

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

September 10, 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 Scott, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

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

APPROVAL OF MINUTES

MOTION by Creech, supported by Phillips, to approve the August 12, 2019 Special Township Board of Trustees Meeting minutes with the header date corrected to August 12, 2019, and to approve the August 13, 2019 Regular Township Board of Trustees Meeting Minutes, as submitted.
MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. Human Resources Employee Evaluations – Steve Williams

Mr. Steve Williams did not attend the meeting.

B. Water Resources Commission – New REU Schedule

Jay James, P.E. Building Official, introduced Raphael Chirolla and Laura Gruzowski from the Water Resources Commission. Laura Gruzowski explained that the 1998 REU schedule was based on a study that was derived theoretically, without the use of actual consumption data. Single family usage has decreased by 50% since 1998 across all users serviced by the WRC.

PRESENTATIONS (B. Water Resources Commission – New REU Schedule continued)

The study conducted in 2017 was done in 2 phases. Phase 1 based 2017 REU values on actual consumption data. Phase 2 looked at water consumption data for commercial users and expanded the types of categories for commercial users.

ITEM 1: APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to approve the September 10, 2019 Agenda with the following additions:

Item 6: Old Business add D. Fire Station Geotech RFP and E. Fire Station Environmental RFP.

Item 7: New Business add I. Census Complete Count Committee and J. Public Act 152 Compliance.

MOTION CARRIED UNANIMOUSLY

ITEM 2: PUBLIC COMMENTS

No one present had any questions or comments.

ITEM 3: PUBLIC HEARINGS

A. Establishment Resolution – Wenonah Hills and Tree Haven Snow Plowing SAD

Supervisor Scott opened the public Hearing.

Supervisor Scott read a letter from a resident opposing the SAD.

Larry Bird, 4020 Watuga, asked if the project has been sent out for bids and stressed the need for salting.

P.E. Building Official Jay James said the bid will be sent out on Monday, September 16, 2019 and the Township is not contracting for salting services in the SAD due to liability issues.

The public hearing remains open.

No action taken.

ITEM 4: CONTRACT AWARDS AND AGREEMENTS

A. Dodge Park V Improvements – Phase One

Jason Mayer, P.E., Giffels Webster, explained the bidding process for phase I sidewalks and recommends awarding the project to GM & Sons, Inc., as the low bidders at a cost of \$195,720.00.

MOTION by Berkheiser, supported by Weber, to award the Dodge Park V Improvements - Phase I to GM & Sons, Inc., at a cost not to exceed \$196,000.00

MOTION CARRIED UNANIMOUSLY

ITEM 4: CONTRACT AWARDS AND AGREEMENTS (A. Dodge Park V Improvements – Phase One motion continued)

MOTION by Berkheiser, supported by Weber to approve the Dodge Park V Improvements Phase 1 project budget at a cost not to exceed \$269,000.00.

MOTION CARRIED UNANIMOUSLY

Larene Clark thanked the Board and all of the Township's partners for their respective contributions.

B. Snow Plowing Contracts for Township Property

MOTION by Creech, supported by Weber, to approve the existing snow plowing contracts for Township properties for an additional 2 years.

MOTION CARRIED UNANIMOUSLY

ITEM 5: ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.046 – Land Divisions/Boundary Movements

MOTION by Sovel, supported by Creech, to approve an Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.046 – Land Divisions/Boundary Movements, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend Ordinance No. 2.017 to be Known as Fee Ordinance No. 2.018

MOTION by Creech, supported by Sovel, to approve an Ordinance to Amend Ordinance No. 2.017 to be Known as Fee Ordinance No. 2.018, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 6: OLD BUSINESS

A. Sale of Cemetery Property

Township Attorney Hans Rentrop informed the Board that discussions are ongoing with the purchaser's attorney.

No action taken

B. Human Resources Employee Evaluations

No action taken.

ITEM 6: OLD BUSINESS (continued)

C. Horse Farm

Supervisor Scott asked the current concessionaire to submit a business plan to the Township Board by September 1, 2019. The deadline was not met.

A general discussion followed regarding the Township's goal of protecting the existing water and sewer taps on the property, the cost to repair and maintain the property, combining parcels, legal fees, demolition, and the pros and cons of selling the property.

MOTION BY Sovel, supported by Scott, to approve rendering notice of lease agreement termination to the horse farm concessionaire.

MOTION CARRIED

Phillips opposed

D. Fire Station Geotech RFP

Kevin Donnelly of Plante Moran CRESA explained that environmental studies must be conducted on the old Fire Station 3 before demolition or construction can begin on the property. Fire Station 3, built in the 1950's, is the oldest fire station in the Township.

MOTION by Sovel, supported by Berkheiser, to approve the Fire Station Geotech RFP in an amount not to exceed \$20,000.00, funds to come from the Fire Department Fund.

MOTION CARRIED UNANIMOUSLY

E. Fire Station Environmental RFP

MOTION by Sovel, supported by Magner, to approve the Fire Station Environmental RFP in an amount not to exceed \$12,000.00, funds to come from the Fire Department Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 7: NEW BUSINESS

A. Class C Liquor License Transfer from Glenbill, LLC to Wilson's Pub, Inc., DBA Willson's Pub, 2256 Union Lake Road

MOTION by Magner, supported by Berkheiser, to approve the Class C Liquor License Transfer from Glenbill, LLC to Wilson's Pub, Inc., DBA Willson's Pub, 2256 Union Lake Road contingent upon Oakland County Health Department Approval.

MOTION CARRIED UNANIMOUSLY

B. 4910 Carroll Lake Road

Supervisor Scott reviewed with the Board that the garage encroaches onto adjacent Township property and the new current owner, Mr. Robotnik, is trying to correct the situation.

ITEM 7: NEW BUSINESS (B. 4910 Carroll Lake Road continued)

P.E. Building Official Jay James says the simplest way to correct the encroachment is for a property swap between the Township and Mr. Robotnik.

MOTION by Weber, supported by Magner, to direct Supervisor Scott and P.E. Building Official Jay James to swap parcels as identified.

MOTION CARRIED UNANIMOUSLY

C. Outrun Hunger Banner Permit

Supervisor Scott indicated that our current ordinance allows only non-profit organizations located within the Township to apply for a banner permit. Outrun Hunger does not qualify as they are located in White Lake Township. Also, the Township has issues with organizations not removing their banners in a timely manner necessitating the Fire Department remove the banners.

Chief Dundas does not want to be in the sign business and he feels it's dangerous for his guys to be blocking traffic while putting banners up and taking them down. This year the Fire Department will not hang their own banner advertising the Fire Department Open House.

P.E. Building Official Jay James suggested requiring applicants to submit a bond which would be refunded when the banner is removed within the approved time frame, or, retained by the Township if the banner is not removed in a timely fashion.

The Board will follow up on this item at their Quarterly Discussion meeting on Tuesday, October, 22, 2019.

MOTION by Sovel, supported by Berkheiser, to approve the Outrun Hunger Banner Permit.

ROLL CALL VOTE

AYES: Sovel, Berkheiser, Magner, Weber

NAYS: Creech, Phillips, Scott

MOTION CARRIED

D. Outrun Hunger Sign Request for Display on Township Property

MOTION by Berkheiser, supported by Weber, to approve Outrun Hunger's request to display a sign in front of the Richardson Community Center.

ITEM 7: NEW BUSINESS (D. Outrun Hunger Sign Request for Display on Township Property motion continued)

ROLL CALL VOTE

AYES: Berkheiser, Weber, Magner, Sovel

NAYS: Creech, Phillips, Scott

MOTION CARRIED

E. Dangerous Building – 5694 Carroll Lake Road

P.E. Building Official Jay James informed the Board that a Dangerous Building Hearing was held for this property and the homeowner did not attend. Subsequently the homeowner contacted Jay James and indicated that he is trying to get the building demolished. The homeowner has until October 1, 2019 to complete demolition and in the event he does not Jay James asks the Board to make a motion allowing the Township to proceed in circuit court after October 1, 2019.

MOTION by Scott, supported by Berkheiser, to proceed after October 1, 2019 with obtaining a court order to demolish the dangerous building at 5694 Carroll Lake Road.

MOTION CARRIED UNANIMOUSLY

F. Water Resources Commission

P.E. Building Official Jay James recommends that the Board adopt the new REU schedule and converts all new and current users to the new schedule.

A discussion followed using REU's to set rates versus a straight meter system, the depth of the 2 phase study conducted in 2017, and comparing the 1998 REU schedule with the new 2017 REU schedule.

MOTION by Berkheiser, supported by Phillips, to adopt the new 2017 REU table effective for the next quarterly billing cycle.

MOTION CARRIED UNANIMOUSLY

G. Library Director

Supervisor Scott announced the resignation of Library Director Connie Ozinga. The Township needs to decide whether to hire a new librarian or a library manager. The Supervisor and HR Director Janet Bushey are creating a new job description for the position before advertising for the job publicly.

MOTION by Sovel, supported by Berkheiser, to authorize the Supervisor and the HR Director to create a job description for the library director/manager position.

MOTION CARRIED UNANIMOUSLY

ITEM 7: NEW BUSINESS (G. Library Director continued)

Bill Wines is currently acting Library Director and the Library Advisory Board recommended at their last meeting that Bill Wines should receive additional compensation for the increased duties he is undertaking. Trustee Sovel asked that a compensation recommendation be made at the next Township Board meeting.

H. 2020 Township Budget

Supervisor Scott said he will notify department directors when they will be required to present their department's budget to the Board. The trustees asked for letters from the department directors justifying changes in their budgets.

Discussion only.

I. Census Complete Count Committee

Supervisor Scott said that Oakland County is working very hard to insure that everyone in the county is counted in the 2020 census. The Supervisor will talk to the Planning Department about forming a committee.

Discussion only.

J. Public Act 152 Compliance

MOTION by Sovel, supported by Scott, to exempt itself from the requirements of Michigan Public Act 152 of 2011 from an 80/20 Health Plan to a 90/10 (Township pays 90% and employee pays 10%) Health Care Plan, Township wide.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 8: ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 9: OTHER MATTERS

Trustee Sovel – All the Township employees have agreed to move the deferred compensation 457 plan from AXA to John Hancock.

Treasurer Phillips asked if the phase 1 evaluation on 8585 PGA Drive is completed?

ITEM 9: OTHER MATTERS (continued)

Supervisor Scott said it's being negotiated with the seller.

Treasurer Phillips asked if the GFL contract has been signed.

Attorney Hans Rentrop said the contract is finalized and the Supervisor will sign it after the meeting.

Trustee Berkheiser said last night the Planning Commission listened to a PUD proposal for the vacant property on Crumb Road near Meijer.

Trustee Weber said the Planning Commission was not in favor of the height and density of the buildings presented in the proposal.

Trustee Weber said that a few gas stations are requesting that in October the Township make a change to its ordinances so that they may sell spirits in addition to their current beer and wine sales.

Trustee Berkheiser asked if the Angel Food Catering contract has been signed. Attorney Rentrop said we are waiting on Angel Food Catering. Director Emily England said she will reach out to Angel Food Catering tomorrow.

Trustee Berkheiser asked if the Township can change the ordinance to only people at least 21 years old can purchase e-cigarettes? Attorney Rentrop said he will research and insure it would comply with state law.

Trustee Weber asked Lt. Reyes about the increase in retail fraud. Lt. Reyes said she would look into it.

Trustee Weber also said that Attorney Phil Adkison has completed a draft master contract with addenda for the Township's community partners to sign.

ITEM 10: CLOSED SESSION

A. Consideration of Purchase of Property Pursuant to MCL 15.268(d)

MOTION by Scott, supported by Creech, to enter into Closed Session for the purpose of consideration of the purchase of property.

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 10:09 p.m.

Returned from Closed Session at 10:32 p.m.

ITEM 10: CLOSED SESSION (A. Consideration of Purchase of Property Pursuant to MCL 15.268(d) continued)

MOTION by Phillips supported by Berkheiser, to adjourn from Closed Session and approve the Closed Session minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Berkheiser, supported by Creech, to direct the Supervisor to proceed as directed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

A Brief discussion took place on the Township's involvement with the CW2 Council regarding extending the interlocal agreement beyond December 2019.

ITEM 11: ADJOURNMENT

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

MOTION by Sovel, supported by Creech, to adjourn the meeting at 10:45 p.m.



Melissa Creech, Clerk
Charter Township of Commerce