CHARTER TOWNSHIP OF OXFORD BOARD OF TRUSTEES REGULAR MEETING, WEDNESDAY, MAY 10, 2017

A Regular Meeting of the Charter Township of Oxford Board of Trustees was held Wednesday, May 10, 2017 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, Michigan.

Members Present: Curtis, Dunn, Durr, Ferrari, Nichols, Payne, Wright

Members Absent: None

Also Present: Attorney Rentrop, Parks and Recreation Director Davis, Township Engineer Sharpe, Fire Chief Scholz, CJ Carnacchio – Oxford Leader, Recording Secretary Richter, a cameraman and approximately 20 citizens.

Supervisor Dunn called the meeting to order at 7:01 pm.

APPROVAL OF THE AGENDA

Treasurer Ferrari moved, Trustee Curtis seconded to approve the May 10, 2017 agenda as amended moving New Business Item 12g – 2017 Seymour Celebration Fireworks Contract up to Unfinished Business 11a .

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

APPROVAL OF THE CONSENT AGENDA

Treasurer Ferrari moved, Trustee Nichols seconded to approve the following May 10, 2017 Consent Agenda items as presented.

- Approval of Regular Township Board Meeting Minutes of April 12, 2017
- Approval of Treasurer Report for March, 2017
- Approval of Clerk Summary Report for March, 2017
- Approval of Regular Bills through May 5, 2017
- Approval of Consultant Bills through May 5 , 2017
- 2016 NoHaz Summary

Roll Call:

Ayes: Curtis, Nichols, Payne, Durr, Wright, Ferrari, Dunn
Nays: None
Absent: None
Motion Carried

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Parks and Recreation Director Davis updated the Board on the Park Bond and the office move.

PUBLIC HEARING – REQUEST FOR NEW CLASS C LIQUOR LICENSE – 955 S. LAPEER ROAD, MICHIGAN

Treasurer Ferrari moved, Trustee Curtis seconded to open the Public Hearing to discuss the request from Mary Jo's Smokehouse, LTD, d/b/a Concho Pearl for a new Class C liquor license at 7:09 p.m.

Roll Call:
Ayes: Nichols, Durr, Wright, Dunn, Ferrari, Payne, Curtis
Nays: None
Absent: None
Motion Carried

The following citizens spoke at the Public Hearing:

- Kelly Allen from Adkison, Need, Allen and Rentrop Representing Mary Jo's Smokehouse
- Sherri Liebau
- Jen Zyngier
- Jackie Slezak
- Susan Rock

Treasurer Ferrari moved, Trustee Nichols seconded, to close the Public Hearing to discuss the request from Mary Jo's Smokehouse, LTD, d/b/a Concho Pearl for a new Class C liquor license at 7:14 p.m.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

FIRST READINGS: ZONING ORDINANCE 67A

Treasurer Ferrari moved, Trustee Curtis seconded to set a Second Reading and possible adoption of the amendments to the Charter Township of Oxford Zoning Ordinance 67A regarding:

1. Amendments to Sections 3.8, 13.5B, and 14.3Q related to driveways, side-entry garages, and sidewalks;
2. Amendments to Sections 9.7E and 9.8G related to development entranceway signs.
3. Amendments to Section 2.2 and 3.5 related to bulk propane sales and dispensing stations;
4. Amendments to Section 6.13H related to open air business/outdoor sales and display of products.

For the June 14, 2017 Charter Township Board of Trustees Regular Meeting.
Roll Call:
Ayes: Ferrari, Payne, Durr, Wright, Dunn, Curtis, Nichols
Nays: None
Absent: None

Motion Carried

SECOND READING OF PROPOSED ORDINANCE 67A.014 – RECOMMENDATION TO MODIFY SECTION 8.10, SAFETY PATH

Treasurer Ferrari moved, Trustee Payne seconded to approve the amendments to Article 8, Section 8.10 – Safety Paths, of the Charter Township of Oxford Zoning Ordinance 67A as presented.

Roll Call:

Ayes: Durr, Wright, Ferrari, Curtis, Dunn, Nichols, Payne, Ferrari
Nays: None
Absent: None
Motion Carried

FIRE DEPARTMENT

None

UNFINISHED BUSINESS

2017 SEYMOUR CELEBRATION FIREWORKS CONTRACT *(moved up from 12g on the agenda)*

Treasurer Ferrari moved, Trustee Payne seconded to permit William Dunn, Oxford Township Supervisor, the authority to sign the 2017 Colonial Fireworks Contract for the Annual Seymour Celebration; the dates are Friday, July 7th and Saturday, July 8th, 2017; further, the Oxford Township Parks and Recreation Department will continue to work closely with the Oxford Township Fire Department and Oakland County Sheriff Department to insure that all safety and health regulations are followed as it pertains to the community event.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

PROPOSED ORDINANCES

Treasurer Ferrari moved, Trustee Nichols seconded to authorize Attorney Rentrop to draft a "Causing a Police Response" Ordinance, and to draft an "Attempt to Commit Crime" Ordinance to be considered for a First Reading at the Charter Township of Oxford Board of Trustees June 14, 2017 regular meeting based on the ordinance provided to the Township Board.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

PONTIAC STREET PAVING BID AWARD

Treasurer Ferrari moved, Trustee Nichols seconded to award the Pontiac Street Paving Project to F. Allied Construction in the base bid amount of $257,989.50 and authorize Supervisor William Dunn to sign any necessary documents on behalf of the Charter

Township of Oxford. The $257,989.50 base bid amount to be expensed to Road Fund Account 204-440-811.000 Restoration.

Roll Call:
Ayes: Nichols, Durr, Curtis, Payne, Ferrari, Wright, Dunn
Nays: None
Absent: None
Motion Carried

DUNLAP ROAD WATER TREATMENT PLANT

Treasurer Ferrari moved, Trustee Nichols seconded to approve a total project budget amount of $195,000.00 for the repairs to the Filter Vessel Tank #4 located at the Dunlap Road Water Treatment Plant, and of this $195,000.00 project budget amount to award the coating and associated preparation work for the Filter Vessel Tank #4 to Seven Brothers Painting, Inc. in a not-to-exceed amount of $75,800.00, and to award the structural repairs for the Filter Vessel Tank #4 to Purvis & Foster, Inc. in a not-to-exceed amount of $78,470.00. The cost for the Filter Vessel Tank #4 repairs to be paid from the Oakland County Water Resources Commissioner's Major Maintenance Reserve Fund account.

Roll Call:
Ayes: Curtis, Nichols, Payne, Wright, Dunn, Ferrari, Durr
Nays: None
Absent: None
Motion Carried

NEW BUSINESS

RESOLUTION ESTABLISHING LIQUOR LICENSES

Treasurer Ferrari moved, Trustee Payne seconded to approve the following Resolution Establishing Administrative Rule Regarding the Issuance of New Class C Liquor Licenses as presented.

RESOLUTION ESTABLISHING ADMINISTRATIVE RULE REGARDING THE ISSUANCE OF NEW QUOTA CLASS C LIQUOR LICENSES

The Charter Township of Oxford is required under the Michigan Liquor Code, being MCLA 436.1 et seq., to approve an application for a new Quota Class C Liquor License before said license can be issued by the Michigan Liquor Control Commission. The Township believes that the issuance of new Quota Class C Liquor Licenses is a valuable tool to be utilized by the Township for economic development purposes.

Inasmuch as the Township has only three (3) new Quota Class C Licenses available to it to issue, the Township believes that it should resolve to keep new Quota Class C licenses in the Township, as opposed to having a licensed business transfer the new Quota Class C license out of the Township.

The Michigan Liquor Code allows for the transfer of new Quota Class C Licenses once they have been issued to a licensee. The allowable transfers would enable the licensee to transfer the new Quota Class C license out of the Township to be used in a different municipality, thereby demitting the Township's ability to encourage economic development.

THEREFORE, the Township hereby sets forth and establishes the Administrative Rule of the Township requiring the applicant for a new Quota Class C license to sign an "Agreement Regarding Liquor License" which shall be executed in the form attached hereto, which form may be revised by the Township from time to time.

Nothing herein shall be construed to require the Township to issue any license or in any way to limit the reasonable discretion of the Township in reviewing and granting the approval of an application for a new Quota Class C license.

This Resolution is hereby declared to have been adopted by the Township Board at a meeting thereof duly called and held on the 10th day of May, 2017.

Roll Call:
Ayes: Ferrari, Curtis, Durr, Nichols, Payne, Dunn, Wright
Nays: None
Absent: None
Motion Carried

AGREEMENT REGARDING LIQUOR LICENSE
Treasurer Ferrari moved, Trustee Curtis seconded to approve the Agreement Regarding Liquor License between Mary Jo's Smokehouse, Ltd. and the Charter Township of Oxford as presented.

Roll Call:
Ayes: Wright, Durr, Nichols, Payne, Curtis, Dunn, Ferrari
Nays: None
Absent: None
Motion Carried

APPLICATION FOR LIQUOR LICENSE
Clerk Wright moved, Treasurer Ferrari seconded to approve the following Resolution for the Concho Pearl Liquor License that indicates:

WHEREAS, Mary Jo's Smokehouse, Ltd., a Michigan corporation d/b/a Concho Pearl ("Concho Pearl" or the "Applicant") has made application to the Charter Township of Oxford ("Township") for a Township Quota Class C Liquor License ("License");

WHEREAS, this Board makes the finding that each requirement as set forth in the Township's Liquor License Ordinance including those requirements set forth in Code Sec. 6-34(a) subsections (1) through (18) have been met and complied with by the Applicant;

WHEREAS, the Applicant has agreed to execute and has provided to the Township the executed Agreement required by the Township's Resolution entitled "Resolution

Establishing Administrative Rule Regarding the Issuance of New Quota Class C Liquor Licenses," adopted on May 10, 2017, upon and as a condition of the issuance of the License;

NOW THEREFORE BE IT RESOLVED:

That the Township approves the issuance to the Applicant of a Township Quota Class C Liquor License subject to compliance with the following conditions precedent:

A. Complying with the requirements of the Township Resolution entitled "Resolution Establishing Administrative Rule Regarding the Issuance of New Quota Class C Liquor Licenses" adopted May 10, 2017;
B. Complying with the terms and conditions of the agreement entitled "Agreement Regarding Liquor License" ("Agreement") which has been executed by the Applicant and the Township as part of this Resolution of approval, the terms and conditions of which Applicant has agreed to comply with and to follow, which Agreement, attached as Exhibit A, is hereby incorporated into and made a part of this Resolution;
C.

BE IT FURTHER RESOLVED:

That the Township Clerk is hereby authorized and directed to complete the blank spaces in the form entitled "Local Government Approval" attached hereto as Exhibit B, to execute the form where indicated, and to mail the completed form to the Michigan Liquor Control Commission.

Roll Call:

Ayes: Nichols, Curtis, Payne, Durr, Ferrari, Wright, Dunn
Nays: None
Absent: None
Motion Carried

Supervisor Dunn called a recess at 7:45 p.m.

Supervisor Dunn called the meeting back in session at 7:47 p.m.

CLINTON RIVER WATER RESOURCE RECOVERY FACILITY BOND PAYMENT

Treasurer Ferrari moved, Trustee Curtis seconded to approve the Resolution approving Pre-payment of the Clinton River Water Resource Recovery Facility Drainage District Drain Bond Series 2017 in the estimated amount of Seven Hundred Sixty Thousand Two Hundred Sixty Two Dollars and Fourteen Cents ($760,262.14) to be expensed to Sewer Fund Account 590-527-991.000 (Principal Payment), and authorize Supervisor William Dunn to deliver a certified copy of the Resolution to the Oakland County Water Resources Commissioner.

Roll Call:
Ayes: Curtis, Payne, Ferrari, Wright, Dunn, Nichols, Durr
Nays: None
Absent: None
Motion Carried

SEWER RATE INCREASE

Treasurer Ferrari moved, Trustee Nichols seconded that the Charter Township of Oxford Sewer Billing Rates remain at the current $86.00 per Residential Equivalent Unit and $30.64 per Metered Cubic Feet for Oxford Township sewer customers. These Sewer Billing Rates will be analyzed on a regular basis to determine necessary future rate adjustments.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

It was noted by Treasurer Ferrari and Trustee Nichols that in the near future as the system ages there should be a sewer debt service charge included on the sewer bills.

BKG OXFORD LLC – REQUEST TO EXTEND THE DATE FOR SUBMITTAL OF PERFORMANCE SECURITY FUNDS

Treasurer Ferrari moved, Trustee Curtis seconded to deny the request from BKG Oxford LLC to extend the date to February 15, 2018 to provide Performance Security funds in the amount of $515,200.00 as requested in a letter dated April 27, 2017 to Supervisor William Dunn, and to require BKG Oxford LLC to comply with the Sanitary Sewer Agreement dated August 16, 2016 between BKG Oxford LLC and the Charter Township of Oxford.

Roll Call:
Ayes: Payne, Durr, Nichols, Wright, Dunn, Ferrari, Curtis
Nays: None
Absent: None
Motion Carried

Trustee Curtis moved, Trustee Nichols seconded to have BKG Oxford LLC utilize the club house for a temporary sales office and not allow anyone to move into the other seven (7) buildings until the performance bond is paid. They will receive a Temporary Certificate of Occupancy for the club house only upon approval from the Building Official of Oxford Township.

Roll Call:
Ayes: Durr, Nichols, Curtis, Payne, Dunn, Wright
Nays: Ferrari
Absent: None
Motion Carried

OXFORD VILLAGE SUMMER TAX COLLECTION POSTING AGREEMENT

Treasurer Ferrari moved, Clerk Wright seconded to authorize Treasurer Joseph G. Ferrari to execute the Agreement for Oxford Village Tax BS&A postings as presented and attach the formal agreement to the minutes.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

COMMUNITY DEVELOPMENT BLOCK GRANT CONTINUATION RESOLUTION

Treasurer Ferrari moved, Clerk Wright seconded that the Oxford Township Board of Trustees resolves to opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2018, 2019 and 2020. Furthermore, Oxford Township resolves to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of Oxford Township to terminate the Cooperative Agreement.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

ELKVIEW DISCUSSION

OPEN SESSION: Treasurer Ferrari moved, Trustee Nichols seconded to meet in Open Session to entertain a motion and take a roll call vote regarding calling a Closed Session for the purpose of:

1. Discussion: "To consider the purchase or lease of real property as permitted pursuant to MCL 15.268(d)" and pending litigation.

Roll Call:

Ayes: Curtis, Payne, Ferrari, Dunn, Wright, Durr, Nichols
Nays: None
Absent: None
Motion Carried

CLOSED SESSION: If approved by requisite vote, to meet in Closed Session for the above stated purpose.

Treasurer Ferrari moved, Trustee Nichols seconded to meet in Closed Session for the purpose of discussion to consider the purchase or lease of real property as permitted pursuant to MCL 15.268 (d) and pending litigation. Attendance to include the Township Board, Attorney Rentrop, Engineer Sharpe and Recording Secretary Richter.

Roll Call:

Ayes: Curtis, Payne, Ferrari, Dunn, Wright, Durr, Nichols
Nays: None
Absent: None
Motion Carried

OPEN SESSION: Treasurer Ferrari moved, Trustee Nichols seconded to return to Open Session for the purpose of possible Board action with regard to the above Closed Session item.

Moved by Treasurer Ferrari, seconded by Trustee Nichols to revise the MDEQ grant to cover roughly the 60+ acres of wetlands in Elkview to be managed by Six Rivers Land Conservancy. Furthermore, Sharpe Engineering is authorized to delineate the wetlands as part of the MDEQ grant for an amount not to exceed $5,000.00

Roll Call Vote:

Ayes: Curtis, Payne, Wright, Durr, Nichols, Dunn
Nays: Ferrari
Absent: None
Motion Carried

ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION
None

PUBLIC COMMENT
None

BOARD OF TRUSTEE COMMENTS
Trustee Curtis commented that the Water Main Project is underway, Tough Mudder is June 3-4, 2017 and May 15, 2017 the Milling of Lakeville Road will begin.

Clerk Wright commented that Clean-Up Day is Saturday, May 20, 2017 from 8:30 a.m. to 3:00 p.m.

Trustee Durr commented that the Youth Recognition Ceremony will be held on May 11, 2017 at 6:00 p.m. located at the Oxford Middle School.

Trustee Nichols updated the Board on the Michigan Iron Belle Trailways meeting he attended.

ADJOURNMENT
Treasurer Ferrari moved, Trustee Curtis seconded, to adjourn at 8:55 pm.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

William Dunn, Supervisor

Curtis Wright, Clerk

Approved:

/kmr

AGREEMENT FOR SUMMER VILLAGE TAX COLLECTIONS

Whereas, the Village of Oxford is desirable of having the Charter Township of Oxford post 2017 Summer Village tax payments into the Oakland County BS&A tax system on behalf of the village, and,

Whereas, Oxford Township is willing to post the 2017 Summer Village taxes as well as perform the entire 2017 village tax settlement with the Oakland County Treasurer.

Whereas, the Village tax receiving, depositing, investing, internal bank account balancing, general ledger posting and tax payout internal fund transfers will still remain the responsibility of the Village.

Be it Further Resolved that the Charter Township of Oxford will post the 2017 Summer Village taxes at a cost of $1.50 per parcel. The village parcel count for 2017 is still to be determined.

Susan C. Nassar

Susan Nassar, Clerk/Treasurer
Village of Oxford

April 12, 2017
Date

Joseph G. Ferrari

Joseph G. Ferrari, Treasurer
Charter Township of Oxford

5-11-17
Date