

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

Tuesday, March 9, 2010

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Thomas Zoner 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
Sandra Abrams, Clerk
Susan Gross, Treasurer
Debra Kirkwood, Trustee
Robert Long, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

Also Present: Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Jay James, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Abrams, supported by Munro, to approve the Regular Township Board Meeting minutes of February 9, 2010 with a correction to Item 3 Capital Improvement Bonds as follows: Tom Traciak, ACI Finance and the Special Joint Meeting of February 23, 2010, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Wastewater Treatment Plant Update – Giffels – Webster and Spence Brothers

John Solowczuk of Giffels-Webster Engineers and Bob Jessie of Spence Brothers were present to provide the Board with an update as to the schedule, budget and overall progress of the WWTP expansion.

Out of order:

ITEM 5:3-9 CONTRACT AWARDS AND AGREEMENT

A. Fourth Amendment to Contract for Construction Management Services

Phillip Adkison, Township Attorney and Bob Jessie of Spence Brothers explained the contract.

MOTION by Abrams, supported by Sovel, to approve the Acceptance of Bid and Masonry Subcontract and authorize appropriate signatures.

MOTION CARRIED UNANIMOUSLY

PETITIONS:

A. Sherwood Acres Paving Special Assessment District

Jay James, Giffels-Webster Engineers gave an overview of the Special Assessment District.

MOTION by Abrams, supported by Munro, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Sherwood Acres Paving SAD. Resolution Attached.

MOTION CARRIED UNANIMOUSLY

ITEM 1:3-9 APPROVAL OF AGENDA

MOTION by Abrams, supported by Gross, to approve the Agenda with the following changes: Move Item 13 to Item 2A.

Discussion – Long recommends moving Item 12A to Item 2B.

AMENDMENT TO THE MOTION by Abrams, supported by Gross to move Item 12A to Item 2B.

AMENDMENT AND MOTION CARRIED UNANIMOUSLY

ITEM 2:3-9 PUBLIC COMMENTS

No one present had any comments.

**A. ITEM 13:3-9 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET
(Tabled 2-9-10)**

MOTION by Munro, supported by Sovel, to remove Downtown Development Authority Budget from the Table. **MOTION CARRIED UNANIMOUSLY**

Sandra Motz gave an overview of the DDA budget.

MOTION by Munro, supported by Gross, to approve the Downtown Development Authority Budget for Calendar Year 2010, as presented and attached,

ROLL CALL VOTE

AYES: Munro, Gross, Abrams, Kirkwood, Zoner

NAYS: Long, Sovel

MOTION CARRIED

B. ITEM 12:3-9 NEW BUSINESS: Environmental Insurance Report
Ken Hale of Hale, Stein, Murphy & Hale, was present and gave a summary of the Environmental Insurance Report.

MOTION by Munro, supported by Sovel, to accept the recommendation of Ken Hale to acquire a three-year insurance policy, not to exceed \$15,000.00 annually, \$10,000,000/\$10,000,000 for each incident and a \$100,000,000 deductible including 5% additional premium for International Terrorism Coverage and authorize the appropriate signatures. Funds to come from the Sewer Enterprise Fund and amend the budget accordingly.

ROLL CALL VOTE

AYES: Munro, Sovel, Gross, Long, Zoner, Abrams

NAYS: Kirkwood

MOTION CARRIED

ITEM 3:3-9 PUBLIC HEARINGS

**A. Williams International – Industrial Facilities Exemption Certificate
(Tabled 1-12-10 and 2-9-10)**

This will remain on the Table.

ITEM 4:3-9 BOARD APPOINTMENTS

None

ITEM 6:3-9 INTRODUCTIONS

None

ITEM 7:3-9 ADOPTIONS

None

ITEM 8:3-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:3-9 CONSENT AGENDA

None

ITEM 10:3-9 PURCHASES

None

ITEM 11:3-9 OLD BUSINESS

None

ITEM 12:3-9 NEW BUSINESS

B. Detroit Gun Club Proposed Consent Judgment

MOTION by Munro, supported by Abrams, to approve the Detroit Gun Club Consent Judgment. Consent Judgment attached.

