

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

APPROVED

November 13, 2012

The November 13, 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
Kathrine Thomas, Trustee
James Creech, Manager
Steve Joppich, Attorney

ABSENT: Sharon McKay, 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 referred to the October 9, 2012, minutes at pages 94 through 96, which contain the “Addendum to Motion” regarding the Blossom Ridge matter. She said that she recalled that Trustee Edwards read his proposed motion at the meeting, but said she did not recall him presenting the Addendum to Motion. Therefore, she asked that it be stricken from the minutes. Trustee Edwards objected, stating that, while he did not read the Addendum aloud at the meeting, it was projected on the overhead screen for everyone to see.

MOVED BY WORKINGS, SECONDED BY BAILEY, to delete the “Addendum to Motion” under the “Special Accommodation Use: Blossom Ridge” item, which appears in the October 9, 2012, minutes on pages 94, 95 and 96, up to but not including the paragraph that begins, “(The Board entertained discussion...”

MOTION CARRIED (Nays: Fogler Edwards).

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Trustee Bailey recalled that under “Special Accommodation Use: Blossom Ridge,” on page 105, the vote on the motion should reflect that Trustee Edwards voted “nay.” Trustee Edwards concurred.

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(***Please note that, upon review of the audio, there was no second for this motion, although the Board voted on it and I believe the intent of the Board was to approve the minutes as amended, above. – Ingrid Kliffel)

MOVED BY BAILEY, SECONDED BY _____, to approve the minutes of the October 9, 2012, meeting as noted in the above motion, and with the correction of the vote on page 105 to reflect that Trustee Edwards voted “nay.”

MOTION CARRIED.

AMENDMENTS TO AND APPROVAL OF AGENDA

There were no changes proposed to this evening’s agenda.

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.

Millrace

Jan and Greg Olson of 4190 Orion Road were present. Mrs. Olson thanked the members of the Board for serving Oakland Township, and particularly the three members who she feels were advocates for the community and residents.

Mrs. Olson said that two weeks ago, she and her husband visited the Pears Mill in Buchanan, Michigan, a community in the extreme southwest of the state. Buchanan has a dam and millrace in a setting very much like the dam and millrace in Oakland Township: the dam is in someone’s backyard, and there are five homesites that the millrace flows through.

Approximately 12 years ago, that Buchanan dam was vandalized. As a result, the dam was lost and the millrace dried up. However, Mrs. Olson continued, Buchanan’s elected officials responded differently than Oakland Township’s elected officials did: Buchanan’s city commissioners offered a reward for information regarding the vandalism. The community then worked together and set up a 12-member subcommittee to develop a plan for addressing the situation. Mrs. Olson said that subcommittee included representatives from the Michigan Department of Natural Resources, the

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watershed council, the city commission, an historic preservation group, Trout Unlimited, and residents.

Mrs. Olson said that when she was visiting Buchanan, she happened to meet the city manager. He said this was a community effort to restore the dam and millrace, and it has been very rewarding for all. Mrs. Olson said the Buchanan city commissioners advocated for their community and were able to restore their millrace.

In conclusion, Mrs. Olson thanked the Board members who have been advocating for the restoration of the millrace, but said she was disappointed by those members whom she felt did not.

Mr. Olson spoke next. He thanked Clerk Workings, and Trustees Bailey and McKay as well as the members of the Historic District Commission for their work on the millrace issues. He said he understood that the Board's approval of the Agreement Providing Permission and Consent to Enter onto Township Property to Undertake the Paint Creek Dam Removal Project required that the Clinton River Watershed Council produce flow in the millrace, and to produce two grants for removal of the sediment in the millrace. He said he does not believe the Clinton River Watershed Council has fulfilled their obligations in this regard, and there is no penalty for their noncompliance.

Rochester Cider Mill

Trevor Barkham, DVM and manager of the Rochester Cider Mill was present. He acknowledged that the Cider Mill is currently in mediation with Oakland Township regarding the Cider Mill's request to modify the Consent Judgment under which the Cider Mill currently operates. However, Dr. Trevor Barkham asked if the Board would permit the Cider Mill to sell Christmas trees during the Thanksgiving/Christmas season.

Supervisor Fogler stated that it is up to the Court, and not up to the Board to modify the terms of the Consent Judgment, and that the Rochester Cider Mill should petition the Court in this regard.

Attorney Joppich addressed the Board. He recalled that over one year ago the Rochester Cider Mill brought a motion challenging the Consent Judgment. The Court ordered the parties into facilitation. At that time, the Rochester Cider Mill presented a "wish list" of proposed amendments to the Consent Judgment (and that list included the ability to sell Christmas trees). Oakland Township then requested that the Cider Mill provide additional details regarding their "wish list," but the Cider Mill has not provided this additional requested information and therefore no amendments have been finalized. In response to a comment made by a resident in attendance, Attorney Joppich stated that

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discussions between the Township and the Rochester Cider Mill have been limited over the past approximately 10 months, so only limited public funds have been spent on this matter.

Attorney Joppich continued, stating that the Board may not make amendments to the Consent Judgment. Any proposed changes to the Consent Judgment must be made in writing, agreed to by both parties, and presented to the Court as a proposed amendment to the Order.

Joe Langlois of 490 W. Snell Road said he feels the Rochester Cider Mill's request appears to be quite simple, and the season to sell Christmas trees is nearly upon us. He requested that the Board make a motion authorizing a modification to the Consent Judgment to permit the Rochester Cider Mill to sell Christmas trees until December 31st. Attorney Joppich stated that, when dealing with Circuit Court settlement issues, his procedure has always been to bring a written document to the Board for their review and consideration. While he said the Board may choose to make a motion as requested by Mr. Langlois, this would be a deviation from past practice. Additionally, if the Board chooses to handle the Rochester Cider Mill's request in such a manner, he requested that the Board clearly direct him as to how he should proceed, and that they specify that such a decision is also binding on the future Board, which will be seated next week.

Trustee Bailey said the Rochester Cider Mill's request seems reasonable to him, and Beth Markel of 245 Birch Hill Drive concurred, stating that Mr. Langlois' suggestion seems to her to be a good one. She pointed out that the Cider Mill's window of opportunity to sell Christmas trees is very limited.

Trustee Thomas questioned if the Board will be amending the Consent Judgment beyond the sale of Christmas trees. Attorney Joppich said this is within the Board's discretion.

MOVED BY BAILEY, SECONDED BY WORKINGS, to direct Attorney Joppich to work up a draft amendment to the Consent Judgment to allow the Rochester Cider Mill to sell Christmas trees from the day the Court approves the amendment to December 31, 2012, for the Board's consideration at the next meeting.

MOTION CARRIED.

**COMMUNITY DEVELOPMENT BLOCK GRANT: ALLOCATION OF 2013
PROJECT YEAR FUNDS**

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At the last meeting, the Board held a public hearing to accept comments and suggestions for the use of Oakland Township’s Community Development Block Grant (hereinafter “CDBG”) funds for the 2013 project year. Oakland Township will receive approximately \$18,436 in CDBG funds for the 2013 project year. The public service cap has been restored to 30 percent of the total allocation (last year it was reduced from 30 percent to 15 percent), and the minimum allocation amount remains \$2,500.

Manager Creech is recommending that the Board allocate \$2,500 to HAVEN, which is a sole source provider and contracts directly with Oakland County. He is recommending that the remainder of the 30 percent allowed for public services, in the amount of \$3,030, be allocated to one qualified bidder that provides transportation services for low to moderate income citizens. Mr. Creech noted that Oakland Township must go through the procurement process, but in the past the funding for transportation services has been awarded to Neighborhood House.

Additionally, Manager Creech is recommending that the balance of \$12,906 be allocated to the Oakland Livingston Human Service Agency (OLHSA) for their Mobile Home Minor Repair Program, which is also administratively handled through Oakland County, and which will directly benefit low to moderate income residents in Oakland Township.

MOVED BY BAILEY, SECONDED BY THOMAS, to approve the allocation of Project Year 2013 Community Development Block Grant funds in the approximate amount of \$18,436 as follows, and to authorize the Township Supervisor to sign the application and sub-recipient agreement and the conflict of interest certification, and submit the documents to Oakland County:

| | |
|--|----------|
| HAVEN | \$ 2,500 |
| Public Service – Transportation Services | \$ 3,030 |
| Mobile Home Repair Program – OLHSA | \$12,906 |
| <hr/> | |
| Total | \$18,436 |

MOTION CARRIED.

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OLDER PERSONS' COMMISSION PARKING STRUCTURE CONSTRUCTION REPRESENTATIVE

Supervisor Fogler explained that the Older Persons' Commission ("OPC") will be building a parking structure. They are currently in the process of interviewing project architects and discussing other aspects regarding the design and construction of this project. The OPC has asked that the Board at least temporarily appoint Manager Creech to represent Oakland Township in this process.

MOVED BY BAILEY, SECONDED BY THOMAS, to appoint Manager Creech to temporarily represent Oakland Township during preliminary phases of the Older Persons' Commission parking structure construction project.

MOTION CARRIED.

POLICE/SCHOOL LIAISON 2012-2013 BUDGET

The Board reviewed the proposed Police/School Liaison budget for the 2012-2013 school year. The costs for this program are shared between Rochester Community Schools (25 percent) and the municipalities (City of Rochester, City of Rochester Hills, Oakland Township) based on our pro-rated share of the student population. Oakland Township will contribute 19 percent of the budget, which amounts to \$76,276 for this budget year, which is approximately the same amount that Oakland Township contributed last year.

MOVED BY BAILEY, SECONDED BY CREPS, to approve Oakland Township's share of the costs of the Police-School Liaison Program for the 2012-2013 budget year in the amount of \$76,276.

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MOTION CARRIED.

TOWNSHIP BUDGET AMENDMENTS: FISCAL YEAR 2012-2013

The Board reviewed proposed amendment to the 2012-2013 fiscal year budgets. Parks and Recreation Director Milos-Dale was present. Manager Creech explained that the amendments reflect some staffing changes in the Parks and Recreation Department, as well as some adjustments relative to projects. The budgets for all funds are still balanced.

Trustee Thomas inquired regarding when certain debts will be paid off. Parks and Recreation Director Milos-Dale explained that all land acquisitions, etc. will be completed before the expiration of the current millages.

MOVED BY THOMAS, SECONDED BY BAILEY, to approve the budget amendments for the fiscal year 2012-2013 budgets as presented.

MOTION CARRIED.

OLDER PERSONS' COMMISSION BUDGET AMENDMENTS:

FISCAL YEAR 2012-2013

The Board reviewed proposed amendments to the Older Persons' Commission ("OPC") budget for fiscal year 2012-2013. Supervisor Fogler stated that the OPC's Board of Directors approved the budget amendments earlier this month (although she noted that the representative from the City of Rochester voted no because the City of Rochester previously objected to the budget).

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Trustee Bailey commented that it made it much easier for him to understand the proposed amendments to the budget because the budget sheet included a column marked “Rationale for Change,” which explained each proposed amendment. He said he would like to see this approach used on the Oakland Township budgets.

MOVED BY CREPS, SECONDED BY BAILEY, to approve the amendments to the Older Persons’ Commission budget for fiscal year 2012-2013 as presented this evening.

MOTION CARRIED.

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SPECIAL MEETING

Manager Creech stated that there are several matters which need to be addressed by the Board prior to the next regularly scheduled meeting on December 11th. Supervisor-elect Gonser has agreed to hold a special meeting on Tuesday, November 27th at 7:00 p.m. The Board was in agreement with this, and asked that the Rochester Cider Mill's request to modify the Consent Judgment to permit the sale of Christmas trees be added to the November 27th agenda.

TRUSTEE BAILEY'S REPORT

Millrace

Trustee Bailey said he has continued to work with Wade Trim engineer Jason Kenyon, former Paint Creek Cider Mill owner Jerry Mancour, and neighbors Jan and Greg Olson regarding the millrace restoration project and mill restoration proposal. He anticipates that Mr. Kenyon will update the Board on this matter at the December 11th meeting.

CLERK WORKINGS'S REPORT

Thanks to Staff

Clerk Workings recognized and thanked Deputy Clerk Karen Brennan and Executive Assistant Jamie Moore for all they have done for Oakland Township and for the Clerk's Department, and said it has been a pleasure working with them.

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Clerk Workings also thanked Recording Secretary Ingrid Kliffel for her many years of service to Oakland Township, and for her special talent in preparing the minutes.

Next, Clerk Workings thanked Attorney Joppich for thoroughly researching many tough issues the Township has had to consider, and for providing well-rounded opinions so that the Board can make educated decisions.

Finally, Clerk Workings said it has been a privilege to serve on the Board of Trustees for the past four years. She commended her fellow Board members for taking the time to review materials and understand the many issues the Board has been presented with.

TRUSTEE EDWARDS'S REPORT

Zoning Ordinance

Trustee Edwards said the Planning Commission is requesting that the Board either approve or reject and refer back to the Planning Commission the proposed amendments to the Zoning Ordinance. Trustee Edwards stated that it is not the job of the Board to make changes to the Planning Commission's proposed amendments to the Zoning Ordinance.

Trustee Bailey speculated that the new Board of Trustees will compare the current Zoning Ordinance with the proposed amendments and determine if there are areas that they want the Planning Commission to revisit.

SUPERVISOR FOGLER'S REPORT

Thanks for Opportunity to Serve Oakland Township

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Supervisor Fogler concurred with Clerk Workings's words of thanks, and specifically recognized and thanked Recording Secretary Ingrid Kliffel, Attorney Joppich and her fellow Board members. She also thanked everyone else who has supported her. Mrs. Fogler said she has served Oakland Township for many years and will miss working for the Township.

CERTIFICATE OF RECOGNITION FOR SUPERVISOR FOGLER

Treasurer Creps read and presented the Certificate of Recognition from the Board to Joan Fogler for her dedication to Oakland Township over the past more than 20 years. Treasurer Creps also read a personal letter of thanks to Mrs. Fogler, adding that she has learned much from her over the years.

APPROVAL OF INVOICES

The Board reviewed the list of invoices.

MOVED BY THOMAS, SECONDED BY CREPS, to approve payment of the invoices as presented, dated October 29, 2012, in the amount of \$288,051.66, and November 8, 2012, in the amount of \$21,410.53.

MOTION CARRIED.

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

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Approved,

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Ingrid R. Kliffel
Recording Secretary

Judy Workings
Clerk