

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

February 11, 2020
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor David Scott 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: David E. Scott, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Vanessa Magner, Trustee (excused)

Also Present: Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney
Fire Chief Jim Dundas
Sergeant Goldberg, Oakland County Sheriff's Office
Dave Campbell, AICP - Planning Director
Emily England, Senior Director
Jay James, P.E. Building Official

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the January 14, 2020 Regular Township Board of Trustees Meeting Minutes and the January 28, 2020 Quarterly Township Board of Trustees Meeting Minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS

A. AFG Grants – Fire Department

Fire Chief Jim Dundas introduced Cary Thompson, Grant Consultant. He assisted several cities in their quest to obtain grants. He was successful last year in obtaining the grant for

PRESENTATIONS (AFG Grants – Fire Department continued)

additional firefighters for Commerce Township. He described his qualifications and said his success rate for obtaining grants is 80-90% when the average for grant writers is 17%. Fire Chief Dundas is asking for the Board's support to apply for grants to replace firefighter and fire station equipment. He budgeted \$4,000 to obtain grants.

MOTION by Sovel, supported by Weber, to authorize up to \$4,000 of budgeted Fire Department grant money to Cary Thompson to assist in writing two (2) grants for Fire Department equipment.

MOTION CARRIED UNANIMOUSLY

ITEM 1: APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to amend the February 11, 2020 Regular Township Board of Trustees Meeting Agenda as follows: add a 2019 invoice in the amount of \$3,535.59 from Huron River Watershed Council to ITEM 6: ORDERS.

MOTION CARRIED UNANIMOUSLY

ITEM 2: PUBLIC COMMENTS

Supervisor Scott asked if anyone present had any public comments.

Mr. Barry Robotnick, Commerce Township, Friends of Windmill Farms would like to see equestrian training remain at the horse farm. He offered his assistance to the Township, if needed. Supervisor Scott said Jay James, Building Official, will submit a report on what needs to be updated at the horse farm during the next Township Board meeting.

Supervisor Scott closed public comments.

ITEM 3: INTRODUCTIONS

A. Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.47 - FOIA

Hans Rentrop, Township Attorney, explained the change in the Ordinance.

MOTION by Sovel, supported by Berkheiser, to Introduce an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 1.047, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 4: ADOPTIONS

A. An Ordinance to Amend the Zoning Map as Adopted by Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No. 3.043

Dave Campbell, Planning Director, explained the amendment and said the Planning Commission recommends adoption.

MOTION by Weber, supported by Berkheiser, to Adopt an Ordinance to Amend the Zoning Map of the Charter Township of Commerce, Oakland County, Michigan as Adopted by Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No. 3.043, post and publish according to law.

Sovel opposed

MOTION CARRIED

ITEM 5: NEW BUSINESS

A. Refuse in the Parks

Emily England, Senior Director, said the Parks and Recreation Committee met with league representatives and came up with a count for trash bins at Township parks as follows:

Long Park 2 cans

Byers Farm 2 cans

Mill Race Park 1 can

Dodge South Park 6 cans

Dodge North Park 2 cans

Richardson Center 6 cans

Maple Glen Park 20 cans

Hickory Glen Park 20 Cans

Bicentennial Park 4 cans

MOTION by Berkheiser, supported by Phillips to approve the placement of trash cans as follows: Long Park 2 cans, Byers Farm 2 cans, Mill Race Park 1 can, Dodge South Park 6 cans, Dodge North Park 2 cans, Richardson Center 6 cans, Maple Glen Park 20 cans, Hickory Glen Park 20 Cans and Bicentennial Park 4 cans.

Scott opposed

MOTION CARRIED

B. Lakes Athletics Association – Windscreens on Backdrops

Emily England, Senior Director, said Lakes Athletics is requesting to put up windscreens on the backstops of their fields. They would like to have their logo on the windscreens as well as a sponsorship logo to help fund the windscreens. This is a replacement to screens already being used, these will just have logos on them. All logos will be approved by the Township. The Parks and Recreation Committee recommends approval.

Josh Springer, Lakes Athletics was present to answer questions. He said the windscreens will be removed when the season is over.

Supervisor Scott recommends the Township sponsor their logo on the windscreens and incur the cost of the logo in place of having sponsorships.

ITEM 5: NEW BUSINESS (Lakes Athletics Association – Windscreens on Backdrops continued)

Discussion took place if the Township should allow advertisement of businesses in the parks.

It was decided that the Township Board would prefer the Commerce Twp. Logo versus numerous different sponsorship logos on the windscreens.

Hans Rentrop, Township Attorney, recommends the Board digest this and discuss it at the March Township Board meeting.

Mr. Springer will take Supervisor Scott's recommendation back to Lakes Athletic Board and report back to the Parks & Rec Board. He will also bring back a cost estimate for a Township Logo.

No action taken.

C. Lakes Athletics Association – Bleachers Memory Plaque

Emily England, Senior Director, said Lakes Athletics received grant money to install new bleachers at Hickory Glen Park. In order to receive the grant money, there is a stipulation that recognition needs to be given in the form of a plaque. The Parks and Recreation Committee recommends approval.

Josh Springer, Lakes Athletics was present to answer questions.

MOTION by Berkheiser, supported by Phillips, to approve Lakes Athletics plaques for the donated bleachers with plaques in a size not to exceed 7" x 10".

Discussion: Trustee Sovel – In order for the Township to have insurance on the bleachers, there needs to be some type of record that the Township owns the bleachers.

MOTION CARRIED UNANIMOUSLY

D. Lakes Athletics Association – Raise the Bar/FAAST Agreement

Emily England, Senior Director, said Lakes Athletics has requested to let a third party company run a tournament as a fundraiser at the Hickory Glen ball fields on April 25-26, 2020. The Parks and Recreation Committee recommends approval.

Josh Springer, Lakes Athletics was present to answer questions.

Hans Rentrop, Township Attorney, said for insurance purposes, the names (Raise the Bar/FASST need to match. Example: Raise the Bar/Raise the Bar or FAAST/FAAST.

MOTION by Sovel, supported by Berkheiser, to approve Lakes Athletics-Raise the Bar/FAAST Facility Rental Agreement for April 25-26, 2020 subject to Township Attorney's approval.

MOTION CARRIED UNANIMOUSLY

E. MiSCA Weekend Race Request

Emily England, Senior Director, said the Michigan Scholastic Cycling Association has requested to host a weekend long youth mountain bike race at Hickory Glen Park on August 29-30, 2020. The Parks and Recreation Committee recommends approval.

Mike Karney, MiSCA, Motor City Mountain Biking Association, and Sarah Bano, Coordinator/Operations Manager, were present to answer questions.

MOTION by Berkheiser, supported by Creech, to approve MiSCA Youth Mountain Bike Weekend Race on August 29-30, 2020 at Hickory Glen Park subject to the user groups at Hickory Glen Park does not need to use the fields during this time and the Township is in receipt of insurance 2 weeks in advance of the race. **MOTION CARRIED UNANIMOUSLY**

F. Rental Program – Building Department

Jay James, Ker Engineering, Inc., spoke of the rental ordinance he has been working on. Once every 3 years rental properties would be inspected. It will take approximately one year to complete the Rental Inspection Program and the Ordinance. This would allow the Township Building Department the opportunity to inspect the rental structure to ensure they are safe.

Discussion took place on the need to have this and if the Township should be involved in inspecting rentals. It was decided that a subcommittee would be formed consisting of Trustees Sovel and Weber and Supervisor Scott to work with the Fire Department and Building Official to discuss possible solutions for rental units and inspections. Their findings will be brought back to the Township Board for review.

G. Bids for Demolition of 3400 Union Lake Rd.

Supervisor Scott is asking for approval to disconnect sewer, water and power at 3400 Union Lake Road and allow the Fire Department to use the building for training before demolition. There will be no controlled burn training.

MOTION by Sovel, supported by Creech, to approve disconnecting sewer, water and power at 3400 Union Lake Road and allow the Fire Department to use the building for training before demolition. There will be no controlled burn training. **MOTION CARRIED UNANIMOUSLY**

H. Discussion on Architectural Firms for 8585 PGA Dr.

Supervisor Scott suggested we use Plante Moran CRESA and A3C who are assisting the Township with owner's representative and architecture support for Fire Station #3, in place of going out for bids.

Trustee Weber feels we should wait to discuss this until at least March 12, 2020 when 60% of the Design Development is completed by A3C. This will give us a better idea on performance of all parties

ITEM 5: NEW BUSINESS (Discussion on Architectural Firms for 8585 PGA Dr. continued)

Supervisor Scott will put together a drawing of what he foresees at the building and bring it to the next Township Board meeting. He will ask Plante Moran CRESA to give a presentation at the next Township Board meeting.

ITEM 6: ORDERS

MOTION by Scott, supported by Creech, to approve the orders and add-ons.

MOTION CARRIED UNANIMOUSLY

ITEM 7: OTHER MATTERS

Supervisor Scott said we need to have full transparency to the public when it comes to discussing items under Other Matters. In order to accomplish this, he is asking the Board to contact the Clerk's office and request an item be added to the agenda. This way the public will know what will be discussed at a meeting and can attend the meeting if they choose to do so. If you have a question, contact the Department head via phone or email and they will give you an answer instead of bringing it up under Other Matters. If it's not on the agenda, it should not be discussed at the meeting.

Hans Rentrop, Township Attorney, said when we add something to Other Matters that is not on the agenda, there is no way people will know it will be discussed and may want to be in on the discussion. He said if there is an emergency then it can be discussed even if it is not on the agenda.

Trustee Berkheiser feels he should be able to ask for updates on an issue so the public can hear about it.

Trustee Sovel said Other Matters should be an open dialog.

Trustee Weber does not feel we should discuss something that requires a Motion or decision. He does feel the Board should be able to discuss relevant and/or strategic topics that are not on the agenda. Although, if a Board member is asking for an update such as "was the light changed on the bridge?" then they should do that at another time and not during Other Matters.

Clerk Creech said the goal is to be transparent to the public and not seem like they are hiding anything.

Trustee Weber –

- Will the Human Resources performance evaluations be on the March Agenda?
Supervisor Scott said Janet Bushey is working on that.
- Board members have an initial rendering of the new fire station elevations and everything is moving forward as it should.

ITEM 7: OTHER MATTERS (continued)

- Is the maintenance crew on a 4 day a week schedule? Supervisor Scott said yes they are but they do come in to work when there is an emergency. Trustee Weber said during the summer months, the busiest days at the parks are Friday, Saturday and Sunday. He believes we should discuss whether the Maintenance Department should be on a five day work week to support all other Township departments and buildings that are on 5 day schedules; specifically, the Library, Richardson Center, Fire Stations and Parks. He will ask that this be placed on the April agenda.

Trustee Berkheiser –

- Asked about the graffiti on Township property. Supervisor Scott said we could place additional cameras/video recorders on township property if needed. We are doing weekly inspections and removing the graffiti as soon as we see it. We are catching the people who are painting graffiti but that does not seem to stop them from doing it again. He said they are not Commerce Township residents.
- Do we have a budget for the new fire department? Fire Chief Dundas said he does not have the figures right now but he will provide them.

Treasurer Phillips –

- Is there a meeting on February 18, 2020? Supervisor Scott answered no.
- Be aware of counterfeit checks that are circulating in the public. She said “Positive Pay Service” will be added to all accounts that issue checks.
- The new concession agreement discussion has been moved from the April Township Board meeting to the March Township Board meeting for Windmill Farm. Carrie Hancock, Windmill Farm, is having problems securing people to commit to equestrian programs because she does not have an agreement in place with the Township. Ms. Hancock would like assurance that she can continue to operate her business until the end of the season.

Trustee Weber asked how the Board can act on this matter as the Township Attorney just gave guidance that Other Matters items should not include actions requiring a Board vote. What mechanism is in place to allow the Board to make a decision under Other Matters?

Treasurer Phillips said she wanted to bring this matter to the Board’s attention.

Trustee Berkheiser does not think it is unreasonable to allow Ms. Hancock to operate her business until the end of October 2020.

Hans Rentrop, Township Attorney, said this can be declared an emergency to vote on under Other Matters, although he advises against it. He said the contract is 90% complete for the March Township Board meeting.

Supervisor Scott said we are only weeks away from having final numbers from the Building Official on what the costs are to bring the building up to code. We should wait until the March

ITEM 7: OTHER MATTERS (continued)

meeting when we get our answers and then we can make a decision on whether we want to spend that money on the property or not.

Ms. Hancock said she just found out the schools are going to other places because there is no commitment by the Township. She said she is losing business because of this.

Trustee Berkheiser declared this an emergency and made the following Motion.

MOTION by Berkheiser, supported by Phillips to extend the existing contract for Windmill Farms to December 31, 2020.

Discussion - Hans Rentrop, Township Attorney, said there were so many drafts of the original concession agreement that it is mind boggling. To know exactly what the original agreement escape clause provisions were he cannot speak to it tonight.

Supervisor Scott said for the record "No one is trying to run these people off but we should not be making decisions until we have all of the facts, were just simply weeks away from getting the report and actual numbers."

Hans Rentrop, Township Attorney, looked up the original concession agreement to see if there is a termination clause and what the repercussion would be. He was not sure the version he had at the meeting is the latest, and could not find where it says we can terminate it at will.

Discussion on different ways to word the Motion that was made by Berkheiser.

Trustee Sovel – Now it sounds like we are creating a contract that they have not signed. Hans Rentrop, Township Attorney, agreed. Sovel is not comfortable voting without knowing what the language is in the original contract. He suggested holding a meeting next Tuesday to discuss this further.

After lengthy discussion back and forth on whether to extend the existing contract or wait until the March Township Board meeting and the fact the Township Attorney did not find a termination clause in the original contract, it was the consensus of some Board members that they did not want to vote on this tonight.

Trustee Berkheiser withdrew his motion.

Trustee Sovel would like to keep "Old Business" active on the agenda so we can discuss previous items.

ITEM 8: ADJOURNMENT

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

MOTION by Scott supported by Creech, to adjourn the meeting at 10:29 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce