

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
October 13, 2020  
2009 Township Drive  
Commerce Township, Michigan 48390**

This meeting was held via Zoom video conferencing technology.

**CALL TO ORDER:** Supervisor David Scott called the meeting to order at 7.00 p.m. and introduced the members of the Board.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Present: David E. Scott, Supervisor  
Melissa Creech, Clerk  
Molly Phillips, Treasurer  
Robert Berkheiser, Trustee  
Vanessa Magner, Trustee  
Rick Sovel, Trustee  
George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney  
Janet Bushey, Finance/Human Resources Director  
Dave Campbell, Planning Director  
Jim Dundas, Fire Chief  
Emily England, Senior/Parks and Recreation Director  
Jay James, P.E. Building Official  
Jason Mayer, Giffels Webster Engineers  
Mark Schoder, Maintenance Director  
Ben Sebrowski, Director of Technology  
Mark Stacey, DDA Director

Ken Milburn, President of MERGE LIVE, Multimedia Group, is the host for the meeting.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Magner, to approve the September 8, 2020 Regular Township Board Meeting minutes, the September 15, 2020 Special Township Board Meeting minutes and the September 29, 2020 Special Township Board Meeting minutes, as submitted.

**APPROVAL OF MINUTES (Motion continued)**

**ROLL CALL VOTE**

**AYES:** Sovel, Magner, Berkheiser, Weber, Phillips, Creech, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 1:10-13 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Berkheiser, to approve the October 13, 2020 Regular Township Board of Trustees Meeting Agenda with the following addition: move ITEM 7:10-13 NEW BUSINESS C. Early Termination Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed Control Special Assessment District before Public Comments and add Item 7:10-13 NEW BUSINESS Lower Straits Lake Aquatic Weed Control SAD Continuation Resolution.

**ROLL CALL VOTE**

**AYES:** Magner, Berkheiser, Sovel, Creech, Phillips, Weber, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

*(moved before Public Comments)*

**ITEM 7:10-13 NEW BUSINESS**

**C. Early Termination Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed Control Special Assessment District**

**Lower Straits Lake Aquatic Weed Control SAD Continuation Resolution.**

Supervisor Scott said Commerce Township has no intention of dissolving the Resolution for the Lower Straits SAD. It will remain in place. The Township will manage it with the process of utilizing Small-Medium-Large lot. The Township has made no errors, there is no problem with the system. But with the pending retirement of Dr. Pullman, we will go out for bids for the management or administration of this process. Unless there is someone who opposes the Township managing the SAD, continuing the SAD for the final two years and utilizing the Small-Medium-Large lot mentality only those people need to speak up. We have heard and read all of the other individuals who have asked us to retain the SAD, the administration and to make any modifications necessary to make it as equitable and easy to manage as possible. Commerce Township does not own property on the lake or have an easement or access to the lake. Our administration will only assist the residents in managing their lake.

Hans Rentrop, Township Attorney, said in order to change the roll amount as being proposed tonight, in whatever form, you have to have a public hearing on that roll resolution.

**ITEM 7:10-13 NEW BUSINESS (Early Termination Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed Control Special Assessment District and Lower Straits Lake Aquatic Weed Control SAD Continuation Resolution continued)**

Trustee Sovel shared his Resolution with the Board and the public.

***Lower Straits Lake Aquatic Weed Control SAD Continuation Resolution***

Let it be resolved that the Commerce Township Board of Trustees will:

1. Continue the SAD through 2022
2. Return to the Small-Medium-Large lot assessing method beginning December 2020  
Small = Less than 60 lineal lake front footage  
Medium = Equal to 60 but less than 100 lineal lake front footage  
Large = Greater than or equal to 100 lineal lake front footage
3. Assess a total amount of \$78,180.44 for the December 2020 tax bill
4. Send a notice of public hearing to all properties in the 2020 SAD by Thursday October 15, 2020
5. By Thursday October 22, 2020 – publish a list of all property sidwell numbers in the SAD and the assessment for each property. Post the list on the Township website and send to the board of trustees
6. Have a public hearing on the SAD Roll Resolution Tuesday October 27th 7:00 pm
7. Require a public meeting annually at the township hall beginning in 2021. Date TBD
8. Create a request for proposal for aquatic weed control by sealed bids in 2021
9. Along with the Township Supervisor, be responsible for the administration of the SAD and SAD communication
10. Require a new petition by 2022

**MOTION** by Sovel, supported by Scott, to approve the Resolution Lower Straits Lake Aquatic Weed Control SAD Continuation Resolution.

**ROLL CALL VOTE**

**AYES:** Sovel, Scott, Magner, Berkheiser, Weber, Creech, Phillips

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:10-13 PUBLIC COMMENTS**

Supervisor Scott asked Ken Milburn if there was anyone who wanted to speak under Public Comments.

**ITEM 2:10-13 PUBLIC COMMENTS (continued)**

Brent McDonald, 9135 Commerce Road, thanked the Board for addressing Lower Straits Lake Aquatic Weed Control. Item 8. Keep in mind there are multiple companies doing this. There is a lake manager, weed control and a possible harvester. There is no wording about that. The Township may want to consider that. He said the township is required to keep accurate billing of disbursements to these companies. In the past he has done FOIA requests and he keeps seeing \$30,000 bills paid with no details on who they were.

Greg Weber, 3372 Edgewood Park Drive, believes the Resolution by Trustee Sovel is good. He would like to have the Lower Straits Preservation Committee as part of discussions because that would bring lake users input into the discussion.

Chris Hill, 8497 Edgewood Park Drive, is concerned the Lake Preservation Committee appears to be bypassed by this Resolution and he would like to see them have a say in what goes on. He also feels the Township needs to consider refunding to residents who overpaid.

Supervisor Scott, seeing no "raised hands", closed Public Comments.

**ITEM 3:10-13 CONTRACT AWARDS AND AGREEMENTS**

**A. Fire Station #2 Pavement Repairs Contract Award Recommendation**

Jason Mayer, Giffels Webster Engineers, said that based on experience, qualifications and their submittal of the lowest responsive bid, he recommends that the Fire Station #2 Pavement Repairs Project construction contract be awarded to Spray-Patch Road Repair in the amount of \$7,700.00. He also recommends a project budget not to exceed \$10,000.00.

**MOTION** by Berkheiser, supported by Scott, to award the Fire Station #2 Pavement Repairs Contract to the low bidder Spray-Patch Road Repair in the amount of \$7,700.00 and a project budget not to exceed \$10,000.00.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Scott, Creech, Phillips, Weber, Magner, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Amendment No. 1 – Lease Agreement Between Oakland County and Charter Township of Commerce – Public Safety Tower in Bicentennial Park**

**MOTION** by Sovel, supported by Berkheiser, to approve Amendment No. 1 Lease Agreement Between Oakland County and Charter Township of Commerce for the Public Safety Tower in Bicentennial Park.

**ITEM 3:10-13 CONTRACT AWARDS AND AGREEMENTS (Amendment No. 1 – Lease Agreement Between Oakland County and Charter Township of Commerce – Public Safety Tower in Bicentennial Park Motion continued)**

**ROLL CALL VOTE**

**AYES:** Sovel, Berkheiser, Magner, Phillips, Creech, Scott, Weber

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**C. Grinder Pump Installation Contract**

Jay James, President of KER Engineering, Inc., recommends that the current contract be extended with C&E Construction through the year 2021.

**MOTION** by Sovel, supported by Weber, to extend the existing Grinder Pump Installation Contract with C&E Construction Company, Inc. for one year through the end of 2021.

**ROLL CALL VOTE**

**AYES:** Sovel, Weber, Berkheiser, Magner, Creech, Phillips, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**D. Amendment to OCSO Law Enforcement Services Agreement – CARES Act.**

Supervisor Scott said the State of Michigan and Oakland County advised the Sheriff's Department that we qualify for refunding of overtime and straight time payroll services for the Oakland County Sheriff's Department for a period of March 23, 2020 through June 1, 2020.

**MOTION** by Scott, supported by Berkheiser, to approve the Amendment to Oakland County Sheriff's Office 2019-2021 Law Enforcement Services Agreement with The Charter Township of Commerce for the Public Safety and Public Health Payroll Reimbursement Program or Other Cares Act Grant Funding.

**ROLL CALL VOTE**

**AYES:** Scott, Berkheiser, Magner, Sovel, Creech, Phillips, Weber

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:10-13 ADOPTIONS**

**A. PCZ #20-01 – Conditional Rezoning Agreements for Lots 24, 25, and 27 of Homestead Industrial Park**

David Campbell, Planning Director, explained the Agreement and said the Planning Commission recommends approval. This is for the purpose of occupying the site with a lumber yard including outdoor storage  
Ken Zaunick was present.

**ITEM 4:10-13 ADOPTIONS (PCZ #20-01 – Conditional Rezoning Agreements for Lots 24, 25, and 27 of Homestead Industrial Park continued)**

**MOTION** by Weber, supported by Scott, to Adopt PCZ# 20-01 Conditional Rezoning Petition for Lots 24, 25, & 27 (4158 Pioneer Dr.) within the Homestead Industrial Park from TLM (Technology & Light Manufacturing) to I (Industrial) for the purpose of occupying the site with a lumber yard including outdoor storage with the following conditions: Section D b(ii) the height of the landscape berm (mound) as part of the Site Plan approved by the Planning Commission be included and the Conditional Rezoning Agreement are conditioned upon the property owners (because they are not the same as the applicant) providing proof of authority to execute the documents subject to the Township Attorney's satisfaction. Post and publish according to law.

**ROLL CALL VOTE**

**AYES:** Weber, Scott, Creech, Phillips, Berkheiser, Sovel, Magner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. PZ20-05 – Zoning Map Amendment for the Easterly Portion of 4435 S. Commerce Road**

David Campbell, Planning Director, explained the Amendment and said the Planning Commission recommends approval.

Greg Hannan, property owner, was present.

**MOTION** by Scott, supported by Berkheiser, to approve PZ20-05 Zoning Map Amendment – Easterly portion of 4435 S. Commerce Road from B-1 (Local Business) to R-1D (One-Family Neighborhood Residential), post and publish according to law.

**ROLL CALL VOTE**

**AYES:** Scott, Berkheiser, Weber, Phillips, Creech, Magner, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:10-13 CONSENT AGENDA**

**A. Halloween Hours**

**B. 2021 Annual Permit for Work on State Trunk Line ROW**

**MOTION** by Sovel, supported by Berkheiser, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda.

**ROLL CALL VOTE**

**AYES:** Sovel, Berkheiser, Magner, Creech, Phillips, Weber, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:10-13 OLD BUSINESS**

**A. Real Estate Offer to Purchase – Annapolis Counter Offer for Parcel No. E-17-02-256-002**

Supervisor Scott explained the original and counter offer.

Trustee Weber – this will become one parcel and can never be split.

**MOTION** by Weber, supported by Magner, to approve the counter offer by Joshua and Crystal Darling to purchase Parcel No. E-17-02-256-002 for \$5,500.00 with a deed restriction that the parcel must be combined with the existing parcel into 1 parcel and then cannot be separated going forward.

**ROLL CALL VOTE**

**AYES:** Weber, Magner, Creech, Phillips, Berkheiser, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:10-13 NEW BUSINESS**

**A. Real Estate Offer to Purchase Parcel No. E-17-02-181-042**

Supervisor Scott explained the offer to purchase and noted it is not a buildable lot.

**MOTION** by Berkheiser, supported by Scott, to approve the Offer to Purchase by Julie Kreibich for Parcel No. E-17-02-181-042 for \$2,250.00. with a deed restriction that the parcel must be combined with the existing parcel into 1 parcel and then cannot be separated going forward.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Scott, Creech, Phillips, Weber, Magner, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. The Reserve at Crystal Lake**

Trustee Berkheiser requested a full verbatim transcript because this will have to go to Oakland County, if approved.

Supervisor Scott - Thank you Mr. Berkheiser for that uh business management and Ms. Waker can you give me a thumbs up to acknowledge that you can do that. (thumbs up by Ms. Waker). Thank you so much, I appreciate it. David go ahead and feel free to unmute Mr. Jonna and Mr. Milia and Ms. Jessica DeBone. I don't think there's a fourth is there?

Dave Campbell, Planning Director – Full transcript, I'm gonna watch my language then. I don't wanna say the wrong thing. This is uh certainly a project that the Township Board

**ITEM 7:10-13 NEW BUSINESS (The Reserve at Crystal Lake continued)**

has seen a number of times and then the full-time trustees uh Clerk Creech, Supervisor Scott and Treasurer Phillips have seen it and uh held meetings with the development team uh in house on a number of occasions in addition to the full Township Board. Uh, this is the uh western most of the three gravel pit properties on the north side of Sleeth Road between Duck Lake Road and Bass Lake Road. Uh the property in total is about 157 acres, of that about uh I think 40-50 acres of it is a man-made lake. Uh the developers led by Mr. Milia and Mr. Jonna proposed to uh redevelop the property with approximately 200 single family homes. Uh some of them being lakefront homes on the man-made lake uh and then others on the upland to the uh the eastern half of the property. Uh because this is a challenged property based on its history of being a gravel extraction site and all the uh the, the soil conditions and the uh, uh questionable fill material that's been moved around the site over the years. Um this is considered by the State's Brownfield Redevelopment Act to qualify as a functionally obsolete site. Um so based on that, the developers uh proposed to utilize the State's Brownfield Redevelopment Act to assist them in financing this project. Um the one of the key improvements that need to happen with this project, given the number of uh new homes that are being proposed, is that municipal uh water and sanitary sewer would need to be extended uh from the east over a mile westward to uh be able to serve this site. Both of those improvements, the water extension and the sewer extension sanitary sewer extension are improvements that are called for in the Township. Township's water and sewer Master Plan. Um so the uh uh initial step or I guess or the official step in this process with an uh Brownfield Plan is for the Township to consider the Resolution they have before them tonight, which is a commitment to consider accepting that Brownfield Plan. So the Resolution that you have in front of you has uh uh general terms, but it does lay out the terms of the of the Brownfield Agreement specifically the number of years that would be included in the Brownfield a 20-year term uh the maximum capture that the developers would be able to recoup which is a maximum of 18 million. Um the developers are also uh seeking um some concessions from the Township with respect to capital charges for water and for sewer. Uh their looking uh for a full waiver of the water capital charges and a 50% waiver of the sewer capital charges. So if this development comes to fruition then the developer would, over a 20-year development um term, would be able to recapture much of the uh property taxes that would otherwise go to Commerce Township and to Oakland County. Um as I think Ms. DeBone will be able to explain in more detail um uh the the capture from the County side would be significantly more than the capture from the uh Township's side. Um so I know the development team uh uh is eager to go through their proposal. They recognize the Township Board has been through this so uh uh, a couple times, so were not seeing this for the first time. Um so I know that Mr. Milia is going to be ready to answer any questions, but I'll turn it over to the uh development team unless anyone has any questions for me.

Supervisor Scott – David, I, this is a big project that is one you have been very involved in as a liaison to assist these people. They have certainly uh uh bounced back and forth in in doing due diligence. Uh, for the public's benefit I would uh you know amongst all



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the rhetoric uh and comments and questions that could be generated because of this. One of the most important things were taking in embracing this project allows us to take a contaminated portion of the community that this development group will clean up the contaminated area making this uh no longer contaminated and anything we can do to clean up our community from angel projects like this I have to think is quite a positive. So with that, please uh Mr. Milia, Mr. Jonna and Ms. DeBone I hate to say that she's the brains of the operation but please feel free to uh share the, a brief synopsis for the members of the public in case there's a question

Andrew Milia – Thank you. Mr. Scott Can you hear me ok?

Supervisor Scott – loud and clear

Andrew Milia – You are correct, she is the brains of the operation so we will second that and thank Mr. Campbell, I think, for giving a very good synopsis. Uh, we appreciate the opportunity again tonight to present to you as you recall we presented in a closed session during your August meeting and we had a lot of good discussion, a lot of good comments, good feedback um and we were left with the impression that this is something that is viewed positive and we wanted to move along and take it to the next step. Uh were here at the next step. The information and the request is the exact same as it was at the August meeting. Uh, the presentation is the same, and therefore I'm not gonna go through the slide again but what I'd like to do today is just highlight a couple points, answer what I think are a couple open questions that were asked at the last meeting and certainly take any more questions and answer any detail that you would like. I would like to just walk through it briefly. Um, really this is a is an important project. It's a large project. It's a complicated project. And this is really the first inning of the project and just a component of it. It's a 4-party transaction it's gonna involved the, it's a 5-party transaction, its gonna involve the State, its gonna involve the County, its gonna involve the Township, and its gonna involve us as the developer and also includes the cooperation of the seller who's um is going along with this process as well. So, we certainly appreciate the cooperation that we've had uh from you folks. We've appreciated the cooperation and the communication we've had with both the State and the County who have also reviewed this in detail. Tonight's meeting, as Dave Campbell indicated, is the necessary first step in the process. If were approved tonight it goes on to the landbank, the property actually gets transferred to the landbank as part of the State Ordinance. And then a formal application is submitted to Oakland County as the first formal part of the process. It's important to note, and Jessica can touch on in a few minutes, that the Township what your approving tonight is the framework of the deal that is going to be incorporated and presented to the uh County. You, as a Board will still see a draft of the application and will still have to pass another Resolution on the formal plan, so this is not the last that you'll see of it but you are agreeing to some of those major parameters you know in the outline of the deal. Uh, some of the important highlights of the deal, again I'll just touch on some of the issues, is um although we would be, as part of the recapturing as part of the Brownfield will be recapturing some of

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the operational taxes that are not paid to date. Keep in mind that the Township will still be getting the benefit during the entire 20-year period of school taxes, schools will get the benefit of it, Township will get the direct benefit of the police and fire SAD that's in place. So as homes are built and as value on the properties increase, the Township revenue is gonna be enhanced significantly by getting those annual taxes. Those are not part of the recapture, um, an important point. Also, this process is a parallel process it's not what you're agreeing to. If you do agree tonight to pass this resolution were not bypassing the normal PUD or site plan approval process. That would start as well and we would go through the normal process of that. Working with staff, working with your consultants, working with your Planning Commission, and ultimately to this body. So, this does not circumvent that in any way. If we do get a a a positive vote tonight, then we will start that process immediately as well and both will run uh parallel tracks. Uh another important question that was raised was, I think it was a good one, is if this Brownfield Resolution is passed, we do not believe that this sets a precedent in any way. It doesn't set a legal precedent nor does it even set an optic precedent. This is a very unique property which contains contamination, it contains a 2-mile utility extension of sewer and water and its cleaning up an old mining site. So we think that the ordinance was designed for a property such as this on a State basis, on a County basis they've been supportive and we think it's a great opportunity for the Township and it doesn't set a precedence for other developments. We think that's important. Uh, also that this property when once developed will generate significant water and usage fees from day one. None of those fees are being asked to be waived or anything. When somebody taps the sewer and moves in a home, those sewer and usage fees would be paid in full and go to the Township every day. And that's important because the Township currently has excess sewer capacity, so it really is a revenue generator as well. It will also uh increase the value of the neighboring property that we talked about. The neighboring property ultimately, if this passes, and we bring the sewer and water across at our expense neighboring property owners will be able to tap into it and that would generate tap fees for neighbors for the Township and neighboring property would generate taxes and would generate additional revenue base. What we are seeking tonight is a 20-year term, and were seeking a cap on the 18 uh 18 million dollars. And you know some questions were raised as to how did you arrive at that? In in, the way the ordinance reads and the statue reads is only about 23 million dollars are eligible. Um you know just under 10 million dollars are extraordinary in offset costs and about 10 million dollars are um are what were considered normal development cost and there were some other development costs that were also captured. 23 – 24 million dollars are capturable. We're asking for the potential to get up to 18 million. What's important is to the extent that our costs go up it doesn't change any of the recapture amount and I'll explain that in a minute and I'll let Jessica augment my discussion. But we're projecting that the soil and earthwork is going to be 3.2 to 3.3 that could easily be a 5-million-dollar number. If those costs go up our reimbursement doesn't get any greater. Our reimbursement is based on what the reality is of the actual taxes that are paid. Our Performa that we had completed believes that the revenue that will generate will be in the range of about 13 million dollars. It might be 10 it might be 11 could be as high as

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14 might be a little bit higher but the revenue is what the revenue is and that's based on market conditions over the next 20 years. What we're asking for is an increase in the potential up to 18 million which still doesn't recover our cost but in case there is a big cost overrun and in case the revenue for some reason is higher because taxes go up or the home values goes up it helps recapture some of the more costs but in no way affects the Township because the Township is abating or is allowing those taxes to be captured in any event over the 20 years. It's important to note that the year 20 it cuts off so if we don't achieve the revenue that we expect because home sales didn't occur as fast as we did or the price wasn't as high as we were or the Township is successful in lowering the taxes which we all hope for and we only achieve 10 million or 11 million dollars over a 20-year period that's the risk the developer has to take. The Township doesn't have any risk in that regard. The developer is fronting the risk by doing all the costs. Also, actually like an SAD where in an SAD the developer and the landowner is paying the SAD payments over a 10 or 15- or 20-year period in theory a Township would have a risk on an SAD if the land applicant were to default decide not to make those payments and then the Township is sitting with an unsatisfied SAD. In this case there's no SAD. The developer is fronting all the costs at its expense but no obligation on behalf of the Township. If the deal stalls, those improvements are in place. Their functional, their usable and if home sales are slower, their slower, just means that we don't recapture as much. So, we do this as a very significant win and a very riskless situation on behalf of the uh Township. So, reality is that were capped by the amount of the tax cap share. Um, what's very important to note, is the question, is why would you need, you know, to have certain dollars beyond the extraordinary costs. We're putting out 23 million dollars in day one and likely more. In my 35 years of development I've never had development costs go down in subsequent years and I never really you know we've achieved budget sometimes but costs are usually in excess of the 23 million dollars is a real number we would be at risk for it. The risk is the 13 million dollars that's hoping to come back, you know that's a Performa, the 23 million dollars is real 13 million is a Performa, it's our best guess projection. That number could be less but if it is 13 million the net present value on that over a 20-year period is around 7 million dollars. So, the net present value of the benefits that we would be receiving don't even pay for the extraordinary costs to get the property to what we consider an even playing field. Um there's also uh uh it's important to note is that those costs would, you know just those costs would predominately come in years 15 through 20 when most of the revenue starts to be achieved. The costs are very minimal, the recapture very minimal during the first five years when in theory we need it the most. Those costs are also shared with the uh the State on a 50/50 basis and the County really carrying the brunt of it the cost in terms of recapture they're not getting. So we do this as a win-win situation. I'm gonna ask Jessica if she wants to add anything to that and then certainly open it up to any questions you may and again certainly appreciate the opportunity to work with you on this development.

Jessica DeBone – I have a few points to add. I think it's important to point out that the taxes that are currently generated by the property today the Brownfield Plan will be

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developed and set up those taxes to be continued to be collected throughout the length of the plan. So you're not getting any less than what you're currently getting out of the property. And then second to that actual reimbursement is all going to be contingent upon a reimbursement request that is ultimately submitted to the County following completion of the eligible activities. That will include documentation of invoices proof of payments a statement essentially justifying all of those activities were indeed eligible under the act. And then the County receives that and they have a third party go through it and review that as well. So I just think it's important to point out that anything that will be reimbursed is ultimately based on what actually occurs on the site and is based on further approval by the County once we get to that point in time, if when. And then, as Andy said the actual reimbursement and what that equates to in a dollar value amount is based on what is actually paid in taxes what actually occurs in the market between now and over that 20-year period. We're estimating that over that 20 years 12.9 million of the total eligible activities would be reimbursed. and of that 12.9 million 2.9 million of that are the Township tax millages. The remainder of it comes from the County. And then if we were to apply the net present value on that 2.9 were looking at 1.6 . So just to compare to the actual value of the water and sewer extension that 2.9 million is less than what currently is being estimated for the cost for those extensions. I just want to ...oh go ahead.

Trustee Berkheiser – Well I was just going to say I had a couple questions on on that since your.. I'm looking at I guess at your spreadsheet page two of that or page 18. I think, of the packet. I think that's how it worked. Not that it varies a whole lot but I want to make sure I understand um I don't know that's something you want to put up or not. That doesn't matter. The State Education, and I think that's HV operating, I assume that's Huron Valley so that's not being that's school taxes that's not being captured. That's still going to schools, correct?

Jessica DeBone – Correct, the State Education tax and the State Operating tax will not be collected for reimbursement under the Brownfield.

Trustee Berkheiser – Ok, so the next grouping says local capture so some of that is Township then it goes into the County, there's 3 lines for the County, um, and then you have schools under that. So its OCC, it says ISD Voted, ISD allocated Sinking Fund. So those are taxes that you would be capturing, correct?

Jessica DeBone – Correct, those are eligible to be captured.

Trustee Berkheiser – Correct, and then under that is the zoo stuff and whatever and that's our SAD's and those type things. So if I go to the last column, um where you have totals, so that total is 13.9 million. I'm not sure where the 12. why there's a difference, but whatever. Um quick math puts the Township at about 3.2 but we also given up about 1.2 in our um sewer and water taps, so you know, and that comes to whatever about 4 million if you want to do your net present stuff that's fine but we still have the

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water taps and that's money that comes somewhat early on in all this you're not waiting for it as soon as it goes. I mean that's money that were contributing. So from a Township point of view, were closer to the 3 million dollars. Having said that, I mean that's the expected cost of putting in the water and sewer so I mean I'm not poo pooing it so to speak, I think its good deal. The County I have by doing their numbers is about 4.7 million and then the schools if that's whatever we want to call that ISD and I guess it's the Oakland Community College are losing 6 million in potential taxes. Now its money they didn't get but it's being am I not looking at it the right way or is that the way it's being?

Jessica DeBone – Um, no your yeah, your correct. Thank you that's a very good point, especially the way it relates to the water and sewer fees. For the 14.9 million, the reason that number is higher is because that number is not inclusive of the administrative fee that will be collected by Oakland County's Brownfield Authority, which they collect an annual fee, a small annual fee and then it also isn't inclusive of the 550 capture that that the State landbank oversee where they capture 50% of the taxes that are eligible for um 5 years after the property is conveyed from the landbank back over to the developer.

Andrew Milia – Jessica, I would like to add one point and address Mr. Berkheiser's uh question. The..specifically on the water and sewer taps, the fee or the amount of concessions are not 1.2 they are actually \$900,000, its \$2,000 in water per lot and \$2,500 in half the sanitary unless its \$4,500 x \$200 is \$900,000 but that's the technical part. But the significance on why we think that that's an important concession is were not only bringing the sewer and water 2 miles to the edge of our property, but the Township is requesting that we put a very expensive water main from the east end of the property to the west end of the property to service additional residents in the future. So that additional \$400,000 expense beyond the 3 million dollars to get it to the property line is uh being more than we're having to front that in the beginning so the additional concession of some of the water taps doesn't even cover that additional expense which is just a pure benefit for neighbors and not even for our benefit. Um, and when you look at the present value of all that its significantly less than the upfront cost so that's where that number and that philosophy came from.

Trustee Berkheiser – The only... and I'm not going to get into an argument it's just I asked today what the Township is losing on their sanitary taps and their water taps and was given a total that was closer to 1.2 It's fine, its \$300,000 in the scope of things that's um I mean what I'm getting at is if the Township put it in it would cost us in the ballpark of 3 million dollars and with the taxes we're giving up and with the sewer taps were giving up were paying for our own water and sewer, in my opinion. So, thanks and I really didn't have any questions and don't get me wrong I mean to extend water and sewer out there is a good deal. It does clean up the gravel pit and I feel that this would be property that would be tough to do anything on and it could be another 10 or 15 years before someone wants to do something. So I'm not I'm not completely against all

**ITEM 7:10-13 NEW BUSINESS (The Reserve at Crystal Lake continued)**

of it I just think um I have a little bit of heartburn and to be honest with some of your routine uh more non, um what's the word I want, the extras that are being added in, landscaping and things along those lines that are being included in this but uh in my opinion overall it's still a good deal for the Township. Thank you

Andrew Milia – Thank you

Supervisor Scott – Any other questions or comments? I'll throw it out there for Mr. Milia I noticed while I was looking at the participants there was a Michael Homama and one other person, I think, Kelly Black I didn't know if they needed to be involved or if I neglected to acknowledge them when we started. Andrew Milia – No Thank you. They are part of the development team and uh I don't Michael and Kelly are certainly welcome to chime in but I don't know that they uh uh want to add anything further.

Supervisor Scott – For the Board, are there any other questions for uh, if you will, the Crystal Lake Project?

Trustee Weber – I don't think I have any other questions, and I think I maybe beat Mr. Milia up enough. But I still have uh, I still have concerns over the inclusion of some of the normal development costs whether that's paving, landscaping, curb and gutter, including a 1.3-million-dollar contingency on those numbers for the 10 million. Um, I struggle with being able to have discussion with other developers. I get the point; this is not precedent setting. Each of these are going to stand on its own and I know will be coming back to the Planning Commission, etc. But to me, with the uh the risk mitigation that's included in that I think some of those costs are over and above what's required and maybe prudent for the Township.

Supervisor Scott – Alright, thank you. I appreciate your involvement. Uh Mr. Milia I'll just throw it out there, because obviously the papers are going to look at this and their going to have questions and you may be able to answer them quickly. So for the general public, uh when do you think this project, assuming everyone gets approvals, the Township, the County, Brownfield Landbank, everyone that has to be involved in this. When would you anticipate a ground breaking to begin construction?

Andrew Milia – We we think that the approval process for the Brownfield and the approval process for the Planning Commission and the actual site plan PUD will run simultaneously. The Brownfield uh approval should be uh less should be less of a time and that should be approved within 6 months. When it's all said and done, the..your PUD process and public meetings and ultimate permitting will probably take a year so commutatively it would happen within the year so the goal would be at this time next year to break ground and start moving dirt.

Supervisor Scott – Appreciate that

**ITEM 7:10-13 NEW BUSINESS (The Reserve at Crystal Lake continued)**

Andrew Milia – Optimistic but realistic basis.

Supervisor Scott – No, I appreciate that greatly. I guess I will ask only for the benefit of again, the papers are going to call and make inquiries and things of that nature. Uh, have you and your partners ever done a Brownfield before?

Andrew Milia – Yes, we've done multiple Brownfields. We've done one in uh Novi, were working on one in Northville right now, were working on one in West Bloomfield, we just completed a very large one in the City of Detroit so yes, we've got a lot of experience

working with Oakland County specifically as well as other counties as well as the...was called the DEQ and is now called EGLE.

Supervisor Scott – Thank you for that clarity. Does the Board have any other questions? If not, I'd entertain a Motion.

Trustee Berkheiser – Dave I'll make a Motion, Um, I don't know what you want to call it? What do you need me to say?

**MOTION** by Berkheiser, to approve the Reserve at Crystal Lake Brownfield project to move forward.

Trustee Berkheiser – I don't know; is there some form of words you need?  
**(Motion read by Supervisor Scott)**

**MOTION** by Berkheiser, supported by Scott, to approve the Resolution of the Township Board of the Charter Township of Commerce Declaring its Commitment to Consider Acceptance of Brownfield Plan Regarding Commerce Investment Company, LLC.

Trustee Berkheiser – support

Supervisor Scott – Motion by Berkheiser, supported by Scott, any other discussion? Roll Vote Please

**ROLL CALL VOTE**

**AYES:** Berkheiser, Scott, Creech, Phillips

**NAYS:** Weber, Magner, Sovel

Clerk Creech – I'm sorry, Rick?

Trustee Sovel – No

**MOTION CARRIED**

Supervisor Scott – Motion passes 4 to 3

Moving on – thank you all. The draft or the final document will be prepared, uh signed, start the process going and be available shortly. Please be kind and understand the clerk is enormously busy with the election and doing documents even though many are

**ITEM 7:10-13 NEW BUSINESS (The Reserve at Crystal Lake continued)**

prepared by Mr. Rentrop's office. It's a hectic time. Thank you for your participation. Uh your welcome to stay or you are welcome to enjoy your evening. Thank you, Jessica, Andrew, Gary, as well as uh Michael and Kelly.

Andrew Milia – Mr. Scott thank you and I'd like to thank you all the members of the Board and your staff as well. We've uh we've all worked very hard together and we appreciate the cooperation and look forward to moving forward with the Brownfield process and be in front of you with a PUD. We thank you very much.

Supervisor Scott - Thank you all. Have a wonderful evening.

This was moved to before Public Comments

**C. Early Termination Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed Control Special Assessment District and Lower Straits Lake Aquatic Weed Control SAD Continuation Resolution.**

**D. PTO Management Discussion**

Supervisor Scott is asking the Board if 5-6 employees that have an excessive amount of PTO time left could get paid out an extra 2 weeks.

Janet Bushey, Human Resources, was present to explain the way PTO is handled.

Trustee Weber asked Janet to explain where the employees are located and why they were not eligible to take time off during the COVID-19 pandemic.

Janet said 5 are management employees and 1 employee works the elections. Because of elections and being off for COVID-19 it was kind of impossible for her to take all her time off.

Trustee Weber understands the reason for 1 employee is because of elections but why were the other 5 management employees not allowed to take time off.

Janet said there were allowed. They worked at home during the COVID-19 pandemic.

Trustee Berkheiser feels we were very generous allowing employees to work from home. He would rather see the term they can use their PTO time extended to December 31, 2021 and not paid out because he feels they could have used their PTO time.

Trustees Weber and Magner along with Clerk Creech, agree with Trustee Berkheiser. Trustee Magner would like it to be clear that this is a one-time extension.



**ITEM 7:10-13 NEW BUSINESS (PTO Management Discussion Motion continued)**

**MOTION** by Berkheiser, supported by Weber, to allow a one-time extension of PTO hours carried over until December 31, 2021. If PTO hours are not used by this time, they will lose the hours. This will be void for the union employee if the union requests the contract be opened up for negotiation.

Discussion:

Trustee Sovel – if an employee no longer works for Commerce Township prior to December 31, 2021 will they be paid the PTO hours?

The Board said yes, they will be paid the PTO hours.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Weber, Creech, Phillips, Magner, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**E. 2021 Health Insurance**

Janet Bushey, Human Resources, said the Township's medical insurance rates for 2021 came in with a decrease in premiums. Both Unions would like to stay with the same insurance that we have now.

**MOTION** by Sovel, supported by Phillips, to approve the existing medical insurance plan for the year 2021.

**ROLL CALL VOTE**

**AYES:** Sovel, Phillips, Weber, Berkheiser, Magner, Creech, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**F. Approval of Single Year Special Assessment Districts for the 2020 Winter Tax Roll**

Treasurer Phillips said per the terms of the various Single Year Roll Resolutions, the Township Board is to approve the amounts to be placed on the roll for each of the special assessment districts.

**MOTION** by Berkheiser, supported by Weber, to approve the Single Year Special Assessment Districts for the 2020 Winter Tax Roll excluding Lower Straits Lake.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Weber, Creech, Phillips, Magner, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:10-13 NEW BUSINESS (continued)**

**G. Admin Fees – WRC**

Treasurer Phillips said the Township has been receiving \$30,000 per quarter in “administrative fees” from the WRC (\$6,000 for water and \$24,000 for sewer). She is requesting the Board approve the cancellation of payments for the WRC fiscal year 2021 (10/1/2020 – 9/30/2021) and beyond. She will file a letter received from Tim Prince.

**MOTION** by Scott, supported by Berkheiser, to authorize Treasure Phillips to notify WRC to cancel payments for the WRC fiscal year 2021 (10/1/2020 – 9/30/2021) and beyond.

**ROLL CALL VOTE**

**AYES:** Scott, Berkheiser, Weber, Phillips, Creech, Magner, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:10-13 2021 TOWNSHIP BUDGET**

After discussion with the Board and a tentative approval of the budget, Supervisor Scott will prepare the budget and present it to the Township Board for approval.

**ITEM 9:10-13 ORDERS**

**MOTION** by Magner, supported by Weber, to approve the Orders and Add Ons.

**ROLL CALL VOTE**

**AYES:** Magner, Weber, Berkheiser, Phillips, Creech, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:10-13 OTHER MATTERS**

Trustee Weber –

- Asked Chief Dundas if the response times for runs are better since we added career firefighters.

Chief Dundas said with all of the lakes within the Township response time is approximately 5 minutes. Adding additional careers firefighters does not affect response times.

- In order to manage and control the growth we are having in the Township he highlighted new developments that are coming or are proposed to come to the Township as follows:
  1. Benstein and Loon Lake Roads - 25-30 homes going in

**ITEM 10:10-13 OTHER MATTERS (continued)**

2. Pulte is coming in with a proposal to develop a privately owned land at the corner of Wixom and Glengary Roads – 75ish homes
3. Pulte is coming in for 100 homes on Martin Parkway
4. Reserve at Crystal Lake
5. Aikens previously approved 300 luxury apartments
6. Barrington (across the street) will begin approving residents
7. Received a request to put 190 luxury apartments south of Home Depot north of 14 Mile Road (mixed use)

Trustee Berkheiser – with new developments coming in the Township, how do we link the roads and traffic flow with the Road Commission for Oakland County (RCOC)?

Supervisor Scott said the RCOC holds annual meetings with Commerce Township attended by Dave Campbell.

Supervisor Scott –

- Would like to have the Parks and Recreation Committee add main walkability projects to their 2020-2021 budget. We may be able to reach out to the Ralph C Wilson Foundation to fund projects.

Trustee Weber said two weeks ago the Parks and Recreation Committee discussed with Emily England, Senior Director England 6 priority projects they want done. If we are going to change that or add to it then we should do it asap.

- There was extensive graffiti vandalism under the tunnel on Martin Parkway.

Trustee Magner –

- Would like to add to the January Agenda discussion on how can we manage developments.
- Asked if there was an update on the DDA

Dave Campbell, Planning Director, said that Mr. Aikens is close to entering into a partnership with a residential developer. They will contact him and then request to go before the Planning Commission.

Trustee Sovel –

- Did the house vote to extend COVID-19 orders thru the end of the year for our meetings? Hans Rentrop, Township Attorney, answered yes
- Asked for a ballot count update. Clerk Creech said we are just shy of issuing 15,000 ballots and have received back approximately 39%.

**ITEM 11:10-13 ADJOURNMENT**

As there were no other matters to come before the Board.

**MOTION** by Magner, supported by Berkheiser, to adjourn the meeting at 9:45 p.m.

**ITEM 11:10-13 ADJOURNMENT (Motion continued)**

**ROLL CALL VOTE**

**AYES:**           Magner, Berkheiser, Creech, Phillips, Weber, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**



*Melissa Creech*

Melissa Creech, Clerk  
Charter Township of Commerce