

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

July 11, 2017

2009 Township Drive

Commerce Township, MI 48390

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

ROLL CALL: Present: David E. Scott, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Bob Berkheiser, Trustee
John Hindo, Trustee
Vanessa Magnier, Trustee
Rick Sovel, Trustee

Absent: None

Also Present: Hans Rentrop, Township Attorney; Phil Adkison, Township Attorney; Jason Mayer, Giffels Webster Engineers; Chief Dundas; Lt. Schroeder; Dave Campbell, Planning Director; Jay James, Building Official; Mark Stacey, DDA Director

PLEDGE OF ALLEGIANCE TO FLAG

APPROVAL OF MINUTES

MOTION by Magnier, supported by Berkheiser, to approve the June 13, 2017 Regular Township Board of Trustees minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Carter Cemetery Preservation, David Carter

Dave Carter gave a presentation regarding the ongoing restoration work at Commerce Township Cemeteries and the importance of preserving the Township's history.

PETITIONS:

None

ITEM 1: APPROVAL OF AGENDA

MOTION by Sovel, supported by Berkheiser, to approve the July 11, 2017 agenda with the correction of Item 12 D: New Business to read Early Call and Final Payment on

ITEM 1: APPROVAL OF AGENDA (motion continued)

2010 Special Assessment Bonds; the addition of Item 12 H: Richardson Senior Center Generator, and 12 I: Demolition Bids and Asbestos Examination of the Building at Commerce and Carroll Lake Roads; and the modification to Item 15: Closed Session to read A. Consideration of Attorney-Client Privileged Communication and to Consider Material Submitted to the Township under MCL 15.268(h).

MOTION CARRIED UNANIMOUSLY

ITEM 2: PUBLIC COMMENTS

None

ITEM 3: PUBLIC HEARINGS

A. Roll Resolution for the First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD

Supervisor Scott opened the Public Hearing.

Chris Hill, 8497 Edgewood Park Drive, asked the Township to consider including back lot properties with deeded lake access in future SAD's. Mr. Hill stated that there are 13 public access points and 5 boat launches on Lower Straits Lake and people other than lake front property owners are using the lake and benefiting from the aquatic weed control but are not contributing to the cost of said weed control.

Hans Rentrop, Township Attorney, explained that is not an option at this time but is an option after the current SAD ends in 2022.

Supervisor Scott closed the public Hearing.

MOTION by Sovel, supported by Magner, to approve the Roll Resolution for the First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD.

ROLL CALL VOTE

AYE: Sovel, Magner, Creech, Phillips, Hindo, Berkheiser, Scott

NAY:

MOTION CARRIED UNANIMOUSLY

ITEM 4: BOARD APPOINTMENTS

A. Clarence Mills, Zoning Board of Appeals, 3 Year Term to End August 31, 2020

Trustee Berkheiser requested the attendance record of all re-appointees be included in the memo of recommendation.

MOTION by Sovel, supported by Creech, to reappoint Clarence Mills to the Zoning Board of Appeals for a 3 year term to end August 31, 2020.

MOTION CARRIED UNANIMOUSLY

ITEM 5: CONTRACT AWARDS AND AGREEMENTS

**A. Welch Road Sanitary Sewer Extension Contract Award
Recommendation**

Jason Mayer, Giffels Webster Engineers, explained this is a project to abandon the Campbell Creek Pump Station and recommended awarding the contract to V.I.L. Construction, Inc., as they submitted the lowest bid of \$169,940.00 and have good references

MOTION by Sovel, supported by Magner, to approve the Welch Road Sanitary Sewer Extension with the contract awarded to V.I.L. Construction Inc., in the amount of \$169,940.00 contingent upon obtaining all the necessary permits, and starting construction of the Barrington Sanitary Sewer, with funds from the Sewer Fund not to exceed \$224,628.00.

MOTION CARRIED UNANIMOUSLY

ITEM 6: INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.032 – Michigan Air Line Trail

Supervisor Scott stated the trail crosses the three communities of Commerce Township, the City of Walled Lake, and the City of Wixom and it makes sense that the rules of use for the trail are uniform across all three communities and in line with State Park rules.

A discussion followed regarding whether Commerce Township can amend the ordinance so that the rules are in line with current rules governing Commerce Township parks.

Phil Adkison, Township Attorney, assured the Board they are able to amend the ordinance to reflect Township policies and the needs of Commerce Township residents.

MOTION by Sovel, supported by Phillips, to introduce the Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.032 – Michigan Air Line Trail.

MOTION CARRIED UNANIMOUSLY

ITEM 7: ADOPTIONS

A. An Ordinance to Amend Articles 2 and 26, of Zoning Ordinance 3.000, to be Known as Zoning Amendment Ordinance No. 3.033 – Off Premises Alcohol Sales

MOTION by Sovel, supported by Phillips, to adopt an Ordinance to Amend Articles 2 and 26, Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No. 3.033 – Off Premises Alcohol Sales.

ITEM 7: ADOPTIONS (motion continued)

Discussion: Hans Rentrop, Township Attorney, said the idea behind this ordinance is to make it as restrictive as possible as this is the only control the Township has and it only applies to packaged liquor, beer, and wine where you're purchasing it and leaving.

A discussion followed regarding the various types of liquor licenses approved by the State of Michigan, the proximity of off-premises retailers to one another, and the difference between on-premises licenses and off-premises licenses.

ROLL CALL VOTE

AYE: Sovel, Phillips, Creech, Magner, Scott, Berkheiser

NAY: Hindo

MOTION CARRIED

ITEM 8: SITE CONDOMINIUMS AND PLATS

None

ITEM 9: CONSENT AGENDA

A. Special Liquor License – Multi-Lakes Party on Reed Lake

B. Special Liquor License – Multi-Lakes Rocking Under the Stars

C. Banner Permit – Fire Department

MOTION by Sovel, supported by Creech, to approve the Consent Agenda.

ROLL CALL VOTE

AYE: Sovel, Creech, Magner, Scott, Phillips, Berkheiser, Hindo

NAY: None

MOTION CARRIED UNANIMOUSLY

ITEM 10: PURCHASES

A. 2017 Budget Amendment – Purchase of Touby Property

Supervisor Scott gave a short history of the Township's attempt to acquire the property located at 125 W. Commerce Road and adjacent vacant property.

A discussion followed regarding the use of funds from the Sewer Fund to purchase the property.

Phil Adkison, Township Attorney, assured the Board that it is an appropriate use of the funds.

MOTION by Phillips, supported by Berkheiser, proposing a 2017 Budget Amendment for the Purchase of the Touby Property in the amount of \$491,588.04 from the Sewer Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 11: OLD BUSINESS

A. Scarlet's Smile Playground Location

Trustee Berkheiser recommended the Board choose the south end of Dodge Park #5 for the playground location. The Parks and Recreation Committee looked at available space, water access, and increased parking needs and concluded the south end of the park fulfills all of these requirements while the proposed location at the north end of the park does not.

MOTION by Berkheiser, supported by Scott, to accept the location the Park and Recreation Committee determined on the south side of Dodge Park #5 for Scarlet's Smile Playground/Splash Park.

MOTION CARRIED UNANIMOUSLY

B. Scarlet's Smile Park Improvement Donation

Phil Adkison, Township Attorney, is looking for direction from the Board regarding the structure of the partnership between the Township and Scarlet's Smile so the appropriate donation agreement and use agreement may be drafted.

A discussion followed regarding the pros and cons of the Township or the donors managing the construction of Scarlet's Smile Playground.

Larenne Clark was present to give an overview of the Scarlet's Smile Playground 501(c)(3) and its intent to raise all the funds necessary. She stressed the importance of a partnership with the Township and indicated they continue to raise funds and obtain commitments of in kind donations.

MOTION by Sovel, supported by Berkheiser, to direct the Township Attorney to work with the Scarlet's Smile 501(c)(3) organization, and the appropriate engineers and planners, to develop a site plan and a contractual agreement for the funding and building of the playground.

MOTION CARRIED UNANIMOUSLY

C. CW3 Soccer Field Agreement

Supervisor gave a brief history of the efforts of the Township and CW3 to arrive at a mutually beneficial agreement regarding the development and use of soccer fields within the Township.

Phil Adkison, Township Attorney, stated he was tasked with developing a prototype agreement that would probably be adapted to other relationships.

The trustees debated the merits of the different types of organizations that use the various Township parks for organized sports and whether an organization that is fee based should be allowed to develop fields and have priority use of said fields.

ITEM 11: OLD BUSINESS (CW3 Soccer Field Agreement continued)

MOTION by Scott, supported by Berkheiser, to table the CW3 Soccer Field Agreement.
MOTION CARRIED UNANIMOUSLY

D. Resolution Extending PNC Bank Letter of Credit Securing 2008 Series Bonds

Treasurer Phillips reminded the Board that 2 months ago at the Board meeting on 5-9-2017 the Board authorized the renewal of the PNC Bank Letter of Credit after which the corresponding commitment letter was signed.

MOTION by Phillips, supported by Sovel, to authorize the Resolution regarding 2008 Taxable Adjustable Rate Downtown Development Refunding Bonds PNC, National Association, Letter of Credit Extension.

ROLL CALL VOTE

AYE: Phillips, Sovel, Creech, Hindo, Berkheiser, Magner, Scott

NAY: None

MOTION CARRIED UNANIMOUSLY

ITEM 12: NEW BUSINESS

A. Removal of Dead Trees at Maple Glen Park

MOTION by Berkheiser, supported by Sovel, to accept the recommendation from the Parks and Recreation Committee to use Louie's Tree Service to remove the trees at Maple Glen Park, not to exceed \$2,400.00.

MOTION CARRIED UNANIMOUSLY

B. Removal of Tree Stumps from Parks

MOTION by Berkheiser, supported by Phillips, to use T-Rox Stump Grinding to remove stumps from the parks, not to exceed \$1,000.00.

MOTION CARRIED UNANIMOUSLY

C. Tax Over Payment Policy

Treasurer Phillips indicated that many people over pay their property taxes and the Township is wasting time and money through the process of issuing refunds and she would like the Board to establish a policy regarding when a refund is warranted.

NO ACTION TAKEN

D. Early Call and Final Payment on 2010 Special Assessment Bonds

Treasurer Phillips indicated the Lake Sherwood Paving and Sherwood Acres Paving Bonds have 2 principal payments left and there's enough money in the 2 cash accounts to pay them off October 1, 2017.

ITEM 12: NEW BUSINESS (Early Call and Final Payment on 2010 Special Assessment Bonds continued)

MOTION by Phillips, supported by Scott, to pay off the Lake Sherwood Paving and Sherwood Acres Paving Special Assessment Bonds on October 1, 2017 for a total savings of \$21,468.75.

MOTION CARRIED UNANIMOUSLY

E. and H. 2017 Budget Amendment – Richardson Center and Generator for the Richardson Senior Center

Supervisor Scott indicated Emily England and Chuck Kummer would like to add a generator to the senior center. Supervisor Scott would like the Richardson Senior Center to serve as a warming center during the winter and to have back up power in the event a storm event knocks out area power. Supervisor Scott obtained an estimate of \$46,000.00 for installation of the generator.

The Trustees debated the merits of having a generator and the benefit to the Township and its residents. Supervisor Scott will do more research and provide a more detailed quote to the Board.

NO ACTION TAKEN

F. Library Pathway Construction Completion

Supervisor Scott indicated Jason Mayer, Giffels Webster Engineers, has compiled 3 options for connecting the bike path along S. Commerce Road to the library to improve connectivity. Supervisor Scott and the Library Advisory Board propose using some of the approximately \$150,000.00 remaining in the Building Fund to pay for the additional pathway.

Trustee Berkheiser said the issue was discussed at the Parks and Recreation meeting and they are interested in perhaps sharing the cost.

Jason Mayer, Giffels Webster Engineers, said the path should cost approximately \$75.00 per foot plus the cost of the bridge/culvert.

MOTION by Magner, supported by Sovel, to authorize the Supervisor to work with Giffels Webster Engineers to obtain pricing for the walkway, option 3 not to exceed \$50,000.00.

MOTION CARRIED UNANIMOUSLY

G. Library Mileage Policy and Sale of Library Vehicle

Supervisor Scott stated he would like to reduce the number of vehicles in the Township fleet in order to reduce costs and to instate a mileage reimbursement policy for when an employee uses their own vehicle for Township business.

ITEM 12: NEW BUSINESS (Library Mileage Policy and Sale of Library Vehicle continued)

A discussion followed regarding when the Township vehicles are used, by whom, and for what specific purposes. The vehicles under discussion were a car used by library employees and an SUV used by Township employees.

MOTION by Sovel, supported by Magner, to authorize the disposal of the library vehicle.
MOTION CARRIED UNANIMOUSLY

I. Demolition Bids and Asbestos Examination of Touby Property

Supervisor Scott wants to obtain an asbestos analysis to determine if the presence of asbestos will impact the bid price to demolish the building.

Trustee Berkheiser wants to see bids for the asbestos examination.

Jay James, Building Official, said that he would obtain bids and return them to the Board.

ITEM 13: ORDERS

MOTION by Creech, supported by Berkheiser, to approve orders and add-ons.
MOTION CARRIED UNANIMOUSLY

ITEM 14: OTHER MATTERS

Trustee Hindo updated the Board on the Planning Commission meeting held on 7-10-2017 where the Planning Commission voted to recommend the Township Board rescind the Conditional Rezoning Agreement with Clark Gas Station.

Trustee Berkheiser asked about the height requirements for the proposed building at the corner of Oakley Park Road and Haggerty Road. Dave Campbell, Planner, answered the property is located within the Haggerty overlay where buildings of three stories are allowed.

Trustee Berkheiser asked about the dangerous building situation on Blackmoor. Jay James, Building Official, answered that he met with the owner and possibly convinced the owner to have the building demolished.

Trustee Berkheiser asked if any action has been taken under the new ordinance on the proliferation of clothing donation bins. Jay James, Building Official, answered several of the bins have been removed and the Building Department has contacted several property owners and asked for the bins to be removed.

ITEM 14: OTHER MATTERS (continued)

Clerk Creech asked that the Clerk's office be notified of items the trustees want on the agenda in a timely manner. The agenda should not be amended on the day of the Board meeting with additional agenda items except in the case of an emergency.

Trustee Sovel said the Board needs a policy book instructing the Board on standard operating procedures.

Trustee Magner asked about a permanent barrier at the M5/Pontiac Trail round about. Supervisor Scott said the RCOC is looking at options.

Trustee Magner asked when the remodel of the Richardson Senior Center will be complete. Supervisor Scott answered in December.

ITEM 15: CLOSED SESSION

A. Consideration of Attorney-Client Privileged Communication and to Consider Material Submitted to the Township Under MCL 15.268(h).

MOTION by Sovel, supported by Berkheiser, to enter into Closed Session for the purpose of discussing communications and considering material submitted to the Township.

ROLL CALL VOTE

AYE: Sovel, Berkheiser, Magner, Creech, Phillips, Hindo, Scott

NAY: None

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 10:55 p.m.
Returned from Closed Session at 12:09 a.m.

MOTION by Phillips, supported by Berkheiser, to adjourn from Closed Session and approve Closed Session minutes.

MOTION CARRIED UNANIMOUSLY

ITEM 16: ADJOURNMENT

MOTION by Scott, supported by Phillips, to adjourn the meeting at 12:10 a.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, CMMC
Clerk, Charter Township of Commerce