

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

October 8, 2019

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
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Jason Mayer, Giffels Webster Engineers
Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Fire Chief Dundas
Lt. Reyes, Oakland County Sheriff's Office
Dave Campbell, AICP - Planning Director
Janet Bushey, HR/Finance Director

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the September 10, 2019 Regular Township Board of Trustees Meeting Minutes, to approve the September 17, 2019 Special Township Board of Trustees Meeting Minutes, and to approve the September 24, 2019 Special Township Board of Trustees Meeting Minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1: APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to amend the October 8, 2019 Regular Township Board of Trustees Meeting Agenda as follows: add Presentations B. Brent Deuel, John Hancock Deferred Compensation 457 Plan; Presentations C. Oak Wilt, Emily England; and New Business F. John Hancock 457 Deferred Compensation Plan.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. People's Express

Supervisor Scott expressed the need for some type of public transportation for the community's senior citizens and disabled adult residents. He invited Doug Anderson of People's Express to begin his presentation.

Mr. Anderson stated that People's Express is a non-profit that's been in business for 20 years and operates in many surrounding communities. He indicated People's Express can track the number of riders using the service and the riders' destinations and share that data with the Township. There is a nominal fee to the riders using the service with the rest of the cost subsidized by the Township up to \$69,000.00 per year.

B. Brent Deuel, John Hancock 457 Deferred Compensation Plan

Supervisor Scott invited Brent Deuel to begin his presentation.

Mr. Deuel indicated he has worked closely with all the stakeholders in the current AXA deferred compensation plan. The new John Hancock deferred compensation 457 Plan offers greater investment growth opportunities and the fees are less expensive than the AXA program. Both Township unions have agreed to the change-over to the John Hancock 457 Deferred Compensation Plan and employees have agreed to pay the upfront costs associated with the transfer. The transfer can be accomplished at no cost to the Township or the tax payers.

C. Oak Wilt

Supervisor Scott invited Parks and Recreation Director Emily England to begin her presentation and he invited 3 boy scouts from Troop #308, who are all working on a merit badge, to the podium.

Ms. England informed the Board that a new site with oak wilt, bordering a private residence, was discovered in Maple Glen Park. American Arbor met with the resident to discuss treatment and obtain approval to enter the private property, which was given by the resident. Trenching and a fungicide will be applied.

Supervisor Scott asked the boy scouts, with 987 acres needing protection, how they would proceed in this situation; take action or wait and see? All 3 scouts said they would take action.

MOTION by Scott, supported by Berkheiser, to approve the treatment of Oak Wilt at Maple Glen Park by American Arbor in an amount not to exceed \$10,300.00.

MOTION CARRIED UNANIMOUSLY

ITEM 2: PUBLIC COMMENTS

Supervisor Scott asked if anyone present had any public comments.

At least 18 people spoke passionately in support of keeping Wind Mill Farm open and available to the community for horseback riding purposes.

ITEM 2: PUBLIC COMMENTS (continued)

At least 3 people spoke in support of the Township joining WOTA and the importance of public transportation for senior citizens and disabled adults.

ITEM 3: PUBLIC HEARINGS

A. Establishment Resolution – Wenonah Hills and Tree Haven Snow Plowing SAD
Supervisor Scott continued the opened public Hearing.

No one present had any comments.

Supervisor Scott closed the public hearing.

MOTION by Sovel, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefor, Excluding Parcel 17-15-254-002, Wenonah Hills and Tree Haven Snow Plowing Special Assessment District.

MOTION CARRIED UNANIMOUSLY

ITEM 4: PUBLIC HEARING FOR POLICE PROTECTION SPECIAL ASSESSMENT

Supervisor Scott opened the public hearing.

No one present had any comments.

Supervisor Scott closed the public Hearing.

ITEM 5: RESOLUTION CONFIRMING POLICE PROTECTION SPECIAL ASSESSMENT

MOTION by Sovel, supported by Creech, to approve the Township Police Protection Special Assessment District Resolution Confirming 2020 Special Assessment Roll.

ROLL CALL VOTE:

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

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

ITEM 6: PUBLIC HEARING FOR FIRE PROTECTION SPECIAL ASSESSMENT

Supervisor Scott opened the public hearing.

No one present had any comments.

Supervisor Scott closed the public hearing.

ITEM 7: RESOLUTION CONFIRMING FIRE PROTECTION SPECIAL ASSESSMENT

MOTION by Sovel, supported by Creech, to approve the Township Fire Protection Special Assessment District Resolution Confirming 2020 Special Assessment Roll.

ROLL CALL VOTE:

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

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

ITEM 8: CONTRACT AWARDS AND AGREEMENTS

A. Sale of Cemetery Property to the Benstein Grille

Township Attorney Hans Rentrop indicated he reviewed the purchase agreement currently before the Board. In addition, the purchaser would be required to obtain site plan approval from the Township Planning Commission, finalize a lot split and lot combination, and move the current path along the southern edge of the cemetery.

MOTION by Weber, supported by Berkheiser, to proceed with the purchase agreement for approximately 1 acre of land in the Commerce Memorial Cemetery and to authorize the Supervisor to execute the purchase agreement.

MOTION CARRIED

Sovel opposed

B. Scarlet's Smile Playground Safety Surface – Dodge Park V

Jason Mayer, Giffels Webster, reviewed the RFP and bidding process for the project. He also reviewed the bids received by the Township with the State Grant Reviewer to determine the eligibility of the bidding companies. The State Grant Reviewer determined the low bid should not be accepted as an equal and that the contract should be awarded to Penchura, LLC in the amount of \$249,777.49 with the total project cost not to exceed \$270,266.36.

MOTION by Berkheiser, supported by Scott, to award the Scarlet's Smile Playground Safety Surface contract to Penchura, LLC, for \$249,777.49 with a total project cost not to exceed \$271,000.00.

MOTION CARRIED UNANIMOUSLY

ITEM 9: CONSENT AGENDA

A. Halloween Trick or Treat Hours 6:00 p.m. to 8:30 p.m.

B. 2020 Annual Permit for Work on State Trunkline ROW

MOTION by Sovel, supported by Magner, to approve the October 8, 2019 Consent Agenda Resolution.

MOTION CARRIED UNANIMOUSLY

ITEM 10: NEW BUSINESS

A. Oak Wilt – Maple Glen Park

Moved to presentations.

B. Richardson Community Center Gas Line and Meter Installation

MOTION by Sovel, supported by Creech, to approve the gas line and meter installation at the Richardson Community Center in the amount of \$11,804.28, to come from the General Fund.

MOTION CARRIED UNANIMOUSLY

C. G2G Cloud Solutions – Credit Card Payments

Treasurer Phillips explained the need for the Township to modernize the way it accepts payments, specifically the Township needs the capability to accept credit card payments for deposits, reservations, fines, and fees.

The trustees discussed the pros and cons and gave the treasurer permission to explore the G2G Cloud Solutions system.

D. Proposed Zoning Ordinance Amendment – Off-Premises Alcohol Sales Outlets, PZ#19-0002

Attorney Bruce Rosenthal, 4301 Orchard Lake Road, West Bloomfield, presented his proposal on behalf of his clients UL Petro, LLC and K and S Fuel Ventures, Inc., to except from special land use approval requirements certain off-premises alcohol sales outlets, specifically those with SDD Resort Licenses. Robert Ficano and Mike Kowall were present to show their support of the zoning ordinance amendment.

The Board discussed the Planning Commission's vote of 7-0 to deny the zoning ordinance amendment and the Township's rationale for the special land use requirements and the spacing requirements between licensed establishments to protect the community.

MOTION by Weber, supported by Berkheiser, to deny the proposed zoning ordinance amendment – off-premises alcohol sales outlets, PZ#19-0002.

ROLL CALL VOTE:

AYES: Weber, Berkheiser, Magner

NAYS: Sovel, Creech, Phillips, Scott

ABSENT: None

MOTION FAILED

MOTION by Sovel, supported by Scott, to approve the proposed zoning ordinance amendment that all off-premises alcohol sales outlets shall be subject to special land use approval pursuant to Article 34, A.) Exceptions. The limitations set forth in Article 34 Special land use approval shall not apply to an off-premises alcohol sales outlet that existed prior to the adoption of Section 26-316, who upgrades, or expands their State issued Liquor License from

ITEM 10: NEW BUSINESS (D. Proposed Zoning Ordinance Amendment – Off-Premises Alcohol Sales Outlets, PZ#19-0002 motion continued)

an SDM (Specially Designated Distributor) License. No special land use approval will be required.

ROLL CALL VOTE:

AYES: Sovel, Scott, Creech, Phillips

NAYS: Weber, Berkheiser, Magner

ABSENT: None

MOTION CARRIED

E. Sale of Property – 17-02-351-009

Supervisor Scott asked the Board to authorize him to move forward with selling a small strip of land owned by the Township to the adjacent property owner, Mr. and Mrs. Fox. The trustees want the property owner to pay all costs and legal fees.

MOTION by Scott, supported by Phillips, to authorize the Supervisor to sell the parcel for \$1000.00 to Mr. and Mrs. Fox, with the purchasers paying all costs to combine the lot with their existing parcel.

MOTION CARRIED UNANIMOUSLY

F. John Hancock 457 Deferred Compensation Plan

MOTION by Sovel, supported by Creech, to authorize the transfer of the deferred compensation 457 plan from AXA to John Hancock.

MOTION CARRIED UNANIMOUSLY

ITEM 11: 2020 TOWNSHIP BUDGET

Clerk Creech informed the trustees that due to the passage of Prop 18-3, the Township's permanent absent voter list has more than doubled. The voting trend is moving toward a majority of voters voting absentee and not in the live precincts therefore she is increasing her budget to purchase the appropriate equipment to count and tabulate the huge number of expected absent voter ballots anticipated during the 2020 election cycle.

A general discussion followed regarding the entire proposed 2020 Township budget. The trustees tentatively agreed with the 2020 proposed Township budget as presented by all department heads.

ITEM 12: ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 13: OTHER MATTERS

Supervisor Scott introduced Ryan Berman, 39th District State Representative.

Mr. Berman offered to answer any questions the trustee may have. They discussed the heavy and increasing traffic in the Township and the large roundabout at M5 and Pontiac Trail. Mr. Berman said that he is trying to help find solutions to these issues while in Lansing.

Supervisor Scott reported that FEMA did not change the Township's flood plain rating. Also, according to the WRC, the Township did not exceed its limit on water usage on the day of peak use in July.

Trustee Magner asked about the Library Director position.

Supervisor Scott said that it has been posted as an open position.

Trustee Berkheiser asked about how much board members are paid and whether they should receive an increase in compensation.

Director Bushey said that most board members receive \$60.00 per meeting with the exceptions of the Planning Commission at \$70.00/meeting, Township Board at \$150.00/meeting, and Board of Review at a flat rate of \$100.00 for each Board of Review cycle.

Trustee Sovel asked for an update on the new Fire Station 3.

Fire Chief Jim Dundas indicated that the environmental and geo-technical bids were awarded and he intends for the architectural RFP to go live this week.

Treasurer Phillips says that she's planning a future Township blood drive.

Trustee Weber asked if the Richardson Community Center catering contract has been finalized.

Attorney Rentrop said the parties have almost reached an agreement.

Trustee Weber asked if the Planning Director has any zoning concerns regarding 8585 PGA Drive.

Director Campbell said he did not think so but he will look into it.

Clerk Creech asked the Board to consider changing 2 meeting dates in 2020 so as not to conflict with the 2020 election cycle election dates.

Trustee Weber asked Clerk Creech to submit that information in the proposed meeting dates.

ITEM 14: ADJOURNMENT

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

MOTION by Creech, supported by Weber, to adjourn the meeting at 10:14 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce