

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

July 10, 2018

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
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Phillip Adkison, Township Attorney
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the June 12, 2018 Regular Township Board of Trustees Meeting Minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:7-10 APPROVAL OF AGENDA

MOTION by Creech, supported by Berkheiser, to approve the July 10, 2018 Agenda with the addition of Item 6 OLD BUSINESS D. Lower Straits Lake.

MOTION CARRIED UNANIMOUSLY

ITEM 2:7-10 PUBLIC COMMENTS

No one present had any comments.

ITEM 3:7-10 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.039 – Address the Maintenance of Noxious Weeds

Supervisor Scott said the Board can amend this ordinance to include phragmites instead of having to create a new ordinance specifically for phragmites. We need to treat areas owned by the Township that are infested with phragmites, otherwise they will spread quickly.

Trustee Weber asked based on the wording, if the Township will have the same responsibilities as Township residents regarding the treatment of phragmites on its properties. Supervisor Scott said landowners and the Township will be responsible for treating phragmites on their properties.

Trustee Berkheiser questioned the cost and if this will put a burden on the Township. He suggested the Township may want to hire an environmentalist to conduct a study on phragmites in the Township, specifically on Township property.

Discussion took place on how Township property owners will safely treat phragmites on their property.

Trustee Weber suggested before we approve the ordinance we should look to see if there will be any impact to the Township and the residents.

Trustee Sovel asked if the Township will have to provide a yearly notice to property owners advising them to keep their grass cut under 8". Hans Rentrop, Township Attorney, said this is an old ordinance and the wording can be changed so the Township will not have to publish it every year. He will have an answer on this before the ordinance is Adopted.

Trustee Sovel stated if the ordinance is approved, property owners need to be advised on how to treat phragmites because of chemical use.

Supervisor Scott said spraying needs to be done during September through October in order for it to be effective for the next year. He said Long Park has already been treated. There are a few areas on Township property that need to be treated.

Trustee Magner asked if we need to contact a noxious weed specialist on what type of chemicals need to be used.

Trustee Berkheiser is concerned when property owners know the cost of treatment, they may cut the phragmites more often which will make them spread instead of treating them the correct way.

Trustee Sovel would like changes made to the ordinance before it is Adopted. Hans Rentrop, Township Attorney, will make the changes before Adoption.

MOTION by Sovel, supported by Magner, to Introduce an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be

ITEM 3:7-10 INTRODUCTIONS (A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.039 – Address the Maintenance of Noxious Weeds Motion continued)

known as Code Amendment Ordinance No. 1.039, subject to the Township Attorney making changes to the notification section and add the proper language informing property owners how to treat phragmites, post and publish according to law.

Discussion: Trustee Weber would like the changes made to the ordinance before approval as this is a very complex subject and requires significant education of the proper timing and use of chemicals.

ROLL CALL VOTE:

AYES: Sovel, Magner, Creech, Scott

NAYS: Phillips, Weber, Berkheiser

MOTION CARRIED

ITEM 4:7-10 ADOPTIONS

- A. An Ordinance to amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.038 – Penalties for Failure to Register Alarm Systems.**

MOTION by Sovel, 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. 1.038, post and publish according to law.

Trustee Berkheiser voted no

MOTION CARRIED

ITEM 5:7-10 CONSENT AGENDA

- A. Application for Alcoholic Liquors Special Permit – Multi-Lakes Rocking Under the Stars**
B. Application for Alcoholic Liquors Special Permit – Multi-Lakes Annual Good Old Days
C. Act 152 Compliance of 80/20 Employee Health Care

MOTION by Berkheiser, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 6:7-10 OLD BUSINESS

- A. Police SAD**

Lieutenant Gerald Schroeder was present

Trustee Weber advised the Board of the Police and Fire SAD Committee's recommendation for a 2.9% Police SAD rate for 12 years.

ITEM 6:7-10 OLD BUSINESS (A. Police SAD continued)

Treasurer Phillips advised the Board the property value increase trend of 2% plus the projected SAD rate of 2.9% was recommended without taking into consideration the growth of new developments coming into the Township which will impact the tax values. She said a very conservative revenue figure was used when they developed the 2.9% rate.

Trustee Sovel said they are comfortable with the 2.9% SAD rate.

Trustee Berkheiser asked if building a new police station is included in the SAD rate. Trustee Weber said they did not feel a new station for the Police Department was a "must have" at the moment. He suggested we discuss the Fire SAD before we go any further because the Board will have a better understanding on their recommendation for housing the Police and Fire Departments.

B. Fire SAD

Trustee Sovel advised the Board of the Police and Fire SAD Committee's recommendation for a 2.8% Fire & Rescue SAD rate for 10 years.

It was recommended by the committee to demolish and rebuild the 50 year old Station #3 at an estimated cost of 5.5 million dollars in order to handle the needs of the Fire and Police Departments.

Jim Dundas, Fire Chief, said he met briefly with an architect to see if the 5.5 million dollar range is in line with building a new station. After the meeting, he feels the estimated cost projection is appropriate. He said West Bloomfield budgeted less than 5 million dollars for a new building and went over their budget.

Trustee Sovel said they took into consideration 2 firefighters at each station and the cost of rebuilding Station #3 to come up with the 2.8% figure. If the SAFER grant is awarded to the Township, this would speed up building the new station or could lower the millage amount.

Trustee Magner asked what population figure they used considering the growth of the Township. Lieutenant Gerald Schroeder said they used 46,000 – 48,000 as the figure for residents. Specific to the Police SAD, Trustee Weber said they used the same ratio of police officers to the number of residents that the Township has today.

MOTION by Weber, supported by Phillips, to direct the Township Attorney to draft ballot language for the Police Department at a 2.9% SAD rate for 12 years and the Fire Department at a 2.8% SAD rate for 10 years for the November 2018 election. This will be reviewed by the Township Board of Trustees at their July 24, 2018 Township Board Meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 6:7-10 OLD BUSINESS (continued)

C. CW3 Soccer Field Development

Trustee Berkheiser said there was a group of people who walked the site to review the proposed soccer field envelope at Dodge Park.

Emily England, Senior Director, said based on site walk thru they submitted three options to consider for the proposed soccer field. There is a wetland on the northeast corner of the site. They had a second option based on the area of the wetland.

Option 1 shows a stand of white pines at the entrance which would be impacted by the soccer field.

Trustee Berkheiser recommends choosing option #3.

Trustee Weber asked if we need to review the amended license agreement.

Phillip Adkison, Township Attorney, said there is no need to amend the agreement because changes relating to charging admission and the number of parking spaces allocated for Township use were already made.

MOTION by Weber, supported by Phillips, to approve the Amended License Agreement subject to site plan approval and create a committee consisting of Supervisor Scott, Trustee Berkheiser, Emily England, Senior Director, and David Campbell, Planning Director.

MOTION CARRIED UNANIMOUSLY

D. Lower Straits Lake

Supervisor Scott advised the Board there will be two harvester barges and a conveyor that will harvest the weeds in Lower Straits Lake and take them to a site in Clarkston Michigan for disposal.

Trustee Weber asked for an update on the required insurance amount. Supervisor Scott said it is one million dollars and the contractor agreed to that figure.

John Levinson asked if anything was submitted for the herbicide and if a date was in place. Supervisor Scott said \$4,000 is set for harvesting and herbicide. Treatment with herbicide will take place after the plants are harvested. The date will be coordinated between Knox and Pullman. Mr. Levinson said they have enough money reserved for this project and asked if this includes advisor fees. Supervisor Scott said to his knowledge advisor fees are included. Supervisor Scott said years ago the Township used close to \$20,000 of their money to pay Pullman for Lower Straits Lake services. Mr. Levinson said the Lakes Committee was not aware of that. Mr. Levinson asked if reference checks were done on the company. Supervisor Scott replied that he did conduct reference checks and the company is the preferred company for other counties.

No action needed

ITEM 7:7-10 NEW BUSINESS

A. Request to Attend Out of State Educational Meeting by Elizabeth Norton – Library

Connie Ozinga, Library Director, is requesting approval for Elizabeth Norton to attend the Young Adult Library Services Association Symposium in Salt Lake City, Utah leaving 11-1-2018 and returning 11-4-2018. She was invited to be a national reviewer for the Association. Elizabeth will pay for travel expenses herself or the Friends of the Library may pay for the travel expenses.

Supervisor Scott supports her attendance at the symposium although he feels employees should not have to pay out of their pocket to attend seminars that are for the benefit of the Township.

Trustee Magner is in agreement with Supervisor Scott on the travel expenses.

MOTION by Berkheiser, supported by Weber, to approve the request of the Library Director for Elizabeth Norton to attend the Young Adult Library Services Association Symposium in Salt lake City, Utah leaving 11-1-2018 and returning 11-4-2018. Travel expenses not to exceed \$1,500.00 shall be paid for by the Township in the event they are not paid by the Friends of the Library. **MOTION CARRIED UNANIMOUSLY**

B. Sale of Cemetery Parcel to Benstein Grill

The owners of the Benstein Grill hired Insite Commercial to acquire comparable purchase prices for the parcel of property.

Trustee Magner thinks the Township may need the property in the future. She is not opposed to a rental agreement. She is not in support of selling the cemetery parcel.

Trustee Sovel suggested a study on how many plots the Township may need in the future.

MOTION by Sovel, supported by Creech, to deny the request of Benstein Grill to purchase a portion of the parcel of property (ID#17-21-401-006) owned by the Township.

Phillips voted no

MOTION CARRIED

C. Authorize an RFP for LED Lighting for the Township Hall

Trustee Berkheiser asked if we can place this in the 2019 budget if it was not in this year's budget and there is no urgency to do this now. Supervisor Scott said there is no urgency although LED lighting will be a savings to the Township.

