

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

\*\*\*APPROVED\*\*\*

August 14, 2012

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The August 14, 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  
Sharon McKay, Trustee  
Kathrine Thomas, Trustee  
James Creech, Manager  
Steve Joppich, Attorney

ABSENT: None

A quorum was present.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

MOVED BY BAILEY, SECONDED BY CREPS, to approve the minutes of the July 10, 2012, meeting with the following corrections: on page 40 under “Resolution 12-11,” the first paragraph, second line, should reflect that Jeanne Phillips is a *former* HDC Commissioner. On page 42 under “Adams Road Trail Connector – Resolution 12-12,” the first paragraph, last sentence should read, “... the Township ~~will be forced to~~ would take this matter before a court.” On page 43 under the same heading, the last paragraph under “Discussion,” the last sentence should read, “...regardless of whether Blossom Ridge is approved, the ~~majority of the trail connector will be within the future road right of way~~ trail project would proceed in the areas identified.” On page 47 under “Manager’s Reports – Detroit Sewerage and Water Department Meeting,” it should be revised to read, “...to extend city water to the southeast quadrant (three miles by three miles) any other part of Oakland Township in conjunction with the Adams Road branch improvement project.” Finally, on page 48 under “Trustee Bailey’s

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Report – Millrace,” the last sentence should be revised to read, “...Trustee Bailey added that he ~~understands Mr. Kenyon is working with~~ and former Paint Creek Cider Mill owner Gerry Mancour ~~regarding this matter~~ are now working with Mr. Kenyon to establish millrace water head and flow requirements that will be sufficient to power the mill water wheel continuously.”

MOTION CARRIED (Abstentions: McKay, Thomas).

**AMENDMENTS TO AND APPROVAL OF AGENDA**

Manager Creech stated that the closed session item also needs to include review of privileged attorney/client communication regarding labor negotiations.

MOVED BY BAILEY, SECONDED BY McKAY, to approve the agenda with the revision that the closed session item shall also include review of privileged attorney/client communication regarding labor negotiations.

MOTION CARRIED UNANIMOUSLY.

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

**Remembering Sgt. Kyle McClain**

John Markel of 245 Birch Hill Drive stated that Sgt. Kyle McClain was killed in Afghanistan on August 1<sup>st</sup>, and his funeral will be held on Thursday, August 16<sup>th</sup>. Sgt. McClain was a 2005 graduate of Rochester High School and resident of Shelby Township. He is survived by his wife and family. Mr. Markel said that Sgt. McClain made the ultimate sacrifice, protecting the freedoms that we enjoy. He thanked him for his service and sacrifice. Supervisor Fogler asked those present to observe a moment of silence in remembrance of Sgt. Kyle McClain.

**Transition Plan**

Mr. Markel next noted that in last week’s election, residents elected a new supervisor, clerk, treasurer and two trustees. He asked if the current Board of Trustees has developed a plan to make a seamless transition. Supervisor Fogler said that the Board and staff will be working on this. Mr. Markel asked Manager Creech to develop such a transition plan,

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to present it to both the current and new Board members by August 31<sup>st</sup>, and have it in a form ready for the current Board's approval at the September 11<sup>th</sup> meeting. Mr. Markel thanked the current Board of Trustees for their service to Oakland Township.

### **Concerns Regarding Political Campaign Contributions**

Beth Markel of 245 Birch Hill Drive said she recently learned that Frances Mary Mocerì, a relative of Blossom Ridge developer Dominic Mocerì, donated \$500 to Joan Fogler's campaign for reelection to the position of Township Supervisor. Mrs. Markel said that, for this reason, she does not feel it is an appropriate forum for consideration of the Blossom Ridge rezoning request.

Supervisor Fogler said that her campaign manager did not inform her of this donation, and that she only recently (after the election) became aware of this. She continued that she had planned to disclose this information, but added that this has not influenced her position in the past, and will not influence her vote on the developer's request this evening. Supervisor Fogler pointed out that it is not illegal for people to make contributions (up to \$500 in Oakland Township) to a political campaign.

Annalisa Hollenbeck of 2055 Aberdeen Court said a donation was also made by Francis Mocerì to Jim Foulkrod's campaign for the position of Oakland Township Clerk. Mr. Foulkrod is currently a member of the Planning Commission. Ms. Hollenbeck said she feels the fact that these donations were accepted places in question the voting on both the Planning Commission and the Board of Trustees regarding the Blossom Ridge matter.

Trustee Edwards pointed out that some members on the Board accepted donations from residents who are opposed to Blossom Ridge. He questioned if Ms. Hollenbeck feels they need to make similar disclosures.

Francis P. Hughes of 3842 N. Ellamae Road said he is a retired attorney. He asked the current Board members if anyone other than Supervisor Fogler had accepted any campaign contributions from the developer or his family. (No one said they had.) Mr. Hughes said he feels that anyone who did accept such a contribution should recuse themselves from the Blossom Ridge matter as he believes they have a conflict of interest.

Frank Ferriolo of 5600 Kirkridge Trail asked if Supervisor Fogler received any other \$500 contributions. She responded that she understands from her campaign manager that she received two or three. She noted that all of the contributions she received were from Oakland Township residents, and said she believes others who were campaigning received contributions from donors who live outside the Township. Mr. Ferriolo said he did not believe that Mrs. Fogler's campaign manager did not call her when these large donations were received.

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Melvin Cross of 5757 Kirkridge Trail questioned if Board members received donations earlier that may have influenced their decision making.

Gregory Murray of 5586 Muirfield Drive said he believes it is within the Board members' purview to accept contributions from anyone. However, he said he is opposed to the proposed Blossom Ridge development, and urged the Board to listen to the many other residents who share his position. He asked that the Board either turn down the developer's request, or table the matter and allow the new Board to consider this item when they take office later this year.

Jim Hollenbeck of 2055 Aberdeen Court said it appears to him that certain Board members have a conflict of interest, and that they should consider whether or not it is appropriate for them to participate in a vote on the Blossom Ridge matter.

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**OAKLAND CREST**

The Township has received a request from the developer, Michael Furnari of Tiburon North, LLC, for a one year extension of Tentative Preliminary Condominium Site Plan approval for Oakland Crest, a proposed 24 unit development on 36 acres, located at the southeast corner of the intersection of Rochester Road and Gunn Road. There was no one present on behalf of the developer.

Trustee Thomas questioned if this is the first request for an extension. Manager Creech responded that the Board has already granted several extensions for this project. He recalled that the Board has considered a number of similar requests for other proposed developments due to the poor economic conditions we have been experiencing over the past several years. Clerk Workings said she would like to see the plans for this development.

John Markel of 245 Birch Hill Drive inquired about the proposed Oakland Crest development and the level of approval granted. Manager Creech responded that Tentative Preliminary Site Condominium approval is an early level of approval. At this point, engineering and many other studies have not yet been done. Trustee Bailey pointed out that the applicant is merely looking for an extension in order to be able to maintain this level of approval, which the Board previously granted.

Mr. Markel said that the developer was originally given a certain window of time within which to move forward with the development. If the developer fails to do this, then they should have to start over.

Beth Markel of 245 Birch Hill Drive questioned who the developer is. Manager Creech stated that the development was originally owned by SR Jacobsen. However, it was recently purchased by Michael Furnari of Tiburon Companies.

MOVED BY EDWARDS, SECONDED BY THOMAS, to grant a one year extension of Tentative Preliminary Condominium Site Plan approval for Oakland Crest, a proposed 24 unit development on 36 acres, located at the southeast corner of the intersection of Rochester Road and Gunn Road.

MOTION CARRIED UNANIMOUSLY.

**PINNACLE AT THE OAKLANDS**

Developer Dominic Mocerri was present on behalf of the developer, Kirkland/Adams Development LLC, to request a one year extension of Final Preliminary Site Condominium approval for the Pinnacle at the Oaklands, a proposed development

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consisting of 81 units on 92.68 acres, located on Silver Bell Road, north of the Silver Bell Road/Brewster Road intersection. Mr. Mocerri pointed out that the developer is seeking an extension of the *Final* (not *Tentative*) Preliminary Site Condominium approval, as reflected on this evening's agenda. Attorney Joppich concurred that it should indeed be *Final* Preliminary Site Condominium approval. Mr. Mocerri continued that, as with the previous development considered this evening, the developer was unable to proceed with the project due to the poor economic conditions. However, at this time they are in the process of reviewing the construction permits for the site improvements.

Mr. Mocerri continued that at this level of approval, a significant amount of the preliminary work has already been done, including the majority of the land balancing, removal and replanting of trees as required under the Township's Tree Ordinance, drafting of deed restrictions, coordination of sanitary sewer, etc.

MOVED BY CREPS, SECONDED BY EDWARDS, to grant a one year extension of Final Preliminary Site Condominium approval for the Pinnacle at the Oaklands, a proposed development consisting of 81 units on 92.68 acres, located on Silver Bell Road, north of the Silver Bell Road/Brewster Road intersection.

MOTION CARRIED UNANIMOUSLY.

**ORDINANCE 37-A(2)-2012 AMENDMENT**

Square Dance Event – Barbara Barber, the Administrative Assistant to the Historic District Commission (“HDC”) distributed flyers and invited everyone to attend a square dance that the HDC is hosting at Cranberry Lake Farm on Friday, August 17<sup>th</sup>, from 7 to 9 p.m. She said that this is a free event, and should be fun for the whole family.

Amendment of Historic District Ordinance – Josi Whitson, Chairperson of the Historic District Commission, was present. She thanked the Board for passing a resolution at the last meeting to permit the HDC to host the square dance this Friday, and then for moving so quickly to develop a proposed amendment to the Historic District Ordinance, Ordinance No. 37-A to allow the HDC to host other events in the future.

The proposed amendments appear in section 10.07.00 of the ordinance. Ms. Whitson pointed out that the amendment wording specifies that “...Such events and activities shall not involve fundraising.” However, she said the ordinance does not include a definition of “fundraising.” Attorney Joppich responded that he included this provision based on the Board's comments at a previous meeting that there should be no fundraising. He acknowledged that he did not include a definition of this term in the proposed amendments, said that when a word is not defined, one looks to the common meaning of the term. However, he offered to draft a proposed definition if the Board would like.

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Ms. Whitson pointed out that the Oakland Township Parks and Recreation Commission (“PRC”), for example, charges for some of the classes or opportunities it offers. Attorney Joppich said the objective should not be to raise funds, but rather to collect enough to try to cover at least some of the cost of offering that opportunity. If there is money left over, it can be put towards another event that may “lose” money. However, in the end, the goal should be to allow an entity such as the PRC to sustain the ability to offer educational opportunities.

Alice Tombouljian, Vice-Chairperson of the PRC said that the PRC has worked extensively to develop a policy regarding how to charge for various programs, and she encouraged Attorney Joppich to speak with Parks and Recreation Director McLogan to learn more about this.

The Board agreed to table this matter until the September meeting to allow Attorney Joppich to revisit this matter, particularly regarding fundraising and collecting money.

**BLOSSOM RIDGE SENIOR HOUSING DEVELOPMENT**

Developer Dominic Mocerri was present. This evening’s agenda includes the second reading and consideration of adoption 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 (Multifamily Residential Density with Planned Residential Rezoning Overlay) for the proposed Blossom Ridge senior housing development.

MOVED BY EDWARDS, SECONDED BY CREPS, to accept for second reading and to adopt the ordinance for rezoning, including the Planned Residential Rezoning Overlay Agreement (pages 1-9, plus exhibits). This ordinance will 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 (Multifamily Residential Density with Planned Residential Rezoning Overlay) for the proposed Blossom Ridge senior housing development.

(see vote, below)

Discussion:

Supervisor Fogler invited members of the Board to share their thoughts and comments on this matter.

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Trustee Bailey said that he is opposed to the proposed development. While he understands that there are provisions in the Zoning Ordinance that permit greater density, he does not feel all of these provisions have been met. He said he feels that the main building is too large, the proposed density is too great, and that, overall, the proposed development is out of character with the surrounding area.

Trustee Thomas stated that she has not been influenced in any way in reaching her decision this evening. She continued that, while she feels the main building is larger than she had hoped, the developer has made a number of concessions, and she feels the plan meets the criteria set forth in the Master Plan and the Zoning Ordinance. Trustee Thomas added that the developer has done a nice job with developments in the past, that she expects that level of work will continue with this project, and that a senior housing development is necessary for our community.

Treasurer Creps concurred with Trustee Thomas, and said that she is in favor of a senior development in Oakland Township.

Supervisor Fogler said that she has lived in Oakland Township for 58 years, and that her family used to farm this portion of the Township. Her family lost that opportunity when the land was developed. She pointed out that many of the residents here this evening live on the land that her family once farmed.

At this point, many of those present booed. Mr. Markel asked that they please allow the Board members to speak, and said Supervisor Fogler would allow them an opportunity to speak later.

Clerk Workings stated that she feels that the Board would be misguided if it were to approve the developer's "over-ambitious" proposal based on the concessions he has made to the plans. She said she does not feel that the plans comply with the requirements set forth in the Zoning Ordinance. Specifically, under Section 15.02(b), the plan does not comply relative to the maximum building height (the ordinance limits it to two stories; the plans shows three stories), number of dwelling units in one building (the ordinance limits it to 15 units; the plan shows 134 units), horizontal building length (the ordinance limits it to 135 feet; the plans shows 450 feet), and density (the ordinance permits high density conservation of 3 to 5 units per acre; the plan shows 6.2 units per acre).

She continued that she would welcome a senior community within Oakland Township. However, the developer needs to make additional modifications to his plan to bring it into compliance with the Township's ordinances and build-out service capabilities. She added that if the Board approves this development with its non-compliant aspects, this establishes a precedent for other developers to demand the same treatment (i.e., approval without compliance to ordinances).

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Clerk Workings cited other communities that have assisted living facilities, and have struggled with the extra burden of providing emergency services. She is not satisfied that the additional revenue generated by this proposed development will cover the additional costs to Oakland Township for providing these services, and does not want to see Oakland Township residents saddled with this problem.

Next, she discussed “right-size” zoning. Clerk Workings recalled that when she was a member of the Historic District Commission, she was a part of a committee that was reviewing the Master Plan. The committee specifically looked at this issue of density, and considered the Township’s “build out density” (i.e., if all buildable parcels were developed at the maximum permitted density). The density factor (i.e., units per acre) was then calculated based on the ultimate paved road density. The committee calculated the High Density Conservation to be four units per acre, which would ensure “right-size” growth. She noted that when the Master Plan was adopted, it specified a High Density Conservation of three to five units per acre. Clerk Workings said the Township needs to continue to adhere to the High Density Conservation limits to ensure that it has the ability to support development. With a proposed 6.2 units per acre, Clerk Workings said the Blossom Ridge plan proposes too great a density.

Trustee Edwards said he feels Clerk Workings’s statement have little to do with the plan before the Board this evening. Specifically, he said that Fire Chief Benoit has indicated that he feels Oakland Township can handle the increased emergency service demands of Blossom Ridge. Further, Oakland Township already has in place agreements with neighboring communities to assist in emergency response. He feels that the Blossom Ridge plan is appropriate, legally allowable under the Master Plan, and necessary for our community.

Trustee McKay said she feels the proposed density is too great, and that the main building is too long. She questioned if the Township has a plan to evacuate this building in the event of an emergency. Manager Creech said the Township participates in county-wide emergency response training exercises. At this point, the Blossom Ridge facility has not been built so there is not a specific plan in place. Trustee McKay also asked if the Township would need to purchase a ladder truck. Manager Creech responded that Oakland Township will not need to purchase this as the Township has access to these from neighboring municipalities.

Supervisor Fogler then opened the floor to accept comments from those present. Given that there were approximately 100 people present this evening, she reviewed a number of rules (speakers were limited to three minutes, could speak only once, and were asked to not repeat matters already shared with the Board at previous meetings, via email correspondence, etc.).

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Frank Ferriolo of 5600 Kirkridge Trail thanked Trustee Bailey, Trustee McKay and Clerk Workings for their support in this matter. He continued that he and other residents are not opposed to a senior housing complex at this location, but he feels Blossom Ridge is a “big foot” development. Specifically, there are too many dwelling units, the buildings are too tall, it will be out of character with the neighborhood, and its residents will require emergency services both day and night. If the Township permits this development, Mr. Ferriolo feels it will create a precedent for developers to pursue ever-greater density in the developments. Mr. Ferriolo continued that the development will also generate additional traffic in an area that already has a traffic problem. He noted that one proposed requirements is that the developer place \$1,000 per unit into an escrow fund for improvements to the Adams Road and Dutton Road intersection; he suggested that the developer pay the entire amount for improvements in this area.

Developer Dominic Mocerri pointed out that, while the Master Plan does indicate a density of 3 to 5 dwelling units per acre, it also indicates that there should be special consideration given to senior housing. He added that the Master Plan serves as a guide, but noted that the plan meets the requirements of the PRRO. Also with respect to density, Mr. Mocerri pointed out that a 650 square foot dwelling has a different impact on the land and surrounding area than would a much larger single family house. With respect to traffic, he stated that the traffic engineers have issued their professional opinion that, during the peak traffic hours, more traffic would be generated by 61 single family homes at this location than by the senior housing development. Mr. Mocerri assured both the Board and the residents that this development will exceed the safety requirements, and will be a “world class” addition to the community.

Patrick Kirby of 5840 Wellwood Drive noted that there has been so much opposition voiced by residents. He asked that Mr. Mocerri consider redesigning the plan to make the buildings more reasonably proportioned and to better fit in with the rural character of the community.

Francis Hughes of 3842 N. Ellamae Road said he is a retired attorney. He said that his review of the Zoning Ordinance and the plans supports the finding that the proposed dwelling units are too small (650 square feet), and the main building is too tall and too long based on Zoning Ordinance requirements. He also suggested that the Board require a hold harmless agreement from the developer to protect Oakland Township in the event that this matter goes to a referendum vote.

Annalisa Hollenbeck of 2055 Aberdeen Court said that Clerk Workings raised a number of concerns that the Board needs to consider. She also commented that she finds it interesting that earlier in this evening’s meeting, Mr. Mocerri had asked for an extension

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of approval for another development, due to poor economic times. However, now he is trying to push through the Blossom Ridge development.

Fredricka Simmons of 5595 Muirfield Drive recalled that there was a car fire across the street from her home sometime between 2000 and 2004, and it took about 25 minutes for emergency vehicles to respond. She questioned what the response time might be for Blossom Ridge, and said she felt it would be a problem for emergency vehicles to respond during school traffic hours or rush hour. Ms. Simmons next stated that she feels there is an issue of impropriety and/or a conflict of interest. She stated that in 1988, Joan Fogler signed as a witness a document relative to water and sewer service to the Hills of Oakland, and said she feels this demonstrates that Supervisor Fogler has long supported Mr. Mocerri. Finally, Ms. Simmons said she feels it will be problematic to extend water and sewer service to Blossom Ridge.

Dick Pennelle of 3389 Vineyard Hill said he concurs with what Clerk Workings said, and agrees with the other residents who are opposed to the Blossom Ridge development. He said that if Treasurer Creps likes the idea of having a senior development in Oakland Township, this is not enough of a reason to approve the development plans.

Joe Tignanelli of 4161 Adams Road reflected on Ms. Simmons's concerns about emergency vehicle response time. He said he operates two golf courses and one restaurant in Oakland Township. He recently needed emergency help at one of these establishments, and said they responded quickly. He welcomes the opportunity to have a place to live for people who have raised their children in Oakland Township.

Gregory Murray of 5586 Muirfield Drive said he feels Oakland Township's electorate said "no" to the Board by voting in many new members at last week's Primary Election. He suggested that the Board either vote no on the Blossom Ridge proposal, or that they postpone the matter and let the new Board consider this when they take office in November. Alternately, the matter may go to a referendum vote.

Beth Markel of 245 Birch Hill Drive recalled the many problems experienced when the Board was asked to rush through its decision about permitting the Paint Creek dam project to move forward. She recalled that Trustee Edwards had assured the Board and residents that they should move forward with the project. However, the residents have experienced many problems since that work took place. Mrs. Markel said Trustee Edwards is now urging the Board to approve the Blossom Ridge proposal. She is fearful that the Township will have another debacle on their hands if this occurs.

Jim Hollenbeck of 2055 Aberdeen Court said that many residents agree with Mr. Murray's statements. He added that he feels the traffic studies that Mr. Mocerri and the Board have referred to do not reflect the traffic conditions that actually exist, and

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suggested that it would be good to obtain an independent study. He continued that he feels the Board has made statements without full knowledge of various aspects of the project. Finally, he said he feels the property values of neighboring homes will drop as a result of this development, and he referenced what he believes to be a similar development in Richmond Heights, Ohio. Supervisor Fogler said she discussed this matter with Oakland County's assessing department, and it is their opinion that there should not be a negative impact on property values.

George Psihas of 2590 Summerline Court said he is a teacher at the graduate level. He questioned how many members of the Board had walked the Blossom Ridge property. Most Board members raised their hands in a show that they had done this.

John Markel of 245 Birch Hill Drive recalled that at the last meeting his wife had inquired about the cost of an EMS run in Oakland Township, and he feels she did not get a clear answer. He noted that Fire Chief Benoit has projected that this development will generate an additional 160 emergency runs per year, and Mr. Markel questioned how this will impact Oakland Township. Next, he said Trustee Edwards had indicated that it would be a violation of the Fair Housing Act if the Board did not approve Blossom Ridge. Attorney Joppich said he has not rendered an opinion to the Board regarding this matter. Finally, Mr. Markel said Trustee Edwards had indicated that the Blossom Ridge plan is the best option, and that the Board should approve it to avoid being sued. Mr. Markel questioned if the developer has threatened to sue the Township. Trustee Edwards corrected Mr. Markel, stating he feels the Board has a legal and moral obligation to approve the plans as submitted. However, he said he is not aware of any threat to sue the Township. In closing, Mr. Markel asked the Board to table this matter and to refer it back to the Planning Commission to obtain "real answers" as to what is going on. Robin Buxar of 1540 W. Gunn Road questioned whether the developer could sell the property if the Board approves the plans. Attorney Joppich responded that the developer could sell the property, but that all of the plans and conditions would be binding on any subsequent owner, and this is set forth in the PRRO Agreement. He also noted that the matter being considered this evening has to do with the rezoning request. The plans will still be subject to numerous additional approvals.

Jan Olson of 4190 Orion Road thanked Clerk Workings for "doing her homework" regarding this matter, and said that she will be missed on the Board. Mrs. Olson questioned if the Township has signed agreements from neighboring communities to provide emergency services; Supervisor Fogler responded that these agreements are in place. Mrs. Olson said it would have been helpful to have had Fire Chief Benoit present at one of these meetings to respond to Board and resident questions about this concern. Finally, she said that she still experiences problems as a result of the Paint Creek dam removal project, and urged the Board to be well educated on the many facets of this proposal before they make a decision.

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Ron Taylor of 4640 Chadwick Court commented that he feels the traffic studies cited must be inaccurate, and said that more traffic in this area will generate more problems. With respect to emergency response times, he noted that there was a house fire at Gunn Road and Kern Road this past weekend and the house was a loss. He questioned if emergency responders can really respond quickly enough, and added that it might be good if there were a fire station located near a senior development. He urged the Board to listen to the concerns of those present.

Alice Tombouljian of 798 W. Gunn Road said she has lived in Oakland Township since 1969. She noted that several people who have made tremendous contributions to Oakland Township over the years have had to leave when they got older and wanted to move into a home that was smaller and easier to maintain but could not find such a situation in Oakland Township. A senior housing development such as Blossom Ridge would offer people like this, who have given so much to the community, a place to continue to live in our community. She said she hopes residents will consider this.

Cheryl Nowacki of 4029 Wincrest Lane said she feels this area along Adams Road is so congested, especially during school drop off and pick up hours. She also said she does not believe there are adequate emergency services to support the proposed senior facility.

At this point, all residents had had an opportunity to address the Board, and Supervisor closed the floor to additional comments.

Clerk Workings inquired about a hold harmless agreement. Attorney Joppich explained that the Zoning Ordinance specifies what must be included in the PRRO Agreement. It does not require a hold harmless agreement. However, it does provide for the addition of "mutually agreeable provisions." Attorney Joppich asked Mr. Ed Kickham, Mr. Mocerri's attorney, if his client would be agreeable to such a provision, and Mr. Kickham responded that he would not.

Mr. Markel, Mr. Hollenbeck and other residents asked that the PRRO Agreement be read. Attorney Joppich read the nine page document and reviewed the exhibits. He stated that in the event that he should misspeak, the contents of this document are as they appear in their written form.

Dean Watson of 5763 Wellwood Drive asked if the Township and developer would incorporate a no assignment provision in the PRRO, giving Oakland Township some say in the matter if the developer wished to sell the development. Attorney Joppich responded that this is another provision that the Zoning Ordinance does not require be contained in the PRRO Agreement, so it would only be added if the developer agreed. Mr. Kickham indicated that his client would not agree to a no assignment provision.

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### Vote on motion:

AYES: Fogler, Creps, Edwards, Thomas  
NAYS: Workings, Bailey, McKay  
ABSENT: None  
MOTION CARRIED.

## **MANAGER'S REPORT**

### **Upcoming Meeting Schedule**

Manager Creech noted that the Board has scheduled meetings on September 11<sup>th</sup> and 25<sup>th</sup>, and October 9<sup>th</sup>. He said the Board may, at its option, hold special meetings if there are any matters they wish to conclude prior to November when the new Board members will assume their offices. This may also be an opportunity to discuss matters with the new Board members to help them transition to their new roles.

## **TRUSTEE THOMAS'S REPORT**

### **Lost Lake Nature Park – Ground Breaking Ceremony**

Trustee Thomas reported that she attended the ground breaking ceremony on August 3<sup>rd</sup> at Lost Lake Nature Park. The Parks and Recreation Commission will be making numerous improvements to the site including the creation of a nature center on the lower level of the house, installation of a handicapped accessible dock, installation of pathways, an improved driveway and parking areas, and a rehabilitation of the sledding hill. The Township received a grant for the nature center as well as some of the other site improvements.

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**CLERK WORKINGS'S REPORTS**

**Primary Election**

The Primary Election was held on August 7<sup>th</sup>, and the election results were included in the Board meeting packets.

**Detroit Sewerage and Water Department Meeting**

Clerk Workings said she understands that Manager Creech held a ~~lengthy~~ three hour meeting with representatives from the Detroit Sewerage and Water Department. ~~However, she was upset~~ She observed that he did not include the Board in this matter. She asked that he provide the Board with a report on what was discussed, including plans and schematics, and said ~~she feels it would have been~~ that, in the future, it would be more appropriate if Manager Creech ~~had been~~ were accompanied by the Supervisor or another member of the Board.

Clerk Workings had a number of questions including the anticipated cost of the infrastructure, how this will be paid for, the extent of additional water and/or sewer coverage, etc. She concluded by stating that she feels that whenever there is a "top level" meeting, Manager Creech should be accompanied by a member of the Board of Trustees.

Supervisor Fogler corrected Clerk Workings, stating that Manager Creech did not call the meeting but rather was invited to attend. Further, she said he has always spoken well on behalf of the Township regarding this matter.

Manager Creech explained that discussions with the Detroit Sewerage and Water Department are exploratory at this time, and nothing has been finalized. He continued that he has been involved with these issues for approximately 20 years (including before he came to work for Oakland Township); he is versed in these matters, has tried to keep the Board informed of the ongoing discussions, and routinely provides Board members with written information on related matters. He added that this was one of the items he thought might be of interest to discuss at a special Board meeting. He said he takes offense to the tone of Clerk Workings's comments.

**APPROVAL OF INVOICES**

The Board reviewed the lists of invoices.

MOVED BY EDWARDS, SECONDED BY THOMAS, to approve payment of the invoices as presented, dated July 20, 2012, in the amount of \$55,561.04, and August 9, 2012, in the amount of \$213,904.26.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

\*\*\*APPROVED\*\*\*

August 14, 2012

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MOTION CARRIED UNANIMOUSLY.

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

**CLOSED SESSION**

MOVED BY BAILEY, SECONDED BY McKAY, to move to a closed session of this meeting at 10:10 p.m. for the purpose of discussing privileged attorney-client communication regarding pending litigation, and regarding labor negotiations.

AYES: Fogler, Workings, Creps, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: None

MOTION CARRIED.

The regular session of the meeting was reconvened at 10:55 p.m.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel  
Recording Secretary

Judy Workings  
Clerk