONNEL

The Board reviewed the memorandum dated May 3rd from Fire Chief Benoit. He states that, due to recent retirements and departures from the Fire Department, there are vacancies that he needs to fill. He recommended that the Township hire Adam Moore, Matt McNamara and Larry Sobolewski to serve as paid on call fire fighters, which would bring the number of paid on call personnel to 30.

MOVED BY CREPS, SECONDED BY EDWARDS, to hire Adam Moore, Matt McNamara and Larry Sobolewski as paid on call fire fighters.

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MOTION CARRIED.

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MILLRACE: Amendment to WadeTrim Engineering Contract

Correspondence from Jason Kenyon of WadeTrim, the engineering firm that is conducting a third party study of the millrace, requests that the Board approve an additional \$2,500 for additional services related to the field data collection needed for the analysis.

MOVED BY BAILEY, SECONDED BY WORKINGS, to amend the contract with WadeTrim for the independent evaluation of the millrace project to increase the amount by \$2,500 to cover costs for additional services related to the field data collection needed for the analysis.

MOTION CARRIED.

SEWER TAP ASSIGNMENT TIME EXTENSION

Developer Dominic Mocerri was present to request that the Board suspend the requirement for assigning (transferring) excess, unused sewer taps for the property located at Dutton Road and Adams Road (the Blossom Ridge development proposal) to a specific property within five years (by May 22, 2012), to a time in the future when the amount of taps needed for the Dutton Road/Adams Road (Blossom Ridge) property and excess taps has been determined at final site plan, or two years, whichever occurs first.

MOVED BY BAILEY, SECONDED BY EDWARDS, to suspend the requirement for assigning (transferring) excess, unused sewer taps for the property located at Dutton Road and Adams Road (the Blossom Ridge development proposal) to a specific property within five years (by May 22, 2012), to a time in the future when the amount of taps needed for the Dutton Road/Adams Road (Blossom Ridge) property and excess taps has been determined at final site plan, or two years, whichever occurs first, and to direct the Supervisor and Clerk to sign an amendment to the settlement documents approved by the Township Attorney providing for this extension of time.

MOTION CARRIED.

BLOSSOM RIDGE SENIOR HOUSING DEVELOPMENT

Developer Dominic Mocerri was present along with Dave Pawlaczyk, and Landscape Assistant Jennifer Blankenship in anticipation of the introduction and first reading of an ordinance to amend Ordinance No. 16, the Zoning Ordinance, and the Zoning Ordinance Map, to rezone the approximately 41.842 acre parcel located at the northwest corner of Dutton Road and Adams Road from MRD (Medium Density Residential) to RM-PRRO

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(Multifamily Residential Density with Planned Residential Rezoning Overlay) for the proposed Blossom Ridge senior housing development.

Supervisor Fogler recalled that the Board held a public hearing at their March 13, 2012, and that the Board tabled further discussion regarding this matter at their April 10, 2012, meeting. Supervisor Fogler pointed out that two members of the Board are absent this evening, and for this reason the Board agreed that they would not take any action on this matter this evening.

Trustee Bailey acknowledged that the developer was originally proposing 282 units and has reduced this number to 238. However, he said he still feels this proposed plan allows for more units than he would like to see. Trustee Edwards commented that the developer has made numerous changes to scale down the project – both at the Planning Commission and now at the Board level.

Mr. Mocerri stated that the proposed development will, in fact, be less burdensome on this area of the Township than a traditional development would be. For example, he said there will be less peak hour traffic flow, greater open space, and a smaller amount of impervious surface area (e.g. roof and road/paved surfaces). He reiterated statements he had made at previous meetings, including that there are homes in the Township that are wider than the proposed main building in Blossom Ridge, and that neighboring homes are taller when viewed from Adams Road than the main building will be. Mr Mocerri stated that he has received letters of support from neighbors Mr. Sirna, Mr. Hein, and Mr. Patton, the closest Oakland Township resident to the proposed development.

In conclusion, Mr. Mocerri said the Board needs to consider what the potential impact of the development will be on this area, as compared to the impact of a single family development. He added that the fewer units there will be in Blossom Ridge, the fewer Oakland Township residents that the development may serve. Finally, he pointed out that, because the development would have an RM-PPRO overlay, the Township will be able to have significant input into how the site will look.

Clerk Workings recalled that Trustee McKay had inquired if there had been a study regarding this development and anticipated emergency services. Manager Creech responded that there was no actual study conducted. However, he has asked other municipalities with similar facilities about their experiences and what we might expect. He noted that, if the development is approved, the Township will receive additional revenue from it, which would help pay for an increased need for emergency services. Clerk Workings said Trustee McKay had also asked about the need for a ladder truck. Manager Creech acknowledged that Oakland Township does not have a ladder truck, but said that one would likely be available through the mutual aid agreement that Oakland Township has with our surrounding communities. Clerk Workings noted there is an

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assisted living facility down the road from her home, and emergency vehicles do go to that site periodically. She feels it would be helpful to the Board to have more concrete data to evaluate anticipated emergency service needs. Supervisor Fogler directed Manager Creech to have Building Director and Fire Chief Benoit look into this.

Several residents asked to speak on this matter. Supervisor Fogler stated that the Board already held a public hearing in March, but invited residents to make additional comments or ask questions at this time.

Bob Sirna of 5823 Wellwood Court asked if there had been any decision made regarding relocating the main entrance to Blossom Ridge from Adams Road to Dutton Road. Supervisor Fogler responded that she had nothing new to report on this matter at this time.

John Giannangeli of 5846 Muirfield said that he has been a resident of Oakland Township for 22 years. He is opposed to the proposed development, which he feels is a 24 hour/day, for-profit, commercial operation. He said he feels the development will be a massive, high density assisted living complex. Mr. Giannangeli continued that he feels the developer had done a "bait and switch," and the proposed development represents a significant material change from what the Master Plan permits. Finally, he took offence that residents are limited to three minutes to comment, while Mr. Mocerri was given longer.

Frank Ferriollo of 5600 Kirkridge Trail said he appreciates the Board's interest in learning what the proposed development will actually be like. He pointed out that the Master Plan specifies three areas of the Township where senior housing may be located. He suggested that the developer consider the other locations, because he does not feel the proposed plan is suitable for the Dutton Road/Adams Road location.

Dick Pennell of 3389 Vineyard Hill recalled a quotation he had shared at the March 13, 2012, public hearing, and pointed out that information can be manipulated to suit the argument that a party is making. He also pointed out that the plans propose an 8 to 12 foot high berm along Adams Road. He feels this is massive and inconsistent with this area of Oakland Township.

Connie Novak of 3075 Serenity Road said she is in support of the proposed development. She said a large part of the land will remain green, which will be beneficial to the Township. She added that she feels that Mr. Mocerri's group has done a nice job with other developments, and she would rather see this area be a senior residential development than a commercial use such as a gas station.

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Terry Gonser of 4200 Heron Road suggested that the Board consider requiring the developer to pave Dutton Road east of Adams Road, which would help to decrease the amount of traffic at the Adams Road and Dutton Road intersection.

Beth Markel of 245 Birch Hill Drive said that she thinks there are still many unanswered questions. She commented that the traffic is already a problem in this area, and stated that it recently took her 12 minutes to travel from Adams High School, up Adams Road to Silver Bell Road.

Robin Buxar of 1540 W. Gunn Road suggested that if Mr. Mocerri can build 61 single family homes on this site, maybe he should do that.

Attorney Joppich commented on Mr. Sirna's question about the main entrance to the development. He said that the Board could make this change a condition for approval of the project.

Mr. Joppich continued that, if the Board accepts this matter for introduction and first reading, and if the Board is inclined to entertain approval of the rezoning request, then the Board would need to identify conditions that they would require the developer to satisfy for approval. Similarly, if the Board is not inclined to approve the developer's request, they would need to identify deficiencies in the plan, and list reasons why approval would not be appropriate.

MOVED BY EDWARDS, SECONDED BY BAILEY, to table further discussion regarding the rezoning request for Blossom Ridge, a proposed senior housing development, until the next meeting when they hope a full Board will be present.

MOTION CARRIED.

MANAGER'S REPORT

Millrace

Manager Creech stated that he forwarded the Olsons' complaints regarding dislodged stream bank stabilization materials to Jason Kenyon, the engineer from WadeTrim, who is conducting the third party study of the area, and has asked him to respond to the Olsons.

TRUSTEE BAILEY'S REPORTS

Household Hazardous Waste Day

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Trustee Bailey reported that he and Manager Creech attended the Household Hazardous Waste Day event

Millrace Clean Up

Trustee Bailey commented that Trustee McKay and residents recently worked together to clean debris from the millrace. The clean up days were well attended, and the volunteers made a lot of progress.

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CLERK WORKINGS'S REPORTS

Clean Scene

Clerk Workings reported that Clean Scene recently took place. Approximately 75 percent of the roads were cleaned up. She said that, during this event, she heard many positive comments about the Mill Race clean up.

Clerk Workings noted that during Clean Scene, one volunteer was cut through his leather gloves by what she thought to be a phragmite plant. Parks and Trails Planner Milos-Dale said this might in fact have been cord grass, which looks a lot like a phragmite but is very sharp.

Secretary of State

Clerk Workings reported that the Secretary of State is now offering many services online, including renewal of driver licenses, license plates, and change of address requests.

APPROVAL OF INVOICES

The Board reviewed the list of invoices.

MOVED BY BAILEY, SECONDED BY WORKINGS, to approve payment of the invoices as presented, dated April 24, 2012, in the amount of \$198,930.97, and May 8, 2012, in the amount of \$86,473.63.

MOTION CARRIED.

A copy of the lists of invoices is attached as a part of these minutes.

CLOSED SESSION

MOVED BY BAILEY, SECONDED BY WORKINGS, to move to a closed session of this meeting at 8:50 p.m. for the purpose of discussing a privileged legal opinion from the Township Attorney.

AYES: Fogler, Workings, Creps, Bailey, Edwards

NAYS: None

ABSENT: McKay, Thomas

MOTION CARRIED.

The regular session of the meeting was reconvened at 9:37 p.m.

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ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Judy Workings
Clerk