
BOARD MEMBERS PRESENT:

Gary Wall, Supervisor
Sue Camilleri, Clerk
Margaret Birch, Treasurer
Anthony Bartolotta, Trustee
Julie Brown, Trustee
Karen Joliat, Trustee
Donna Kelley, Trustee

OTHERS PRESENT

Rick Rassel, SD Capital
John Lyman
Craig Hammond
Brian Seibert
Scott Gasiurk
Suz Huss
Andy Argirisani
Fred Stephenson
Bea Stephenson
Paula Brock
Carolina Glicdwell
Robin McGregor
Brad Wolfbauer
Tonya Ross
Elizabeth Radcliffe
Todd List

Fran Amos
Jim Tedder
Mary Musiel
Chloe Williams
Jennifer LaBarge
Jim Lingen Felter
Karen Lingenfeller
Ryan Boudreau
Tony Furancez
Breanna Passanisi
Kent Douglas
Rachael Brown
Pam Evans
Wendell Evans
Amy Klopman
Mary Dunham

Rick Manture
Mari Latozas
Joe Latozas
Tom Middleton
Josh Tottingham
Heidi Tottingham
Mike Jackson
Matt McClure
Victoria Allen
Marlene Heredow
Jessica Coombs
Judy Lanes
Maurice Martin
Kelly Leathhead
Joan Rogers
Bill Fritz

Supervisor Gary Wall called the meeting to order at 6:02 p.m., asked for a moment of silence for the brave men and women who have served our Country and then led the Pledge of Allegiance.

Roll call was taken and all Board Members were present.

Moved by Brown;

Seconded by Bartolotta; RESOLVED, to approve the agenda for the August 22, 2016, agenda as printed.

Motion carried unanimously.

Moved by Joliat;

Seconded by Bartolotta; RESOLVED, to approve the August 8, 2016, Township Board Meeting minutes, as presented.

Motion carried unanimously.

Moved by Bartolotta;

Seconded by Brown; to approve the payment of the bills for August 22, 2016, as presented. A list of the bills is attached to these minutes. A roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

ANNOUNCEMENTS

- 4.1 The 2016 Oakland County International Airport Air Show & Open House returns to Waterford Sunday, August 28, 2016. General admission is free, and parking is \$5 per vehicle. The Open House runs from 10:00 a.m. to 4:00 p.m. with the air show beginning at 2:00 p.m. The event also features a pancake breakfast from 8:00 a.m. - 11:00 a.m. at a cost of \$7 per adult, \$5 for children 12 and under. A variety of ride options are also available for a fee including helicopter, airplane, and open-cockpit ride in a vintage aircraft. The children's area features bounce houses and a rock wall as well as a health and safety fair. For more information, visit the airport's Facebook page at www.facebook.com/oakgovairport and click on events!
- 4.2 Regular Monthly Recycling, at Town Hall, will be held on Saturday, September 3, 2016, from 9:00 a.m. until 1:00 p.m. Collection of Magazines and cardboard (shipping boxes, cereal boxes, toothpaste boxes, etc., free of food and debris and dry.) This service is provided the first Saturday of every month from 9:00 a.m. to 1:00 p.m. in the parking lot of Township Hall. No cost. Waterford Township residents and business owners only, please.
- 4.3 Waterford Township administrative offices will be closed on Monday, September 5, 2016, in observance of Labor Day. Emergency services will be available.
- 4.4 The Longest Breakfast Table, annual fundraiser pancake breakfast, will be held on Saturday, September 10, 2016, 8:30 a.m. at Fire Station 1. Join us while Waterford Police & Firefighters flip pancakes for the community! Enjoy fresh pancakes, sausage, juice, coffee and time spent with your Waterford neighbors and friends.
- 4.5 The Post Impressions Street Art Exhibition will open on Saturday, September 10th at 10:00 a.m. The Exhibition will be held at the Riverwalk at Crescent Lake Rd. & M-59. More than 50 colorfully decorated posts will be installed and on display through mid-November.
- 4.6 Waterford Coalition for Youth is hosting an Arts 'n Attic Sale on Saturday, September 10, 2016, from 9:00 a.m. until 4:00 p.m. at Pierce Middle School. Exhibitors will be selling arts, crafts, home business items, trinkets and treasures! Proceeds from booth rental support the Waterford Coalition for Youth.
- 4.7 Waterford Parks and Recreation will hold their annual Big Wheels Keep on Rollin' on Saturday, September 10, 2016 from 11:00 a.m. until 2:00 p.m. Don't miss your opportunity to climb aboard some large trucks, equipment and see other unusual vehicles at this attention grabbing event. For more information or to put your equipment/vehicle on display please call Tori Heglin at 248-674-5441. There is a fee of \$5.00 per car at the gate.

REPORTS

❖ Cable Department – July 2016

Moved by Camilleri,

Seconded by Birch; RESOLVED, to receive the July 2016, Cable Department Report.

Motion carried unanimously.

❖ **Clerk's Office – June 2016**

Moved by Bartolotta;
Seconded by Joliat; RESOLVED, to receive the June 2016, Clerk's office report.

Motion carried unanimously.

❖ **Development Services – June 2016**

Moved by Joliat;
Seconded by Kelley; RESOLVED, to receive the June 2016, Development Services report.

❖ **51st District Court – July 2016**

Moved by Brown;
Seconded by Bartolotta; RESOLVED, to receive the July 2016, 51st District Court report.

❖ **Fire Department– June and July 2016**

Moved by Bartolotta;
Seconded by Brown; RESOLVED, to receive the June and July 2016, Fire Department report.

❖ **Human Resources Department – July 2016**

Moved by Camilleri;
Seconded by Joliat; RESOLVED, to receive the July 2016, Human Resources report.

❖ **Treasurer's Report – July 2016**

Moved by Brown;
Seconded by Camilleri; RESOLVED, to receive the July 2016, Treasurer's office report.

OLD BUSINESS**1. Dangerous Building Hearing –The Summit Place Mall**

The Dangerous Building Hearing started at 6:09 p.m.

Township Attorney Dovre provided the Board with the August 27, 2016, letter and submitted the Dangerous Building Resolution as requested by the Board at the August 8, 2016, Township Board Meeting. Attorney Dovre received an unsigned purchase agreement on Friday, August 19, 2016. The Purchase agreement did not indicate any financial information or the identity of the buyer. Mr. Dovre reviewed the terms of the purchase agreement and spoke with Sean Rabhar of SD Capital and Mr. Russell, SD Capital legal counsel. Without knowing more of what the buyer of the property had in mind it is difficult to provide any guidance in regards to the time periods or approvals that would be needed from the Township. In that conversation was a suggestion that a confidential meeting between the buyer, seller and the Township Supervisor and Township Attorney Dovre be held so that they can provide that information on the purchase agreement.

Supervisor Wall agreed that the meeting needs to be completed sooner rather later as a sale of that magnitude would not take place without the buyer speaking with the Township. Attorney Dovre agreed.

Mr. Russell, SD Capital legal counsel, stated that the developed purchase agreement that Attorney Dovre received was the latest iteration in the on-going negotiation process. The purchase agreement has not been signed by the buyer or SD Capital. It is his understanding that the buyer wishes to use a substantial portion of the existing structure of the mall in their redevelopment plan. This is subject to their due diligence and subject to the beginnings of discussions between the Township, the County, Buyer and Seller as to what this prospective development looks like; its intended purposes and use and how it can benefit both the buyer's economic interest and the benefit of the Township in a redevelopment proposal. SD Capital is here today to tell you that they are committed to pursuing this process and thinks it is in their best interest and the Township's. The buyer is serious and is in the process of setting up a confidential meeting with the Township as Mr. Dovre indicated, so the township can get a look of their proposal. The buyer does not want their plans in the public market place before they are ready to make those positions public. Based on the information he has and the process they have been engaging to try and meet as imposed at the August 8, 2016, Township Board meeting they have done a significant amount of the other work they have committed to do and they are in the process of completing the repair items that are more of the exigent type that Board asked them to comply with. Shirley Griffin, Property Manger, is here to deal with the specifics of the items they are committed to. Mr. Russell asked that SD Capital be allowed to continue their process with their potential buyer. The buyer is not interested in pursuing this transaction if there are legal proceedings on going on to tear down the mall.

Clerk Camilleri asked what the buyer has done to secure a confidential meeting. Mr. Russell indicated that Mr. Eric Banks, the Buyer's Broker, has been instructed to contact Supervisor Wall to set up a meeting. Supervisor Wall indicated that he spoke Mr. Banks and he would try to attend tonight's meeting but was unable to as this was his first day back from vacation.

Supervisor Wall advised the residents that the Township has worked very diligently with SD Capital to work with resolving the property. The Township would never intentionally kill a potential deal. Mr. Russell indicated that they are doing the best they can and it was never their intent to have the property turn out this way.

Shirley Griffin, Summit Place Mall Property Manager, SD Capital, indicated that September 8, 2016, is still the target date for complying with the repair order. She indicated they are waiting to see how the proceedings go tonight.

Dangerous Building Hearing – The Summit Place Mall Continued.

Attorney Dovre advised that if the Board adopts the final resolution, as provided, and as presented, SD Capital would have 20 days to appeal their decision in Circuit Court. The other option is to adjourn the hearing for a specific purpose such as the confidential meeting between the buyer, seller, and Township. He provided the following language for a motion to do that.

A motion to tentatively approve the Dangerous Building Resolution presented by the Township Attorney on August 17, 2016, except for the dates in paragraphs 3, 4 and 5 and adjourn the hearing to Monday, September 26, 2016, for the Board to consider making is final Dangerous Building Decision and Order by adoption of a Resolution that specifies October 17, 2016, or some other later date or dates in paragraphs 3, 4, and 5 of the Resolution, to allow time for a confidential meeting between SD Capital, the Buyer and Township Representatives and Attorney's that must occur by September 21, 2016 and for the Township Attorney to review and advise the Board on the existence and non-monetary terms and conditions of a binding purchase agreement for a sale of the property.

Trustee Bartolotta asked if the Buyer or a Buyer's Representative/Broker would be attending the meeting. Attorney Dovre stated it would be most likely a Buyer's Representative. The main point is for the Township to gain an understanding of specifically what is being contemplated to have the ability to determine if that can be meshed with the dangerous building case and how he can properly advise the Board. As Supervisor Wall stated, we don't want to inadvertently kill a deal but we need to have information to avoid doing that.

Supervisor Wall stated that a Dangerous Building Order has been issued and we need to do our due diligence to follow up on it but at the same time if something is pending he doesn't see another five (5) weeks will hurt and Attorney Dovre agreed that he did not see a negative in the delay.

Clerk Camilleri wanted to move to tentatively adopt the Resolution that will demolish the building but adjourning it until the 2nd meeting in September and between now and then the Buyers must meet with the Township to a) know that there is really a buyer and b) to know that they can really do what they want to do. Five (5) weeks is not a long time to wait to potentially avoid killing a deal.

The public hearing closed at 6:33 p.m.

Moved by Birch,

Seconded by Kelley; RESOLVED, to tentatively approve the Dangerous Building Resolution presented by the Township Attorney on August 17, 2016, except for the dates in paragraphs 3, 4 and 5 and adjourn the hearing to Monday, September 26, 2016, for the Board to consider making is final Dangerous Building Decision and Order by adoption of a Resolution that specifies October 17, 2016, or some other later date or dates in paragraphs 3, 4, and 5 of the Resolution, to allow time for a confidential meeting between SD Capital, the Buyer and Township Representatives and Attorney's that must occur by September 21, 2016 and for the Township Attorney to review and advise the Board on the existence and non-monetary terms and conditions of a binding purchase agreement for a sale of the property; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

2. **Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers.**

Clerk Camilleri stated that this amendment simply adds definitions and standards from the UKC and AKC and it is not a rewriting of the entire ordinance.

Township Attorney Gary Dovre stated that it adds definitions and terms and procedural protections.

The following residents addressed the Board:

- ❖ Adam Duberstein, 3980 Baybrook– Mr. Duberstein is an educator and graduate student with a professional interest. He is conducting research on Ordinances, similar to the Animal Regulations Ordinance Amendment. He would like to see what scholarly social science that was research used to change the existing Ordinance. It is his experience that policies put together in haste end up causing more harm than good. He has concerns regarding Township approved veterinarian, who will be deciding which veterinarian will be approved, who will be paying for the cost of the Vet services. How would the term pit bull be defined? Is it a DNA test with more than 51% pit bull terrier or is it based on the physical characteristics of the dog? Requests the Board not adopt this but look at a Responsible Pet Ownership Ordinance? He is willing to meet with any of the Board. How will the information used to change the ordinance be available to residents?

Township Attorney Gary Dovre clarified a Township Approved Veterinarian is a Licensed Veterinarian in the State of Michigan in good standing that has acknowledged receipt of the Township Ordinance definitions and breed standards that are defined in the Ordinance and has agreed that if asked to examine a dog that they will apply those standards and definitions when doing so. These proposed amendments are a result of discussions with Supervisor Wall, Chief Underwood, Deputy Chief James, Margaret Scott, Township Prosecutor, Lou Feurino - Township Risk Manager and himself. Attorney Dovre stated that he drafted the Ordinance and clarified that the cost of the Veterinarian exam is the cost of the resident. The Ordinance does not talk about DNA but rather the physical characteristics of the dog.

Trustee Brown, asked for clarification if the resident's Veterinarian states that it is not a Pit Bull and the Township Veterinarian states it is. Attorney Dovre advised that the Township may not proceed to Court unless a 2nd Officer and a different Veterinarian states the dog is a pit bull. Trustee Brown asked what happens if they get additional complaints (from neighbors, etc.). Attorney Dovre stated that the original affidavit has to provide photographs of the dog and state the characteristics to confirm what dog was examined. The Police Dept. would be able to see the prior affidavits and respond to subsequent complaints from the original affidavit. Once a dog is certified not a pit bull it cannot be taken to court unless a second, Township Approved Veterinarian, states that it is one.

- ❖ Ann Roth, Resident of Sylvan Lake, she feels she has a vested interest as she owns 3 Camp Bow-Wow, the nation's largest chain of dog day care and boarding facilities. She has between 200-300 animals under her care. 10% are pit bulls. You would hear about it if there were problems. She would like to point out that there are several flaws in the Ordinance. There is confusion – It omits a bull terrier or a staffshire bull terrier omitted in chapter 3 but in the definitions.
- ❖ Danielle Barnham, 5870 Shetland Way, The motto on the website states no boundaries, but this Ordinance places boundaries. She would like to see the Ordinance Repealed and replaced with a Responsible Pet Ownership Ordinance.
- ❖ Josh Tottingham, 1447 Sherwood Forest Ct., Why wouldn't the Ordinance replaced with a vicious dog ordinance? Why are we discriminating against one breed? Supervisor Wall stated that we are bringing clarification. Mr. Tottingham asked what it takes to change the Ordinance.
- ❖ Rick McIntyre, 2570 W. Walton Blvd. He is a victim of the Dog law. There are Veterinarians that would be approved by the Ordinance that state they have characteristics of a pit bull and it took a DNA test to prove that he was not a pit bull. If you want to keep the rule and the owners Veterinarian states that it is not a pit bull than pay for all of the testing. It costs him over a thousand dollars and time from work. His dog has never harmed a person.

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers Continued.

- ❖ Felicia Danielson, 247 N Winding, she recently moved into Waterford with her family. Research shows that the breed restriction ban does nothing for a community, would like to see a Responsible Pet Ownership Ordinance. What are the facts that make you feel the Pit Bull needs to be banned?
- ❖ Marcella Sawyer, 3006 Barker Dr., she supports a Responsible Pet Ownership Ordinance vs. a Ban. Stated different psi for animal bites. She would like to know where we received our information from.
- ❖ Rachael Brown, Pauline Dr, Township Approved Veterinarian for years, neighbors complain would she need to take the dog to the vet or would her vaccination record work? If not, why? Attorney Dovre stated that the Ordinance calls for an Affidavit, from a Township Approved Veterinarian, which is certified, under oath. Trustee Brown stated that the certificate from the Veterinarian, to get a dog license, states the dog breed. What about a dog from a shelter? The information states a boxer mix but a neighbor calls stating it's a pit bull. Trustee Joliat stated that before adopting take the affidavit before adopting an animal. Ms. Brown feels that this should wait before adopting this Ordinance.
- ❖ Matthew Muddle, 4328 Filer, Thanked the Board and Police Department for the hard work they do. He believes that this amendment is making more paperwork for them. He believes it would be easier if there is a chained dog Ordinance.
- ❖ Kelly Leathead, 1066 Premont Ave., She loves Waterford and has been here since 2008 and considers Waterford her home. What references that you can cite that the Ordinance is based on? She would like to know that the Township Ordinance is based on reasonable information. Would it be more reasonable to have a Responsible Pet Ownership Ordinance?
- ❖ Michael Jackson, 105 S Avery, Are Police Officers animal control officers? How are the Police Officers being educated? Supervisor Wall stated that there are visual characteristic in the Ordinance. It is part of a Police Officers job to enforce the Township Ordinance. He's had boxers his whole life. He would have a pit bull if it wasn't for the ban. The Township should have a Responsible Pet Ownership Ordinance.
- ❖ Michelle Coltson, lived in Waterford for 42 years. She believes that the Ordinance is way out of date. Please give them the opportunity to remove the pounds of pressure per square inch in the Ordinance. She stated that she's had play dates with pit bulls and has had to reschedule them.
- ❖ Craig Maple, Waterford Resident, he believes that something needs to be looked how these animals are trained versus the type of dog. Should we ban guns because they can be dangerous? Please consider looking at this from a different point of view.
- ❖ Vaughn Wagner, 2510 Silverside, Mr. Wagner has stated that the Ordinance was based on an article from 1987. The bite force came from Human Society personnel. He stated that the Ordinance was written very well and commends the work of the Attorney and Board members. He agrees that the affidavit is the correct way to go. Our Ordinance does work.
- ❖ Terry Hodskins, Waterford Resident, there is a lot of confusion as what as to what is to be done. She believes that the Waterford Approved Township Veterinarian is confusing people. She questioned if they can go to court and prove they are not a pit bull via DNA? She would like to see the ban lifted. Clerk Camilleri stated that the Ordinance defines what an approved Veterinarian is and is not a specific Veterinarian.
- ❖ Mark Breimeister, 671 Bow Ln, and a Board Member of the Detroit Dog Rescue, He feels that the Ordinance should go away. He invited the Board to the visit the Detroit Dog Rescue to see how the dogs truly are. He stated that small dogs can be aggressive. Pit bulls can be trained properly and become family members.
- ❖ Marsha Schubert, Not a resident but is a Vet Technician for Waterford Veterinarian Hospital. She stated that WVH did complete some evaluations for Walt Bedell, former Township Prosecutor, and they are not the only Veterinarian that Walt Bedell used as she had a Rottweiler examined by another veterinarian. She is speaking up for WVH as they are licensed and qualified. She doesn't believe that it is in any ones best judgment to go by a picture. WVH followed the Ordinance and never stated that a dog needed to be put down.

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers Continued.

- ❖ Coleal Williams, 2255 Override Ave, She asked what the citizens can do to get the Ordinance removed? Supervisor Wall stated to contact an attorney and get together a fact based presentation that would convince the Board to change the Ordinance.
- ❖ Christina Renaldi, Detroit Dog Rescue Executive Director, Thanked the Board for bringing everyone together and for leading. She wants to be sure that everyone is safe. She was happy to see the Residents of Waterford to take a risk and to remove the Ordinance. She appreciates the rewording but would like to see the Ordinance Removed. Please think about it and make it a dangerous dog ordinance.
- ❖ State Rep. Jim Tedder – Wanted to provide an update of SB 239 which passed out of the Senate (26-11) and is in committee on the House and would pre-empt local ordinances that are breed specific.
- ❖ Kari McGowan, Michigan Political Action Committee for Animals. With a Responsible Pet Ownership Ordinance the Officers would be enforcing cruelty and vicious dogs that they are already enforcing, it just won't be breed specific. They work with communities to rework their ordinances as they did in Hazel Park. It is wrong to be asking the Veterinarian to visually identify a dog. She feels that it will not end until a court decision.
- ❖ Victoria Allen, 2233 Kohler. She spent 2 weeks all over the United States. In every state they stopped in they spoke with Veterinarians, Local Boards regarding pit bulls. She will provide facts on pit bulls if you would like. Communities that lifted the ban had less aggression from dogs and neighbors. Please go to the Michigan State Board and USD Veterinarian. Please think about the Ordinance before you vote tonight.
- ❖ Debbie Dunn, Clarkston Resident and Volunteers at a rescue in Clarkston. Her biggest problem is with visual and characteristics. If it is a nice dog why can't we have a temperament testing vs. automatically removed from the Township?
- ❖ Mary Dunham, 2570 W. Walton. Based on description her dog is deemed a pit bull. She had DNA testing and there is not one ounce of pit bull in it. She doesn't think that description is the answer. She never took it to her own Veterinarian not a Township Veterinarian. She was ticketed under the Ordinance. Three years ago she paid \$550.00 to an Attorney and submitted a Responsible Pet Ownership Ordinance and the Board did nothing with it.
- ❖ Suzanne Huss, Oakhurt, IN, she owns a full blooded pit bull. She has been move to Waterford but first has to wait for her 10 year old dog to die or have the ban lifted. She cannot wait to move here and the Township is beautiful.
- ❖ Donna Wall, 3450 Alco Dr. February 22, 2016, Terry Hodskins asked you to bring about stability and due process for dog owners in Waterford concerning pit bulls. At that meeting Supervisor Wall stated that from that day forward he would work on setting up one set of rules for everyone to follow when enforcing the pit bull ordinance. She believes that they are here for tonight not to change the ordinance so that pit bulls are not banned anymore but to make the system fair for everyone. If there were any questions about her dog she would be proactive to have the affidavit complete by her licensed veterinarian.

At Supervisor Wall's request, Attorney Dovre responded with clarifications in response to questions that the public had asked.

- ❖ Kenny VanHorn, Waterford Resident, he is concerned that the police officers will not be trained. He feels that they should be properly trained.
- ❖ Joe Latozas, Waterford Resident, his family members are dog lovers. The pit bulls are great protection for ladies and children. He believes that pit bulls can be dangerous and has seen the news report attacks on their family members.
- ❖ Andrea Sadler, Waterford Resident, she has been bit by a Bichon Frise, and a German Shepherd. Please consider removing the ban as any dog could be banned.
- ❖ Roxanne McKee, Bender Ave., She stated that dogs should not be judged on their appearances.
- ❖ Amanda Walsh, former Resident stated she has worked with dogs for 10 years and stated that she cannot identify a pit bull to this day. How can we take the word of a Veterinarian?

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers Continued.

- ❖ Mary Bijou, Waterford Resident, She found it interesting that there is a vicious animal ordinance on the books therefore, that the pit bull ban is not necessary. She is in favor of removing the ban.

Clerk Camilleri stated that there was never any intent on removing the ban. The intent was to clarify the procedure and feels that the Township Attorney has made the necessary changes.

The following memo was received from Township Attorney Gary Dovre.

The Ordinance Amendment presented with this letter is for possible introduction at your August 8, 2016, meeting. As indicated in the title, the purpose of this Ordinance is to update, correct, amend, and add definitions, and amend determination guidelines related to the existing prohibition on the ownership, possession, or maintenance of Pit Bulls in the Township. That prohibition would not be changed with the adoption of this Ordinance.

The marked up version of the Ordinance (which does not include the updated Appendices A, B and C) highlights changes to the existing text in Ordinance Sections 3-001 and 3-024. The clean version of the Ordinance, which includes the proposed changes and new Appendices A, B and C, is the version you would be introducing if you choose to do so, with or without changes.

The following outline of the proposed Ordinance Amendment may be of assistance in your consideration.

Section 3-001 Definitions

- Animal control officer – the expanded definition would allow the Township to turn to non-Township animal control officers for corroboration in making determinations or verifications that a dog is a Pit Bull subject to the ordinance prohibition.
- Pit Bull or Pit Bull Terrier – the American Kennel Club (AKC) provides the breed standards for American Staffordshire Terriers and Staffordshire Bull Terriers, with the United Kennel Club (UKC) providing the breed standards for American Pit Bull Terriers. During the 2014 recodification of the Ordinances, the UKC reference for American Pit Bull Terriers was mistakenly changed to AKC. This amendment corrects that error and provides current breed standards from the AKC and UKC websites for each of the three breeds as Appendices A, B and C.
- Substantially conform is a term used in the current ordinance definitions of Pit Bull or Pit Bull Terrier. This amendment defines that phrase as being a dog that meets the majority of the specific standards for a breed.

Township approved veterinarian – this is another phrase in the current ordinance that was not defined, but was believed to describe one or more specific veterinarians the Township had approved in advance to perform examination of dogs for Pit Bull identification purposes. This definition allows any licensed veterinarian in good standing

- to be a “Township approved veterinarian.” To have that status, a veterinarian needs to have a copy of and agree to apply the ordinance definitions and breed standards in examining dogs for Pit Bull identification purposes.

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers Continued.**Section 3-024 Pit Bull Determination Guidelines**

The focus of the amendments to this section is on the process to be followed by the Township and available to a dog owner prior to issuance of any court citations, tickets or complaints.

Subsection (a) provides for initial determinations by an animal control officer that a dog may be a prohibited Pit Bull.

Subsection (b) specifies what is required for a positive identification of a dog as a Pit Bull and calls for issuance of a notice of violation that specifies the allowed time for a dog to be removed from the Township or for the owner to challenge the notice of violation, with that option to be explained in the notice of violation.

Subsection (c) is a new provision that allows a dog owner the opportunity to challenge a positive Pit bull identification by the Township and to support that challenge by an affidavit from a "Township approved veterinarian," the required contents of which are spelled out in the ordinance.

Subsection (d) provides that if a Township approved veterinarian affidavit certifies that an examined dog is not a Pit Bull, the Township may not proceed with issuance of a court citation, ticket or complaint unless the animal control officer's positive identification of the dog as a Pit Bull is verified in writing by another animal control officer and a different Township approved veterinarian.

Although changes are shown in Subsection (e), they are not substantive, with the new last sentence having come from the prior text of Subsection (d).

These proposed amendments were the result of discussions with Mr. Wall, Chief Underwood, Deputy Chief James, Margaret Scott, and Lou Feurino. If you are satisfied with the amendments, the appropriate motion would be to introduce the Animal Regulations Ordinance Amendment and schedule it for possible adoption at a designated future Township Board meeting.

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2016-003**

ANIMAL REGULATIONS ORDINANCE AMENDMENT

An Ordinance to update, correct, amend, and add definitions, and amend determination guidelines related to pit bull terriers, in the Animal Regulations in Chapter 3 of the Waterford Charter Township Code.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The definitions of Animal Control Officer and Pit Bull or Pit Bull Terrier in Section 3-001 in Article I of Chapter 3 of the Waterford Charter Township Code are amended, and new definitions of Substantially conform and Township approved veterinarian are added to read as follows:

Sec. 3-001. Definitions

Animal Control Officer means a Township official, employee, or contractor authorized by the Township Board to enforce the provisions of this Chapter who: (i) satisfies the minimum

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers Continued.

requirements for physical, educational, mental and moral fitness for an animal control officer, and (ii) is a police officer, has served as an animal control officer for at least 3 years, or has completed a minimum course of study of not less than 100 instructional hours as prescribed by the State Department of Agriculture for animal control officers. For determinations or verifications under Section 3-024, but not for issuance of citations or notices of violations, animal control officer also means an animal control officer approved by the State Department of Agriculture as having satisfied the minimum employment standards in MCL 287.289b.

Pit Bull or Pit Bull Terrier means any dog which exhibits those phenol typical characteristics which:

- (1) Substantially conform to the breed standards established by the American Kennel Club for American Staffordshire Terriers that are part of this Ordinance as Appendix A, or Staffordshire Bull Terrier that are part of this Ordinance as Appendix B; or,
- (2) Substantially conform to the breed standards established by the United Kennel Club for American Pit Bull Terriers that are part of this Ordinance as Appendix C.

Substantially conform means that the characteristics of the dog, essentially and without material deviation or qualification, meet a majority of the specific standards for a breed in Appendices A, B, or C, so as to predominate. Technical deficiencies in a dog's conformance to one or more breed standards shall not be construed to indicate that the subject dog is not a "pit bull terrier" under this Article.

Township approved veterinarian means a veterinarian licensed to practice in the State of Michigan whose license has not been suspended or revoked at the time of an examination of a dog, who in an affidavit provided under Section 3-024(c), acknowledges that the veterinarian has a copy of, has read, understands, and in the examination of a dog, has applied the definitions of "Pit Bull or Pit Bull Terrier" and "Substantially conform" in this Section, and the breed standards for American Staffordshire Terriers, Staffordshire Bull Terriers, and American Pit Bull Terriers in Appendices A, B, and C.

Section 2 of Ordinance

The Appendices to Chapter 3 of the Waterford Charter Township Code are amended by replacing the existing Appendix A with Appendices A, B, and C that are attached to and part of this Ordinance Amendment.

Section 3 of Ordinance

Section 3-024 in Article III of Chapter 3 of the Waterford Charter Township Code is amended to read as follows:

Sec. 3-024. Pit bull terrier determination guidelines.

The following procedures and standards shall be used by all animal control officers in determining whether a particular dog is subject to the prohibition in Section 3-023.

(a) An animal control officer will initially determine why the dog is being considered as possibly prohibited. Factors that may be considered include, but are not limited to the following or a combination of the following:

- (1) Registration or licensing as a pit bull terrier.
- (2) Identification as a pit bull terrier by an owner of the dog.
- (3) Identification as a pit bull terrier by an animal control officer pursuant to the procedures set forth in this section.
- (4) Identification as a pit bull terrier by a licensed veterinarian or in veterinary records for the dog.

(b) If the initial determination under subsection (a) is that a dog appears to be prohibited by Section 3-023, positive identification of the dog as prohibited by that Section shall be by an animal control officer based on one or more of the following:

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull TerriersContinued.

- (1) Verification by the animal control officer that the dog substantially conforms to the breed standards in Appendices A, B, or C based on physical observation of the dog.
- (2) Personal and professional experience of the officer in having observed known pit bullterriers in the past.
- (3) Identification as a pit bull terrier by an owner of the dog.
- (4) Written verification by a licensed veterinarian or veterinary records for the dog.

Written notice of the animal control officer's positive identification of a dog as prohibited by Section 3-023 shall be provided to each known owner of the dog by issuance of a notice of violation that specifies a time for the dog to be removed from the Township or for the notice of violation to be challenged as provided in subsection (c), a written explanation of which shall be provided with the notice of violation.

(c) Within the time specified in a notice of violation of Section 3-023, if an owner of the dog denies or wants to dispute that the dog is a pit bull, the owner may support that denial or dispute by submitting a Township approved veterinarian affidavit on or in a form approved by the Township that complies with the following requirements:

- (1) Is under oath and penalties of perjury.
- (2) Contains information confirming that the veterinarian meets the standards to be a Township approved veterinarian as that term is defined in Section 3-001.
- (3) Is based on a personal examination of the dog by the veterinarian on a date that is specified.
- (4) Specifically identifies the dog examined and attaches photographs of the dog taken on the date of the examination.
- (5) Acknowledges that the veterinarian has a copy of, has read, understands, and has applied the definitions of "Pit Bull or Pit Bull Terrier" and "Substantially conform" in Section 3-001, and the breed standards for American Staffordshire Terriers, Staffordshire Bull Terriers, and American Pit Bull Terriers in Appendices A, B, and C in the examination of the dog.
- (6) Certifies to the Township, based on the examination and application of the Ordinance definitions and breed standards, that the dog examined is not a Pit Bull or Pit Bull Terrier, and identifies the specific breed standards that the dog does not substantially conform to.
- (7) If the dog is certified as not being a Pit Bull or Pit Bull Terrier, identifies the dog's breed.

The examination of a dog by a Township approved veterinarian under this subsection, as an optional opportunity to the owner, shall be arranged by and at the expense of the owner even if the dog is certified to not be a Pit Bull or Pit Bull Terrier.

(d) An animal control officer shall not proceed with issuance of a court citation, ticket, or complaint for a violation of Section 3-023 to an owner of a dog that has been certified as not being a Pit Bull or Pit Bull Terrier in a Township approved veterinarian affidavit submitted under and in conformity with subsection (c) unless the officer's identification of the dog as a pit bull is verified in writing by:

- (1) Another animal control office as substantially conforming to the breed standards in Appendices A, B, or C; and
- (2) A different Township approved veterinarian.

(e) All animal control officers involved in enforcing Section 3-023, shall be familiar with and consult the breed identification standards in Appendices A, B, and C, and shall become familiar with the pit bull terrier, as defined, by reference to photographs, physiological diagrams and breed behavior patterns. If an officer cannot determine the predominate breed of the dog in question as pit bull terrier, the dog shall not be subject to the prohibition in Section 3-023 unless the dog is later positively identified as a pit bull by a Township approved veterinarian.

Possible Adoption of Animal Regulations Ordinance Amendment Regarding Pit Bull Terriers Continued.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 4 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2016.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Sue Camilleri, Township Clerk

Moved by Camilleri,
Seconded by Joliat; RESOLVED, to adopt the Animal Regulations Ordinance Amendment regarding Pit Bull Terriers as presented and schedule for adoption at the August 22, 2016, Township Board Meeting; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Brown, Joliat and Kelley
Nays: Brown
Absent: None

Motion carried.

NEW BUSINESS

1. Vacant DPW Information Systems Administrator Position.

The following memo was received from Louis F. Feurino.

In response to the desire of Mr. Fritz, DPW Director, to hire a DPW IS Administrator, I request that the Township Board approve the hiring of Mr. Frank Fisher to this position.

Mr. Fisher recently left employment with the Township and his separation has left the Township in need of a person with his skills. Mr. Fisher and Mr. Fritz discussed the possibility of his returning to the position. An agreement was reached, pending the approval of this Board.

The position will not require an amendment to the DPW budget; with recent staffing changes the DPW budget will remain either neutral or maybe slightly stronger.

Vacant DPW Information Systems Administrator Position Continued.Fritz memo.

This memo shall confirm our meetings and communications concerning the vacant DPW Information Systems Administrator position. With the departure of Tony Saab, we are once again in need of a DPW Information Systems Administrator. Rather than undertaking the time consuming and costly process of advertising, reviewing applications and interviewing candidates, we are in the fortunate position of having available to us a fully vetted and qualified candidate with the knowledge and skills necessary to perform this function.

Frank Fisher resigned from Waterford Township back in March of this year. After a brief stop at White Lake Township, he landed at Johnson & Anderson. Part of his job at J&A is to assist DPW with our SCADA and Information Technology (IT) needs. In this role he has stayed current with our IT systems and is well aware of the turnover we have experienced in DPW IT staff.

You and I met with Frank and have had conversations with him about returning to work at the DPW. Here are the proposed details of the agreement reach with Frank:

1. He would return as the dual titled DPW Information Systems / GIS Manager; the same title(s) that he had previously held prior to his promotion to DPW Engineering Superintendent in 2014.
2. His salary would be set at Grade 6, Step 9 (\$72,731). When Frank left in March he was a Grade 8, Step 5 (\$74,314).
3. His seniority, vacation and sick time accrual rate, M&A pension status, and all other benefits would be reset to what they were prior to his departure. In other words his hire date would be reset as April 30, 2001. It would be as if he had taken a five month leave of absence.

Because of Mr. Fisher's many years of experience within our organization, his advanced skills and knowledge of the many varied DPW IT programs, and his high level of professionalism and dedication make this the best case scenario to fill the void that has been left by the recent departure of technical staff.

Moved by Joliat;

Seconded by Camilleri; RESOLVED, to approve the hiring of Mr. Frank Fisher as the DPW GIS Administrator; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Joliat and Kelley

Nays: Brown

Absent: None

Motion carried.

2. Amendments to Post-Retirement Health Care Benefits Plan and Trusts.

The following memo was received Treasurer Margaret Birch.

Attached you will find two amendments to our Post-Retirement Health Care Benefits Plan and Trust. This is a fund set aside to contribute to the Post-Retirement Health Care Benefits Plan and Trust for retiree health care into the future. The first Section 1.4 Collective Bargaining Agreements is updating that particular Section to permit the offer below.

The trust ends at 1.8 Amendments and this is an amendment 1.9 that allows an employee who has been making a percentage contribution into the Post Retirement Health Care Benefits Plan and Trust to take the sum they have contributed to that plan, without interest and roll it into a Retiree Health Savings account. If they chose to do that, they would then contribute 2% and the Township would contribute 2% into that Retiree Health Savings Account. Under a Retiree Health Savings Account, they would then be able to take those funds with them when they leave the township. Also, if they rolled over their funds into a Retiree Health Savings Account, they would no longer receive or be the recipient of any Post Retirement Health Care Benefits Plan and Trust.

This is a one time and limited time offer effective September 12 to September 16, 2016 when it expires. If there are any questions, please do not hesitate to contact me or the HR Director. The HR director will be providing additional information to all involved parties.

Section 1.4. Collective Bargaining Agreements.

The eligibility for, and benefit provisions of this Plan, including the return of mandatory Participant contributions upon termination of employment provided the Participant is not at the time of termination, eligible for any level of retiree health care benefits, are subject to relevant provisions of applicable Personnel Policies (for non-union members) and/or Collective Bargaining Agreements between the Township and the various Collective Bargaining Associations of the Township (for union members). The provisions of a Personnel Policy or Collective Bargaining Agreement relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Personnel Policy or Collective Bargaining Agreement and the Plan and Trust. Nothing contained herein shall be deemed to modify or limit in any way the rights that the parties to the Collective Bargaining Agreements may have, any supplements or memoranda thereto, or any arbitrator's award to enforce collection of any amounts due to the Trust.

Section 1.9 Transfer Employee Contributions to ICMA Retiree Health Care Savings Plan.

Effective September 12, 2016, Participants who are not presently eligible to receive any level of retiree health care benefits hereunder, as determined by the applicable Personnel Policies (for non-union members) and/or Collective Bargaining Agreements between the Township and the various Collective Bargaining Associations of the Township (for union members) may make a one-time election to transfer all mandatory employee contributions only to the ICMA Retiree Health Care 149 Plan. The ability to transfer employee contributions **expires September 16, 2016**. If a transfer is elected under this section, the Participant will as soon as possible cease to participate in this Plan, the Charter Township of Waterford Post-Retirement Health Care Benefits Plan and Trust, and will have no eligibility for Retiree Health Care from the Township. The former participant will be eligible to receive the Health Care Savings Plan Benefits as afforded to new hires under the personnel policies or applicable contract.

Moved by Camilleri,

Seconded by Joliat; RESOLVED, to approve the Post-Retirement Health Care Benefits Plan and Trust as outlined above; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

3. **Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc.**

Treasurer Margaret Birch sits on the Canterbury Board and requested to be recused from voting.

Moved by Camilleri,

Seconded by Kelley; RESOLVED, to recuse Treasurer Birch from voting on new business item 7.3, Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc.; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

Supervisor Wall opened the public hearing at 8:41 p.m. Craig Hammond from Dickinson Wright addressed the board. Supervisor Wall closed the public hearing at 8:49 p.m.

The following information was presented by Larry Lockwood, Superintendent of Planning and Zoning.

NOTICE OF PUBLIC HEARING
TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF WATERFORD

ISSUANCE BY THE ECONOMIC DEVELOPMENT
CORPORATION OF THE CHARTER TOWNSHIP OF WATERFORD
OF LIMITED OBLIGATION REFUNDING REVENUE BONDS
CANTERBURY HEALTH CARE, INC. PROJECT

NOTICE IS HEREBY GIVEN that the Township Board of the Charter Township of Waterford will hold a public hearing at 6:00 p.m., in the Waterford Township Hall Auditorium located at 5200 Civic Center Drive, Waterford, Michigan, on Monday, August 22, 2016, on the proposed issuance by The Economic Development Corporation of the Charter Township of Waterford (the "EDC") of limited obligation refunding revenue bonds (the "Bonds") for the benefit of Canterbury Health Care, Inc., a Michigan nonprofit corporation (the "Borrower"). The Bonds in an amount not to exceed \$23,000,000 will be used for the following purposes: (i) refund the EDC's Limited Obligation Refunding Revenue Bonds, Series 2013 (Canterbury Health Care, Inc. Project) issued in the original principal amount of \$18,890,000 (the "Series 2013 Bonds"), (ii) pay swap termination fees related to the Series 2013 Bonds, (iii) fund a debt service reserve fund for the Bonds, and (iv) pay costs of issuance of the Bonds.

The Series 2013 Bonds refunded certain bonds previously issued by the EDC on behalf of the Borrower to refinance the costs of acquiring, constructing, furnishing and equipping a continuing care retirement community known as Canterbury-on-the-Lake, located at 5601 Hatchery Road, Waterford Township, Oakland County, Michigan (the "Project"). The Project is owned and operated by the Borrower in furtherance of its charitable mission of providing housing and health care services for seniors.

The Bonds shall be limited obligations of the EDC, payable only from loan repayments to be made by the Borrower to the EDC and other collateral pledged by the Borrower. The Bonds will not constitute an indebtedness of the EDC or the Charter Township of Waterford within the meaning of any constitutional or statutory provision, and will not constitute or give rise to a charge against the general credit of the EDC or the credit or taxing power of the Charter Township of Waterford.

Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc.
Continued.

All aspects of the proposed issuance of Bonds will be open for discussion at the public hearing. The Township Board will consider the approval of the proposed bond issue only after the public hearing has been completed. The Township Board of the Charter Township of Waterford shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed issuance of Bonds.

Dated: August 5, 2016

Sue Camilleri, Clerk
Charter Township of Waterford

**RESOLUTION OF INTENT TO ISSUE REFUNDING BONDS
FOR CANTERBURY HEALTH CARE, INC. PROJECT**

At a special meeting of the Board of Directors of The Economic Development Corporation of the Charter Township of Waterford (the "Issuer"), held on July 21, 2016, at 5:00 p.m., pursuant to notice duly given.

PRESENT: Chairman William Flury, Treasurer, Brian Seibert, Township Supervisor and Member Gary Wall, Township Trustee and Member Karen Joliat, Member Stan Moore, Member James Iodice

ABSENT: Member Marie Hauswirth, Member Jeff Gunther, Member Kyle McGrath

The following preamble and resolution were offered by Member Joliat and supported by Member Wall.

WHEREAS, in 1993 the Issuer adopted a Project Plan for the Canterbury Health Care, Inc. Project in accordance with the Act and in furtherance of such Project Plan issued its \$30,930,000 Limited Obligation Revenue Bonds, Series 1993 (Canterbury Health Care, Inc. Project) (the "Series 1993 Bonds") to provide a loan to Canterbury Health Care, Inc., a Michigan non-profit corporation (the "Borrower") to finance the acquisition of land and construction, equipping and furnishing of a continuing-care retirement community known as Canterbury on the Lake consisting of 75 independent living units, 39 assisted living units, 140 skilled nursing beds and certain common facilities located at 5601 Hatchery Road in the Charter Township of Waterford, Oakland County, Michigan (the "Project");

WHEREAS, in 1998, at the request of the Borrower, the Issuer issued its \$26,865,000 Limited Obligation Revenue Refunding Bonds, Series 1998 (the "Series 1998 Bonds") the proceeds of which were used to make a loan to the Borrower to refund the outstanding Series 1993 Bonds in connection with a restructuring of the debt;

WHEREAS, in 2005, at the request of the Borrower, the Issuer issued its \$22,000,000 Limited Obligation Refunding Revenue Bonds, Series 2005 (Canterbury Health Care, Inc. Project) (the "Series 2005 Bonds") the proceeds of which were used to make a loan to the Borrower to refund the outstanding Series 1998 Bonds in connection with a refinancing of the debt;

WHEREAS, in 2009, at the request of the Borrower, the Issuer issued its \$21,295,000 Variable Rate Demand Limited Obligation Refunding Revenue Bonds, Series 2009 (Canterbury Health Care, Inc. Project) (the "Series 2009 Bonds") the proceeds of which were used to make a loan to the Borrower to refund the outstanding Series 2005 Bonds in connection with a refinancing of the debt;

Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc.
Continued.

WHEREAS, in 2013, at the request of the Borrower, the Issuer issued its \$19,500,000 Limited Obligation Refunding Revenue Bonds (Canterbury Health Care, Inc. Project), Series 2013 (the "Series 2013 Bonds") the proceeds of which were used to make a loan to the Borrower to refund the outstanding Series 2009 Bonds in connection with a refinancing of the debt;

WHEREAS, the Series 2013 Bonds are currently outstanding in the principal amount of approximately \$17,545,000;

WHEREAS, the Borrower has requested that the Issuer issue limited obligation revenue refunding bonds the proceeds of which will be used to refinance the outstanding Series 2013 Bonds and to pay costs of issuance of the bonds;

WHEREAS, Dickinson Wright PLLC, Bond Counsel to the Issuer, has advised the Issuer that it is necessary for the Township Board of the Charter Township of Waterford to conduct a public hearing in order to approve the issuance by the Issuer of refunding bonds for this Project; and

WHEREAS, the Issuer is authorized by Act 338 of the Michigan Public Acts of 1974, as amended (the "Act") to issue revenue refunding bonds to refinance the costs of the Project, to fund a debt service reserve fund for the bonds and to pay costs of issuance of the bonds; and

WHEREAS, the Board deems it desirable, reasonable and necessary to commence the appropriate proceedings in order to assist the refinancing of the Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. In order to assist the Borrower in refinancing the Project and subject to the provisions of this resolution, the Issuer will issue its limited obligation revenue refunding bonds in the maximum principal amount of \$20,000,000 for the purpose of refunding the outstanding Series 2013 Bonds and thereby refinancing the Project costs, and to fund a debt service reserve fund for the bonds and to pay costs of issuance of the bonds. Such bonds will be issued pursuant to the Act provided that a loan agreement, trust indenture and other documents relating to the bonds are prepared with provisions acceptable to and approved by this Board of Directors, and provided, further, that all necessary preliminary proceedings, hearings, approvals and other requirements of the Act are completed, and provided, further, that the bonds can be sold. All costs relating to the refinancing of the Project shall be paid from the proceeds of sale of the bonds or by the Borrower.

2. The firm of Dickinson Wright PLLC is hereby designated and retained by the Issuer as bond counsel with respect to the revenue refunding bonds to be issued in connection with the refinancing of the Project, and is further authorized and directed to prepare and submit to all appropriate parties all proceedings, agreements and other documents as shall be necessary or appropriate in connection with the issuance of such bonds or notes, to make application on behalf of the Issuer to the United States Internal Revenue Service and other governmental agencies for such income tax and other rulings and approvals as may be necessary in relation to the issuance of such bonds or notes, and the Secretary of this Issuer is authorized to execute such powers of attorney and other documents as may be appropriate in connection with the foregoing. The legal fees of bond counsel for work done in connection with the Project shall be paid from the proceeds of sale of such bonds or by the Borrower but in no event shall be a cost to the Issuer.

3. The Township Board of the Charter Township of Waterford is hereby requested, following a public hearing in accordance with the Act and the applicable provisions of the Internal Revenue Code of 1986, as amended, to approve the issuance by the Issuer of limited obligation

Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc. Continued.

revenue refunding bonds to refund the Series 2013 Bonds, to fund a debt service reserve fund for the bonds and to pay costs of issuance of the bonds.

RESOLUTION DECLARED ADOPTED.

YEAS: 6
NAYS: 0

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, the duly qualified and acting Secretary of The Economic Development Corporation of the Charter Township of Waterford, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of said Issuer at a special meeting held on the 21st day of July, 2016, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for said meeting.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this ____ day of _____, 2016.

Secretary

CHARTER TOWNSHIP OF WATERFORD
RESOLUTION APPROVING ISSUANCE OF EDC REFUNDING BONDS

(Canterbury Health Care, Inc. Project)

Minutes of a regular meeting of the Township Board of the Charter Township of Waterford, County of Oakland, Michigan held on August 22, 2016, at which the following members were present: _____ and the following were absent: _____

The following preamble and resolution were offered by Camilleri and supported by Joliat:

WHEREAS, in 1993 the Economic Development Corporation of the Charter Township of Waterford (the "EDC") issued its \$30,930,000 Limited Obligation Revenue Bonds, Series 1993 (Canterbury Health Care, Inc. Project) (the "Series 1993 Bonds") to provide a loan to Canterbury Health Care, Inc., a Michigan nonprofit corporation (the "Borrower") to finance the acquisition of land and construction, equipping and furnishing of a continuing care retirement community known as Canterbury on the Lake located at 5601 Hatchery Road in the Charter Township of Waterford, Oakland County, Michigan (the "Project");

WHEREAS, the Series 1993 Bonds were refinanced in 1998, 2005, 2009 and most recently in 2013 when the EDC issued its \$18,890,000 Limited Obligation Refunding Revenue Bonds, Series 2013 (Canterbury Health Care, Inc. Project) (the "Series 2013 Bonds");

WHEREAS, at the request of the Borrower, the EDC intends to issue limited obligation refunding revenue bonds ("Refunding Bonds") in an amount not to exceed \$23,000,000 to

Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc. Continued.

refinance the outstanding Series 2013 Bonds, to pay swap termination fees related to the Series 2013 Bonds, to fund a debt service reserve fund for the Refunding Bonds and to pay costs of issuance of the Refunding Bonds; and

WHEREAS, the EDC has requested that this Township Board approve the issuance of the Refunding Bonds in an amount not to exceed \$23,000,000 following a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, this Township Board has given notice pursuant to the Code of a public hearing which was held on this August 22, 2016, relative to the issuance of the Refunding Bonds by the EDC; and

WHEREAS, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the issuance of refunding bonds, and further, this Township Board has given due consideration to all communications received in writing with reference thereto; and

WHEREAS, this Township Board made and preserved a record of the public hearing, including all data presented thereat; and

WHEREAS, this Township Board desires to express its approval of the issuance of the Refunding Bonds by the EDC, and wishes to request the EDC to proceed with such financing.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF WATERFORD AS FOLLOWS:

1. By adoption of this Resolution, this Township Board hereby approves the issuance, sale and delivery by the EDC of the Refunding Bonds in an aggregate principal amount not to exceed \$23,000,000, as required by Section 147(f) of the Code.

2. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

3. The Township Clerk is hereby directed to provide three (3) certified copies to the Secretary of the EDC.

YEAS _____
NAYS _____
ABSTENTIONS _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Waterford at a regular meeting held on August 22, 2016, an original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended, including the case of a special or rescheduled meeting, notice by publication or posting of at least eighteen (18) hours prior to the time set for the meeting.

Sue Camilleri, Clerk
Charter Township of Waterford

Consideration of Resolution of Intent to Issue Refunding Bonds for Canterbury Health Care, Inc. Continued.

Moved by Camilleri,

Seconded by Joliat, RESOLVED, to adopt the Resolution Approving Issuance of EDC Refunding Bonds; a roll call vote was taken.

Ayes: Wall, Camilleri, Bartolotta, Brown, Joliat and Kelley

Nays: None

Abstained: Birch

Motion carried.

4. Appain Way Booster Pumping Station

The following memo was received from William A. Fritz, DPW Director.

The purpose of this submittal is to seek Waterford Township Board of Trustees approval to purchase a prefabricated water booster pumping system and to authorize a budget amendment for expenses associated with this project.

A housing development currently under construction, The Woodlands of Oak Ridge, will require the water pressure of Waterford Township's public water system to be augmented slightly. The Woodlands of Oak Ridge is located on Appian Way, a private road accessed off of Airport Road, north of Hatchery Road.



This new subdivision was originally planned to be built in 2005. It was at that time during the planning and design phase that the need for water pressure augmentation was identified. The developer agreed to contribute financially to the construction of the booster station (see agreement in Attachment I). The underground infrastructure was installed in 2006, but subdivision production came to a halt in 2009 when the housing market collapsed. The plan to construct the booster station was then shelved.

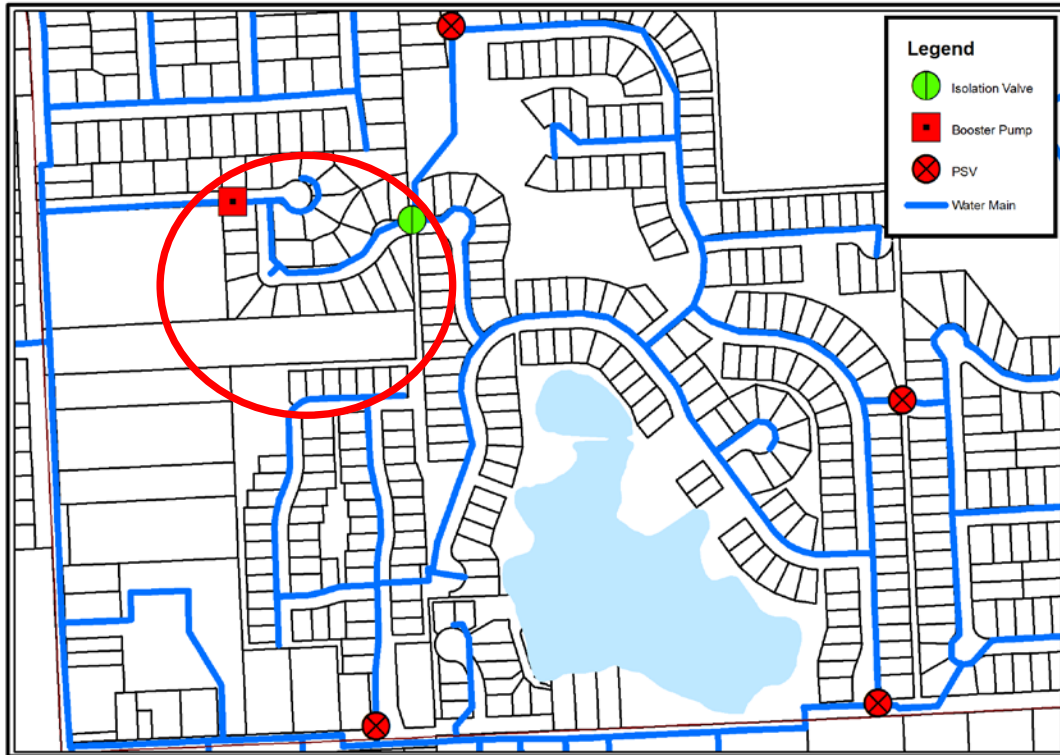
In 2015 construction began again on homes within the subdivision and DPW resumed its plans to build the booster station. Restarting the design, permitting and construction process did not take place in time to be identified in the 2016 operating budget, thereby necessitating the need for the proposed budget amendment.

DuBois-Cooper's enclosed quote, in the amount of \$88,600, is for a Gorman-Rupp prefabricated duplex packaged pumping system. This pumping system is identical to one purchased by DPW in 2010 and installed on Nelsey Road to augment water pressure in the northwest corner of Waterford Township. At that time the Gorman-Rupp system was, and still is today, unique and was therefore approved by the Waterford Township Board of Trustees as a single-source.

Appain Way Booster Pumping Station Continued.

The booster station on Nelsey Road has performed very well. We therefore recommend and request Board approval of the proposed purchase, quoted by DuBois-Cooper as a single-source, in the amount of \$88,600 (see DuBois-Cooper quote - Attachment II).

The booster pump will increase the pressure of the water headed into the subdivision from the west. As the drawing below shows, pressure-sustaining valves (PSV) will eventually need to be installed on water mains east of the new subdivision in order to maintain the increased pressure. These will be constructed in 2017 by DPW personnel. In the interim, an existing isolation valve will be closed to create the pressure boundary.



Johnson & Anderson has prepared a memorandum summarizing the costs and coordination required to complete this project. (Attachment III). The table below outlines the 2016 budgeted verses projected expenses.

Item From J&A Memo	Budget Account	Est. 2016 Expense	Amt. Available in 2016 Budget	Increase Required
Purchase Pump Station	59045-97000	\$ 88,600	\$0	\$ 88,600
DTE Extension of 3-Phase Power	59045-97000	\$ 20,700	\$20,700	\$ 0
Engineering	59044-84500	\$ 14,400	\$ 14,400	\$ 0
Installation of Pump Station by DPW Personnel & Contingencies	Varied	\$ 24,100	\$ 24,100	\$0
TOTALS:		\$ 147,800	\$ 59,200	\$ 88,600

Appain Way Booster Pumping Station Continued.

I am requesting a budget amendment as outlined below to offset the shortfall:

Budget Account	Budget Line Item Description	Existing Budget	Increase	New Budget
59045-97000	Water Capital Infrastructure	\$ 65,000	\$ 88,600	\$ 153,600

The expense of installing the PSVs will be incorporated into the FY2017 DPW O&M budget. Finally, since there are significant lead times for the delivery of some of these items, the expenses described above may carry over into the 2017 calendar year. It is therefore also requested that any amount not spent in Fiscal Year 2016 be carried over to Fiscal Year 2017.

Recommended Board Actions

1. Award contract to DuBois-Cooper in the amount of \$88,600.00 to purchase prefabricated water booster pumping system, and
2. Approve Budget Amendment in the amount of \$88,600 to the Water Capital Infrastructure Line Item (59045-97000), and
3. Funds unspent in FY2016 to carry over to FY2017.

Moved by Camilleri,

Seconded by Birch; RESOLVED, to award the Appian Way Booster Pumping Station contract to DuBois-Cooper in the amount of eighty-eight thousand, six hundred (\$88,600.00) dollars. In addition, to approve the budget amendment to Water Capital Infrastructure line item 59045-97000 in the amount of eighty-eight thousand, six hundred (\$88,600.00) dollars and to allow any unspent 2016 fiscal year funds to carry over to fiscal year 2017; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

5. 2016 Township Pavement Improvements.

The following memo was received from William A. Fritz, DPW Director.

The purpose of this submittal is to seek Waterford Township Board of Trustees approval to award a construction contract for concrete pavement improvements. While preparing specifications to competitively bid the work, DPW discovered that a bid for the same services had just taken place in a nearby community, with JB Contractors being awarded the contract. We therefore request the Board utilize the Government Contract provision of the Waterford Township Procurement Policy and award a contract to JB Contractors for concrete pavement repair services.

The paved areas within the Waterford Township Civic Center campus are in need of rehabilitation. Funds were therefore allocated in the FY2016 budget to address the issue. Due to the deteriorated condition of the civic center roadways, DPW retained the services of Fleis and Vanderbrink to perform pavement evaluation of the roads (see report in Attachment I). The report concluded that most of the roadway asphalt pavement was deteriorated to the point of requiring being milled and overlaid.

2016 Township Pavement Improvements Continued.

During the evaluation the concrete curb and gutter, some sidewalks and ramps were also identified as requiring attention. Based on the report’s findings, we suspect that the condition of much of the civic center parking areas may also require more advanced rehabilitation than had previously been anticipated. We therefore have decided to evaluate the parking areas in the same manner as the roadways in order to avoid investing thousands of dollars in crack sealing and seal coating on pavement that is beyond nonstructural rehabilitative methods.

There are also several locations throughout the Township where the existing sidewalks and bike paths require rehabilitation. These locations have been cataloged and measured for many months. In fact, DPW attempted in 2015 to contract these repairs, but received no bids.

The FY2016 budgeted amounts are insufficient to fund the originally intended project scope. We therefore propose a phased project, with the concrete repairs being made in 2016 and the civic center campus road repairs in 2017:

Proposed 2016 Work	Est. Cost
Civic Center Campus Concrete Repairs	\$ 164,600
Parking Area Pavement Marking	\$ 2,600
Evaluate Condition of Parking Areas Pavement	\$ 4,500
Township-Wide Sidewalk/Bike Path Repairs	\$ 38,700
2016 Total	\$ 210,400

Attachment II is a memo from Dan Stickel, DPW Engineering Superintendent providing further detail and includes the following:

- Locations and quantities of civic center campus concrete repairs (Pages 3 through 5),
- Letter from JB Contractors honoring the terms and conditions of City of Birmingham Contract (Pages 6 & 7),
- City of Birmingham Contract and Bid Tabulation (Pages 8 through 10),
- Locations and quantities of township-wide concrete repairs (Pages 11 through 26).

There are adequate FY2016 funds available to finance this project:

Budget Account	2016 Budget
24690-97010	\$ 160,000
24690-97005	\$ 45,000
59044-92180	\$ 25,000
Total	\$ 230,000

Recommended Board Actions

1. **Award contract under the government contract provision of the Waterford Township Procurement Policy to JB Contractors in the amount of \$203,133.00 to perform concrete pavement improvements.**

2016 Township Pavement Improvements Continued.

Moved by Joliat;

Seconded by Birch; RESOLVED, to award the 2016 Township Pavement Improvements contract under the government contract provision of the Waterford Township Procurement Police to JB Contractors in the amount of two hundred three thousand, one hundred thirty-three (\$203,133.00) dollars to perform concrete pavement improvements; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

6. Grant Award and Budget Adjustments.

The following memo was received from Fire Chief Lyman.

Waterford Regional Fire Department has received a FEMA grant for Fire Officer Training. I am requesting the following budget adjustments for the fire department. This training will provide certification to NFPA standards for 20 of our personnel to the level of Fire Officer I & II (NFPA 1021), and Incident Safety Officer (NFPA 1521). The grant covers nearly all of the costs for the training and overtime necessary for each person.

Account	Description	Amount
20601 53300	Federal Grant	\$86,164
20630 70900	Overtime	\$84,000
20630 76500	Fire Training	\$25,360

I am estimating that our costs would be approximately \$23,000 to come from our fund balance.

Moved by Camilleri,

Seconded by Kelley; RESOLVED, to approve the budget amendment increasing account 20601-53300 - Federal Grant in the amount of eighty-six thousand, one hundred sixty-four (\$86,164.00) dollars.

Increase account 20630-70900- Overtime in the amount of eighty-four thousand (\$84,000) dollars and

Increase 20630-76500 – Fire Training in the amount of twenty-five thousand, three hundred sixty (\$25,360.00) dollars; a roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Bartolotta, Brown, Joliat and Kelley

Nays: None

Absent: None

Motion carried unanimously.

7. Appointment of Brian Seibert to the General Employees Pension Board.

The following memo was received from Supervisor Wall.

Recently, Shirley Barnett resigned from serving on the General Employees Pension Board. Shirley volunteered in this position for a number of years and we truly appreciate her time and valuable input.

Appointment of Brian Seibert to the General Employees Pension Board Continued.

The General Employees Pension Board is vested with the power and authority to administer, manage and operate the retirement system, and to interpret and implement the provisions of Chapter 2, Article III, Division 2, Section 2-091 of the Charter Township of Waterford Code of Ordinances and the ICMA plan and trust. The Board consists of five (5) committeepersons as follows:

- (a) The Township Treasurer.
- (b) Two (2) citizens who are electors of the Township and who are neither a member, retirant, nor beneficiary of the retirement system, to be appointed by the Township Board.
- (c) Two (2) members of the retirement system (or one (1) member of the retirement system and one (1) member of the defined contribution plan) to be elected by the members of the system in accordance with such rules and regulations as the committee shall from time to time adopt to govern such elections.

The vacancy created by Shirley's resignation is for one of the two citizen representatives positions on this board. I respectfully request the Township Board's approval for the appointment of Waterford Township resident and business member Brian Seibert to the General Employees Pension Board for a term of three (3) years August 23, 2016 to August 23, 2019.

Mr. Seibert holds a Bachelor's degree in Finance, is President of Michigan First Mortgage (Waterford's 2014 Business of the Year), a member of the Waterford Area Chamber of Commerce, and is an engaged citizen in the Waterford community. I believe he is clearly qualified for this position and will serve the Township well in this capacity.

Thank you for your consideration.

Moved by Birch;

Seconded by Bartolotta; RESOLVED, to appoint Mr. Brian Seibert to the General Employees Pension Board for a term of three (3) years; term to expire August 23, 2019.

Motion carried unanimously.

8. Appointment of William Flury to the General Employees Pension Board.

The following memo was received from Supervisor Wall.

I respectfully request the Township Board's approval for the reappointment of Waterford resident and long-time Board member William (Bill) Flury to the General Employees Pension Board for a three-year term September 1, 2016 to September 1, 2019.

The General Employees Pension Board is vested with the power and authority to administer, manage and operate the retirement system, and to interpret and implement the provisions of Chapter 2, Article III, Division 2, Section 2-091 of the Charter Township of Waterford Code of Ordinances and the ICMA plan and trust. The Board consists of five (5) committeepersons as follows:

- (a) The Township Treasurer.
- (b) Two (2) citizens who are electors of the Township and who are neither a member, retirant, nor beneficiary of the retirement system, to be appointed by the Township Board.
- (c) Two (2) members of the retirement system (or one (1) member of the retirement system and one (1) member of the defined contribution plan) to be elected by the members of the system in accordance with such rules and regulations as the committee shall from time to time adopt to govern such elections.

Appointment of William Flury to the General Employees Pension Board Continued.

Mr. Flury has served the Township well in this capacity for a number of years. He is committed to the tasks required of the Board members. His contributions have been valuable and I'm confident he will continue to succeed in this role going forward.

Thank you for your consideration.

Moved by Camilleri;

Seconded by Birch; RESOLVED, to appoint Mr. William Flury to the General Employees Pension Board for a term of three (3) years; term to expire September 1, 2019.

Motion carried unanimously.

9. Appointment of Matt Marko to the EDC Board.

The following memo was received from Supervisor Wall.

This week current Economic Development Corporation Board Member Kyle McGrath resigned from the EDC. Many thanks to Mr. McGrath for his time and contributions to the community in this capacity.

Based on this newly created vacancy, I respectfully request the Township Board's approval for the appointment of Waterford resident Matt Marko to the Economic Development Corporation for a six year term August 23, 2016 to August 23, 2022.

I'm confident that Mr. Marko would be a valuable asset to the EDC based on his education, extensive business background, and his commitment to the betterment of the Waterford community. Matt is a recent candidate for Trustee and worked closely with the Township Board and other community leaders on Waterford's strategic plan. He is focused on the redevelopment of Waterford, attracting and retaining new businesses, and helping to bring ideas and strategies forth to ensure the community is attractive and competitive in the marketplace.

Thank you for your consideration.

Moved by Joliat;

Seconded by Camilleri; RESOLVED, to appoint Mr. Matt Marko to the Economic Development Corporation for a term of six (6) years; term to expire August 23, 2022.

Motion carried unanimously.

10. Banner Permit – Lifepoint Christian Church

Clerk Camilleri presented a banner permit application from Lifepoint Christian Church to promote the upcoming Longest Breakfast Table, Saturday, September 10, 2016.

Moved by Brown;

Seconded by Joliat; RESOLVED, to approve the banner permit for Lifepoint Christian Church to hang Monday, August 29, 2016 through Monday, September 12, 2016 at the Williams Lake Road over pass (near Mason Middle School); further to direct the Clerk to file for the necessary permits through the County.

Motion Carried unanimously.

11. Public Comments

- ❖ Fred Stephenson, Lochleven Drive, thank you for the patience that you have had regarding the Summit Place Mall and the Pit Bull Ban. He's disappointed that people only come for certain issues and they don't have a good representative of the issues in Waterford.
- ❖
- ❖ Joe Latozas asked why to appoint a relative to a Board for fear of collusion. Trustee Brown stated that her sister spends a lot of time at the Hess Farm helping provide food for people that don't have any. Supervisor Wall stated that there is no corruption and Linda Hardacre was a perfect fit for the position.
- ❖ Bea Stephenson, Thank you for keeping the topic on the Ordinance. She asked how the residents have a pit bull with the pit bull ban. Please keep the Ordinance in place.
- ❖ Adam Duberstein, Thank you for appointing Linda Hardacre to the Hess Hathaway Board and Matt Marco to the EDC they were great decisions on the Boards part and are gems to the community.

ADJOURNMENT

Moved by Birch;

Seconded by Joliat; RESOLVED, to adjourn the meeting at 9:17p.m.

Motion carried unanimously.

Sue Camilleri, Clerk

Gary Wall, Supervisor