MOTION CARRIED UNANIMOUSLY

MOTION by Kirkwood, supported by Sovel, to authorize the Downtown Development Authority to pay expenses relative to the Detroit Gun Club Consent Judgment.

MOTION CARRIED UNANIMOUSLY

C. Pinewood Industrial Building Proposed Consent Judgment

This will be discussed in Closed Session.

D. Glenlore Proposed Consent Judgment

This will be discussed in Closed Session.

E. Wolverine Lake Village and Commerce Township Agreement

MOTION by Munro, supported by Kirkwood, to approve the Wolverine Lake Village and Commerce Township Agreement. Agreement attached.

MOTION CARRIED UNANIMOUSLY

Tuesday, March 9, 2010

MOTION by Munro, supported by Gross, to approve the Consent Judgment for Glenlore as proposed in Closed Session.

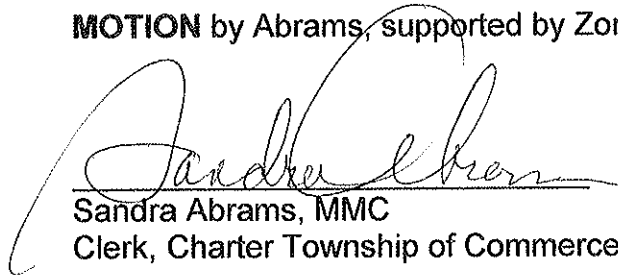
MOTION CARRIED UNANIMOUSLY

ITEM 17:3-9 ADJOURNMENT

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

MOTION by Abrams, supported by Zoner, to adjourn at 10:30 p.m.

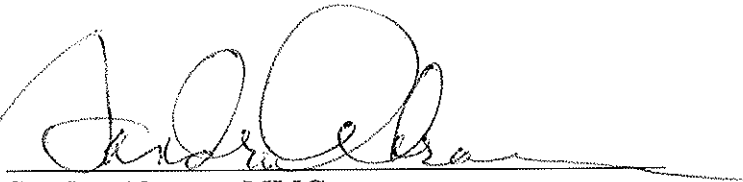
MOTION CARRIED UNANIMOUSLY



Sandra Abrams, MMC
Clerk, Charter Township of Commerce

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, the undersigned, duly qualified and acting Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify that this is a true and correct copy of the Minutes of the Regular Meeting of the Township Board held on Tuesday, March 9, 2010 at 7:00 p.m. at the Township Hall located at 2009 Township Drive, Commerce Township, Michigan, 48390. In witness whereof, I have affixed my official signature this 12th day of March, 2010.

A handwritten signature in black ink, appearing to read 'Sandra Abrams', written over a horizontal line.

Sandra Abrams, MMC
Clerk, Charter Township of Commerce

**Commerce Township
Downtown Development Authority**

**Proposed Budget for
Calendar Year 2010**

Updated February 23, 2010

Draft Proposal 2

Commerce Township Downtown Development Authority

Calendar Year 2010 Budget

Revenues	2008 Actual	2009 Budget	YTD thru Dec 2009	2010 Budget	Note
Captured Taxes	2,055,952	2,300,000	2,335,033	2,182,000	1
Interest Income	355,826	180,000	153,387	80,000	2
Bond and land contract financing	30,692,453				
Building Rentals	21,655	24,000	13,000	18,000	3
Other Income			48,568		
Tri-Party Road Grant					4
TEDF Grant					4
Twp reimbursement for main construction				1,113,713	5
Sale of Property	11,988	0	0	0	
Total Revenues	33,137,874	2,504,000	2,549,988	3,393,713	
Beginning Fund Balance (est)	9,641,214	18,619,668	18,619,668	10,708,115	17
Total Available to Appropriate	42,779,088	21,123,668	21,169,656	14,101,828	
Expenditures					
Director's Compensation	60,035	95,000	95,100	60,000	6
Administrative compensation/Asst Director	38,349	104,000	39,368	2,838	6
Other office expenses	26,760	12,000	2,410	0	7
Public Relations & communications	60,934	45,000	56,260	32,000	8
Legal	529,526	375,000	441,495	100,000	9
Accounting	20,210	30,000	29,955	24,000	10
Other Consultants	110,013	115,000	68,156	48,000	11
Township Admin charges	72,000	90,000	90,000	100,000	12
Property maintenance and utilities	28,764	2,500	4,581	15,100	13
Insurance	9,962	5,200	3,683	5,200	
Pinewood Industrial Park Assn dues		0	0	1,250	
Property marketing & promotion		0	0	7,500	14
Miscellaneous	7,674	20,000	31,122	0	
Development Projects					
Landscape enhancement	6,600	45,000	12,741	0	
Township entry signs		43,000		0	
Vantage point 3d imaging	375	125,000		0	
Capital outlay - Town Hall	887,000	800,000	443,917		
Welch Rd. house carpeting		0	0		
Property:purchases; appraisals; related legal	59,473	0	0	0	
Road Projects (design, engineering, construction)	9,627,195	6,800,000	5,752,076	2,280,000	15
Debt Service					
Transfers Out			22,081		
Interest	4,584,328	2,921,981	2,343,597	3,600,000	16
Principal	8,030,222	1,025,000	1,025,000	1,030,000	16
Total Expenditures	24,159,420	12,653,681	10,461,541	7,305,888	
Ending Fund Balance	18,619,668	8,469,987	10,708,115	6,795,940	

Commerce Township Downtown Development Authority

Explanation of Budget Amounts

1. Captured taxes

The 2010 tax capture is based on the estimated Winter 2009 and Summer 2010 captured taxes of the District. The winter 2009 captured value is based on \$266 million for property within the DDA district, of which \$218 million is subject to capture, at a millage rate of 5.0867 mills (Township, HCMA, county parks and zoo mills). The summer 2010 capture is based on \$245 million of estimated taxable value in the district (an 8% estimated decline from 2009), of which \$197 million would be subject to capture at a millage rate of 5.7744 (the County and community college mills). In addition, we assumed a 3% delinquency rate, after consideration of the county's purchase of the real property tax delinquencies.

2. Interest income

Interest income in 2010 is assumed to be earned at a rate of 1% of the beginning cash and investment balances.

3. Building rentals

The Authority is receiving rents from two building leases.

4. Road Grants

The Authority expects to receive \$600,000 Tri-party grant funding from RCOC to assist with the Martin parkway project. In addition, the Authority anticipates receiving a \$700,000 TEDF grant through the State. While the outlook for both these grants appears positive, the Authority has chosen not to budget the revenue at this time, until they receive formal notice of award of the grants.

5. Main reimbursement

The Township Board has agreed to reimburse the DDA for construction of a sewer main, up to \$1,141,000. Giffels Webster has calculated the actual costs to be \$1,113,713 and the Authority has assumed this reimbursement will occur in early 2010.

6. Compensation

The 2010 budget includes a 37% decrease in the Director's compensation to \$60,000. Compensation may be re-evaluated at a later date. In addition, it includes elimination of the Administrative assistant and Clerk assistant compensation except for the compensation paid and approved with the January warrants. However, \$20,000 has been added to Administrative services budget line item paid to the Township for these functions.

Commerce Township Downtown Development Authority

Explanation of Budget Amounts

7. Other office expenses

This line item has been reduced to 0. These expenses will be assumed by Commerce Township.

8. Public relations and communications

The Public Relations Committee feels it is critical to have open communications with the citizens of Commerce Township and has submitted a budget to communicate activities within the Township. This can be amended at a later date if additional services are necessary. All communications released as a public document will be reviewed by Commerce DDA as well as Commerce Township before release.

9. Legal

The Authority has incurred significant legal costs related to the Martin Parkway project. The budget has been reduced as the majority of the project has been completed. The legal firm used by the DDA has also reduced the hourly rates for the DDA. The Finance Committee has an understanding with Kemp Klein that if the billable time exceeds \$8,000 in a month, the Finance Committee will be notified and will provide direction on how to proceed depending on the matter at hand. This budget may need to be amended as projects are added or as matters come up.

10. Accounting

Accounting fees were up in 2009 due to additional work performing a financial forecast. For 2010, it is anticipated that the level of work will return to a more typical level.

11. Other consultants

This line item has been reduced from the originally anticipated amount, to \$48,000. The breakdown is as follows: Rick Wiener at \$2,000 per month for a total of \$24,000; assuming we would pursue 2 additional grants using consultant Brian Blaesing (\$100/hr) and that each grant needs 120 hours of consulting work, the Authority has included \$24,000 for these activities and would only be used at such time there is a grant application .

12. Township administrative charges

The Township charges the DDA for administrative services such as accounting, office space and other needs. For 2010 the Township will provide clerical services to the DDA as well as secretarial services to the DDA Director as needed. The administrative fee has been increased to \$100,000 for all these services. See attached line item budget from Commerce Township.

Commerce Township Downtown Development Authority

Explanation of Budget Amounts

13. Property Maintenance and Utilities

This line item represents maintenance and utilities for DDA owned properties.

14. Property marketing and promotion

The budget assumes that the Authority will incur expenses in 2010 related to marketing its various land holdings to potential developers. Such expenses include but are not limited to Automation Alley membership, ICSC membership and convention, and other potential marketing events.

15. Road projects (design, engineering and construction and property acquisition):

The 2010 Budget includes earned construction retainage, open construction contracts, ROW Acquisition, DTE relocate, engineering to get the PT/M-5 roundabout shovel ready, and wetland monitoring. This budget will need to be amended by an estimated \$4.3 million less any grant funding received when contracts are ready to be awarded for completion of the roundabout. The Road Commission will be contributing in excess of \$600,000 for construction engineering costs which is in addition to the estimated \$4.3 million for the roundabout.

16. Debt service principal and interest

The budget includes the scheduled principal payments on the various debt obligations of \$1,030,000. In addition, it assumes that the variable rate debt is likely to incur higher interest charges as the national economy returns and short term interest rates begin to rise somewhat.

17. Beginning Fund Balance

The Beginning Fund Balance for 2010 Budget is the estimated year end fund balance for 2009.

RESOLUTION

At a Regular meeting of the Township Board
(Regular ~~or Special~~) (Township Board, ~~City or Village Council~~)

called to order by Thomas K. Zoner on March 9, 2010 at 7:00 P.M.

The following resolution was offered:

Moved by Abrams and supported by Munro

That the request to TRANSFER OWNERSHIP 2009 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 8635 COOLEY LAKE, COMMERCE TOWNSHIP, MI 48382, COMMERCE TOWNSHIP, OAKLAND COUNTY, FROM NEW OPPORTUNITIES OF MICHIGAN, INC. TO JARJOSA OPERATING, LLC

be considered for Approval
(Approval ~~or Disapproval~~)

APPROVAL	DISAPPROVAL
Yeas: <u>7</u>	Yeas: <u>0</u>
Nays: <u>0</u>	Nays: <u>0</u>
Absent: <u>0</u>	Absent: <u>0</u>

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended ~~or Not Recommended~~)

State of Michigan _____)

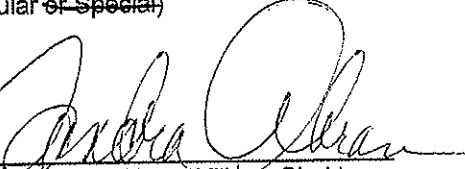
County of Oakland _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Township Board at a Regular
(Township Board, ~~City or Village Council~~) (Regular ~~or Special~~)

meeting held on March 9, 2010
(Date)

SEAL

(Signed) 
 (Township, ~~City or Village~~ Clerk)
 2009 Township Drive
 Commerce Twp., MI 48390
 (Mailing address of Township, ~~City or Village~~)

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE,
TENTATIVELY DECLARING ITS INTENTION
TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT
TO BE KNOWN AS
SHERWOOD ACRES PAVING SAD**

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 9th day of March, 2010, in the Township Hall at 7:00 p.m.

PRESENT: Thomas Zoner, Sandra Abrams, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

ABSENT: None

The following preamble and resolution were offered by Sandra Abrams and supported by Daniel Munro.

WHEREAS, the Charter Township of Commerce, Oakland County, Michigan, has received a petition requesting the establishment of a special assessment district to finance the payment of expenses, fees and charges related to repaving the following streets:

Car Drive;
Luanne Lane; and
Lynne Lane;

which paving will include the removal and replacement of approximately four (4") inches of asphalt road surface and, for those driveways without curb and gutter, the replacing of driveway approaches for approximately five (5') feet, if necessary, to provide a gradual transition to the new pavement, and;

WHEREAS, the petition inadvertently included a parcel of land indentified as 1707426009 (3310 Luanne Drive, Lot #21 of Sherwood Acres Subdivision) (hereinafter "Excluded Parcel") which is included in another paving special assessment district, and;

WHEREAS, the Charter Township of Commerce has caused to be prepared plans showing the improvement, the location thereof and an estimate of the cost thereof, exclusive of the Excluded Parcel, and;

WHEREAS, the Charter Township of Commerce is in receipt of such plans and estimates of costs, exclusive of the Excluded Parcel, the same having been filed with the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance the payment of expenses, fees and charges related to repaving the following streets:

Car Drive;
Luanne Lane; and
Lynne Lane;

which paving will include the removal and replacement of approximately four (4") inches of asphalt road surface and, for those driveways without curb and gutter, the replacing of driveway approaches for approximately five (5') feet, if necessary, to provide a gradual transition to the new pavement. The Township Board intends that these improvements will service that portion of the Township described in attached Exhibit A. The Township Board tentatively designates the Special Assessment District against which the cost of the improvement is to be assessed as being that portion of the Charter Township of Commerce described in "Exhibit A" attached hereto and made a part hereof.

2. The Township Board of the Charter Township of Commerce, Oakland County, Michigan, will meet on the 13th day of April, 2010, at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments regarding the project, the petitions filed, and the creation of a Special Assessment District to pay costs associated with this improvement project.
3. The Township Board of the Charter Township of Commerce tentatively designates this proposed Special Assessment District as: ***Sherwood Acres Paving Special Assessment District.***
4. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at 2009 Township Drive, Commerce Township, Michigan, 48390. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

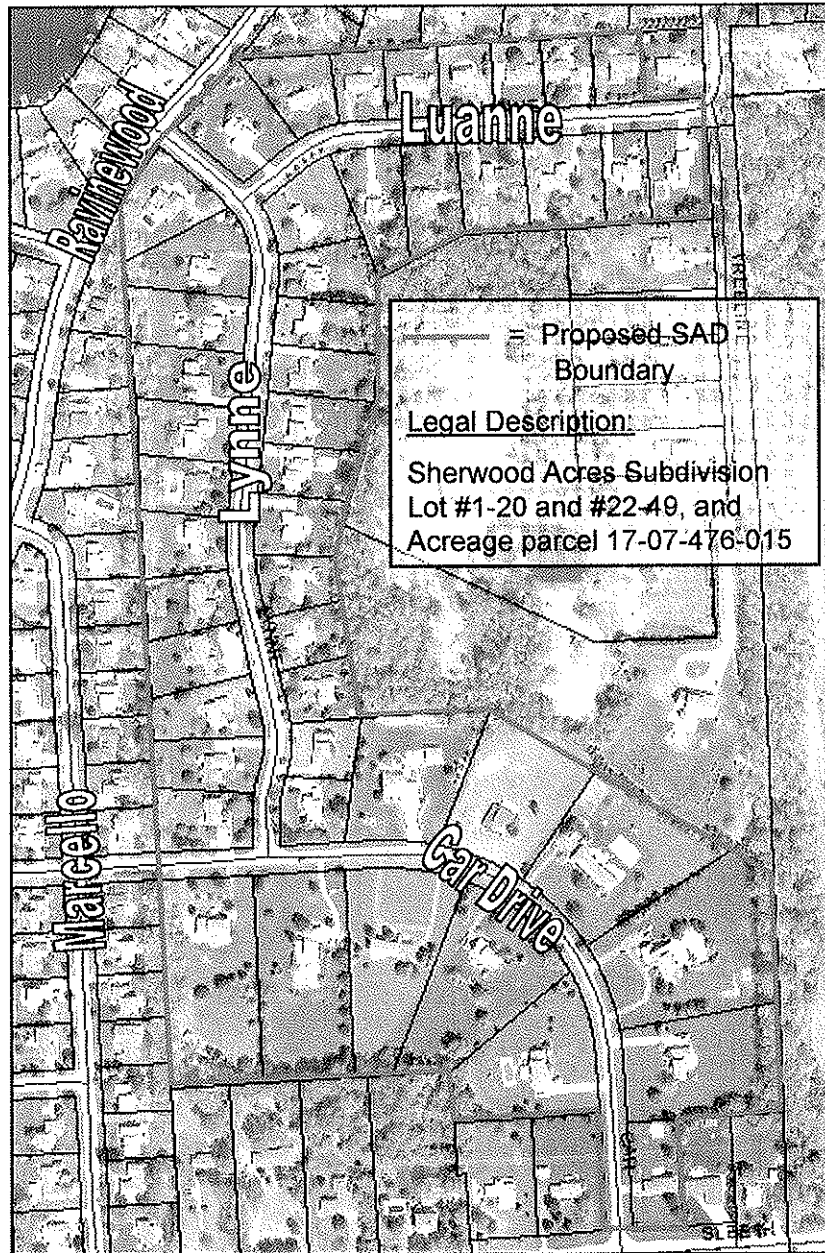
AYES: Thomas Zoner, Sandra Abrams, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

EXHIBIT A

Parcel Identification Numbers:

1707426001	1707427006	1707477001	1707476014
1707427001	1707428013	1707477002	1707426004
1707428001	1707427007	1707476010	1707428003
1707427002	1707428014	1707477003	1707426005
1707428008	1707427008	1707476011	1707476015
1707428009	1707427009	1707477004	1707428004
1707427003	1707428015	1707476012	1707426006
1707428010	1707428016	1707426002	1707428005
1707427004	1707427010	1707476013	1707426007
1707428011	1707476008	1707477005	1707426008
1707427005	1707427011	1707428002	1707428006
1707428012	1707427012	1707426003	1707428007

Proposed Sherwood Acres Subdivision Paving SAD



RESOLUTION

WHEREAS, the Commerce Township Board of Trustees, acting as the duly elected representatives of the citizens of the Township, does hereby support the submission of the grant application for Michigan Department of Natural Resources and Environment Trust Fund Grant monies for the acquisition of 5.4 miles of railway right of way in Commerce Township and the Cities of Walled Lake and Wixom known as the Michigan Airline Railway;

WHEREAS, the Commerce Township Board of Trustees has supported the Township's inclusion in the Commerce, Walled Lake, Wixom Trailway Management Council as evidenced by their willingness to provide necessary funds to support the Council's pursuit of grant monies in order to acquire the right of way for the purpose of a Trailway traversing all three communities; and

WHEREAS, this acquisition will contribute significantly to meeting the goals of the Southeast Michigan Greenways Plan, Oakland County Trails Master Plan goals and "Connecting Michigan" the Michigan Trails and Greenways Alliance statewide trailways vision and action plan;

NOW, THEREFORE, BE IT RESOLVED, that the Commerce Township Board of Trustees does hereby enthusiastically support the submittal of the application for the Acquisition of the railway.

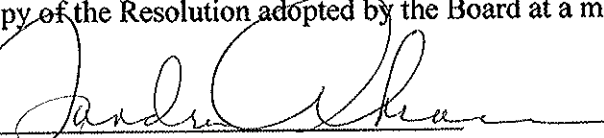
AYES: Zoner, Abrams, Gross, Long, Sovel, Kirkwood, Munro

NAYES: None

ABSENT: None

DATED: At the regular meeting of the Commerce Township Board of Trustees held on March 9, 2010.

I, the undersigned, the duly qualified and acting Clerk of the Commerce Township Board of Trustees, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Board at a meeting held on the 9th day of March, 2010.


Sandra Abrams, MMC
Clerk, Commerce Township Board of Trustees