

BOARD MEMBERS PRESENT:

Gary Wall, Supervisor
Sue Camilleri, Clerk
Margaret Birch, Treasurer
Anthony Bartolotta, Trustee
Michael Healy, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee

OTHERS PRESENT:

Larry Spiece
Bud Leuerenz
Mary Craite
Daryl Reppuhn
Mel Barrow

Donna Wall
Mary Dunham
Rick McIntyre
Mark Herne, DVM
Paula Moore

Matt Jones
Andrea Schroeder
Dan McDonell

Supervisor Gary Wall called the meeting to order at 5:03 p.m. and asked for a moment of silence for the brave men and women who have served our Country and then lead the Pledge of Allegiance.

Roll call was taken and all Board Members were present.

1. APPROVE AGENDA

1.1 December 5, 2018, Agenda

Moved by Joliat,

Seconded by Birch, RESOLVED, to move item 4.1 Consider Introduction of Zoning Ordinance Text Amendment regarding public utility building definition and uses in C-4, Extensive Business District, to item 2.0.

Motion carried unanimously.

Moved by Bartolotta,

Seconded by Frasca, RESOLVED, to approve the June 28, 2018, agenda as amended.

Motion carried unanimously.

2. Consider Introduction of Zoning Ordinance Text Amendment Regarding Public Utility Building Definition and Uses in C-4, Extensive Business District.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2018-ZT-006

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend Waterford Township Zoning Ordinance No. 135-A ("Zoning Ordinance") to amend the Public Utility Building definition, and permit Public Utility Building principal and accessory uses in the C-4, Extensive Business District.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The definition of Public Utility Building under the definition of Public Utility in Section 1-007 of the Zoning Ordinance is amended to read as follows:

Public Utility Building: A building used for customer and administrative services related to the supply of a public utility, including office space for engineering and design services, space for repair crew operations and dispatch services, warehouse space for material and equipment storage, and space for other related uses as approved by the Planning Commission.

Section 2 of Ordinance

Section 3-706.3 of the Zoning Ordinance that lists permitted principal uses in the C-4, Extensive Business District is amended by amending subsection V to read as follows:

V. Public utility facilities, public utility building, and public utility hardware (See Public Utility Section 1-007).

Section 3 of Ordinance

Section 3-706.5 of the Zoning Ordinance that lists permitted uses after special approval in the C-4, Extensive Business District is amended by adding a new subsection J(5) to read as follows:

(5) Major vehicle repair facilities and outdoor storage of materials and equipment as accessory uses to a public utility building, provided that all outdoor storage areas are located in a rear yard, which may include yard area that may also be a side yard of a corner lot. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a higher intensity use zoning district under Division 3-8 as well as additional screening and barriers.

Section 4 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

Consider Introduction of Zoning Ordinance Text Amendment Regarding Public Utility Building Definition and Uses in C-4, Extensive Business District Continued.

CERTIFICATION

I certify that the foregoing Waterford Township Zoning Ordinance Text Amendment was adopted by a majority vote of the Charter Township of Waterford Board of Trustees at a meeting duly called and held on _____.

CHARTER TOWNSHIP OF WATERFORD

_____ BY: _____
Date SUE CAMILLERI, CLERK

Emily Palacios, Land Use and Zoning Counsel for DTE, addressed the Board.

Moved by Camilleri;
Seconded by Bartolotta, RESOLVED, to accept for introduction Zoning Ordinance Text Amendment regarding public utility building definition and uses in C-4, Extensive Business District and schedule it for adoption at the December 12, 2018, regular board meeting. A roll call vote was taken.

Ayes: Wall, Camilleri Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: None

Motion carried unanimously.

3. OLD BUSINESS

3.1 Public Hearing for Summit 327, LLC PA 210 Revised Commercial Rehabilitation Application.

Supervisor Wall opened the public hearing at 5:11 p.m.

Clerk Camilleri stated that the Board had approved this but the State of Michigan wanted to see a few changes on the application. The application was sent to Summit 327, LLC and they revised the application.

No one from the public addressed the Board.

Supervisor Wall closed the public hearing at 5:12 p.m.

3.2 Consider Approval of PA 210 Revised Commercial Rehabilitation Application

**CHARTER TOWNSHIP OF WATERFORD
OAKLAND COUNTY, MICHIGAN
RESOLUTION**

**RESOLUTION APPROVING COMMERCIAL REHABILITATION EXEMPTION
CERTIFICATE APPLICATION BY SUMMIT 327, LLC, UNDER PA 210 OF 2005, AS
AMENDED**

Minutes of a special meeting of the Board of Trustees of the Charter Township of Waterford held on December 5, 2018, at Township Hall, 5200 Civic Center Drive in Waterford, MI at 5:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____ and supported by _____.

Resolution Approving Revised Commercial Rehabilitation Exemption Certificate Application for Summit 327, LLC Located at 327 N. Telegraph, 201 N. Telegraph, 205 N. Telegraph, and 330 Summit Drive in Waterford Township

WHEREAS, under the Commercial Rehabilitation Act, State of Michigan Public Act No. 210 of 2005, as amended ("Act"), the Board of Trustees of the Charter Township of Waterford ("Township") legally established the "Summit Place Commercial Rehabilitation District" on June 13, 2013, after a public hearing held on June 13, 2013; and

WHEREAS, as the owner and Applicant, Summit 327 LLC, previously filed separate Applications for Commercial Rehabilitation Exemption Certificates with the Township Clerk, that were approved by an October 30, 2018, Resolution by the Township Board of Trustees for the following four (4) parcels of property in the District under Public Act 210 of 2005:

Tax Parcel No. 13-25-200-033, referred to as 327 N. Telegraph (approx.70.98 acres)
Tax Parcel No. 13-25-200-004, referred to as 201 N. Telegraph (approx.45 acres)
Tax Parcel No. 13-25-200-005, referred to as 205 N. Telegraph (approx. .52 acres)
Tax Parcel No. 13-25-200-013, referred to as 330 Summit Drive (approx.1.67 acres)

WHEREAS, although the previously filed Applications and October 30, 2018, Township Board of Trustees Resolution were filed with the State Tax Commission on October 31, 2018, a review of the Applications by the State of Michigan Department of Treasury Property Tax Exemption Section identified missing or incomplete information; and

WHEREAS, to respond to the State's notice of missing or incomplete information, the owner and Applicant, Summit 327 LLC, filed a single Application for a Commercial Rehabilitation Exemption Certificate with the Township Clerk, a copy of which is **attached**, identifying the same four (4) parcels of property that were previously separately applied for and approved by the Township Board of Trustees, as a single qualified facility; and

WHEREAS, although understood by the Township to be an amendment or supplement to the previously approved separate Applications, a public hearing was held on the new single Application as provided by section 4(2) of Public Act 210 of 2005 on December 5, 2018; and

Consider Approval of PA 210 Revised Commercial Rehabilitation Application Continued.

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property previously exempt and currently in force under Public Act 210 of 2005 does not exceed 5% of the total taxable value of Waterford Township; and

WHEREAS, Summit 327, LLC is not delinquent in the payment of any taxes related to the properties comprising the qualified facility; and

WHEREAS, the application is for commercial property as defined in section 2(a) of Public Act 210 of 2005; and

WHEREAS, the applicant Summit 327, LLC has provided answers to all required questions under the application instructions to the Charter Township of Waterford; and

WHEREAS, Waterford Township requires that rehabilitation of the facility shall be completed by December 31, 2023; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur more than six months prior to the filing of the application for exemption; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and

WHEREAS, completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, and revitalize urban areas in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(j) of Public Act 210 of 2005.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Charter Township of Waterford hereby approves the single Application for Commercial Rehabilitation Exemption Certificate by Summit 327, LLC, that is attached to this Resolution, to grant a Commercial Rehabilitation Exemption for the real property, excluding land, located in the Summit Place Commercial Rehabilitation District with the following tax parcel numbers and addresses,

Tax Parcel No. 13-25-200-033, referred to as 327 N. Telegraph
Tax Parcel No. 13-25-200-004, referred to as 201 N. Telegraph
Tax Parcel No. 13-25-200-005, referred to as 205 N. Telegraph
Tax Parcel No. 13-25-200-013, referred to as 330 Summit Drive

for a period of ten (10) years, beginning December 31, 2018, and ending December 30, 2028, pursuant to the provisions of PA 210 of 2005, as amended.

AYES:

NAYS:

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Charter Township of Waterford Board of Trustees at a special meeting of the Board on December 5, 2018.

Charter Township of Waterford

Consider Approval of PA 210 Revised Commercial Rehabilitation Application Continued.

Date

Sue Camilleri, Township Clerk

Moved by Joliat;

Seconded by Frasca, RESOLVED, to approve the Resolution Approving Commercial Rehabilitation Exemption Certificate Application by Summit 327, LLC, under PA 210 of 2005, as amended

Ayes: Wall, Camilleri Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

4. NEW BUSINESS

4.1 Possible Closed Session to discuss confidential Township Attorney opinion correspondence regarding proposed Summit 327, LLC Brownfield Redevelopment Plan.

Moved by Camilleri,

Seconded by Bartolotta, RESOVLED, to enter into closed session to discuss confidential Township Attorney opinion correspondence regarding a proposed Summit 327, LLC Brownfield Redevelopment Plan. A roll call vote was taken.

Ayes: Wall, Camilleri Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

The Board entered into closed session at 5:14 p.m. The Board returned from closed session at 5:50 p.m.

3.2 Public Hearing on proposed Summit 327 Brownfield Redevelopment Plan

Clerk Camilleri read the Resolution of the Township Board Approving the Provisions of a Brownfield Plan as Recommended by the Waterford Township Brownfield Redevelopment Authority for the 201, 205, 327, And 435 N. Telegraph Rd and 330 Summit Drive project

Supervisor Wall opened the public hearing at 5:50 p.m.

Clerk Camilleri stated that the Brownfield Redevelopment Plan is a tool that Townships can use to encourage development with properties that have issues with them. The Mall could sit there years with contamination in the ground from the gas station that was there, asbestos from the building and nobody would touch it because it's a difficult to property take care of and the costs can be unknown.

Public Hearing on proposed Summit 327 Brownfield Redevelopment Plan Continued.

Supervisor Wall stated that it is an incentive, through the Government, to help with redevelopment that is offered and taken of tax capture.

Trustee Joliat stated that this is not something new for this property. The Township Board voted in 2013 and 2017 to offer incentives, through PA 210, for the 240 acres.

No members of the public spoke.

Supervisor Wall closed the public hearing at 5:58 p.m.

4.3 Consider Approval of Summit 327 Brownfield Redevelopment Plan

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD**

**RESOLUTION OF THE TOWNSHIP BOARD APPROVING THE PROVISIONS OF
A BROWNFIELD PLAN AS RECOMMENDED BY THE WATERFORD TOWNSHIP
BROWNFIELD REDEVELOPMENT AUTHORITY FOR THE 201, 205, 327, AND 435 N. TELEGRAPH
RD AND 330 SUMMIT DRIVE PROJECT**

RECITATIONS:

WHEREAS, the Waterford Township Board of Trustees, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established a Brownfield Redevelopment Authority, known as the Waterford Township Brownfield Redevelopment Authority ("Authority") to facilitate the clean-up and redevelopment of Brownfields within the Charter Township of Waterford; and

WHEREAS, the property located at 201, 205, 327, and 435 N. Telegraph Rd and 330 Summit Drive (Property), is a site in the Charter Township of Waterford which is an environmental hazard, a "facility" under state statute, and/or is adjacent to and contiguous to a "facility"; and

WHEREAS, a Brownfield clean-up and redevelopment plan (the "Plan") has been prepared to restore the environmental and economic viability of the Property which the Waterford Township Brownfield Redevelopment Authority has reviewed and approved; and

WHEREAS, the Waterford Township Brownfield Redevelopment Authority, pursuant to and in accordance with Section 13 of the Act, has recommended that the Waterford Township Board of Trustees approve the Brownfield Plan to be carried out within the Charter Township of Waterford, relating to the redevelopment of the Property; and

WHEREAS, on December 5, 2018, the Waterford Township Board of Trustees held a public hearing regarding the Plan in accordance with Section 14(5) of the Act, providing all interested persons an opportunity to be heard, and considered all written communications on the Plan for the hearing that were received.

Consider Approval of Summit 327 Brownfield Redevelopment Plan Continued.

NOW THEREFORE BE IT RESOLVED THAT, the Waterford Township Board of Trustees hereby approves the provisions and implementation of the Plan and finds that the Plan constitutes a public purpose.

BE IT FURTHER RESOLVED THAT the Waterford Township Board of Trustees hereby finds that:

- (a) The Plan meets the requirements of Sections 13 and 13b.2 of the Act;
- (b) The proposed method of financing the costs of eligible activities is feasible and the Authority has the ability to arrange the financing;
- (c) The costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Act; and
- (d) The amount of captured taxable value estimated to result from adoption of the Plan is reasonable.

BE IT FURTHER RESOLVED THAT should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

BE IT FURTHER RESOLVED THAT all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

AYES:
 NAYS:
 ABSTENTIONS:
 ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on December 5, 2018.

CHARTER TOWNSHIP OF WATERFORD

By: _____
SUE CAMILLERI, CLERK

Moved by Camilleri;
 Seconded by Joliat, RESOVLED, to adopt the Resolution of the Township Board Approving the Provisions of a Brownfield Plan as Recommended by the Waterford Township Brownfield Redevelopment Authority for the 201, 205, 327, And 435 N. Telegraph Rd and 330 Summit Drive Project.as presented by the Township Attorney on December 5, 2018. A roll call vote was taken.

Ayes: Wall, Camilleri Birch, Bartolotta, Frasca, Joliat, and Thomas
 Nays: None
 Absent: None

Motion carried unanimously.

5. Public Comments Limited to Three (3) Minutes Per Topic

Mr. Liebovitz thanked the Township Board.

ADJOURNMENT

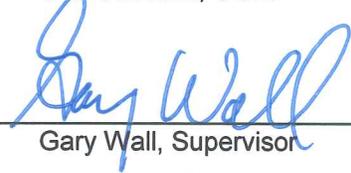
Moved by Joliat

Seconded by Thomas, RESOLVED, to adjourn the meeting at 6:01 p.m.

Motion carried unanimously.



Sue Camilleri, Clerk



Gary Wall, Supervisor