

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

APPROVED

September 25, 2012

The September 25, 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
James Creech, Manager
Steve Joppich, Attorney

ABSENT: 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

MOVED BY BAILEY, SECONDED BY MCKAY, to approve the minutes of the September 11, 2012, meeting with the following corrections: on page 67 under "Citizens – Blossom Ridge – Special Accommodation Use," following the motion the words "Motion fails for lack of support" should be deleted and the following sentence should be inserted: "Supervisor Fogler stated that this matter is not for the Board to decide as this is a meeting that the Supervisor sets." On page 68 under "Restoration of Millrace," Mr. Mancour's name should be spelled throughout this section as "Jerry" instead of "Gerry." On the same page, the second paragraph, last line should read, "...operating in ~~the early 1990s~~ 1993." On page 69, the fourth paragraph should read, "...Mr. Mancour noted that ~~when he sold the Paint Creek Cider Mill, the turbine that ran the wheel (which had been there since 1913) was removed~~ was from 1913. However...water could be stored in ~~this forebay~~ the millrace during the evening hours..." The following paragraph should read, "...diverted water to the ~~other side of Gallagher Road~~ Paint Creek. Mr. Mancour responded that he purchased the mill in ~~1973-1976~~ and the

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“flume”...is a part of every ~~mill~~ millrace.” On page 70, the last paragraph, first line should read, “...vacationed in ~~Leeland~~ Leland this past ~~summer~~ week...” Finally, on page 71, the second “Discussion” paragraph following the motion should read, “...sold the water rights ~~in order to have adequate water to power the~~ mill. He offered to share this information...”

MOTION CARRIED.

Terry Gonser, Supervisor-elect, referred to the wording on page 68 under “Citizens – Transition Plan.” The minutes reflect that Supervisor Fogler stated, “...that she has emailed Supervisor-elect Gonser regarding Oakland Township matters, although she has not received a response from him.” He explained that the email correspondence he received from Supervisor Fogler did not request a response, and said that he feels the statement in the minutes is misleading. He asked that the words “...although she has not received a response from him...” be deleted.

AMENDMENTS TO AND APPROVAL OF AGENDA

Supervisor Fogler asked that the Board add an agenda item for a special presentation.

MOVED BY BAILEY, SECONDED BY CREPS, to approve the agenda with the addition of an agenda item for a special presentation.

MOTION CARRIED.

JUDGE LISA ASADOORIAN: Award of President’s Call to Service Awards

Supervisor Fogler introduced Judge Lisa Asadoorian to make a special presentation.

Judge Asadoorian first stated that she hopes that everyone present this evening will work together with a spirit of cooperation, and that they will work in a supportive capacity in order to accomplish what is in the best interest of the community.

She explained that in 2003, President George Bush established the President’s Council on Service and Civic Participation to recognize the valuable contribution that volunteers are making in our communities, and to inspire more people to serve.

This evening, she is pleased to recognize two individuals who have made exceptional contributions to our community.

JoAnn Kelly Bourez is a lifelong resident of Oakland Township, was a school teacher and the daughter of Delta Kelly (in whose honor Delta Kelly Elementary School was

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named). Mrs. Bourez has dedicated time and service to many organizations over the years including the Oakland Township Historical Society, the Paint Creek Cemetery Association, the Rochester-Avon Historical Society, Lake Orion Schools, the Rochester Community House, the Older Persons' Commission, Avon Players, and the Paint Creek United Methodist Church. She also volunteers at local fund raisers.

Colleen Barkham is also a lifelong resident of Oakland Township. She has dedicated time and service to the Parks and Recreation Commission, the Oakland Township Historical Society, the Paint Creek United Methodist Church, the Paint Creek Cemetery Association, 4-H, Girl Scouts, and the American Association of University Women. Ms. Barkham was a teacher and counselor at Troy Schools. She is an annual judge of the science fair. Additionally, Ms. Barkham volunteers at the Oakland County Complex, cares for the elderly, has been involved in numerous fundraisers, and has participated in restoration projects.

Judge Asadoorian said she is honored to be able to present both women with the highest award, the President's Call to Service award, which is granted when an individual has volunteered more than 4,000 hours. She said these women are inspirations and role models. She said these ladies "plant the trees so that others may enjoy the shade." Further, they volunteer not because they have the time, but because they have the heart.

The Board and those present applauded Mrs. Bourez and Ms. Barkham for their generosity to the community.

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.

Blossom Ridge

Request to Place "On Hold"

Marty McQuade of 5605 Muirfield Drive read a letter dated September 25, 2012, addressed to the Board from himself and his wife, Robin Buxar, Jim Chauvin, Steve DeRaedt, Frank Ferriolo, Jon and Colleen Gentry, Jim and Annalisa Hollenbeck, Pat and Jane Kirby, and Ron West. The letter asserts that "...In the Blossom Ridge application evaluation and approval the public has not been afforded a hearing and decision making process that has been free of suspicion of unfairness." Residents have identified on numerous occasions concerns of conflicts of interest, suspicions of impropriety, and lack

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of civility associated with the Board of Trustees and the Planning Commission.
Documentation of these concerns is included in the letter. It goes on to request that the Board approve a motion to place all Blossom Ridge matters on hold until the new Board of Trustees takes office on November 20, 2012.

Supervisor Fogler said she takes exception to the suggestion that the Board has not offered residents a reasonable opportunity to speak on this matter. Trustee Edwards added that the Planning Commission spent over a year working through various issues with this proposed development. He feels that Planning Commission Chairman Jim Carter handled the meetings in a professional manner, and that the Planning Commission did a thorough job in its review.

Trustee Bailey said he believes the focus of the letter is rather on the perceived conflict of interest.

Beth Markle of 245 Birch Hill Drive said she does not feel that all issues have been resolved. For example, she does not believe the Township knows for certain that our infrastructure (particularly with respect to emergency response) is capable of supporting the proposed development.

John Giannangeli of 5846 Muirfield Drive said he feels meetings have been conducted in a rude manner. He also feels that, regardless of what residents said, it did not alter the way the Planning Commission voted.

Gregory Murray of 5586 Muirfield Drive said he does not believe the Board has the authority to proceed under the Special Accommodations Use provision of the Zoning Ordinance. Specifically, he stated that the Zoning Ordinance only permits the Special Accommodation Use if the applicant's zoning request cannot be fulfilled under any other part of the Zoning Ordinance. In the case of Blossom Ridge, the applicant was able to submit their application under another part of the Ordinance. The only limitation on it now is that it may not move forward pending the referendum. Mr. Murray threatened that there may be litigation if the Township fails to act as required by law. Mr. Murray also noted that the applicant's new plan proposes that each unit will be able to accommodate a disabled person, which is a change from the original plan.

Roger Schmidt of 455 S. Rochester Road commented that Trustee Edwards attended a private District 2 meeting that was held in June. Trustee Edwards responded that he was invited to this meeting. Mr. Schmidt recalled that, when asked at that meeting, Trustee Edwards indicated that if the Board did not approve the Blossom Ridge plan, the Township would be sued.

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Francis Hughes of 3842 N. Ellamae Road said that he anticipates the developer will sell the development to the highest bidder once it is built. While the Township may know the developer, he questioned who might be the eventual owner and operator of the facility. He said that, in his opinion, this alone is enough to not approve the plan.

Joan Buser, formerly an Oakland Township resident and supervisor of Oakland Township for 18 years, said she is saddened to see the conflict between the residents and the Board. She thanked the Board for having the courage to continue to serve the community. Mrs. Buser said that it was always her experience that Mr. Mocerri produced an excellent product.

Dalton Vincent Noren of 5300 Brewster Road said he was impacted by the discussion this evening, and asked if Mr. Mocerri was present.

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POST, SMYTHE, LUTZ AND ZIEL: AUDIT REPORT FOR FISCAL YEAR 2011-2012

Rana Emmons of the auditing firm of Post, Smythe, Lutz and Ziel was present to report on the firm's independent audit for the Township's fiscal year ended March 31, 2012. Deputy Clerk Karen Brennan and Executive Assistant Jamie Moore were also present. The auditors issued an unqualified opinion, which is the highest opinion, and indicated that the Township is fully in compliance with state laws, investment policies, etc. She noted that this year there were again changes required in the reporting format, and the Township's reporting format has been revised to comply with the new Governmental Accounting Standards Board ("GASB") 454 standards.

Ms. Emmons presented an overview of the General Fund. She noted that property tax revenues have declined due to the lower property values. Interest income is also low as the rates are still poor. There was an increase in state-shared revenue due to the 2010 census, which adjusted the formulas for this income source (Oakland Township's population rose since the previous census). Finally, she stated that expenditures for this past year largely mirror the conservative expenditures of the previous year.

Treasurer Creps thanked Ms. Emmons for the excellent job she does. Ms. Emmons also thanked the Township staff for being so accommodating, allowing the audit process to be efficient and pleasant.

A resident inquired if the audit will be placed on the Township's website. Manager Creech said that it is available to the public at the state level, and added that he may place it on the Township's website.

ORDINANCE NO. 37-A: HISTORIC DISTRICT ORDINANCE

The Board accepted and held the first reading of the amendments to Ordinance No. 37-A, the Historic District Ordinance. The proposed amendments would allow the Historic District Commission to (within the limits of their budget) "...organize, manage, advertise, and hold events and activities in the Township for the purpose of promoting and educating the public regarding the existence and preservation of historic resources located in the Township..."

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Josi Whitson, Chairperson of the Historic District Commission, recalled that she had concerns about the definition of “fundraising.” Attorney Joppich confirmed that the definition has been included in the amended ordinance being considered by the Board this evening.

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MOVED BY BAILEY, SECONDED BY EDWARDS, to accept and hold the first reading of Ordinance No. 37-A, the Historic District Ordinance, as presented.

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

NAYS: None

ABSENT: Thomas

MOTION CARRIED.

RESOLUTION 12-13: Paint Creek Trail/Polly Ann Trail Connector Development Project Through the Michigan Natural Resources Trust Fund

Parks and Trails Planner Milos-Dale was present. She stated that this resolution and the following resolutions, easement acquisitions and temporary construction easements are necessary to proceed with the Paint Creek/Polly Ann Trail Connector development project.

Trustee Edwards said that he has worked with Ms. Milos-Dale for a number of years on this project. The proposed trail will run along the west side of Adams Road and will connect Delta Kelly Elementary School with the Paint Creek Trailways. It will make the Paint Creek Trailways accessible to many and will greatly improve safety.

Trustee McKay recalled concerns about fracking, and questioned if this project involves the transfer of mineral rights. Ms. Milos-Dale responded that the MNRTF funding the Township will be receiving is for development of the trail connector, not acquisition of land or easements.

MOVED BY EDWARDS, SECONDED BY BAILEY, to approve Resolution

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12-13, a resolution regarding the Paint Creek Trail/Polly Ann Trail connector development project through the Michigan Natural Resources Trust Fund, contingent upon receipt of all required easements.

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

NAYS: None

ABSENT: Thomas

MOTION CARRIED.

A copy of this resolution is attached as a part of these minutes.

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RESOLUTION 12-14: Oakland-Orion-Rochester Bicycle and Pedestrian Connector Project Through the Michigan Department of Transportation's Transportation Enhancement Program

MOVED BY BAILEY, SECONDED BY CREPS, to approve Resolution 12-14, a resolution regarding the Oakland-Orion-Rochester bicycle and pedestrian connector project through the Michigan Department of Transportation's Transportation Enhancement Program.

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

NAYS: None

ABSENT: Thomas

MOTION CARRIED.

A copy of this resolution is attached as a part of these minutes.

