

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD SPECIAL MEETING
2009 Township Drive
Commerce Township, MI 48390
Tuesday, April 8, 2014 6:00 p.m.**

CALL TO ORDER: Supervisor Zoner called the meeting to order at 6:00 p.m.

ROLL CALL:

Present: **TOWNSHIP BOARD**
Thomas K. Zoner, Supervisor
Vanessa Magner, Clerk
Susan Gross, Treasurer
Rick Sovel, Trustee (arrived at 6:03)
Robert Long, Trustee
David Law, Trustee
Bob Berkheiser, Trustee

Absent: None

Also Present: Rick Fanning, Labor Attorney

ITEM 1: Closed Session – Union Negotiations

MOTION by Gross, supported by Magner, to enter into closed session for the purpose of Union Negotiations.

ROLL CALL VOTE

AYES: Gross, Magner, Berkheiser, Long, Law Zoner

NAYS:

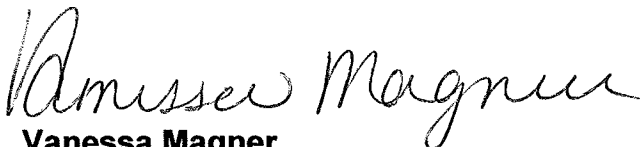
ABSENT: Sovel

MOTION CARRIED

Return from closed session at 6:55 p.m.

MOTION by Law, supported by Berkheiser, to adjourn from Closed Session and approve Closed Session minutes.

MOTION CARRIED UNANIMOUSLY



**Vanessa Magner
Clerk, Charter Township of Commerce**

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

Tuesday, April 8, 2014

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 Magner, Clerk
Susan Gross, Treasurer
Robert Berkheiser, Trustee
David Law, Trustee
Robert Long, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Magner, supported by Sovel, to approve the Regular Township Board of Trustees Meeting minutes of March 11, 2014, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Master Plan Update

Kathleen Jackson, Township Planner gave a presentation on the Master Plan. Ms. Jackson explained the Master Plan update will be on the Planning Commission Agenda in May. After the proper notices are completed, it will come back to the Township Board for final approval in September or October, 2014.

B. Friends of Byers - Jim Meenahan

Jim Meenahan, Chairperson Friends of Byers gave a presentation on engineering cost estimate documents for restoration of the historic farm house and barn at Byers Homestead Park.

PETITIONS:

None

ITEM 1:4-8 APPROVAL OF AGENDA

MOTION by Sovel, supported by Gross, to approve the Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:4-8 PUBLIC COMMENTS

Jim Meenahan, Chairperson Friends of Byers stated he formed, along with Chris Haney, Vice Chairperson a "Park Users Group". A meeting was held on March 4, 2014 where they shared their ideas for the millage renewal.

Klint Kesto, State Representative gave an update on bills approved by the Michigan House phasing out the Michigan personal property tax while preserving full reimbursement to local communities and schools. The package was returned to the Senate for consideration of changes made by the House. He also gave an update on the road plan. Mr. Kesto thanked the Township Board and Connie Jo Ozinga for use of the Richardson Senior Center and the Township Library.

Long - Thanked Mr. Kesto for updating the Township Board on important matters.

Susan Averbuch, 9005 Campbell Creek Drive asked if signs could be installed directing residents where to park when using the pathways in the DDA area. Supervisor Zoner will mention this to the DDA Director.

ITEM 3:4-8 PUBLIC HEARING

None

ITEM 4:4-8 BOARD APPOINTMENTS

None

ITEM 5:4-8 CONTRACT AWARDS AND AGREEMENTS

A. Concession Agreement – Pontiac Lake Riding Stables

Phillip Adkison, Township Attorney advised the Board that the Lease Agreement has been changed to a Concession Agreement to protect the tax status of the property. The riding stable will be responsible for all maintenance and keep it insured to the Township's standards. The riding stable will offer a 5% discount to Commerce Township residents. This is a one year agreement.

MOTION by Law, supported by Magner, to approve the Concession Agreement made and entered into this as of January 1, 2014 between The Charter Township of

ITEM 5:4-8 CONTRACT AWARDS AND AGREEMENTS (Concession Agreement – Pontiac Lake Riding Stables Motion continued)

Commerce and Carrie Hancock D/B/A Pontiac Lake Riding Stables and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:4-8 INTRODUCTIONS

A. Amendment of the 2012 International Fire Code – Tabled March 11, 2014

MOTION by Sovel, supported by Berkheiser, to remove Amendment of the 2012 International Fire Code from the Table. **MOTION CARRIED UNANIMOUSLY**

MOTION by Zoner, supported by Magner, 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. 1.023. **MOTION CARRIED UNANIMOUSLY**

Note: the Amendment Ordinance approved is the one without the Fee Ordinance.

ITEM 7:4-8 ADOPTIONS

None

ITEM 8:4-8 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:4-8 CONSENT AGENDA

None

ITEM 10:4-8 PURCHASES

None

ITEM 11:4-8 OLD BUSINESS

None

ITEM 12:4-8 NEW BUSINESS

A. Request for Out of State Travel – E. Norton, Library

Connie Jo Ozinga, Library Director is requesting permission for Teen Librarian, Elizabeth Norton to attend the YALSA/Young Adult Library Services Association of ALA Young Adult Literature Symposium in Austin Texas in November 2014. The cost to the Township would be \$727.00. Ms. Norton will pay for her travel expenses. There is \$700.00 remaining from donations by the Friends of the Library that could be used for travel expenses, if needed.

ITEM 12:4-8 NEW BUSINESS (Request for Out of State Travel – E. Norton, Library continued)

Due to health concerns, Emily Dumas will not be attending the Library ALA Conference in Las Vegas Nevada this year as approved by the Township Board of Trustees at their February 11, 2014 meeting.

MOTION by Magner, supported by Berkheiser, to approve the Teen Librarian, Elizabeth Norton to attend the YALSA/Young Adult Library Services Association of ALA Young Adult Literature Symposium in Austin Texas in November 2014. The cost to the Township would be \$727.00. **MOTION CARRIED UNANIMOUSLY**

B. Eagle Scout Pavilion Roofing

Nathan Cox is working for his Eagle Scout status and has chosen to do his Eagle Scout project in the north section of Dodge Park. His project was approved by the Township Board 2 years ago to a pavilion in that park. The Parks Committee asked that the roof for the pavilion match the roofs on the pavilions in the south side of the park. Nathan has raised over \$8,000.00 towards this project but with the request of the different roofing materials by the Parks Committee, the cost of the project has gone up. He is asking if the Township would contribute \$2,500.00 toward the purchase of the roofing material for his project.

Berkheiser said the Township cannot give a contribution but could purchase roofing material for roofing if they chose to.

MOTION by Berkheiser, supported by Gross, to purchase roofing material for the pavilion in the north section of Dodge Park at an amount not to exceed \$2,500.00. **MOTION CARRIED UNANIMOUSLY**

C. Soil Borings – Maple Glen Park

Emily England, Parks and Recreation Director stated soil boring tests are needed to make sure the existing soil conditions are acceptable for porous pavers without using a thick layer of imported stone and for the design of the road base and pavement section so there is not more than the usual amount of settlement or frost heave. The cost shall not exceed \$2,500.00.

MOTION by Berkheiser, supported by Gross, to approve the recommendation of the Parks and Recreation Committee to have Giffels-Webster Engineers obtain soil borings at Maple Glen Park at a cost not to exceed \$2,500.00. **MOTION CARRIED UNANIMOUSLY**

D. SAD Refund Resolution – Hills of Bogie Sewer

MOTION by Gross, supported by Sovel, to approve the Resolution of the Township Board of the Charter Township of Commerce Hills of Bogie Sewer Special Assessment District Refund Roll (roll #26). **MOTION CARRIED UNANIMOUSLY**

ITEM 12:4-8 NEW BUSINESS (continued)

E. Commerce Towne Center Pump Station Abandonment

Jason Mayer, Giffels Webster Engineers recommends the bid received for this project be rejected and the project be put out for rebid because only one bid was received.

MOTION by Gross, supported by Magner, to reject the bid from V.I.L. Construction, Inc. for the Commerce Towne Center Pump Station Abandonment and rebid the project.

MOTION CARRIED UNANIMOUSLY

F. Job Description

MOTION by Gross, supported by Magner, to approve the new job description of "Community Development Assistant", reclassify the positions of "Assistant to Planner" and "Secretary to Building Department" to "Community Development Assistant" and direct administration to negotiate a wage for the "Community Development Assistant" effective July 1, 2014.

MOTION CARRIED UNANIMOUSLY

ITEM 13:4-8 ORDERS

MOTION by Gross, supported by Magner, to approve the Order and Add-Ons.

MOTION CARRIED UNANIMOUSLY

ITEM 14:4-8 OTHER MATTERS

Sovel – Questioned the steel copper color roof at Union Lake and Wise Roads. Supervisor Zoner stated this is a private ownership.

Supervisor Zoner – Mr. Toubey would like to set a meeting with a Township official to discuss what he could do with his property or if the Township would consider purchasing his property at the corner of Commerce and South Commerce Roads. Supervisor Zoner would like permission to negotiate the purchase of the property. Long recommends this be discussed under Closed Session.

ITEM 15:4-8 CLOSED SESSION

A. Union Negotiations - Fire Fighters Union Local 2154, I.A.F.F.

MOTION by Zoner, supported by Magner, to enter into Closed Session for the purpose of discussing Union Negotiations and potential Purchase of Property.

ROLL CALL VOTE

AYES: Zoner, Magner, Gross, Berkheiser, Long, Sovel, Law

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 8:08 p.m.

Returned from Closed Session: 9:00 p.m.

MOTION by Gross, supported by Sovel, to adjourn from Closed Session and approve the Closed Session minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Magner, to direct the Township Supervisor to work with Township Attorney for the purchase of property as discussed in Closed Session.

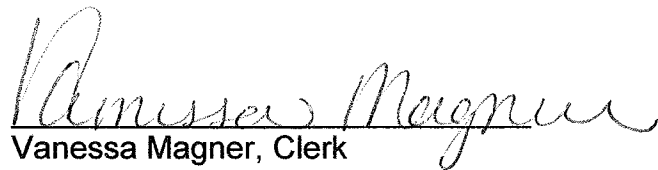
MOTION CARRIED UNANIMOUSLY

ITEM 16:4-8 ADJOURNMENT

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

MOTION by Magner, supported by Gross, to approve Closed Session minutes and adjourn at 9:02 p.m.

MOTION CARRIED UNANIMOUSLY

A handwritten signature in cursive script, appearing to read "Vanessa Magner".

Vanessa Magner, Clerk
Charter Township of Commerce

**CHARTER TOWNSHIP OF COMMERCE
QUARTERLY DISCUSSION AND JOINT MEETING OF
TOWNSHIP BOARD OF TRUSTEES
LIBRARY ADVISORY BOARD
2009 Township Drive
Commerce Township, MI 48390
Tuesday, April 22, 2014, 7:00 p.m.**

CALL TO ORDER: Supervisor Zoner called the Township Board of Trustee meeting to order at 7:00 p.m.

ROLL CALL:

Present: **TOWNSHIP BOARD**
Thomas K. Zoner, Supervisor
Vanessa Magner, Clerk
Susan Gross, Treasurer
Robert J. Long, Trustee
Bob Berkheiser, Trustee
Rick Sovel, Trustee
David Law, Trustee

Absent: None

CALL TO ORDER: Vice Chairperson Pernick called the Library Advisory Board meeting to order at 7:00 p.m.

Present: **LIBRARY ADVISORY BOARD**
Connie Jo Ozinga, Library Director
Jason Pernick, Vice Chairperson
Barry Hiscox, Member
Betsy LaFond, Member
Shane Lakner, Member
Judy Sternberg, Member

Absent: Barbara Garbutt, Chairperson

Item 1: Discussion with Library Advisory Board

The Library Advisory Board and Township Board of Trustees would like to move forward toward building a new Library.

The Board of Trustees asked Library Director Connie Jo Ozinga to supply a list of local libraries for the board members to tour for some ideas on size, layout, etc.

Treasurer Gross would be interested in looking at the north side of Dodge Park as a possible location for the future library.

Trustee Sovel wants to hear input on the future library from the Township Board members, Library Director, Library Advisory Board, Library Staff, and the public at large.

All Township Board members agreed to move forward and look at the North Dodge Park No. 5

Item 2: Strategic Planning - Township

Supervisor Zoner explained he would like all board members to start thinking about a long term strategic plan for the Township. No action is needed at this time.

Item 3: Byers Farm House

A proposal has been submitted for a review of the Byers Farm House and present the assessment report with preliminary possible costs to repair existing conditions at a price estimated at \$7,500.

The Township Board would like to speak with Bob Donahue from Oakland County for his ideas on restoring the farm house before making any further decisions.

Item 4: Richardson Senior Center Improvements

The Township Board went through the 5 options Chuck Kummer has provided as suggestions for improvements to the Richardson Senior Center.

The discussion included the idea of moving the Richardson Senior Center next to the future library at Dodge Park.

No action taken.

Item 5: Resolution Approving Extensions of Letter of Credit

Susan Gross gave an overview on the Letter of Credit process.

MOTION by Gross, second by Magner, to approve the resolution approving extensions of letters of credit securing 2008 taxable adjustable rate Downtown Development refunding bonds and retention of alternate credit facility solicitation representative.

ROLL CALL VOTE

AYES: Gross, Magner, Sovel, Berkheiser, Law, Zoner, Long

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

Item 6: Other Matters

Berkheiser asked if dates were scheduled yet for the Hazard Waste and we have received the recycling stickers yet.

Magner explained she has a call into Scott regarding these issues.

Magner informed the board that Oakley Park Elementary will not be available as a precinct for this August election due to school construction. At this time the precinct may be moved to Walled Lake Central High School but will be sending out a notice to each registered voter in that precinct.

Item 7: Closed Session – Union Negotiations

MOTION by Zoner, second by Gross, to enter into closed session for the purpose of union negotiations.

ROLL CALL VOTE

AYES: Sovel, Gross, Berkheiser, Law, Zoner, Long, Magner

NAYS: None

ABSENT: None

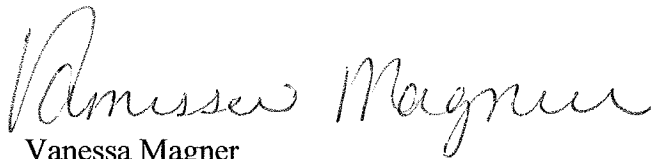
MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 8:35 pm

Returned from Closed Session at 9:04

MOTION by Sovel, second by Magner, to approve and authorize appropriate signatures for the Collective Bargaining Agreement between the Professional Fire Fighters Union Local 2154 I.A.F.F., and the Charter Township of Commerce, dated January 1, 2014 thru December 31, 2016 and the Letter of Agreement.

MOTION CARRIED UNANIMOUSLY



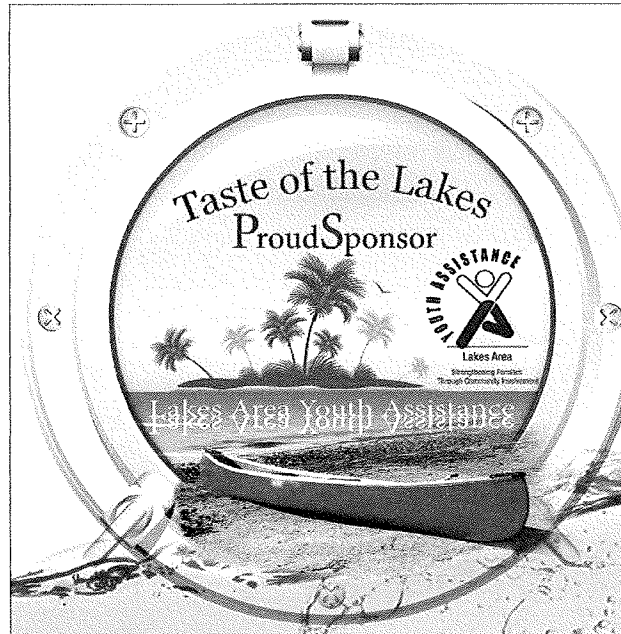
Vanessa Magner

Clerk, Charter Township of Commerce

Lakes Area Youth Assistance

Presents

Tickets
\$25 in Advance
\$30 at the door



Raffle
Silent
Auction

Thursday, September 18th, 2014

5:00 pm – 8:00 pm

Edgewood Country Club

8399 Commerce Rd. Commerce, MI 48382

Tickets may be purchased after August 1, 2014 at:

LAYA Office : 248-956-5070

Commerce Twp. Office: 248-624-0110

Village of Wolverine Lake 248-624-1710

CHARTER TOWNSHIP OF COMMERCE

OAKLAND COUNTY, MICHIGAN

**RESOLUTION APPROVING EXTENSIONS OF LETTERS OF CREDIT SECURING
2008 TAXABLE ADJUSTABLE RATE DOWNTOWN DEVELOPMENT REFUNDING
BONDS AND RETENTION OF ALTERNATE CREDIT FACILITY
SOLICITATION REPRESENTATIVE**

At a special meeting of the Board of Trustees of the Charter Township of Commerce (the "Township"), County of Oakland, State of Michigan, held in the Township Hall on Tuesday, April 22, 2014, at 7:00 p.m., Michigan time, there were

Present: Zoner, Magner, Gross, Long, Sovel, Berkheiser, Law

Absent: None

The following preamble and resolution were offered by Gross and seconded by Magner:

WHEREAS, the Township issued its 2008 Taxable Adjustable Rate Downtown Development Refunding Bonds (Limited Tax General Obligation) in the principal amount of \$35,295,000 (the "Bonds") to refund the Township's 2004 Taxable Adjustable Rate Downtown Development Bonds (Limited Tax General Obligation), which were issued to assist the Commerce Township Downtown Development Authority (the "Authority") in financing improvements within the Authority's Development Area No. 1 pursuant to a development plan and tax increment financing plan approved by the Authority under Act 197, Public Acts of Michigan, 1975, as amended, and pursuant to the Trust Indenture dated as of July 1, 2008 (the "Indenture"), between the Township and U.S. Bank National Association, as Trustee;

WHEREAS, the Bonds are primarily payable from and secured by the Authority's tax increment revenues derived from Township, Oakland County and Oakland County Community College taxes levied on properties in Development Area No. 1, and are further secured by the limited tax general obligation pledge of the Township;

WHEREAS, RBS Citizens, National Association (the "Bank"), of which Charter One Bank is a division, issued an irrevocable direct pay letter of credit securing the payment of the principal of the Bonds and up to 45 days' interest on the Bonds (the "Bank Letter of Credit");

WHEREAS, the Federal Home Loan Bank of Boston ("FHLBB") issued a confirming letter of credit (the "FHLBB Confirming Letter of Credit") securing the Bonds in the same amounts as those secured by the Bank Letter of Credit;

WHEREAS, both the Bank Letter of Credit and the FHLBB Confirming Letter of Credit (collectively, the "Letters of Credit") are scheduled to expire on July 2, 2014, and the Bank has advised the Township and the Authority that the Letters of Credit will not be extended on a long-term basis, but that upon the Township's request the Letters of Credit may be extended for a period of three months, expiring on or about October 2, 2014 (the "Letter of Credit Extensions"), with the same fees, terms and conditions as currently apply to the Letters of Credit, in order to

provide the Township and the Authority with adequate time to secure an Alternate Credit Facility (as defined in the Indenture);

WHEREAS, the Township Board has determined that it is in the best interests of the Township and the Authority to obtain the Letter of Credit Extensions as described above, and to retain Stern Brothers & Co., which currently serves as the Remarketing Agent with respect to the Bonds, as the Township's representative (the "Solicitation Representative") in soliciting Alternate Credit Facility proposals from eligible financial institutions, evaluating such proposals, negotiating the terms of such proposals, and recommending the proposal most advantageous to the Township and the Authority, subject to the final approvals of the Township and the Authority with respect to such recommendation;

WHEREAS, the Letter of Credit Extensions may require that the Township enter into amendments to existing agreements with the Bank and the FHLBB and execute other agreements, instruments and certificates as may be necessary to obtain the Letter of Credit Extensions; and

WHEREAS, the Authority has approved the Letter of Credit Extensions and requested that the Township Board take all necessary and appropriate actions to secure the Letter of Credit Extensions prior to the expiration date of the Letters of Credit.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Letter of Credit Extensions. The Authority hereby approves the Letter of Credit Extensions.
2. Engagement of Alternate Credit Facility Solicitation Representative. The Township further approves the engagement of Stern Brothers & Co. as the Township's representative to solicit Alternate Credit Facility proposals and related services as described above, and approves all prior actions taken by the Township Treasurer and other Township and Authority officers in connection with such engagement, with the Solicitation Representative's fee in the amount of \$8,500 (plus any extraordinary out-of-pocket expenses) to be paid by the Authority upon the successful completion of the process of securing an Alternate Credit Facility.
3. Execution and Delivery of Required Documents. The Supervisor, Clerk and Treasurer (each an "Authorized Officer"), or any one of them, are authorized and directed on behalf of the Township to execute and deliver such agreements and to execute such instruments, certificates, documents and other papers, and to take such actions as may be necessary and appropriate, in connection with the matters set forth in the foregoing Resolution or as otherwise may be required to implement the terms and intent of this Resolution.
4. Conflicting Resolutions. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES: Gross, Magner, Zoner, Long, Sovel, Berkheiser, Law

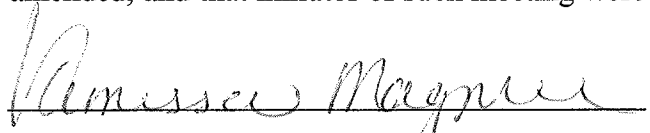
NO: None

ABSTAIN: None

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Township at a special meeting held on April 22, 2014, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

A handwritten signature in cursive script, appearing to read "Vanessa Magner", written over a horizontal line.

Vanessa Magner, Township Clerk

Dated: April 22, 2014