

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

May 14, 2024

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Gray called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Larry Gray, 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
David Campbell, Planning Director
Jim Dundas, Fire Chief
Jay James, Building Official
Jason Mayer, Giffels Webster Engineers

APPROVAL OF MINUTES

MOTION by Magner, supported by Creech, to approve the April 9, 2024 Regular Township Board Meeting minutes and the April 30, 2024 Quarterly Township Board Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

ITEM 1:5-14 APPROVAL OF AGENDA

MOTION by Magner, supported by Sovel, to approve the May 14, 2024 agenda, as presented. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:5-14 PUBLIC COMMENTS

Supervisor Gray opened Public Comments and advised the public that speaking time is limited to 3 minutes. This is for public comments only.

Jordan Teichen, Continental Properties, W134N8675 Executive Parkway, Menomonee Falls, Wisconsin, they are proposing a 284-unit multifamily apartment community at 5 & Main. They are here for discussion on the SAD's and wanted to thank staff and the Board for their consideration and all the work that has been going on behind the scenes. Update: Continental appeared before an investment committee yesterday and received

ITEM 2:5-14 PUBLIC COMMENTS (continued)

a conditional approval to proceed with closing for mid-June 2024, pending results of the SAD's.

Supervisor Gray closed Public Comments.

ITEM 3:5-14 ADOPTIONS

- A. An Ordinance to Amend Article 33, Section 33.01, of Zoning Ordinance 3.000 to be Known as Zoning Amendment Ordinance No. 3.065 – To Require a Minimum of Ten Feet of Separation Between Detached Structures on Residential Property**

MOTION by Sovel, supported by Phillips, to Adopt an Ordinance to Amend Article 33, Section 33.01, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.065, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 4:5-14 OLD BUSINESS

- A. WRC Budget – Tabled 4-9-2024**

This will remain on the Table.

ITEM 5:5-14 NEW BUSINESS

- A. Kickstand Brewery – Special Liquor License for Oktoberfest**

MOTION by Creech, supported by Phillips, to approve the Charter Township of Commerce Application for Alcoholic Liquors Special Permit for an Oktoberfest event to be held on 9-14-2024 from 12:00 pm – 11:00 pm for Kickstand Brewery located at 3050 Union Lake Road, Commerce Township, Michigan.

Discussion:

Trustee Berkheiser – have there been any issues in the past and do they plan on having security at the establishment? Clerk Creech said there have never been any issues with Kickstand Brewery.

MOTION CARRIED UNANIMOUSLY

- B. Resolution Authorizing West Nile Virus Fund Reimbursement**

MOTION by Berkheiser, supported by Magner, to approve the Resolution Authorizing West Nile Virus Fund Expense Reimbursement Request.

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

NAYS:

ABSENT:

MOTION CARRIED UNANIMOUSLY

ITEM 6:5-14 5 & MAIN SPECIAL ASSESSMENT DISTRICTS

A. Intention Resolution – 5 & Main Water Main Infrastructure SAD

MOTION by Berkheiser, supported by Magner, 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 5 & Main Water Main Infrastructure Special Assessment District.

MOTION CARRIED UNANIMOUSLY

B. Intention Resolution – 5 & Main Sanitary Sewer Infrastructure SAD

MOTION by Berkheiser, supported by Creech, 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 5 & Main Sanitary Sewer Infrastructure Special Assessment District.

MOTION CARRIED UNANIMOUSLY

C. Intention Resolution – 5 & Main Sanitary Sewer and Water Main Capital Charges SAD

MOTION by Berkheiser, supported by Phillips, 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 5 & Main Sanitary Sewer and Water Main Capital Charges SAD.

MOTION CARRIED UNANIMOUSLY

D. Public Hearing for Establishment Resolution - 5 & Main Water Main Infrastructure SAD

Supervisor Gray opened Public Comments.
There were no public comments.
Supervisor Gray closed Public Comments.

E. Public Hearing for Establishment Resolution - 5 & Main Sanitary Sewer Infrastructure SAD

Supervisor Gray opened Public Comments.
There were no public comments.
Supervisor Gray closed Public Comments.

F. Public Hearing for Establishment Resolution - 5 & Main Sanitary Sewer and Water Main Capital Charges SAD

Supervisor Gray opened Public Comments.
There were no public comments.
Supervisor Gray closed Public Comments.

ITEM 6:5-14 5 & MAIN SPECIAL ASSESSMENT DISTRICTS (continued)

G. Establishment Resolution - 5 & Main Water Main Infrastructure SAD

Hans Rentrop, Township Attorney, said the Board can make any changes to the Establishment Resolutions, if needed. Each seeks the project costs, or a portion thereof, inclusive of all administrative fees. They do not specify a term of years, but Continental has requested the SAD's have 15-year terms. You may wish to consider adjusting the administrative fees. Tentatively, we agreed with Continental that the Capital Charges SAD would not have an administrative fee associated with it, as such, the enclosed capital charges resolution does not contemplate administrative fees. However, we also believe that administrative fees for the Water Main and Sewer Main SAD should be fixed and not a percentage of the SAD. You may wish to add a fee of \$6,000 to the total water project cost of \$435,384.48 to cover the administrative costs for a total of \$441,385 instead of leveling the full \$457,153.70 referenced in the Water Main Petition. Similarly, you may wish to add a fee of \$6,000 to the total sewer project cost of \$817,739.81 to cover the administrative costs for a total of \$823,740 instead of leveling the full \$858,625.70 referenced in the Sewer Main Petition.

Trustee Weber asked Treasurer Phillips to give her thoughts on how the Township will be protected financially with the way this is structured.

Treasurer Phillips said, in her opinion, she has no problem with the structure of the SAD's because there is a lien on the property, a performance bond, the movement going forward, and the interest income that we will receive. She recommends a \$6,000 administrative fee for water and a \$6,000 administrative fee for sewer.

Trustee Sovel asked for a timeline for construction on the project.

Jordan Teichen, Continental Properties, said they plan to close and break ground in June 2024, earthwork, water, and sewer are planned to be completed by late fall 2024. Continental plans on the first payment in February 2025. We will start with construction of the clubhouse and that typically will take 11 months to complete following with residential buildings taking 3 weeks each to complete.

Erik Hahn, Continental Properties, Continental's schedule is due to the significant financial scope of the sewer; the sewer is very deep and needs to be installed first. They are posting a 7-million-dollar performance guarantee for the sewer in addition to all the permits that will come after the sewer is installed. Construction of the clubhouse will be extended from 11 months to 14 months. The residential buildings will follow. They are anticipating building 20 units a month.

MOTION by Berkheiser, supported by Weber, to Approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefore 5 & Main Water Main Infrastructure Special Assessment District.

ITEM 6:5-14 5 & MAIN SPECIAL ASSESSMENT DISTRICTS (Motion continued)

The administration fee shall be \$6,000. The term shall be 15 years. The total cost, including the \$6,000 administration fee, shall not exceed \$441,385.70.

MOTION CARRIED UNANIMOUSLY

H. Establishment Resolution - 5 & Main Sanitary Sewer Infrastructure SAD

MOTION by Berkheiser, supported by Phillips, to Approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefore 5 & Main Sanitary Sewer Infrastructure Special Assessment District.

The administration fee shall be \$6,000. The term shall be 15 years. The total cost, including the \$6,000 administration fee, shall not exceed \$823,740.70.

MOTION CARRIED UNANIMOUSLY

I. Establishment Resolution - 5 & Main Sanitary Sewer and Water Main Capital Charges SAD

MOTION by Berkheiser, supported by Phillips, to Approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefore 5 & Main Sanitary Sewer and Water Main Capital Charges Special Assessment District. The term shall be 15 years. The total amount shall not exceed \$253,000.

MOTION CARRIED UNANIMOUSLY

ITEM 7:5-14 ORDERS AND ADD ONS

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

MOTION CARRIED UNANIMOUSLY

ITEM 8:5-14 OTHER MATTERS

Trustee Weber –

- Why are we continuing to Table WRC Budget? Supervisor Gray said he met with Jason Mayer and Jay James to discuss what the Township Board would like WRC to present to the Board. WRC will attend the June 11, 2024 Township Board meeting and will present the 2023 actual and the 2025 budget.
- He asked Fire Chief Dundas for an update on ALS. Fire Chief Dundas said the first month of the ALS program, ambulance calls were doubled. They are off to a good start with the ALS program. With all the contractual changes made, the firefighters are working hard and their morale is very high.
- He asked Jason Mayer for an update on the Benstein water main contingency money. Jason said they have not requested anything yet. He believes the next payout application will be the last one.

ITEM 8:5-14 OTHER MATTERS (continued)

Trustee Berkheiser –

- Will there be a traffic study at the Chaldean Church? David Campbell, Planning Director, said they want to look at the intersections of Martin, Richardson, Union Lake, and Haggerty Roads. The church will not generate a lot of traffic during the weekdays, only on Sundays. He will make sure the traffic study takes into consideration the traffic count on Sundays.
- Revenue expenditure Report shows a “percent budget used” There are areas that are over budget and we are not even through half of the year. Are modifications needed?

Trustee Sovel –

- What are the additions going in at Costco? David Campbell said a new fuel center will go in and a series of additions added to the main building.
- He noticed the traffic lights at Richardson and Newton Roads are being replaced. What is the next step with the traffic lights in the Township? Supervisor Gray said all traffic lights will be updated by the end of 2025.

Supervisor Gray –

- We are moving forward with the process of 1.6 million dollars for the Commerce Wixom Community Connection (making Glengary, Loon Lake and Wixom Roads accessible).
- Oakland County is selling lockers for \$10 on Facebook.
- We were offered \$500 for a non-buildable lot on Reed Lake. This is for a small piece of land next to a pathway that goes down to Reed Lake and contiguous to the resident wanting to purchase it. The Township Board recommends moving forward with the counter-offer.
- Maintenance Director Mark Schoder received a quote for \$10,000 to repair bad check valves at the fire stations, Richardson Center, and the library. He will get additional quotes.
- He asked for a quote to remove a wall at the maintenance building (old sheriffs' station) to open the bay area.

ITEM 9:5-14 ADJOURNMENT

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

MOTION by Phillips, supported by Berkheiser, to adjourn at 8:01 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce