

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
September 13, 2022
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER: Supervisor Larry Gray called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Larry Gray, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Robert Berkheiser, Trustee

Also Present: Hans Rentrop, Township Attorney
Dave Campbell, Planning Director
Emily England, Senior/Parks and Recreation Director
Jay James, Building Official
Jason Mayer, Giffels Webster Engineers
Ben Sebrowski, Director of Technology
Mark Schoder, Maintenance Director
Debbie Watson, DDA Director
Jim Dundas, Fire Chief

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the August 16, 2022 Regular Township Board of Trustees Meeting minutes and the August 23, 2022 Special Township Board of Trustees Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:9-13 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the September 13, 2022 agenda with the addition of **Item 4:9-13 BOARD APPOINTMENTS A. Resignation of Chelsea Rebeck from the Planning Commission and B. Brady Phillips – Appointment to the Planning Commission for a Partial Term to Expire October 31, 2023.**

MOTION CARRIED UNANIMOUSLY

ITEM 2:9-13 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

There were no comments or questions from the public.

Supervisor Gray closed Public Comments.

ITEM 3:9-13 PUBLIC HEARINGS

A. Roll Resolution – Fox Lake Aquatic Weed Control SAD 2023-2032

Supervisor Gray indicated the Public Hearing remained open from the August 16, 2022 Board of Trustees meeting.

There were no comments or questions from the public.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Magner, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Fox Lake Aquatic Weed Control Special Assessment District (2023 – 2032), post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. Roll Resolution – Lower Straits Lake Aquatic Weed Control SAD 2023-2032

Supervisor Gray indicated the Public Hearing remained open from the August 16, 2022 Board of Trustees meeting.

There were no comments or questions from the public.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Phillips, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Lower Straits Lake Aquatic Weed Control Special Assessment District (2023 – 2032), post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:9-13 BOARD APPOINTMENTS

A. Resignation of Chelsea Rebeck from the Planning Commission

MOTION by Magner, supported by Sovel, to accept the resignation of Chelsea Rebeck from the Planning Commission. **MOTION CARRIED UNANIMOUSLY**

B. Brady Phillips – Appointment to the Planning Commission for a Partial Term to Expire October 31, 2023.

Brady Phillips was present.

MOTION by Creech, supported by Magner, to allow Treasurer Molly Phillips to abstain from voting on the appointment of Brady Phillips to the Planning Commission.

MOTION by Gray, supported by Creech, to appoint Brady Phillips to the Planning Commission for a partial term to expire October 31, 2023.

MOTION CARRIED UNANIMOUSLY

ITEM 5:9-13 CONTRACT AWARDS AND AGREEMENTS

A. Sleeth Road Water and Sanitary Sewer

Jason Mayer, Giffels Webster Engineers, advised the Board that the project is to extend water and sewer along Sleeth Road to the property known as the Reserve at Crystal Lake. The project is being funded by the developer through an escrow deposit. All costs will be paid by the developer. We received bids and the developer selected D.V.M. Utilities, Inc., as the contractor to perform the work. Their bid was in the amount of \$3,916,260.00. We recommend that the Sleeth Road Water and Sanitary Sewer Project be awarded to D.V.M. Utilities, contingent upon the developer depositing the appropriate escrow for the full amount of the project prior to executing the contract.

MOTION by Weber, supported by Phillips, to award the Sleeth Road Water & Sanitary Sewer Contract to D.V.M. Utilities, Inc., contingent upon the developer depositing the appropriate escrow amount to cover the cost of the project.

MOTION CARRIED UNANIMOUSLY

ITEM 6:9-13 SITE CONDOMINIUMS AND PLATS

A. Shepherd's Grove Master Deed

David Campbell, Planning Director, gave an overview and stated the Planning Commission recommends approval.

Mike Noles, 49287 West Road, Wixom, of Umlor Group representing The Innovant Group, gave a detailed overview of the project.

MOTION by Weber, supported by Creech, to approve the Site Condominium Shepherd's Grove Master Deed, including all the conditions required by the Planning Commission, and an extended deceleration lane combined with Comerica's deceleration lane. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:9-13 OLD BUSINESS

A. KER Engineering Contract

Jay James, KER Engineering, Inc., is requesting extension of his contract for 4 years with an increase to the fee schedule. He submitted rate comparisons from surrounding communities as requested by the Board.

MOTION by Weber, supported by Magner, to remove KER Engineering Inc., Contract from the Table. **MOTION CARRIED UNANIMOUSLY**

MOTION by Magner, supported by Creech, to extend the existing contract for four (4) years beginning January 1, 2023 with KER Engineering, Inc., along with the Professional Fee Schedule, as submitted. **MOTION CARRIED UNANIMOUSLY**

B. Horse Farm

Director Emily England updated the Board of Trustees on the recent activities of the sub-committee and their lack of success in finding a new concessionaire for the horse farm property. The sub-committee recommends terminating the current agreement and continuing to explore alternative options.

MOTION by Weber, supported by Phillips, to terminate the concession agreement made September 9, 2020 between The Charter Township of Commerce and Carrie Hancock DBA Wind Mill Farm, pursuant to paragraph 27B of the concession agreement, and directing the Township Supervisor to provide written notice of same.

Discussion:

Trustee Sovel asked the timing of the termination?

Trustee Weber answered it would be 90 days, until the end of the year. The sub-committee felt this was best for the Township and the equestrian teams, etc. to know that everything is in place through the end of the year, and 2023, at this point in time, is to be determined. The Board's authority to the sub-committee remains in place and gives the sub-committee time to find a solution and alternative uses for the property that provides service to the entire community and not just a sub-set of the community.

MOTION CARRIED UNANIMOUSLY

ITEM 8:9-13 NEW BUSINESS

A. DDA Advance

Treasurer Phillips recommends approval of a \$2.5 million cash advance to the DDA so they can make the required debt service payment of \$3,334,801.00 on September 30, 2022.

Debbie Watson, DDA Director, was present, and requested approval of the DDA cash advance.

ITEM 8:9-13 NEW BUSINESS (DDA continued)

MOTION by Phillips, supported by Magner, to approve the DDA advance in the amount of \$2.5 million before September 30th to enable payment of the October 1st debt.

MOTION CARRIED UNANIMOUSLY

B. BS&A Cloud Migration

Ben Sebrovski, Director of Technology, is asking for approval to begin migration to the BS&A Cloud program from our on-premises BS&A programs. The initial down payment required is \$14,400.00.

MOTION by Sovel, supported by Phillips, to approve the \$14,400.00 for the project implementation for the BS&A Cloud Migration to come from the Building Department and amend the budget accordingly.

MOTION CARRIED UNANIMOUSLY

C. Township Attorney Fees

Hans Rentrop, Township Attorney, is requesting a rate increase from their current rates that have been in place since 2006. He submitted a fee schedule for the Board's review.

MOTION by Sovel, supported by Magner, to approve the requested rate increase starting January 1, 2023.

MOTION CARRIED UNANIMOUSLY

D. Budget Stabilization Fund

Treasurer Phillips said the Stabilization Fund is currently in compliance with the law, as it has less money in it than it could at this point in time. She is asking if the Board would like to increase the Stabilization Fund out of the General Fund money in 2023 or leave it as is.

MOTION by Sovel, supported by Weber, to approve the Treasurer's recommendation to increase the Budget Stabilization Fund by \$62,280.00

MOTION CARRIED UNANIMOUSLY

E. Resolution Authorizing Sale of Property – Parcel ID No. 17-19-201-011

MOTION by Weber, supported by Creech, to authorize the sale of property parcel ID no. 17-19-201-011 by the Township Supervisor with the authority to sign.

MOTION CARRIED

Supervisor Gray opposed

ITEM 8:9-13 NEW BUSINESS (continued)

F. Annual Approval of Act 152

Clerk Creech recommended the annual approval.

MOTION by Sovel, supported by Phillips, to exempt itself from the requirements of Michigan Public Act 152 of 2011 from an 80/20 Health Care Plan to a 90/10 (Township pays 90% and employee pays 10%) Health Care Plan, Township wide.

MOTION CARRIED UNANIMOUSLY

G. Performance Resolution for Municipalities – 2023 Annual Permit for Work on State Trunk Line Right of Way

MOTION by Sovel, supported by Magner, to approve the Performance Resolution for Municipalities.

MOTION CARRIED UNANIMOUSLY

ITEM 9:9-13 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 10:9-13 OTHER MATTERS

Trustee Weber –

- During a Planning Commission meeting 2 months ago, the concept of a tree replacement ordinance came up. We need to look at it but it's a lot more complicated than it looks. This would be directed at developers, not homeowners.
- We should look at a sub-committee for Martin Road/Martin Parkway. We need to develop a conscious solution and plan.

Clerk Creech –

- We just received approval to print the ballots for the November election. We are slightly behind schedule but it is not our fault, we were waiting on the proposals going on the ballot.
- The ballots will be mailed out on October 5th. We'll be getting a lot of calls because it is a week later than we normally mail them out.
- The Public Accuracy Test is on October 4th and we don't mail the ballots until after the accuracy test.

Trustee Sovel –

- We need a sub-committee for paths and sidewalks. We need to start doing more formal work, develop a plan, cost, etc.

ITEM 11:9-13 CLOSED SESSION

- A. Attorney – Client Communication re: Trailway Council**
- B. Discuss Pending Litigation re: Outdoor One Communications LLC v. Charter Township of Commerce, Case No. 22:22-cv-10737-BAF-KGA**

MOTION by Creech, supported by Phillips, to enter into Closed Session to discuss Attorney – Client Communication re: Trailway Council and Pending Litigation re: Outdoor One Communications LLC v. Charter Township of Commerce, Case No. 22:22-cv-10737-BAF-KGA.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered Closed Session at 8:26 p.m.
Returned from Closed Session at 8:50 p.m.

MOTION by Phillips, supported by Creech, to adjourn from Closed Session and approve the Closed Session minutes.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Magner, to direct the Township Board's representative on the Trailway Council to vote to approve the proposed Michigan Natural Resources Trust Fund Agreement Approving the Partial Transfer and Conveyance of Certain Real Estate Subject to Land Acquisition Project Agreement TF-11-123, and to direct its representative to vote to permit the withdrawal of the City of Walled Lake from the Trailway Council, and approve the execution of all necessary documents.


MOTION by Phillips, supported by Magner, to direct the Township Attorney to execute the consent judgement as provided to the Township Board in Closed Session, contingent upon a contract person for maintenance being provided by the plaintiff.

MOTION CARRIED UNANIMOUSLY

ITEM 12:9-13 ADJOURNMENT

MOTION by Phillips, supported by Creech, to adjourn the meeting at 8:54 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce