

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

**April 9, 2019**

2009 Township Drive  
Commerce Township, Michigan 48390

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

Also Present: Jay James, P.E. Building Official  
Jason Mayer, Giffels Webster Engineers  
Mark Stacey, DDA Director  
Phillip Adkison, Township Attorney  
Hans Rentrop, Township Attorney

**PLEDGE OF ALLEGIANCE TO FLAG**

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Creech, to approve the March 12, 2019 Regular Township Board of Trustees Meeting minutes, as submitted.

Treasurer Phillips did not vote because she was absent from the March 12, 2019 meeting.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS**

**Judy Evola – Walled Lake Consolidated School District**

Judy Evola gave a presentation on the Bond Election to improve all Walled Lake Schools known as the 2019 Building Infrastructure & Equity Bond. If approved, this will renovate Walled

**PRESENTATIONS (Judy Evola – Walled Lake Consolidated School District continued)**  
Lake Western High School, rebuild Dublin Elementary, construct an Early Childhood Center and upgrade the infrastructure, building systems, technology and many other needed building renovations at all 19 Walled Lake Schools and District buildings, as well as improve safety.

**ITEM 1:4-9 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Sovel, to approve the April 9, 2019 Agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:4-9 PUBLIC COMMENTS**

Barbara Garbutt is in support of the 2019 Building Infrastructure & Equity Bond for Walled Lake Schools. She stated some schools are very old and are in need of renovation and upgrading of school programs along with security is needed.

Jose Mirkin, Member of the DDA, advised the Board there will be a Walled Lake Schools K-12 Student Art Exhibition from May 18 – 25, 2019 at the Commerce Township Library. A reception will be held on May 22, 2019 from 5-7 p.m.

Mr. Ned Losey, 2962 Woodlawn, advised the Board of at least 5 vehicles that have been on the lawn at 2965 Woodlawn for a long time and now the residents are putting scrap material on the lawn. He is requesting the Township enforce the ordinance for this location. Supervisor Scott said they are working on this. Mr. Losey also thanked the Township for getting 2977 Fisher Ave. cleaned up.

Ms. Joanne Heinzmann suggested the Walled Lake Schools pay off school debt and if there is any money left over, then build a new school. Supervisor Scott said she should let the school board know what her concerns are.

**ITEM 3:4-9 PUBLIC HEARINGS**

**A. Roll Resolution Confirming Ashland Dust Control SAD**

Supervisor Scott opened the Public Hearing.

There were two residents present that inquired on the cost and how many dustings there will be. There will be a spring and fall dusting and the cost for 2019 will be \$33.33 per parcel. Jay James to verify if there are 2 or 3 applications.

One resident had questions about the weed control on Huron River. Supervisor Scott told him this is a public hearing on the Ashland Dust Control SAD and he can contact him at the Township Hall for any questions or concerns.

Supervisor Scott closed the Public Hearing

**ITEM 3:4-9 PUBLIC HEARINGS (Roll Resolution Confirming Ashland Dust Control SAD continued)**

**MOTION** by Sovel, supported by Phillips, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Ashland Dust Control Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:4-9 BOARD APPOINTMENTS**

**A. David Smith – Reappointment to the DDA for a 4-Year Term to Expire May 31, 2023.**

David Smith was present.

**MOTION** by Sovel, supported by Creech, to approve the Reappointment of David Smith to the DDA for a 4-Year Term to Expire May 31, 2023. **MOTION CARRIED UNANIMOUSLY**

**B. Steven A. Matta – Appointment to the DDA for a 4-Year Term to Expire May 31, 2023.**

Steven A. Matta was present. He feels he will be an asset to the DDA because of his real estate and attorney experience.

**MOTION** by Sovel, supported by Berkheiser, to approve the Appointment of Steven A. Matta to the DDA for a 4-Year Term to Expire May 31, 2023. **MOTION CARRIED UNANIMOUSLY**

**C. Barbara Garbutt – Reappointment to the Library Advisory Board for a 3-Year Term to Expire May 31, 2022.**

Barbara Garbutt was present.

**MOTION** by Scott, supported by Creech, to approve the Reappointment of Barbara Garbutt to the Library Advisory Board for a 3-Year Term to Expire May 31, 2022.

**MOTION CARRIED UNANIMOUSLY**

**D. Barry Hiscox – Reappointment to the Library Advisory Board for a 3-Year Term to Expire May 31, 2022**

Barry Hiscox was present. Trustee Berkheiser asked about his attendance rate of 70%. Mr. Hiscox stated he has had to attend some family issues in California.

**MOTION** by Weber, supported by Creech, to approve the Reappointment of Barry Hiscox to the Library Advisory Board for a 3-Year Term to Expire May 31, 2022.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:4-9 BOARD APPOINTMENTS (continued)**

**E. William Petsch – Reappointment to the Parks and Recreation Committee for a 4-Year Term to Expire May 31, 2023**

William Petsch was present.

**MOTION** by Berkheiser, supported by Phillips, to approve the Reappointment of William Petsch to the Parks and Recreation Committee for a 4-Year Term to Expire May 31, 2023.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:4-9 CONTRACT AWARDS AND AGREEMENTS**

**A. Oakland County Sheriff's Office 2019-2021 Marine Patrol Services Agreement 2019 – 2021.**

Trustee Weber said he could not find in the agreement where it discusses scheduling of hours. Lt. Gerald Schroeder said there are certain hours that will be set and there will be no overtime hours. The Homeowners Association will send a list of days they are requesting to Janet Bushey and she will forward that list to Marine Unit Sergeant Jex, who will then create a schedule.

**MOTION** by Sovel, supported by Berkheiser, to approve the Oakland County Sheriff's Office 2019-2021 Marine Patrol Services Agreement with The Charter Township of Commerce.

**MOTION CARRIED UNANIMOUSLY**

**B. Oakland County Equalization Division Assistance Services 2019 – 2022.**

The existing contract with Oakland County Equalization will expire on June 30, 2019.

Treasurer Phillips said there were some properties found that are wetlands and/or attached to other properties that she believes should be taxable. The Township should be able to request Oakland County review these properties. There are also properties that have been dissolved and have delinquent taxes. She asked Oakland County if they will be sending out notices to property owners for taxes due and was told they probably will not send out any notices.

Phillip Adkison and Hans Rentrop, Township Attorneys, will look into this so the Township has a clear understanding of the County's protocol when it relates to taxable property and delinquent taxes.

**MOTION** by Berkheiser, supported by Magner, to Table the Contract for Oakland County Equalization Division Assistance Services with The Charter Township of Commerce (real and personal property services).

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:4-9 ADOPTIONS**

**A. An Ordinance to Amend the Code of Ordinances, to be known as Code Amendment Ordinance No. 1.041 - FOIA**

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

**MOTION** by Berkheiser, supported by Creech, 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. 1.041, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:4-9 OLD BUSINESS**

**A. Horse Farm – 2252 Wixom Road**

Supervisor Scott said that Ms. Hancock was served a 10 day notice that she owes \$11,200 in back rent. She asked for permission to come into the Township to discuss this. The security deposit of \$2,800 will be applied towards the outstanding debt and she made a payment of \$2,800.00. She will make double payments until the debt is paid in full. She provided an insurance certificate. She is asking for a new concession agreement and would like the Township to credit \$3,300.00 towards her outstanding balance for maintenance costs (new lighting installation) she did on the site. We will continue on a month to month lease.

Trustee Weber would like the Board to consider the following:

- Does the Township want to be in the horse farm business?
- What is the expense to get the property (all 33 acres) up to code?
- We have to decide what the Township's vision is for this parcel.

**MOTION** by Berkheiser, supported by Magner, to issue a credit of \$3,300.00 (paid for by Ms. Hancock) towards the outstanding debt balance for new lighting installed at 2252 Wixom Road, Commerce Township, Michigan.

Discussion – Trustee Berkheiser asked why we are putting the security deposit towards the rent owed. Supervisor Scott said the concession agreement allows for this.

**MOTION CARRIED UNANIMOUSLY**

Jay James, P.E. Building Official, will do an evaluation on the property and provide a report to the Township Board for the May 2019 meeting.

**B. Non-Union Employee Evaluations**

Supervisor Scott said there was no change in job descriptions. He has four or five examples of forms other companies and government agencies use; he will share these with the Board. The Township Board could create the evaluation form for Director's use; not to be shared with the public. Additional discussion will take place during the April Board Discussion Meeting.

**ITEM 8:4-9 NEW BUSINESS**

**A. Resolution in Support of a Traffic Island at Cascade Street**

Supervisor Scott explained the Resolution. Trustee Sovel requested the language be changed from "Support" to "Not Oppose".

**MOTION** by Phillips, supported by Creech, to approve the Resolution of The Township Board of The Charter Township of Commerce Non Opposing The Russell Beach Homeowners Association Application to Road Commission for Oakland County for a Traffic Island at Cascade Street with the understanding the Township will not pay any cost towards the traffic island or maintenance.  
**MOTION CARRIED UNANIMOUSLY**

**B. Contracted Services for Parks Mowing**

**MOTION** by Berkheiser, supported by Creech, to award mowing services for Hickory Glen, Maple Glen, Dodge Park and Richardson Center to MWG Lawn and Snow LLC for \$1,500 per cut for the 2019 season. Funds to come from Parks and Recreation Maintenance Account within the General Fund.

**MOTION CARRIED UNANIMOUSLY**

**C. Paid Medical Leave for Part-Time Employees**

This is to provide an opportunity for part-time employees to acquire paid time off for personal, family and medical reasons in compliance with the Michigan Paid Medical Leave Act of 2018 (PMLA).

**MOTION** by Magner, supported by Sovel, to approve Paid Medical Leave, as presented.  
**Berkheiser Opposed**

**MOTION CARRIED**

**D. Student Interns and Summer Employment Opportunities with the Township**

**MOTION** by Magner, supported by Berkheiser, to approve the use of up to three (3) student intern positions and up to four (4) summer employment positions at \$14.00 per hour for the summer employment positions.

**MOTION CARRIED UNANIMOUSLY**

**E. Banner Permit – Open Door Outreach**

Clerk Creech said they will provide an updated insurance certificate.

**MOTION** by Magner, supported by Creech, to approve a banner across Union Lake Road, south of Cooley Lake Road from May 12, 2019 to June 2, 2019 for the 26<sup>th</sup> Annual Julie Run to End Hunger Fundraiser, subject to receipt of a valid Certificate of Insurance.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:4-9 NEW BUSINESS (continued)**

**F. Resolution Establishing a Disaster and Emergency Relief Fund**

**MOTION** by Weber, supported by Berkheiser, to approve the Resolution of the Township Board of the Charter Township of Commerce Establishing a Disaster & Emergency Relief Fund in the amount of \$10,000.00. The money will be committed funds from the General Fund Fund Balance.

**MOTION CARRIED UNANIMOUSLY**

**G. Clerk's Office Clerical Staff**

Clerk Creech is requesting approval to hire one Level I Clerical Administrator in the Clerks Department.

**MOTION** by Scott, supported by Phillips, to approve the request of Melissa Creech, Township Clerk of the Board to hire one (1) Level I Clerical Administrator for the Clerks Department, and amend the budget accordingly.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:4-9 ORDERS**

**MOTION** by Berkheiser, supported by Phillips, to approve the Orders and Add Ons.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:4-9 OTHER MATTERS**

Trustee Magner –

- Asked for an update on Scarlet's Smile. Trustee Berkheiser said there are no new updates. Jason Mayer, Giffels Webster, said there is a slight delay in building because they will be putting in a splash pad as part of phase 2. He will meet with the design team this Friday. The building layout is complete, including the addition of restrooms. They are hopeful construction will begin the summer of 2019. No further information on "perpetual care" funding of long-term maintenance from Scarlet's Smile.

Trustee Sovel –

- There will be a meeting on May 13, 2019 at 4:00 p.m. to review the rubbish removal bids and discuss the bids with representatives who submitted them. Trustee Weber offered to put key bid evaluation items on a spreadsheet for easier comparison.

Trustee Berkheiser –

- Asked if the application process was finalized for Outrun Hunger. Supervisor Scott will provide them with the application form and will hold the requested date for them.

Trustee Weber –

- Asked for an update on the Fire Department's RFP. Hans Rentrop, Township Attorney, said the deadline is April 26, 2019. He is making a few changes to the RFP.

**ITEM 12:4-9 OTHER MATTERS (continued)**

Treasurer Phillips –

- The bond restructuring is complete.

Supervisor Scott –


- Attended the MTA in Grand Rapids. He said it was very informative and he encourages attendance by Board members at the MTA in Traverse City, Michigan next year.
- The Ambassador of Japan requested a meeting to discuss Japanese residency in the Township.
- He volunteered to be on the Oakland County CISMA. This year there is \$70,000 applied for the entire County for phragmites mitigation.
- Next week The West Oakland Transportation survey comes out in the paper.

**ITEM 13:4-9 ADJOURNMENT**

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

**MOTION** by Magner, supported by Creech to adjourn the meeting at 9:41 p.m.

**MOTION CARRIED UNANIMOUSLY**

  
Melissa Creech, Clerk  
Charter Township of Commerce