

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING**

November 10, 2015

2009 Township Drive

Commerce Township, Michigan 48390

CALL TO ORDER: Thomas K. Zoner, Supervisor, called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE TO FLAG

ROLL CALL: Present: Thomas K. Zoner, Supervisor
Vanessa Wagner, Clerk
John Hindo, Trustee
Robert Long, Trustee
Rick Sovel, Trustee

Absent: Molly Phillips, Treasurer
Robert Berkheiser, Trustee

Also Present: Phillip Adkison, Township Attorney
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney

APPROVAL OF MINUTES

MOTION by Wagner, supported by Sovel, to approve the October 6, 2015 Special Meeting, October 13, 2015 Regular Meeting, October 27, 2015 Quarterly Meeting and the November 2, 2015 Special Township Board of Trustees meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Township Library – Kummer Construction and Whisler Penchansky
Chuck Kummer, Construction Manager gave an update on the new library. Seth Pechansky, Architect was also present. The foundation is complete. Steel erection will begin the first week of December 2015 and will take approximately 5 weeks to complete. After that, steel studs around the building will be installed. Sanitary sewers will be installed. Giffels Webster is working with the Road Commission for Oakland County on the passing lane at the entry driveway to the library. Contingencies are looking good therefore money should be able to be put back into the General Fund. Discussion took place on the need for a vapor air barrier at an approximate cost of \$85,000.00. After much discussion, the Board chose not to use vapor air barrier and put the money toward needed items for the library.

PRESENTATIONS (Township Library continued)

MOTION by Sovel, supported by Hindo, to direct the Construction Manager to use the standard roof edge detail on the library building. **MOTION CARRIED UNANIMOUSLY**

B. Downtown Development Authority and Insite Commercial Update

Mark Stacey, DDA Director and Randall Thomas, President of Insite Commercial gave a brief overview of the recent activity on the Commerce Downtown Development project with current deals in due diligence. Tentative closing on parcel A & H on December 7, 2015.

C. HAVEN

Representative from Haven did not attend meeting.

PETITIONS:

None

ITEM 1:11-10 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the November 10, 2015 Agenda. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:11-10 PUBLIC COMMENTS

Randy Simmons former resident of Commerce Township was present on behalf of his father who resides at 4030 Sleeth Road to discuss the Zoning Ordinances relative to his father updating his fence. He feels the ordinances are unconstitutional. During his comments, Supervisor Zoner invited Mr. Simmons to come into the Township office and discuss this with the Planning Director because public comments are limited to two minutes and it was apparent his comments would require additional time.

ITEM 3:11-10 PUBLIC HEARINGS

A. Roll Resolution for Half Penny Court Snow Plowing SAD

Supervisor Zoner opened the Public Hearing.
No one present had any questions or comments.
Supervisor Zoner closed the Public Hearing.

Magner received letters from homeowners asking for the Resolution to be denied because the price was increased from \$40.00 to \$120.00. She received letters from 90% of the homeowners.

MOTION by Magner, supported by Long, to deny the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Half Penny Court Snow Plowing Special Assessment District based on 90% of the homeowner's request.

MOTION CARRIED UNANIMOUSLY

ITEM 3:11-10 PUBLIC HEARINGS (continued)

B. Resolution for 2016 Community Development Block Grant

Supervisor Zoner opened the Public Hearing.
No one present had any questions or comments.
Supervisor Zoner closed the Public Hearing.

MOTION by Magner, supported by Hindo, to approve the Charter Township of Commerce Resolution Approving the 2016 Community Development Block Grant Application Adopted on November 10, 2015, authorize the appropriate signatures and post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:11-10 BOARD APPOINTMENTS

None

ITEM 5:11-10 CONTRACT AWARDS AND AGREEMENTS

A. MDEQ Water Reliability Study – Giffels Webster

Jason Mayer, Giffels Webster, advised the Township Board that the MDEQ requires a Water Reliability Study Report to be updated every 5 years. He is requesting the Township approve Giffels Webster to prepare the Water Reliability Study Report.

MOTION by Sovel, supported by Magner, to approve Giffels Webster to prepare the Water Reliability Study Report for a total cost not to exceed \$10,000.00. Funds to come from the Water Fund.

ROLL CALL VOTE:

AYES: Sovel, Magner, Hindo, Zoner

NAYS: Long

ABSENT: Berkheiser, Phillips

MOTION CARRIED

ITEM 6:11-10 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 2.012 to be known as Fee Ordinance No. 2.013

Hans Rentrop, Township Attorney explained the Ordinance.

MOTION by Sovel, supported by Magner, to Introduce the Charter Township of Commerce an Ordinance to Amend Ordinance No. 2.012 to be known as the Charter Township of Commerce Fee Ordinance No. 2.013, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

B. An Ordinance to amend the code of Ordinances to be known as Ordinance No. 1.030 – Massage Ordinance

Hans Rentrop, Township Attorney explained the change in the Ordinance. Individual massage therapists do not have to obtain a license, only businesses do.

ITEM 6:11-10 INTRODUCTIONS (Ordinance No. 1.030 continued)

MOTION by Magner, supported by Sovel, to Introduce the Charter Township of Commerce an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.030, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:11-10 ADOPTIONS

None

ITEM 8:11-10 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:11-10 CONSENT AGENDA

None

ITEM 10:11-10 PURCHASES

A. Turnout Gear – Fire Department

Joseph Schornack, Fire Chief is requesting approval to purchase turnout gear to replace worn and/or damaged equipment for the Fire Department. This is a budgeted item.

MOTION by Sovel, supported by Magner, to approve the purchase of three (3) sets of turnout gear from Apollo Fire Equipment in the amount of \$5,643.00.

MOTION CARRIED UNANIMOUSLY

ITEM 11:11-10 OLD BUSINESS

A. Advancement of funds to DDA

Mark Stacey, DDA Director stated the DDA will not have the funds to make the December Bond payment due to the delay in closing on one of the parcels. The developer will not close on the property without the Private Road Ordinance being approved. They are asking for \$1,300,000.00 to be repaid back to the Township from the sale of property.

MOTION by Sovel, supported by Magner, to approve an advancement of \$1,300,000.00 from the Township's General Fund Fund Balance to the Downtown Development Authority as noted in Exhibit B Amended and Restated Memorandum Agreement and authorize the appropriate signatures. Repayment of the advancement shall be within 30 days after the DDA receives the proceeds from the sale of property.

MOTION CARRIED UNANIMOUSLY

ITEM 11:11-10 OLD BUSINESS (continued)

B. Approval of Single Year Special Assessment Districts

MOTION by Sovel, supported by Magner, to approve the S.A.D.'s Assessed to 2015 Winter Taxes. **MOTION CARRIED UNANIMOUSLY**

ITEM 12:11-10 NEW BUSINESS

A. 2015 DDA Budget Amendment

Mark Stacey, DDA Director was present to explain the new report format the Township Board will receive for DDA Budget Amendments. Mr. Stacy committed to have the DDA repay the advancement of \$1,300,000.00 to the Township prior to December 31, 2015.

MOTION by Sovel, supported by Magner, to approve the 2015 DDA Budget Amendment 15-01. **MOTION CARRIED UNANIMOUSLY**

ROLL CALL VOTE:

AYES: Sovel, Magner, Hindo, Long, Zoner

NAYS:

ABSENT: Berkheiser, Phillips

MOTION CARRIED UNANIMOUSLY

B. Liquor License Transfer Application – Violeta Bardeci – 1050 Benstein Road

Hindo asked to be excused from discussion and vote because his partner is the attorney for the applicant.

MOTION by Hindo, supported by Sovel, to abstain John Hindo from discussion and vote on Liquor License Transfer Application – Violeta Bardeci – 1050 Benstein Road due to a possible conflict of interest.

ROLL CALL VOTE:

AYES: Hindo, Sovel, Magner, Long, Zoner

NAYS:

ABSENT: Berkheiser, Phillips

MOTION CARRIED UNANIMOUSLY

MOTION by Magner, supported by Zoner, to approve the transfer of an escrowed Class C Liquor License to Violeta Bardeci, LLC 1050 Benstein Road, Suites 4-6 Commerce Township Michigan. **MOTION CARRIED UNANIMOUSLY**

Hindo abstained from vote.

C. Liquor License Transfer Application – Carinos – 500 Loop Road

MOTION by Magner, supported by Sovel, to approve the transfer of Class C and SDM License with Sunday Sales permit (PM) and specific purpose permit to State Road

ITEM 12:11-10 NEW BUSINESS (Liquor License Transfer Application – Carinos – 500 Loop Road Motion Motion continued)

Commerce, LLC 500 Loop Road, Commerce Township, Michigan.

MOTION CARRIED UNANIMOUSLY

D. Revised 2015 Holiday Schedule

Zoner advised the Board that the AFSCME contract is not approved because of an issue that needs to be resolved. He recommends this be Tabled.

MOTION by Zoner, supported by Magner, to Table the revised 2015 Holiday Schedule.

MOTION CARRIED UNANIMOUSLY

E. AFSCME Grievance – 09022015 B.U.

MOTION by Sovel, supported by Hindo, to deny AFSCME Grievance 09022015 B.U.

MOTION CARRIED UNANIMOUSLY

F. Water Storage Facility Budget

Jason Mayer, Giffels Webster is requesting approval of the project budget amount for the Water Storage Facility.

Long questioned why engineering costs were not made available to the Township Board during his December 10, 2013 request to move forward on the ground storage facility.

Sovel is not comfortable approving this until past meeting minutes are reviewed showing costs associated with the water storage facility.

MOTION by Magner, supported by Sovel, to Table Water Storage Facility Budget.

MOTION CARRIED UNANIMOUSLY

ITEM 13:11-10 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:11-10 OTHER MATTERS

Long –

- He would like to see the pedestrian crossing located at the bike path to the library.
- Inquired on his request for the Township logo being placed on the library signs. Magner placed the order and will ask maintenance to put them on the signs.

Sovel –

- Asked about the status of an alternate member for the Zoning Board of Appeals. Supervisor Zoner said the Township will advertise for an alternate member to start in January 2016.

ITEM 14:11-10 OTHER MATTERS (continued)

Supervisor Zoner introduced the new Township Planning Director, Dave Campbell.

ITEM 15:11-10 CLOSED SESSION

A. Attorney Client Privileged Information – Pending Litigation

MOTION by Sovel, supported by Magner, to enter into Closed Session for the purpose of discussing Attorney Client Privileged Information Pending Litigation.

ROLL CALL VOTE:

AYES: Sovel, Magner, Hindo, Long, Zoner

NAYS:

ABSENT: Berkheiser, Phillips

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 9:16 p.m.

Returned from Closed Session at 10:07 p.m.

MOTION by Magner, supported by Sovel, to adjourn from Closed Session and Approve Closed Session Minutes.

MOTION CARRIED UNANIMOUSLY

ITEM 16:11-10 ADJOURNMENT

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

MOTION by Magner, supported by Sovel, to adjourn the meeting at 10:07 p.m.

MOTION CARRIED UNANIMOUSLY


Vanessa Magner, Clerk
Charter Township of Commerce



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a _____ regular _____ meeting of the _____ Commerce Township Board of Trustees _____ council/board
(regular or special) (township, city, village)
 called to order by _____ Thomas Zoner _____ on _____ 11-10-2015 _____ at _____ 7:00 p.m. _____
(date) (time)
 the following resolution was offered:

Moved by _____ Magner _____ and supported by _____ Sovel _____
 that the application from _____ Violeta Bardheci, LLC _____
(name of applicant)

for the following license(s): _____ Class C Liquor License _____
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____ n/a _____

Extended Hours Entertainment Permit Hours Required: _____ n/a _____

to be located at _____ 1050 Benstein Road, Suites 4, 5, and 6, Commerce Township, MI 48390 _____

be considered for _____ approval _____
(approval or disapproval)

Approval

Yeas: _____ 4 _____

Nays: _____

Absent: _____ 2 _____

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it _____ recommends _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the _____ Commerce Township
 council/board at a _____ regular _____ meeting held on _____ 11-10-2015 _____ (township, city, village)
(regular or special) (date)

Name and title of authorized officer (please print): **Vanessa Magner, Clerk, CMC**

Signature and date of authorized clerk: _____
Vanessa Magner

Phone number and e-mail of authorized officer: _____ 248-960-7020 / vmagner@commerceetwp.com _____



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
 (For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a regular meeting of the Commerce Township Board of Trustees council/board
(regular or special) (township, city, village)
 called to order by Thomas Zoner on 11-10-2015 at 7:00 p.m.
(date) (time)
 the following resolution was offered:

Moved by Magner and supported by Sovel
 that the application from State Road Commerce, LLC
(name of applicant)

for the following license(s): Class C and SDM license with Sunday sales permit and specific purpose permit
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: n/a

Extended Hours Entertainment Permit Hours Required: n/a

to be located at 500 Loop Road, Commerce Township, MI 48390

be considered for approval
(approval or disapproval)

Approval

Yeas: 4

Nays: _____

Absent: 2

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it recommends this application be considered for
(recommends/does not recommend)
 approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the Commerce Township
 council/board at a regular meeting held on 11-10-2015
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): Vanessa Magner, Clerk, CMC

Signature and date of authorized clerk: *Vanessa Magner*

Phone number and e-mail of authorized officer: 248-960-7020 / vmagner@commercetwp.com

EXHIBIT B

**AMENDED AND RESTATED MEMORANDUM AGREEMENT
Charter Township of Commerce and
Commerce Township Downtown Development Authority**

Date of cash advance to
or for the account of DDA: No later than 11/24/2015

Amount of cash advance: \$1,300,000.⁰²

Rate of Interest shall be the monthly rate established by the Oakland County Investment Pool

Account/Ledger number: 499-000-001 / 101-000-001

Date advance approved by Township Board: November 10, 2015

CHARTER TOWNSHIP OF COMMERCE

Dated: 11-18-15

By: Thomas W. Jones
Its: Supervisor

COMMERCE TOWNSHIP DOWNTOWN
DEVELOPMENT AUTHORITY

Dated: 11-18-15

By: Thomas A. Lee
Its: Acting Chairman

DDA Funding Requirements

Cash Balance at 10/31/2015	162,699.85
Estimated operating cash out - November	(50,000.00)
Estimated Debt Service due 12/1	(1,061,665.63)
Additional amount due to HOA	(46,125.00)
Projected shortfall	<u>(995,090.78)</u>

Proposal is to advance \$1,300,000 to the DDA no later than 11/24/2015 to fund debt service.

Repayment of the advance will be made from the proceeds of the Shapiro Property sale.


If the Shapiro property sale closes on or before 11/23/2015 this advance will not be necessary.

The Charter Township of Commerce
2009 Township Drive
Commerce Township, MI 48390

Monday, November 2, 2015

To Whom It May Concern:

In regards to the **HALF PENNY COURT SNOW PLOWING SPECIAL ASSESSMENT DISTRICT**. We, at the following lot numbers and address are AGAINST the SAD and request that the SAD be REMOVED and/or CANCELED in its entirety.

Parcel #	Address #	Name	Signature
1710176028 -			
1710176027 -			
1710176026 -			
1710176025 -			
<u>1710176024</u> -	4796 Half Penny Ct	Karen Stampce	
1710176023 -			
1710176022 -			
1710176023 -			
1710176020 -			
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.


Sincerely: Everyone above

The Charter Township of Commerce
2009 Township Drive
Commerce Township, MI 48390

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1710176027 -			
1710176026 -			
1710176025 -			
1710176024 -			
1710176023 -			
1710176022 -			
1710176023 -			
1710176020 -			
1710176019 -	4719 HALF PENNY CT	CLAUDE R. GREGORY	

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

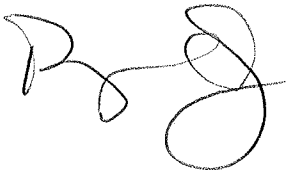
Sincerely: Everyone above

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2009 Township Drive
Commerce Township, MI 48390

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1710176028 -			
1710176027 -			
1710176026 -			
1710176025 -			
1710176024 -			
1710176023 -			
1710176022 -			
<u>1710176023 -</u>	4163 HALF PENNY CT	BRYAN SCHWENK	
1710176020 -			
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

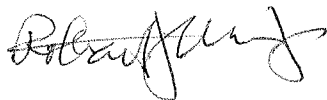
Sincerely: Everyone above

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Commerce Township, MI 48390

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1710176027 -			
1710176026 -			
1710176025 -			
1710176024 -			
1710176023 -			
1710176022 -			
1710176023 -			
<u>1710176020 -</u>	4241 HALF PENNY	ROBERT J MULR JR	
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

Sincerely: Everyone above

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2009 Township Drive
Commerce Township, MI 48390

Monday, November 2, 2015

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Parcel #	Address #	Name	Signature
1710176028 -			
<u>1710176027 -</u>	4738 Half Penny Ct	Stephen Parent	Steph Parent
1710176026 -			
1710176025 -			
1710176024 -			
1710176023 -			
1710176022 -			
1710176023 -			
1710176020 -			
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

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1710176028 -			
1710176027 -			
1710176026 -			
1710176025 -			
1710176024 -			
1710176023 -			
1710176022 -	<i>Gerald Targosz 4785 Half Penny Ct Commerce</i>		<i>Gerald Targosz</i>
1710176023 -			
1710176020 -			
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

Sincerely: Everyone above

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Parcel #	Address #	Name	Signature
1710176028 -			
1710176027 -			
1710176026 -	4760	Alexis & Stephen BARRTS	
1710176025 -			
1710176024 -			
1710176023 -			
1710176022 -			
1710176023 -			
1710176020 -			
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

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Parcel #	Address #	Name	Signature
1710176028 -			
1710176027 -			
1710176026 -			
<u>1710176025 -</u>	4784 Half Penny Ct.	Shaunt DeAna Trehanik	SLT
1710176024 -			
1710176023 -			
1710176022 -			
1710176023 -			
1710176020 -			
1710176019 -			

We at the above address have decided there is NO Benefit to have the City Involved in arranging snow removal services for Half Penny Court. Thank You for your time and effort in trying to get this completed.

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1710176019 -			

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Sincerely: Everyone above


4795 HALF PENNY

Premier Landscape Contractors
P.O. Box 192
Walled Lake, MI 48390
(248) 361-5790

October 5, 2015

Shawn Tretinik
4784 Half Penny Ct.
Commerce Twp., MI 48382
RE: Half Penny Ct snow removal

To whom it may concern,

Thank you for the opportunity to provide a snow-plowing quote for the upcoming winter season. The quote below summarizes your current estimate activity. Please take time to review this information and let us know if you have any questions.

Snow Plowing services for listed above address.

- * Per push rate = \$100 (two inch trigger up to four inches of snow. Additional push charge for every four inches. (i.e. 8 inch snow event in 24 hour period = \$200 charge).
- * Seasonal rate = \$1,200 from Nov 15th to April 15th. Any snow events prior to or after will be charged as a per push rate stated above.
- * Salt rate = \$165 per ton applied.

Thank you again for contacting Premier Landscape Contractors. Please call me if you have any questions or concerns on my cell at (248) 361-5790. We are looking forward to hopefully providing services for your buisness!

Sincerely,

Mark Gall
Premier Landscape Contractors