

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
August 18, 2020
2009 Township Drive
Commerce Township, Michigan 48390**

Due to Governor Whitmer's Executive Order to "Stay Home, Stay Safe", this meeting was held via Zoom video conferencing technology.

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

ROLL CALL: Present: David E. Scott, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Phillip Adkison, Township Attorney
Dave Campbell, Planning Director
Emily England, Senior/Parks and Recreation Director
Jay James, P.E. Building Official
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney
Ben Sebrowski, Director of Technology
Mark Schoder, Maintenance Director
Jim Dundas, Fire Chief
Wendy Reyes, Lieutenant, OCSO

Ken Milburn, President of MERGE LIVE, Multimedia Group, is the host for the meeting.

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the July 14, 2020 Regular Township Board of Trustees Meeting Minutes and the July 28, 2020 Quarterly Township Board of Trustee Meeting Minutes, as submitted.

ROLL CALL VOTE

AYES: Sovel, Magner, Creech, Phillips, Weber, Berkheiser, Scott
NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 1:8-18 APPROVAL OF AGENDA

MOTION by Weber, supported by Berkheiser, to approve the August 18, 2020 Regular Township Board of Trustees Meeting Agenda with the following change: move Item 6 Old Business B. Horse Farm Repairs Update before A. Horse Farm Update and modify Item 7 New Business A. Fire Vehicle Replacement Plan to read: "Fire Vehicle Replacement Plan/SAD."

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 2:8-18 PUBLIC COMMENTS

Supervisor Scott asked Ken Milburn if there was anyone who wanted to speak under Public Comments.

Ken Milburn said there were no raised hands.

Supervisor Scott closed Public Comments.

Supervisor Scott said the public can also visit the Township website (<http://commercetwp.com/contact>) to submit comments or questions.

ITEM 3:8-18 PUBLIC HEARINGS

A. Roll Resolution Confirming Special Projects No. 45 SAD

Supervisor Scott opened the Public Hearing.

Treasurer Phillips advised the Board that one of the SAD values that was applied to one of the properties was overstated because a person paid off part of that, therefore the Roll was revised.

Ken Milburn said there were no raised hands.

Supervisor Scott closed the Public Hearing.

MOTION by Berkheiser, supported by Weber, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 45, post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 3:8-18 PUBLIC HEARINGS (continued)

B. Resolution Determining to Establish an Eleven-Year Special Assessment District to Fund Police Protection Operations and Supporting Structures, Equipment, and Related Costs and Approving Estimate Costs Therefor

Supervisor Scott opened the Public Hearing.

Ken Milburn said there were no raised hands.

Supervisor Scott closed the Public Hearing.

Wendy Reyes, Lieutenant, Oakland County Sheriff's Office, gave a presentation on the budget projection for the Sheriff's Department and Commerce Township. She advised the Board that Commerce Township is listed in the 100 safest cities in the USA and is safer than the majority of cities, towns, and villages in America (84%) and also has a lower crime rate than 87% of the communities in Michigan, according to FBI statistics. Additionally, she highlighted cases that were solved in the Township.

MOTION by Sovel, supported by Magner, to approve the Resolution of The Township Board of the Charter Township of Commerce Determining to Establish an Eleven-Year Special Assessment District to Fund Police Protection Operations and Supporting Structures, Equipment, and Related Costs and Approving Estimates of Costs Therefor (seeking a 2.622 millage rate to capture \$5,163,937), post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:8-18 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances to Be Known as Code Amendment Ordinance No. 1.049 – Budget Stabilization Fund

MOTION by Phillips, supported by Sovel, to Adopt an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 1.049, post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:8-18 ADOPTIONS (continued)

B. An Ordinance to Amend Article 33, Sections 33.02 and 33.03, of Zoning Ordinance 3.000 to Be Known as Zoning Amendment Ordinance No. 3.046 – Pool Fences

David Campbell, Planning Director, gave an explanation and stated the Planning Commission recommends the Township Board Adopt the Amendment.

Jay James, Building Official, explained the Ordinance in reference to permits and fences.

MOTION by Weber, supported by Magner, to Adopt an Ordinance to Amend Article 33, Sections 33.02 and 33.03, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.046 to confirm and clarify that outdoor pools must be fully fenced in, including those located on the lakeside front yard of any lot, post and publish according to law.

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

C. An Ordinance to Amend Article 23, Section 23.01, of Zoning Ordinance 3.000, to Be Known as Zoning Amendment Ordinance No. 3.045 – Lumber Yards

David Campbell, Planning Director, gave an explanation and stated the Planning Commission recommends the Township Board Adopt the Amendment.

MOTION by Sovel, supported by Berkheiser, to Adopt an Ordinance to Amend Article 23, Section 23.01, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.045, post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 5:8-18 SITE CONDOMINIUMS AND PLATS

A. Commerce Hotels Condominium

David Campbell, Planning Director, gave an explanation and stated the Planning Commission recommends the Township Board approve the Master Deed.

Hans Rentrop, Township Attorney, reviewed the proposed Master Deed and recommends approval.

Basil Bacall, petitioner, and his legal counsel, Ramy Sesi, were present.

ITEM 5:8-18 SITE CONDOMINIUMS AND PLATS (Commerce Hotels Condominium continued)

Trustee Sovel is looking for a commitment from the Petitioner that they will continue to promote Commerce Township and will not use Novi or any other community as the mailing address, on their website, printed invoices, letterhead, etc. He said this is also a safety hazard in the event someone calls for a first responder and they think they are in Novi or another community because it is listed as such.

Mr. Bacall said the address has always been Commerce. He said traditionally throughout the United States there are thousands of examples where they would have the city they are in, however if they want to piggyback on a bigger market to help draw business into that city, then they added that as an additional city. He said the website shows Commerce for both hotels. Some websites may put another city in front of Commerce to draw more business but that is not his intention to mislead anyone and has not been their doing.

Treasurer Phillips asked if the full taxable value would be maintained. No one knew the answer.

Both Mr. Bacall and Mr. Sesi agreed to continue to list Commerce Township as the location of the hotels.

MOTION by Weber, supported by Berkheiser, to approve the Master Deed for PSP#20-02 Commerce Hotels Condominium for a proposed new condominium comprised of the existing Hampton Inn and Marriott TownePlace Suites Hotels located at 169 & 199 Loop Road. Sidwell No.: 17-36-400-031.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 6:8-18 OLD BUSINESS

B. Horse Farm Repairs Update

Jay James, Building Official, explained the repairs needed. Because of COVID19 the repairs have been delayed but are now going forward. The foundation is out for bids and need to be submitted by September 2, 2020. He received a cost of \$27,740 for the parking lot. The cost for repairs is higher than estimated but below the \$40,000 the Township Board approved. He will have all costs available for the September 2020 meeting.

A. Horse Farm Update

Trustee Weber gave an update on the recommendations of the Windmill Farm Subcommittee. The subcommittee recommends the recently executed Concession Agreement with modifications and to extend it for a 5-year period. This recommendation

ITEM 6:8-18 OLD BUSINESS (Horse Farm Update continued)

will allow for consistency with the Parks Master Plan, other Parks & Recreation land use management/agreements and will provide Ms. Hancock a reasonable time frame to improve the facility and prove the equestrian center is a worthy investment for the residents of Commerce Township. The present Concession Agreement termination language will remain in effect.

Supervisor Scott said the address of the horse farm is 2552 Wixom Road.

Hans Rentrop, Township Attorney, recommends the Supervisor remain in Section 1k as a person to be notified in case of a safety issue associated with the facility.

Supervisor Scott said because of the COVID-19 pandemic, rent payments will be forgiven through September, 2020. He asked when rent payments will begin again.

Ms. Hancock stated outdoor lessons are operating at approximately 60%. She has 3 trainers giving lessons.

Trustee Weber asked her what she recommends as a start date to resume paying rent. Ms. Hancock said if everything continues as it is, she feels October 2020 would be realistic.

Supervisor Scott asked if she incurred any extraordinary expenses due to the COVID-19 pandemic or filed for any grants or support from the State of Michigan. She answered no she has not filed for any grants. She said they depend on weekly income from lessons and that changed their revenue.

Trustee Sovel wanted to clarify that Ms. Hancock is ok with paying \$700 rent beginning October 2020 then \$2,100 rent in the spring. She is in agreement.

MOTION by Weber, supported by Berkheiser, to move forward with a five-year concession agreement including language as recommended by the Township Attorney. Forgive all concession payments to date and to begin concession payments based upon the new schedule beginning October 2020.

Discussion: The Board would like to see all concessions, leases, and contracts coordinated so they expire at the same time.

Supervisor Scott recommends the Board accept the subcommittee's recommendation, discuss this at the budget discussion session in August 2020, allow the Township Attorneys time to review and make revisions, forward the final agreement to the Township Board for approval and send it to Ms. Hancock for her review.

MOTION by Weber, supported by Berkheiser, to amend the Motion to read: direct the Township Attorney to work with the Parks and Recreation Director to address the issues

ITEM 6:8-18 OLD BUSINESS (Horse Farm Update motion continued)

the existing concession agreement and to extend it to a five-year period and bring it back to the September 2020 Township Board Meeting for approval.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:8-18 NEW BUSINESS

A. Fire Vehicle Replacement Plan/SAD

Jim Dundas, Fire Chief, explained the vehicle replacement plan to the Board.

Trustee Berkheiser gave a presentation on SAD Projections 2020.

The Board is in agreement for the Fire Chief to move forward with ordering the fire truck and take delivery and pay for it in the year 2022. The Board will also review the plan for a lower, phased in SAD amount at the September Board Meeting.

B. Dodge Park V Emergency Gate Entrance

Emily England, Senior Director, said the Parks and Recreation Committee recommends Novi Fence LLC as the low bidder for the maintenance/emergency gate entrance.

MOTION by Magner, supported by Berkheiser, to award the Dodge Park Maintenance/Emergency Entrance Gate for the soccer field to Novi Fence LLC (contract #200815) in an amount not to exceed \$1,410.00.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

C. Commerce Memorial Cemetery Improvements

Supervisor Scott recommends using money from the sale of the property to immediately place an appropriate fence between the bike path and the gravesites. Additionally, he would like the entryway and the circle paved. He will obtain a cost for the paving and report back to the Board during the budget meeting.

MOTION by Berkheiser, supported by Scott, to apply a portion of the purchase price of the property to take care of any privacy fencing for the Commerce Memorial Cemetery and whatever the Planning Commission deems appropriate for landscaping.

ITEM 7:8-18 NEW BUSINESS (Commerce Memorial Cemetery Improvements motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

D. OCSO Phone System

Lieutenant Wendy Reyes recommends switching the phone system for the Sheriff's Substation to FirstNet. All other Oakland County substations have switched to FirstNet which gives them priority calling.

MOTION by Scott, supported by Berkheiser, to approve FirstNet as the phone carrier for the Commerce Township Substation at a cost of \$651.98 per month.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 8:8-18 ORDERS

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

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 9:8-18 OTHER MATTERS

Trustee Berkheiser

- Asked for an update on the Outrun Hunger application. Clerk Creech said the application was received.
- Requested the following correspondence be included in the minutes:

Hi Township Board,

Troop 308 would like to thank Commerce Township for graciously allowing us to use the Richardson Center to host our make-up Summer Camp. Our Troop was very disappointed, but understanding, when our "normal" Summer Camp was forced to cancel due to the pandemic. Once BSA released rules for meeting and camping, we wanted to put together a local event that would involve some camping and a lot of Scouting opportunities. We ended up camping for two nights and had day camp

ITEM 9:8-18 OTHER MATTERS (continued)

activities for an additional three days. While at camp we followed strict distancing and mask rules. We had a check-in and check-out procedure for wellness.

While at the Richardson Center, the boys performed roughly 10 hours of service in beautifying the volleyball court. It was a bit of instant gratification when a group showed up that same night to play volleyball, and seemed to be really enjoying themselves.

We had many boys that were able to camp for the first time away from their parents, and five boys slept in a shelter that they made themselves.

Over the course of the week we had the following accomplishments:

12 full merit badges earned

52 partial merit badges, where the boys have just a little bit of homework to do before completing

There was one rank advancement, and six boys just need a board of review at a Troop Meeting before they advance in rank.

18 boys and 7 adults attended regularly, with a couple additional adults that helped out for a session or two.

8 boys completed their youth leadership training

More importantly than those stats, a good time was had by all. There was a lot of bonding between the boys, and growth as citizens and leaders. We are grateful for the use of the Richardson Center. This helped solidify our unit, as we saw how quarantine was taking a toll on the unification of the boys. Thank you for allowing us this opportunity. It was very much appreciated.

Brad Stetson
Scoutmaster, Troop 308

Supervisor Scott

- Oakland County Board of Commissioners approved the Cares Act reimbursements.
- Oakland County Board of Commissioners approved the Parks and Recreation millage for the November ballot.

ITEM 10:8-18 CLOSED SESSION

To Discuss Financial Records Exempt from Disclosure Pursuant to Freedom of Information Act, Public Act 442 of 1976.

MOTION by Sovel, supported by Berkheiser, to enter into Closed Session for the purpose of discussing financial records exempt from disclosure pursuant to Freedom of Information Act, Public Act 442 of 1976.

ITEM 10:8-18 CLOSED SESSION (To Discuss Financial Records Exempt from Disclosure Pursuant to Freedom of Information Act, Public Act 442 of 1976 motion continued).

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 9:35 p.m.
Returned from Closed Session at 11:17 p.m.

MOTION by Magner, supported by Sovel, to adjourn from Closed Session and approve the Closed Session Minutes.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 11:8-18 ADJOURNMENT

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


MOTION by Magner, supported by Berkheiser, to adjourn the meeting at 11:24 p.m.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce