

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
December 14, 2021
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER: Supervisor Gray called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

Also Present: Hans Rentrop, Township Attorney
Jim Dundas, Fire Chief
Emily England, Senior/Parks and Recreation Director
Jay James, Building Official
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Lt. Wendy Reyes, Oakland County Sheriff's Office

APPROVAL OF MINUTES

MOTION by Phillips, supported by Creech, to approve the November 9, 2021 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. Lifesaving Award – Chief Dundas

Jim Dundas, Fire Chief, presented resident Kurt Baker with a Certificate of Appreciation and the Lifesaving Award to Fire Fighters Tim Easley, Jake Beardon, Don Roediger, Brandon Filipiak, John Garofalo and Christina Harmon for their lifesaving efforts on Eric Waggoner, who was not breathing on September 3, 2021.

ITEM 1:12-14 APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to approve the December 14, 2021 agenda with the addition of **ITEM 8:12-14 NEW BUSINESS L. Oakland County Sheriff's Office 2022-2024 Law Enforcement Services Agreement.**

MOTION CARRIED UNANIMOUSLY

ITEM 2:12-14 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Bruce Houghtaling, 4445 Lynne Ln, is in support of Phase 1 at the Richardson Center that will include 8 Pickle Ball Courts. He would also like to see Pickle Ball Courts placed in other areas of the Township.

Supervisor Gray closed Public Comments.

ITEM 3:12-14 BOARD APPOINTMENTS

A. Dr. Elizabeth Bulat – Appointment to the DDA for a 4-Year Term Ending December 31, 2025

MOTION by Magner, supported by Sovel, to Appoint Dr. Elizabeth Bulat to the DDA for a 4-Year Term Ending December 31, 2025.

MOTION CARRIED UNANIMOUSLY

ITEM 4:12-14 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.058 – Poverty Tax Exemption

Hans Rentrop, Township Attorney, explained the proposed amendment recommendation by the Board of Review and the Township Assessor and follow discussions with Oakland County Equalization. The amendment will clarify and revise the criteria which the Board of Review shall consider when deciding whether to grant a hardship tax exemption.

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. 1.058, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 5:12-14 CONSENT AGENDA

- A. 2022 Meeting Schedules**
- B. 2022 Holiday Closures**
- C. 2021 Budget Amendments**

MOTION by Sovel, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of the Downtown Development Authority Regular Meeting Schedule from **A. 2022 Meeting Schedules**.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 5:12-14 CONSENT AGENDA (continued)

A. 2022 Meeting Schedules DDA

Trustee Sovel said the June 21st date had the year 2021 instead of 2022.

MOTION by Sovel, supported by Magner, to approve the Downtown Development Authority Regular Meeting Schedule January 1, 2022 through December 31, 2022 with a correction as follows: June Tuesday, June 21, 2022.

MOTION CARRIED UNANIMOUSLY

ITEM 6:12-14 PURCHASES

A. Fire Station 4 Apparatus Room Ceiling Drywall Repair

Jim Dundas, Fire Chief, is asking for approval to repair the ceiling in the apparatus room of Station 4. He recommends the contract be awarded to R and D Drywall for the amount of \$11,625.00 with a five-year warranty.

MOTION by Weber, supported by Berkheiser, to award the contract to the low bidder R and D Drywall Inc., for the repair of the ceiling in Fire Station 4 for an amount not to exceed \$12,000.

MOTION CARRIED UNANIMOUSLY

ITEM 7:12-14 OLD BUSINESS

A. Township Property Management and Strategy Sub-Committee Update

Trustee Weber gave an update on the Property Management Subcommittee's findings of Township owned property.

Trustee Weber discussed the Subcommittee's recommendations for parcel 17-22-201-005 and the existing Group Home parcel is to sub-divide them into two 1 acre buildable lots. Additionally, the parcel along Secret Way will be retained by the Township.

MOTION by Weber, supported by Magner, to retain parcel 17-22-126-049 to keep as a buffer and sub-divide parcel 17-22-201-005 into two 1 acre buildable lots and include it in the overall strategy plan to be listed for sale by a realtor.

ROLL CALL VOTE

AYES: Weber, Magner, Creech, Phillips, Sovel

NAYS: Berkheiser, Gray

MOTION CARRIED

Trustee Weber said after the presentation made by Mike Powell at a previous Board meeting, there was not a consensus within the Subcommittee regarding the hospital property. The Board advised the previous decision to keep the property as green space will stand. Any encroaching would be treated in accordance to Township policy.

Trustee Weber said a realtor representing Walled Lake Consolidated Schools contacted the Planning Dept and advised them that the school district plans to sell 83 acres at Commerce Road, east of the cemetery and south of Victory Park. The Subcommittee would like to enter into discussion with the school district to determine their long term

ITEM 7:12-14 OLD BUSINESS (Township Property Management and Strategy Subcommittee Update continued)

plan and whether there is interest in a land swap with two Township owned parcels adjacent to Clifford Smart School and Commerce Elementary.

MOTION by Weber, supported by Sovel, to authorize the Property Management Subcommittee to enter into discussion with Walled Lake Consolidated Schools regarding property to the north of Clifford Smart School and adjacent to Commerce Elementary.

MOTION CARRIED UNANIMOUSLY

Draft RFP and final list of properties to be sold will be presented for review at the January Board Meeting.

B. Fire Station 3 Update

Jim Dundas, Fire Chief, gave an update on the completion of Fire Station 3. The final stages of completion are in progress and the Township has started their move-in process. Punch list completion details are being worked on and final approvals being obtained. Installation of the data lines should be complete by the end of next week. The quality of the finish with the concrete floors is unacceptable. Several defects exist with workmanship and appearance of the floor. The contractor will cover the floor with commercial grade LVT vinyl at his cost. Approximate move in is anticipated to be in 2 weeks.

ITEM 8:12-14 NEW BUSINESS

A. Country Hills – LOI

Trustee Weber discussed the counter offer letter to Haytham Obeid, Pine Cove Building Company, for the purchase of Parcel 17-19-201-011 (commonly referred to as the "Rose Button Property") drafted by Randall Thomas, Insite Commercial.

MOTION by Weber, supported by Berkheiser, to authorize Supervisor Gray to sign the letter of intent dated December 14, 2021 to Haytham Obeid, Pine Cover Building Company, for the offer to purchase of Parcel 17-19-201-011, Glengary and Wixom Road (commonly referred to as the "Rose Button Property").

Discussion – Supervisor Gray said he does not want to sell the property. He would like to keep it as green space.

Supervisor Gray - opposed

MOTION CARRIED

B. Victory Park Land and Water Conservation Fund Grant

Emily England, Senior/Parks and Recreation Director, advised the Board that the Parks and Recreation Committee would like to move forward with a revised concept plan for Victory Park. The improvements could include a gazebo, driveway, parking lot, dog park and open air/restroom building. They are recommending Living Labs revisit the concept plan for Victory Park and apply for the DNR Land and Water Conservation Fund

ITEM 8:12-14 NEW BUSINESS (Victory Park Land and Water Conservation Fund Grant continued)

matching grant. Prior to any decisions made for Victory Park improvements, the Parks and Recreation Committee will gather significant community feedback throughout the process.

MOTION by Berkheiser, supported by Weber, to approve the request of the Parks and Recreation Committee to contract with Living Labs to revisit the concept plan for Victory Park, to potentially include a parking lot, gazebo, dog park and open restroom/educational room, and mileage expense at a cost not to exceed \$8,200.

MOTION CARRIED UNANIMOUSLY

MOTION by Berkheiser, supported by Sovel, to work with Living Lab to apply for the DNR Land and Water Conservation Fund matching grant, for an amount as deemed necessary, up to a maximum of \$500,000 that is available, with costs not to exceed \$3,300.

MOTION CARRIED UNANIMOUSLY

C. Richardson Community Center – Phase I Improvements

Emily England, Senior/Parks and Recreation Director, advised the Board that the Parks and Recreation Committee would like to move forward with a Phase 1 at the Richardson Center that will include the enlargement of the existing parking lot with 36 additional spaces and the addition of 8 Pickle Ball courts.

MOTION by Berkheiser, supported by Creech, to approve the request of the Parks and Recreation Committee to contract with Giffels Webster to move forward with the design engineering portion of the Richardson Center Phase 1 Improvements project to prepare plans and publicly bid the project for an amount not to exceed \$50,000.

MOTION CARRIED UNANIMOUSLY

D. Richardson Community Center Bar Services

Emily England, Senior/Parks and Recreation Director, did not receive any RFP's back for bar services. She contacted the owners of the Benstein Grille who have agreed to provide bar services. Since they have a Class C Liquor License she recommends putting the Township's Liquor License in escrow for 5 years.

E. Non-Motorized Pathway – 14 Mile and M5

Emily England, Senior/Parks and Recreation Director, is asking for approval to move forward with the design of the non-motorized pathway from Robert H. Long Park to the Metro Trail along M5 at a cost of \$16,500.

MOTION by Berkheiser, supported by Sovel, to approve the request of the Parks and Recreation Committee to contract with Giffels Webster to move forward with the design engineering portion of the 14 Mile Pathway - Long Park Paving project to prepare plans and publicly bid the project for an amount not to exceed \$16,500.

MOTION CARRIED UNANIMOUSLY

ITEM 8:12-14 NEW BUSINESS (continued)

F. Oakland County Trailways Grant Application

Emily England, Senior/Parks and Recreation Director, is asking for approval to submit an application for the Oakland County Trailways Grant in the amount of \$150,000. This is for the non-motorized pathway from Robert H. Long Park to the Metro Trail along M5.

MOTION by Berkheiser, supported by Sovel, to authorize Emily England, Senior/Parks and Recreation Director, to submit an application for the Oakland County Trailways Grant in the amount of \$150,000. The grant requires a 25% match by the Township. This is for the non-motorized pathway from Robert H. Long Park to the Metro Trail along M5.

MOTION CARRIED UNANIMOUSLY

G. Approval of Bank Depositories

Treasurer Phillips said the Township is required to designate bank depositories for Township funds.

MOTION by Phillips, supported by Berkheiser, to approve the Resolution for approval of Bank Depositories for the year 2022:

PNC Bank	Flagstar Bank
Comerica Securities	MERS (Retiree Health Trust)
Huntington Bank	The State Bank
Level One Bank	CIBC
Chief Financial Credit Union	Genysis Credit Union

Michigan Cooperative Liquid Asset Securities System (Michigan CLASS)
Oakland County Local Government Investment Pool.

MOTION CARRIED UNANIMOUSLY

H. Intention Resolution to Establish a Special Assessment District to be known as Lagoon & Point Streets Sanitary Sewer SAD

Hans Rentrop, Township Attorney, explained the Resolution.

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Lagoon & Point Streets Sanitary Sewer Special Assessment District. **MOTION CARRIED UNANIMOUSLY**

I. Township Quarantine and Isolation Policy

Supervisor Gray will report back to the Board on how much the Township paid employees to stay home while being in quarantine because of COVID-19 for the year 2021.

No action taken.

ITEM 8:12-14 NEW BUSINESS (continued)

J. Approval of Proposed MALT 2022 Budget

MOTION by Weber, supported by Berkheiser, to approve \$15,000 to the CW2 Trailway Management Council 2022 Proposed Operating Budget.

MOTION CARRIED UNANIMOUSLY

K. The Reserve at Crystal Lake – Escrow Agreements for Off-Site Water and Sewer Development

Hans Rentrop, Township Attorney, submitted an “Agreement for Preliminary Services and Payment of Non-Construction Costs and Expenses Associated with the Off-Site Water & Sewer for the Development of The Reserve at Crystal Lake” (“Preliminary Escrow”) and the “Off-Site Water & Sewer Construction Agreement” (“Construction Escrow”). These agreements are to establish the conditions under which Commerce Investment Company, LLC, the Developer for The Reserve at Crystal Lake, agrees to deposit money into escrow with the Township.

MOTION by Weber, supported by Berkheiser, to approve the Agreement for Preliminary Services and Payment of Non-Construction Costs and Expenses Associated with the Off-Site Water & Sewer for the Development of The Reserve at Crystal Lake

MOTION CARRIED UNANIMOUSLY

L. Oakland County Sheriff’s Office 2022-2024 Law Enforcement Services Agreement

Lt. Wendy Reyes, Oakland County Sheriff’s Office, was present.

MOTION by Phillips, supported by Berkheiser, to approve the Oakland County Sheriff’s Office 2022-2024 law Enforcement Services Agreement.

MOTION CARRIED UNANIMOUSLY

ITEM 9:12-14 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 10:12-14 OTHER MATTERS

Trustee Weber –

- The Board members will receive a survey from Giffels Webster to gain feedback for the start of the master plan update process. The Planning Commission will have materials to review at the next Quarterly Discussion meeting on January 25, 2022. Supervisor Gray requested all surveys be completed by December 22, 2021.

Trustee Berkheiser –

- Said we never signed a contract with the Daily Company for repairs to the Byers property. Supervisor Gray said this is on hold.

ITEM 10:12-14 OTHER MATTERS (continued)

Trustee Sovel -

- He would like the Township Attorney to come up with 3 insurance categories (low, med and high risk) and if a bid received does not meet the insurance requirements then it will not go before the Township Board for consideration. Hans Rentrop, Township Attorney, said he will discuss this with the Board in a Township Board Discussion Meeting.

Supervisor Gray –

- We accepted an offer from 662 East Grand Traverse of \$7500 in damages for trees they cut from Township property.
- He has not received an invoice yet for old Union Lake Boat Launch.
- Michigan State University will review our findings of the gypsy moth study.
- We are waiting on weed harvesting bids for the Lower Straights Lake SAD.
- Diane Wilson, member of the Board of Review, has resigned. We need to fill the position.

ITEM 11:12-14 CLOSED SESSION

A. Discussion of Purchase of Property

MOTION by Magner, supported by Berkheiser, to enter into Closed Session for the purpose of discussing Purchase of Property.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 10:15 p.m.
Returned from Closed Session at 10:37 p.m.

MOTION by Creech, supported by Berkheiser, to adjourn from Closed Session at 10:40 and to approve the Closed Session minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Phillips, supported by Gray, to authorize the Building Official to proceed as discussed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

ITEM 12:12-14 ADJOURNMENT

MOTION by Gray, supported by Creech, to adjourn at 10:42 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce