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**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**

Vaughn Wagner  
Ruth Wagner  
Janice Sroczyński  
Steve McCready  
Crystal McCready  
Gary West  
Alison Swanson  
G.D. Prudhomme  
Charlotte Bates  
Marion Diem  
Robert Alonzi  
Elizabeth Adams  
Nicholas Moul  
Jennifer Prahler  
Kim Slabinski  
Ann Cramer  
Matt Covey  
Nick Miller  
John A. Scott  
Louis W. Feurino  
Sue Weiner  
Mark Weiner  
Garner Higgins  
Jacklyn Stein  
Bill Ellis  
Kimberly Paradis  
Lindsey Rye  
Deborah Laurie  
Kim Thayer  
Jamie Prahler  
Joe Michaels  
Tonya Ross  
Gerry Szumiar  
Chip Evans  
Cheri Evans  
Chuck Nelson  
Leslie Bradford  
Mark Bradford  
Tracy Barnett  
Megan McCoy  
Dennis McCoy  
J. Cody Dennis

Catherine Mulcaky  
Mickey Mejica  
Megan Reckling  
Erin Zimmerman  
Dan Dzczubialka  
Brandy Pecksculs  
Brandon O'Camb  
Damien O'Camb  
Brent Bott  
Kelly Pittman  
Jennifer Pittman  
Mary McIntyre  
Rick McIntyre  
Cindy Angrisani  
Paula Brock  
Donald Brock  
Bryan Quintana  
Kevin Drinkard  
Michele Leroux  
Mary Beth Ross  
Pamela Evans  
Steve Kuechle  
Amy Hawk  
Christine Fotineas  
Tina Gorshe  
Kathleen Schemers  
Michelle Riley  
Samantha Jacobs  
Robin McGregor  
Catherine Coutts  
Heather Ferow  
Dolly Lee  
Meredith Stanley  
Vincent Richard  
Matt McClure  
Carla Grist  
Charra Grist  
Donna Wall  
Fred Stephenson  
Bea Stephenson  
Margaret Scott  
Adam Duberstein

Tia Donovan  
Mario Kopesewska  
Bob Peltz  
Doe Peltz  
Brittany Anderson  
Wendy Vickery  
Shane Korn  
Ashley Korn  
Tom Charlton  
Becky Charlton  
Terry Hodskins  
Joan Rogers  
Richard Halged  
John Peek  
Jim Curd  
Joan Curd  
Karen Thayer  
Debbie Coon Dunn  
Holime Ckzeszotko  
Marty Kuhn  
Kay Connelly  
Stephen Gallagher  
Breona Allen  
Cristina R. Smith  
Christopher Hains  
Dustin Dronsella  
Corinne Folk  
Jim Tillman  
Sandy Tillman  
Arlene Lema  
Stan Moore  
Diana Drake  
Diana Rowe  
Bill Rowe  
Mareu Wittman  
Chris Wittman  
Carol Osterberger  
Chris Hall  
Jim Zampol  
Joseph Traver  
Nancy Weber  
Victoria Allen

Supervisor Gary Wall called the meeting to order at 6:00 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 Birch;

Seconded by Brown; to approve the agenda for the June 13, 2016, agenda as printed.

Motion carried unanimously.

Moved by Joliat;

Seconded by Kelley, RESOLVED, to approve the May 23, 2016, Township Board Meeting minutes, as presented.

Motion carried unanimously.

Moved by Bartolotta;

Seconded by Brown; RESOLVED, to approve the payment of the bills for June 13, 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

1. As the school year comes to a close, The Waterford Police Department reminds drivers to be alert for extra pedestrians. During the summer months, more children are near roadways walking, riding bicycles and playing. Waterford Police Chief Scott Underwood reminds motorists. "Please exercise extra caution while driving. Slow down, obey posted speed limits and be alert – especially on residential streets and at intersections." Thank you for your consideration and cooperation. Together we can keep Waterford's youth and other pedestrians safe this summer.
2. Join Waterford Parks and Recreation and the Waterford Area Chamber of Commerce every Thursday night in June for the 2016 Summer Concerts in the Park series. Local talent begins at 6:00 p.m., with the headliner taking the stage at 7:00 p.m. Free admission to all concerts. Food, beverage and ice cream are available for purchase. Be sure to save the date for the June 23<sup>rd</sup> and 30<sup>th</sup> concerts featuring the annual Bar-B-Q and Brew nights when Billy's Tip'N Inn brings in their famous chicken, ribs and sides along with beer and wine for sale. Check the Township website at [www.waterfordmi.gov](http://www.waterfordmi.gov) or the Chamber website at [www.waterfordchamber.org](http://www.waterfordchamber.org) for the full line-up and further information.
3. Movies Under the Moonlight will be held on Friday, June 24, 2016, on the football field at Pierce Middle School 5145 Hatchery Road Waterford, MI Gates open at 6:30 p.m. (movie begins at dusk). There will be extreme sports and kid zone activity stations: Rock Climbing Wall, Bounce House, 80 Foot All American Obstacle Course, Face Painting, Crafts, Concession Stand and much more! Cost: \$5 per person includes everything except concessions.

4. The Waterford Historical Society presents the annual Log Cabin Days Festival June 25 & 26, 2016. Event hours are 10 a.m. to 5 p.m. Saturday and 10:00 a.m. to 4:00 p.m. Sunday at 4490 Hatchery Road in Fish Hatchery Park, located between Frembes Road and Dixie Highway in Waterford.  
Thanks to local sponsor's they are once again able to offer free admission and parking. Bring your family and your love of Waterford history – There is something for all ages! All parking at Pierce Middle School with free shuttles to grounds, handicap parking only on site. If you would like to volunteer or donate for the Waterford Log Cabin Days, please contact Sally Strait [sstrait649@comcast.net](mailto:sstrait649@comcast.net) or 248-683-2697.
5. Waterford Township Administrative offices will be closed Monday, July 4, 2016, in observance of Independence Day. Regular hours will resume Tuesday, July 5th. Emergency services remain available during this administrative closure.
6. Election Inspectors are needed for the August 2, 2016, State Primary Election. Computer experience helpful but not required. Please visit the Clerk's webpage for more information or call 248-674-6266.
7. Waterford will be hosting its 3rd ever street art exhibition, Post Impressions, Saturday, September 10th through Thursday, November 30th. The artistically painted posts will be exhibited around the pond on the Township Campus and by the River Walk near Buffalo Wild Wings at Crescent Lake Road and Highland Road. You may participate by submitting an application and paying the participation fee by July 1st. For more information contact Clerk Camilleri at 248-674-6211 or [scamilleri@waterfordmi.gov](mailto:scamilleri@waterfordmi.gov).
8. The 3rd Annual Legends Softball game will be held on Saturday, July 9th at 8:00 p.m. at Shell Park on the Dixie, west of Burke Lumber. Anybody over 45 years of age may participate. Please contact Gary Wall at 248-674-6201 or [gwall@waterfordmi.gov](mailto:gwall@waterfordmi.gov).
9. Summer Day Camps, offered by Waterford Parks and Recreation offer fun, exploration and education all summer long. A variety of camps are offered for ages 3-14, Farm Camps, Nature Camps, Sports Camps, Video Camps, and much more! For more information contact Parks and Recreation at 248-674-5441 or visit [waterfordmi.gov/parks](http://waterfordmi.gov/parks).
10. Letters From Citizen
  - a) Supervisor Wall read the letter Karen Myers, Open Door Outreach Center.  
Shelly and Gary,  
What a huge blessing you are and thank you. We did find a hi low at our parking lot and were able to locate the driver who stated he would help.  
I called Burke Lumber and thanked them for their willingness to help us, so amazing.  
We received 63,464 lbs of food from Post Office Stamp Out Hunger Waterford!! This food will be used to feed the children who will miss breakfast and free lunch from school throughout the summer.  
Thank you so much.
  - b) Clerk Camilleri read the following letter from Michael Morgan to Police Chief Underwood and Fire Chief Lyman.  
Being a Police Officer for over 22 years I know how quick people are to criticize the Police & Fire services. On 5/19/2016 around 06:40 hours I was on the receiving end, needing the help & services of my fellow Officers & our Fire Department (as an injured party in a traffic rash). I got to see what our citizens see on a daily bases & can say that I was impressed. I was immediately comforted by the first responding officers who assured me I was going to be alright while gathering important facts & information to accurately document the incident correctly. Officer Ketzler, Drumb & Harris were the first to respond. Sgt. Kazyak also made the scene & had the ugly job of calling my wife to advise her of my crash. He handled this with kindness and compassion, assuring her that I will be OK. As I was on my motorcycle, my trunk broke open upon impact and my personal property was stung out all over the road. They gathered & secured all of my belongings and put them in a box which later gave this to my wife. Please thank these Officers for a job well done. They went above and beyond of

what they “had to do”. I honestly believe they did this because this is the kind of Officer’s / people they are and would have done the same for any citizen in the same predicament I was in.

When the Fire Dept. arrived they also assured me I was going to be OK; even though I was in extreme pain (from 6 broken ribs & other minor injuries). The EMS crew realized the amount of pain I was in & got me as comfortable as possible while attending to my injuries. They treated me with dignity & respect and kept me engaged in conversation the entire time I was with them – during my transport to the hospital. I did not know the Fire Fighters personally & did not get their names.

Please let them know that I am truly grateful for their kindness, compassion & professionalism. As a Citizen of Waterford, I am truly impressed with the level of professional service of both our Police & Fire Department.

On the flip side of the coin, I’m proud to be a member of the WTPD. I work alongside of many amazing people (both in the Police & Fire Dept.) and I see their professionalism on a daily basis which seldom gets any recognition. Please thank the Officer’s & Fire Fighters for me and let them know I am proud of them and the job they do.

- c) Trustee Joliat read the following letter from Barbara Laing, Coordinator, Blessings in a Backpack. I always hesitate to give lists of volunteers, because inevitably, someone is left off it. With me being in FL for half the year, I don’t really know who all has been there. I can give you a list of sorts of a pretty regular crew, with those that I know have helped there. I can give you a list of sorts of a pretty regular crew, with those that I know have helped from time to time. But I bet I’ll leave out, unintentionally, of course.

Here goes, in no particular order:

Janice Mann & son	Gerry Argyle	Linda Jones
Derek Mann	Janice Argyle	Renee Inglsbee
Pat Loomis	Bud & Penny Leverenz	Virginia Muelle
Emily Wendt	Kathy Gifford	
David Duckett	Gary Wall	
Seasonally or occasionally		
Kim Huttenlocher	Carol Plautz (and sister)	Waterford Twp Trustees
Kate Huttenlocher	Dan Aldrich	Riverside Teachers
Sarah Huttenlocher	Betty Seymour	Golden Age Club
Myke Robson	Various H.S. Students	members
Diana Carter	Sue Camilleri	

Other folks have come, but I have no record of their names. Nobody ever wants to sign a list.

Then, of course, are the faithful Tuesday volunteers who came once a month to handle food deliveries. Some are duplicates but others are not.

Janice Lynch	Sue and Gil Waters	Bruce Crossman
Kim Huttenlocher	Randy Cooper	Lynn Vincent
Bud Leverenz	Larry Spiece	Maggi Belsy
Kathy Gifford	Alice Alt	
Myke Robson	Mike Kaul	

Once again, I’m sure there are folks I’m missing. This is the best I could do. Obviously, we need to try and improve our database of volunteers!

This is what I meant about forgetting. I really need to add three folks to the list. Rich Pittenger does inventory for us every month and Rachel Pierre coordinates the volunteers, Meijer, and Changing Places for the food deliveries when I’m not here. Anna Findlay keeps our student list accurate and, along with Renee and Mary, is my main liaison with Riverside. The steering committee also volunteer their time in various ways to help us whether it’s coming to a meeting, helping with the

website, working with the Chamber of Commerce on our behalf, etc. (let me know if that list didn't send or if I already sent it to you. I'm going a bit nuts right now!)

Rich Pittenger

Rachel Pierre

Anna Findlay

As you can see, it really does take a village.

- d) Treasurer Birch read the following letter from Barbara Steele.

The whole Waterford Fire Department was so wonderful on the night my husband passed. My family and I want to let you all know how much it meant to us. In friendship & love, Barbara Steele and grandson Brent Steele

- e) Supervisor Wall read the following letter from Scott Sawyer.

Just wanted to let you know what great employees we have here. This afternoon I was changing a residents tire on Crescent Lake Rd. near Crestbrook when Frank (Petrello) and his partner (Kevin Hack) from DPW stopped to assist. I believe Frank's last name is Catallo or something similar. Both the resident and I appreciated their help as changing tires is surely not in their job description.

11. Waterford Township, Relay for Life, collected \$145,101.00 at the 2016 Relay for Life.

## REPORTS

### 1. Assessor's Office Report – June 2016

Moved by Camilleri;

Seconded by Joliat; RESOLVED, to receive the June 2016 Cable report.

Motion carried unanimously.

### 2. Clerk's Office –January, February, and March 2016

Moved by Joliat;

Seconded by Birch; RESOLVED, to receive the January, February and March 2016 Clerk's Office reports.

Motion carried unanimously.

### 3. Development Services – April 2016

Moved by Birch;

Seconded by Bartolotta; RESOLVED, to receive the April 2016 Development Services report.

Motion carried unanimously.

### 4. Library Report – April 2016

Moved by Brown;

Seconded by Bartolotta; RESOLVED, to receive the April 2016 Library report.

Motion carried unanimously.

**5. Library – 2016 Annual Report**

Moved by Bartolotta;  
Seconded by Brown; RESOLVED, to receive the 2015 Waterford Public Library’s Annual report.

Motion carried unanimously.

**6. Parks and Recreation – April 2016**

Moved by Birch;  
Seconded by Camilleri; RESOLVED, to receive the April 2016 Parks and Recreation report.

Motion carried unanimously.

**7. Police Department Reports – April and May 2016**

Moved by Bartolotta;  
Seconded by Brown; RESOLVED, to receive the April and May 2016 Police Department reports.

Motion carried unanimously.

**OLD BUSINESS**

**1. Request to Rezone Vacant Property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1b, Single Family Residential District**

Supervisor Wall opened the Public hearing for the request to rezone vacant property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1B, Single Family Residential District at 6:21 p.m.

The following citizens addressed the Board along with all of the Trustees.

- |                     |                  |                  |
|---------------------|------------------|------------------|
| Mark Barnett        | Bea Stephenson   | Tia Donovan      |
| Mark Weiner         | Doc Prudhomme    | Nancy Dombrowski |
| Jennifer Praher     | Christina Smith  | Cody Dennis      |
| Rob Alzoni          | Ashley, Townsend | Michael Jackson  |
| Garner Higgins      | Homes            | Kaylee McKenzie  |
| Lisa Daniels        | Joseph Traber    | Tracy Barnett    |
| Mariola Koplejewski | Kenny VanHorn    | J. Praher        |
| Rick McIntyre       | Donna Wall       | Sheri Lewis      |

Supervisor Wall closed the public hearing at 7:22 p.m.

The following memo was received from Larry Lockwood, Superintendent of Planning and Zoning.

The subject property is currently owned by Waterford Township. The property was originally part of a 15 acre +/- parcel that was used as a municipal well site many years ago. It has also been used for park activities in the past and has been referred to as Highland Park although the land was never officially designated as a public park. In 1985, approximately 10 acres of the property was split off,

Request to Rezone Vacant Property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1b, Single Family Residential District.

rezoned to the C-3, Extensive Business District and sold to the Al Dittrich automotive dealership (now Lunghamer Buick GMC) located at 5825 Highland Rd. The zoning designation for that property now is C-4, Extensive Business which was conveyed to the property during the Township's 2010 Zoning Ordinance and land use map updates.

The Township stopped using the property as a well site shortly after the dealership was developed. Staff has discussed the disposition of the property with the DPW and there are currently no plans to use the property in the future for a well site. The Township Board has now deemed this property surplus and recently placed it on the market for sale.

**Surrounding Zoning and Land Use:**

**North:** C-4, Extensive Business District, 5825 Highland Rd. – Lunghammer Buick GMC dealer.

**South:** R-1A, Single Family Residential District, Highland Estates Subdivision (Loch Leven Dr.).

**East:** R-1A, Single Family Residential, Highland Estates Subdivision (Dundee Drive).

**West:** R-1C, Single Family Residential, Millpointe Square Site Condominium (Northridge Circle).

**Zoning History:** 1950 – 2010 – R-1A, Single Family Residential District  
2010 – Present – PL, Public Lands District

**Rezoning Analysis**

Township records show that up until 2010, the subject property had been zoned for residential land uses. In 2010, the Waterford Zoning Ordinance was updated and during that process the Township added the PL, Public Lands District. Since the subject property was Township owned, the PL District was assigned to the land.

The property is accessed by a 60 ft. wide strip of land that connects to Dundee Dr. The applicant is requesting rezoning to the R-1B, Single Family Residential District which is considered a lower density residential classification. As referenced above, the subject property bordered by both R-1A and R-1C subdivisions to the east, south and west.

**Master Plan**

The master plan for this property shows Regional Commerce (please see attached). This designation was also developed in 2010 in combination with the Zoning Ordinance update in order to attract a mixture of commercial and office uses that take advantage of this area's proximity to the Oakland County International Airport.

However, following the property split and sale of a portion of the land to the auto dealer in 1985, the subject property no longer has any frontage on Highland Rd. to accommodate further commercial development opportunities.

The general character of this area along Highland Rd. from Crescent Lake Rd. to Airport Rd. is a mixture of general office and commercial land uses. Some of the office uses are actually conversions of residential homes that were originally part of the Highland Estates Subdivision. However, many of the office and commercial properties do not have sufficient depth for future expansion. It should also be noted that the Buick GMC dealer and the Waterford Towne Centre are the only other commercial developments on the south side of Highland Rd. between Crescent Lake Rd. and Airport Rd. that extend over 600 ft. in depth. The land uses adjacent and to the south of the subject parcel, are predominately residential. Staff would not be supportive of introducing an office or commercial zoning classification for this land with its limited access only out to Dundee Dr., a residential subdivision street.

Request to Rezone Vacant Property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1b, Single Family Residential District

The Master Plan for this area suggests that mid to lower density residential land uses may be considered as acceptable land uses if they are located near the designation area boundaries furthest from the Airport facilities. The subject property meets this objective. It is also recommended that if such residential developments are proposed, they should be constructed to minimize noise impact of air and vehicular traffic. The Master Plan further states that direct access to Highland Rd. should be restricted and any such residential development should be designed to help buffer the existing single family developments from existing commercial land uses.

Since the Township has identified this property as surplus land and is marketing it for sale, it is staff's opinion that the subject property is best suited for a form of residential land use. The requested R-1B classification would provide for a low density development that could also incorporate additional screening and buffering to the adjacent subdivision lots and also help in buffering the noise and business activities from Highland Rd. to the existing residential properties in the Highland Estates Subdivision.

The Planning Commission reviewed this case at their May 10, 2016 meeting and resolved to forward on to the Township Board, a recommendation to **deny** the request to rezone the subject property (see attached "Draft" meeting minutes for a summary of comments received at the pc's public hearing).

Attached, please find a letter from Ashley Korn and Townsend Homes that has been provided for the Board's consideration following the Planning Commission's May 10 meeting.

#### **Township Board Action**

The Township Board is not required to follow the Planning Commission recommendation, and is not required to refer to or base its decision on the Guidelines from Section 4-009.3 of the Zoning Ordinance that are included in the Planning Commission decision.

This case is on the May 23 Agenda for introduction of the attached Zoning Map Amendment. According to Township Attorney, Gary Dovre, Introduction of the Ordinance is a procedural step under the Charter Township Act, MCL125.3401, the Board must vote on whether to adopt the Ordinance. Therefore, to put the Board in a position to do that at a future meeting, it is recommended that the Board introduce the Ordinance at the May 23, meeting.

Section 401 of the Zoning Act also provides two (2) options that the Board may utilize before voting on whether or not the Ordinance should be adopted:

1. Schedule and hold its own public hearing for a meeting that allows the required 15 day notice in the newspaper and mail to property owners within 300 feet. That notice could be done in time for the June 13, Board meeting.
2. Refer the Ordinance back to the Planning Commission for consideration and comment within a time specified by the Board. In that regard, with the next regular Planning Commission meeting not being until September 27<sup>th</sup>, this option would require a special Planning Commission meeting.

Staff recommends that the Board make and pass a motion to Introduce the Ordinance and schedule it for consideration and vote on adoption at the June 13, 2016 meeting, and if a public hearing is desired, to include that in the motion.

Please be advised that Staff has been contacted by a number of residents from the Highland Estates Subdivision that are planning on attending Monday's meeting to voice their concerns about this case. Staff will also be in attendance.



Request to Rezone Vacant Property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1b, Single Family Residential District

Upon your review, if you have any questions or require additional information in advance of the meeting, please feel free to contact our office.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
ORDINANCE NO. 2016-Z002

**ZONING ORDINANCE MAP AMENDMENT**

An ordinance to amend the Waterford Township Zoning Ordinance by rezoning a parcel of property and amending the Zoning Map.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The part of the parcel of property that is assigned tax parcel number 13-21-101-021, a vacant parcel of land, is rezoned from **PL, Public Lands District to R-1B, Single Family Residential District** as shown on the attached legal description with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101, to be changed and amended to reflect this rezoning.

**Section 2 of Ordinance**

The effective date of this ordinance shall be on the 8<sup>th</sup> day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Map Amendment Ordinance was adopted by a majority vote of the members of the Board of Trustees of the charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_.

CHARTER TOWNSHIP OF WATERFORD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sue Camilleri, Township Clerk

**Parcel Description:** Part of the Northwest ¼ of Section 21, T3N, R9E, more particularly described as follows: Beginning at point distant South 89 degrees 42 minutes 00 seconds West 1080 feet and South 00 degrees 08 minutes 00 seconds East 607.76 feet from the N ¼ corner, thence South 00 degrees 08 minutes 00 seconds East 170.24 feet, thence North 89 degrees 42 minutes 00 seconds East 150 feet, thence South 00 degrees 08 minutes 00 seconds East 60.00 feet, thence South 89 degrees 42 minutes 00 seconds West 150 feet; thence South 00 degrees 08 minutes 00 seconds East 170.09 feet; thence South 89 degrees 53 minutes 20 seconds West 701 feet, thence North 00 degrees 08 minutes 00 seconds West 180 feet; thence North 89 degrees 53 minutes 20 seconds East 301 feet; thence North 00 degrees 08 minutes 00 seconds West 220.00 feet; thence North 89 degrees 53 minutes 20 seconds East 300.00 feet; thence North 89 degrees 42 minutes 00 seconds East 100 feet to the point of beginning. Containing 5.12 acres.

Request to Rezone Vacant Property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1b, Single Family Residential District Continued.

Moved by Bartolotta,

Seconded by Brown, RESOLVED, to deny Rezoning Case No. 16-04-02, Parcel No. 13-21-1010-021, Rezoning from PL, Public Lands District to R-1B, Single Family Residential District; a roll call vote was taken.

Ayes: Bartolotta, Brown and Kelley

Nays: Wall, Camilleri, Birch and Joliat

Absent: None

Motion failed.

Moved by Birch,

Seconded by Camilleri, RESOLVED, to postpone Rezoning Case No. 16-04-02, Parcel No. 13-21-1010-021, Rezoning from PL, Public Lands District to R-1B, Single Family Residential District; a roll call vote was taken.

Ayes: Wall, Birch and Joliat

Nays: Camilleri, Bartolotta, Brown and Kelley

Absent: None

Motion failed.

Moved by Camilleri;

Seconded by Joliat; RESOLVED, to adopt the Zoning Ordinance Map Amendment request to Rezone Vacant Property, Parcel No. 13-21-101-021 from PL, Public Lands District to R-1b, Single Family Residential District a roll call vote was taken.

Ayes: Wall, Camilleri, Birch and Joliat

Nays: Bartolotta, Brown and Kelley

Absent: None

Motion carried.

## **2. Consumers Energy Franchise Ordinance 2016-02.**

The following memo was received from Township Attorney, Gary Dovre.

At my recommendation, on April 11, 2016, you postponed introduction of the Franchise Ordinance that had been presented by Consumers Energy to replace the current Franchise Ordinance that will be expiring on June 18, 2016. Since that time, I have exchanged several versions of modified language with the Consumers Energy attorneys, and this afternoon reached agreement with them on language. Consumers will accept and I am able to recommend to you that is reflected in the attached Ordinance.

From my perspective, the improvements on the Franchise Ordinance originally presented by Consumers are revisions in Sections 3(a), (b), and (c), and Section 7, and the new Sections 3(d) and 10. Those can be explained in more detail if you would like. If you are satisfied, my recommendation

Consumers Energy Franchise Ordinance 2016-02 Continued.

is that at your May 23rd meeting you adopt a motion to introduce this Ordinance and schedule it for possible adoption on June 13, 2016. That timetable would allow the new Ordinance to be in effect before the current Ordinance expires.

I will be present at your May 23 meeting to answer any questions you may have.

CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2016-02

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the CHARTER TOWNSHIP OF WATERFORD, OAKLAND COUNTY, MICHIGAN, for a period of thirty (30) years.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

SECTION 1. GRANT, TERM. The CHARTER TOWNSHIP OF WATERFORD, OAKLAND COUNTY, MICHIGAN, ("Township") hereby grants to Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the Township, for a period of thirty(30) years ("Franchise").

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS.

(a) No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction, maintenance, or repair, and unless weather or other factors outside Grantee's control prevent it, shall be promptly restored within a reasonable time to the same order and condition as when said work was commenced. If Grantee fails to complete required restoration within the time required, the Township may, after providing Grantee with a five (5) business day written notice of the Township's intention to do so, perform or secure performance of the required restoration, with the Township's actual and reasonable administrative costs and expenses in doing so to be paid by Grantee to the Township within 30 days of the Township's billing or invoice.

(b) Grantee shall comply with all current and future federal, state, and local laws applicable to the installations and business for which this Franchise is granted, provided, however, that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state or federal law. Except for emergency and service restoration work, Grantee shall not perform work without first securing any applicable governmental permits and approvals required for that work.

(c) Except as necessary in an emergency or described by Grantee and approved by the Township as necessary in an application for and issuance of a permit to perform work, all of Grantee's pipes and mains shall be so placed in the highways and other public places as not to interfere with the use thereof for highway uses and purposes, and other public uses and purposes that are existing.

(d) Grantee, at its own cost and expense, shall relocate or remove its installations in a public area for which this Franchise is granted, whenever such relocation or removal is required by a Township Board Resolution as being necessary for use of the public area for a public improvement in furtherance of a public purpose of the Township. This provision is not a waiver of Grantee's existing or future rights under state or federal law, and does not restrict or impair Grantee's rights under any applicable laws regarding vacation or relocation of streets.

Consumers Energy Franchise Ordinance 2016-02 Continued.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction, repair, or maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction, repair, or maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within the Township and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of the Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission for so long as said Commission or its successors has the authority and jurisdiction to fix and regulate gas rates and rules regulating such service in the Township. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either the Township, acting by its Township Board of Trustees, or by said Grantee.

SECTION 8. REVOCAION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in the Township.

SECTION 10. SALE, ASSIGNMENT, AND TRANSFER OF FRANCHISE. Grantee shall not sell, assign, sublet, or transfer this Franchise without the written consent of the Township, which shall not be unreasonably withheld.

SECTION 11. REPEALER. If this ordinance takes effect and is accepted by Grantee as herein provided before the expiration on June 18, 2016, of the franchise granted by Consumers Power Company Gas Franchise Ordinance No. 142, adopted by the Township Board of Trustees on May 12, 1986, and effective June 19, 1986, it shall repeal and supersede the provisions of said Ordinance No. 142 as to any then remaining term of the franchise granted by that Ordinance.

SECTION 12. EFFECTIVEDATE. This ordinance shall take effect immediately upon the day of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon such acceptance, this ordinance shall constitute a contract between the Township and Grantee.

CERTIFICATION

I certify that the foregoing Consumers Energy Company Gas Franchise Ordinance No. 2016-002, was duly adopted by the Charter Township of Waterford Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CHARTER TOWNSHIP OF WATERFORD

\_\_\_\_\_ Date

\_\_\_\_\_ Sue Camilleri, Township Clerk

- Introduced:
- Adopted:
- Published and Effective:
- Accepted:

Introduction of Consumers Energy Franchise Ordinance 2016-02 Continued.

Moved by Birch;

Seconded by Camilleri; RESOLVED, to adopt the Consumers Energy Franchise Ordinance 2016-02; a roll call vote was taken.

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

Nays: None

Absent: None

**NEW BUSINESS****1. Annual Contribution for Waterford's Pension Systems Mid-Year**

The following memo was received from Treasurer Birch.

In the past the Township has made its required annual pension contributions at the end of the fiscal year; typically the 2<sup>nd</sup> week of December. Last year for the first time the contribution was made mid-year. The expected rate of return over the long-term for the System(s) is 7% net of fees as a result of an asset allocation study performed by each system. During the year, the systems pay the benefits out on a monthly basis.

The two systems invest in major asset classes in the capital markets, such as: US Large Cap stocks, US Mid Cap stocks, US Small Cap stocks, Developed International stocks, Alternative investments, Intermediate Govt/Corp bonds and Cash and equivalents. This strategy is long-term in nature, and ideally once assets are invested it is optimal to rebalance back to the target only when necessary.

Point of reference: Public Act (PA) 20, which governs the investments of the operational Township funds, has limitations on acceptable assets for investment. The expected long-term rate of return on the acceptable assets would range from 1.75% to 2% for the mid-year contribution, as the assets include such vehicles as certificates of deposits, short-term government bonds and pooled money market funds. In the present environment, these assets are yielding not more than 1% and we expect this to continue and expect interest rates will not rise dramatically any time soon.

We asked our actuaries the impact it would have if our yearly contributions were made to the two pensions in July and it is now included in our yearly Actuarial Valuation reports under Alternative Payment Timing Contribution. Overall, the idea is that the faster we transfer the funds into the Pension Funds over the long haul the investment returns would be greater and therefore providing some modest financial relief to the Township's long-term liabilities.

Our actuarial assumption for both pension systems is 7% and that is reasonable according to our auditors. Even if we don't earn 7% in the pension systems per year, as long as the Pension Funds earn more than the PA-20 invested Funds, we would still be ahead of the game. The ability to make this administrative move comes down to cash flow. Cash flow permitting this move seems to warrant serious consideration.

The Township Board approved a motion made last year, July 6, 2015 for the Treasurer to use discretion in any given year to allow for a midyear contribution, "if possible" based on cash flow of any given fiscal year going forward. The discretion is needed based on the fact that our cash flow position could fluctuate over time.

As we are able to do this again, we are reducing our long-term liabilities for both pension systems based on the assumptions above. This is made possible by the excellent stewardship of all who are involved in the budgeting process. For your reference I included a 15-year analysis conducted by our budget staff for your reference. As a side note, having just a little extra in our fund balance positions permits this kind of leveraging strategy. Thank you for your attention to this item.

Moved by Camilleri;

Seconded by Joliat; RESOLVED, to allow the Treasurer to make a mid-year contribution to the Waterford Pension System; a roll call vote was taken.

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

Nays: None

Absent: None

Motion carried unanimously.

## 2. Resolution to Shut Down Line 5

The following resolution was received from Supervisor Wall.

### CHARTER TOWNSHIP OF WATERFORD

#### RESOLUTION TO SHUT DOWN LINE 5 UNDER THE STRAITS OF MACKINAC

**WHEREAS**, Line 5 is a set of twin, 62 year old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

**WHEREAS**, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls, switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the "worst possible place" for an oil spill in the Great Lakes; and

**WHEREAS**, the Great Lakes contain 20 percent of the world's fresh, available surface water and are a drinking water source for over 35 million people; and

**WHEREAS**, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

**WHEREAS**, tourism is one of Michigan's largest income industries bringing in billions of traveler's dollars spent each year; and

**WHEREAS**, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

**WHEREAS**, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

**WHEREAS**, Enbridge has a questionable track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

Resolution to Shut Down Line 5 Continued.

**WHEREAS**, Enbridge was in violation for the spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

**WHEREAS**, Enbridge was responsible for one of the worst and most expensive oil spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

**WHEREAS**, corrosion is the number one reason that pipelines fail; and

**WHEREAS**, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn't have to obtain a permit to ensure that the pipeline wouldn't pose a threat to the waters or the public's use of the waters; and

**WHEREAS**, Michigan's Attorney General Bill Schuette has stated, regarding Line 5, that the "pipeline wouldn't be built today" and that "the pipeline's days are numbered"; and

**WHEREAS**, the Coast Guard Commandant testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

**WHEREAS**, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

**WHEREAS**, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

**WHEREAS**, protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

**NOW THEREFORE BE IT RESOLVED**, that the Charter Township of Waterford supports stopping the transportation of oil under the Great Lakes; and

**BE IT FURTHER RESOLVED**, that the Charter Township of Waterford supports shutting down Line 5 and the flow of oil under the Great Lakes; and

**BE IT FURTHER RESOLVED**, that the Charter Township of Waterford supports H.R. 182 and C.R. 15 introduced by State Representatives Sarah Roberts and Jeff Irwin, calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5; and

**BE IT FURTHER RESOLVED**, that the Charter Township of Waterford will send a letter to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, State Senators and U.S. Senators and Representative calling on them to take swift action to shut down Line 5.

Resolution Offered By:

Resolution Supported By:

YEAS:

NAYS:

Resolution to Shut Down Line 5 Continued.

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN            )  
  )  
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, Oakland County, Michigan at a regular meeting duly called and held on the 13<sup>th</sup> day of June, 2016, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended

\_\_\_\_\_  
Sue Camilleri, Township Clerk

Moved by Camilleri;  
Seconded by Kelley; RESOLVED, to approve the Resolution to Shut Down Line 5; a roll call vote was taken.

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

Motion carried unanimously.

**3. Resolution for Charitable Gaming Licenses – Winter of the Beard**

The following Resolution transfer was submitted by Clerk Camilleri.

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
(Required by MCL.432.103(K)(iii))

**RESOLUTION**

At a Regular meeting of the Waterford Township Board, called to order by Supervisor Gary Wall on June 13, 2016 at 6:00 P.M.

The following resolution was offered:

Moved by\_\_\_\_ and Supported by \_\_\_\_\_,

That the request from Winter of the Beard, Inc., asking it be recognized as a nonprofit local service organization operating in the community for the purpose of obtaining charitable gaming licenses,

be considered for Approval, and that the Clerk not sign and release this Resolution until she has received a copy of the signed Bylaws, as adopted on June 2, 2016.



Resolution for Charitable Gaming Licenses – Winter of the Beard Continued.

**Approval**

**Disapproval**

Yeas:

Yeas:

Nays:

Nays:

Absent:

Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Waterford Township Board at a Regular meeting held on June 13, 2016.

(Signed) \_\_\_\_\_  
Sue Camilleri, Township Clerk

5200 Civic Center Drive, Waterford, MI 48329

SEAL

Moved by Joliat;  
Seconded by Birch; RESOLVED, to approve the request from Winter of the Beard, Inc., asking it be recognized as a nonprofit local service organization operating in the community for the purpose of obtaining charitable gaming licenses and that the Clerk not sign and release this Resolution until she has received a copy of the signed Bylaws, as adopted on June 2, 2016; a roll call vote was taken.

Motion carried unanimously.

**4. Citizen to Address the Board – Kay Connelly**

The following letter was received from Resident Kay Connelly.

**First Matter**

My neighbor at 6282 Barker Dr. had a couple of friends along with himself install a fence on Memorial Day Weekend. All 200+ feet is on my property anywhere from 3" to 8-1/2" on my property. I called Cary Wall and he reported to me that I am the one who would have to contact a lawyer and appear in Civil Court to get my neighbor to remove or replace his fence on his property.

I AM THE VICTIM not the violator, I want to see more laws, rules regulations, etc. for installing private fences into the Waterford Twp. Regulations so that the victims, like me, do not have to endure the cost, time or trouble getting the neighbors fence installed on his own property. This fence is also very crooked sideways as well as top to bottom. I would like to also see language regarding the sightlines of the project/installation.

Citizen to Address the Board – Kay Connelly Continued.

**Second Matter**

I would like to know how the landowner at 3115 Lansdowne, Waterford, MI was given permission or a permit for homeowners driveway, sidewalk and landscape wall to be on the "PARK AREA" along with all the landscape materials that have been placed on the WHITFIELD ESTATES common areas.

I am attaching a section of my deed, plat and pictures for your review and a copy of a view of his land I obtained from the Oakland County Court House yesterday (6-6-16).

I want to see all of the above removed from the Whitefield Estates "Park" or common areas.

Supervisor Wall will look into the two (2) property line disputes and get back with Ms. Connelly.

Supervisor Wall called for a five (5) minute break.

**5. Public Comments – Citizen’s comments will be limited to three (3) minutes per topic.**

Upon opening the floor for any additional comments, the following public comments were heard.

- ❖ Ken VanHorn requested that HB 5409-18 not be supported as it appears to be expensive.

The following citizens addressed the Board regarding the Pitt Bull Ban.

- |                    |                  |                    |
|--------------------|------------------|--------------------|
| ❖ Rachael Brown    | ❖ Vaughn Wagner  | ❖ Bernie Cooperitz |
| ❖ Brad Baud        | ❖ Jim Freeman    | ❖ Beth Ross        |
| ❖ Shannon Carter   | ❖ Donna Wall     | ❖ Randy Pearsall   |
| ❖ Adam Duberstein  | ❖ Debbie Dunn    | ❖ Rory Pearsal     |
| ❖ Victoria Allen   | ❖ Pamela Evans   | ❖ Mary Dunham      |
| ❖ Deb Lorey        | ❖ Amber McKee    | ❖ Lori             |
| ❖ Sarah Cunningham | ❖ Steve Atkinson | ❖ Richard Angelo   |
| ❖ Michael Jackson  | ❖ Carla          | ❖ Rick McIntyre    |
| ❖ Eve Pickman      | ❖ Jackie         |                    |
| ❖ Kathy Kotz       | ❖ Nancy Gills    |                    |

Fire Chief Lyman presented an award for life saving action to Deputy Chief Matt Covey.

**ADJOURNMENT**

Moved by Camilleri;

Seconded by Birch; RESOLVED, to adjourn the meeting at 10:22 p.m.

Motion carried unanimously.

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Sue Camilleri, Clerk

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Gary Wall, Supervisor