RESOLUTION 12-15: Acquisition of Temporary Construction Easement and Approving Declaration of Necessity and Taking Regarding Lopresti Property

MOVED BY EDWARDS, SECONDED BY CREPS, to approve Resolution 12-15, a resolution regarding the acquisition of a temporary construction easement and approving the declaration of necessity and taking regarding the Lopresti property.

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

NAYS: None

ABSENT: Thomas

MOTION CARRIED.

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A copy of this resolution is attached as a part of these minutes.

RESOLUTION 12-16: Acquisition of Temporary Construction Easement and Approving Declaration of Necessity and Taking Regarding Symphony Homes Property

MOVED BY EDWARDS, SECONDED BY CREPS, to approve Resolution 12-16, a resolution regarding the acquisition of a temporary construction easement and approving the declaration of necessity and taking regarding the Symphony Homes property.

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

NAYS: None

ABSENT: Thomas

MOTION CARRIED.

A copy of this resolution is attached as a part of these minutes.

TEMPORARY CONSTRUCTION EASEMENT

MOVED BY BAILEY, SECONDED BY EDWARDS, to enter into a temporary construction easement with the property owners of 3031 Paint Creek Drive as presented.

MOTION CARRIED.

ACCEPTANCE OF EASEMENT DONATIONS

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MOVED BY BAILEY, SECONDED BY EDWARDS, to accept easement donations from Rochester Community Schools, the Paint Creek Trailways Commission, and John and Paula McClain as presented this evening.

MOTION CARRIED.

MANAGER'S REPORTS

Goodison Plan Meeting

Manager Creech stated that a meeting was held this afternoon regarding the Goodison Plan.

Tri-Party Funds

Manager Creech reported that Oakland Township will be receiving an additional \$93,000 in Tri-Party funds, which will be put towards improving unpaved roads within the Township with limestone.

Detroit Sewerage and Water Department

Manager Creech stated that discussions are still in their infancy, but he recently met with representatives from the Oakland County Water Resources Commission regarding a potential water connection for Oakland Township.

ATTORNEY'S REPORTS

Oil and Gas Drilling ("Fracking")

Attorney Joppich reported that he has been looking into this matter and should have information for the Board's consideration shortly.

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Cranberry Lake Farm

Attorney Joppich said he recently met with Historic District Commissioners Josi Whitson and Jeanne Lyons, as well as the HDC's Administrative Assistant Barbara Barber. They discussed the proposed transition of maintenance and management responsibilities for Cranberry Lake Farm from the Parks and Recreation Commission to the HDC. He will be working on a resolution in this regard.

CLERK WORKINGS'S REPORT

Various Election Issues

Clerk Workings reviewed various items regarding elections. Public Act 128 of 2012 removes the ballot instructions from the ballot and requires that they be placed on the secrecy sleeves so that the ballots can be printed on one side only. Public Act 157 of 2012 changes the requirement that an election inspector be a registered voter of the county in which they are serving, to allow an election inspector to be a registered voter of that state. Finally, Senate Bill 751 provides for the creation of an inactive voter file (to keep track of registered voters who have moved or who have died).

TRUSTEE EDWARDS'S REPORT

Whims Lane Special Assessment District

Trustee Edwards said that there will be a meeting in late October regarding a possible Special Assessment District to address drainage issues and to enforce deed restrictions regarding unlicensed vehicles on Whims Lane. He said that, as the former head of the Whims Lane homeowners' association, he has always been the homeowners' contact at the Township. However, as he will be leaving the Board, he invited incoming Board members Terry Gonser, Jeanne Langlois to become acquainted with this issue, which he anticipates the new Board will have to address.

APPROVAL OF INVOICES

The Board reviewed the lists of invoices.

MOVED BY EDWARDS, SECONDED BY BAILEY, to approve payment of the invoices as presented, dated September 25, 2012, in the amount of \$83,422.89.

MOTION CARRIED.

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

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ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Ingrid R. Kliffel
Recording Secretary

Approved,

Judy Workings
Clerk