Treasurer Phillips would like to research this further before making a decision.

Trustee Weber would like to see local Commerce Township businesses have the opportunity to submit bids for all projects similar to this.

ITEM 7:7-10 NEW BUSINESS (C. Authorize an RFP for LED Lighting for the Township Hall continued)

MOTION by Scott, supported by Magner, to approve a RFP for LED lighting for the Township Hall.
MOTION CARRIED UNANIMOUSLY

A. Transfer Penalty Waiver Request by Nicholas Hippler

Treasurer Phillips recommends approval of the property transfer penalty waiver request by Nicholas Hippler. Mr. Hippler used the Property Transfer Affidavit (PTA) prepared by his closing company and submitted it to the Township within the 45 day limit to avoid a transfer penalty. He was unaware the PTA did not list both parcels.

MOTION by Berkheiser, supported by Creech, to waive the \$175.00 property transfer penalty for Nicholas Hippler for parcel E-17-10-126-011.

MOTION CARRIED UNANIMOUSLY

B. Request to Hire Firefighters – Fire Department

Jim Dundas, Fire Chief, is requesting approval to hire 3 firefighter candidates from the eligibility list.

Trustee Weber asked if this expense is contained within the Fire Department's budget. Chief Dundas advised it was.

MOTION by Weber, supported by Scott, to approve the request of the Fire Chief to hire 3 firefighters from the eligibility list in August 2018.

MOTION CARRIED UNANIMOUSLY

ITEM 9:7-10 ORDERS AND ADD-ONS

MOTION by Berkheiser, supported by Magner, to approve the Orders and Add-Ons.
MOTION CARRIED UNANIMOUSLY

ITEM 9:7-10 OTHER MATTERS

Trustee Weber –

- Requested an update on the Township's calendar of upcoming contracts/events. The Township Attorneys have completed their calendar and will send it to the Board.
- Is there an update on the request of a resident at last month's meeting to remove political signs from roundabouts? Phillip Adkison, Township Attorney, said he will have an answer after he reviews Township Ordinances.
- Asked Lieutenant Gerald Schroeder and Fire Chief Jim Dundas, if there are any plans to conduct reenactments of dangerous situations in schools. He said other communities are doing this and filming it in order to train and prepare Rescue

ITEM 9:7-10 OTHER MATTERS (Trustee Weber continued)

- and Police personnel on how to work together to handle dangerous situations that may arise in community schools. Supervisor Scott said that all local police departments met 2 months ago to discuss "A.L.I.C.E. Training" which increases an individual's odds of survival during a violent intruder event. A.L.I.C.E. stands for Alert, Lockdown, Inform, Counter, and Evacuate. Fire Chief, Jim Dundas said they held a reenactment for fire training at the old library building.

Trustee Berkheiser –

- What is the update on hiring seasonal employees for the Maintenance Department? Supervisor Scott said another person quit and he has not received any applications to hire into the Maintenance Department.

Treasurer Phillips –

- Asked Clerk Creech if the garbage complaints have slowed down. Clerk Creech answered yes they have. (Supervisor Scott asked if we should do a RFP for trash service since the service provided by Republic is not good. Trustee Sovel suggested we reach out to other communities to see if they are having problems with Republic.
- Asked for an update on the Blackmoor house. Hans Rentrop, Township Attorney, said they cannot serve the proper party because they cannot find them. We have to wait for a default judgement from the court and then we can demolish the house.
- Asked for an update on the piece of property on Vinona. Jay James, Building Official, will send a letter to the owners asking for payment so the parcels can be combined by Oakland County.
- Is the mussel study complete for the Wixom Bridge? Supervisor Scott said the study is complete and construction of the Wixom Bridge will take place from August 2018 to November 2018.

Trustee Sovel –

- Asked for an update on the M5 Bridge. David Campbell, Planning Director, said the bridge is on schedule to open August 15, 2018. Sovel asked how people will get to the trails from the bridge. Campbell said a trailway study is included in the Parks and Recreation Master Plan. A walkability study will tell us how we can connect trails within the Township.

Supervisor Scott –

- Welch Road is ready to be resurfaced. There is no bike path or walkability on the road. Do we want to reach out to the Road Commission for Oakland County to see if they can use tri-party money for a bike path? The Board is not in favor of the bike path because the speed limit is 50 mph on Welch Road.
- Asked for feedback on what the Township should do with garbage service provided by Republic. Trustee Weber recommends we send out a request for information to surrounding communities to obtain feedback on what company they use and if they are pleased with their service.
- The Township needs to have a code of conduct policy in place for the

ITEM 9:7-10 OTHER MATTERS (Supervisor Scott continued)

Richardson Community Center.

Trustee Magner –

- Can the Board revisit the Township Policy on out of state travel, if there is one? Supervisor Scott is in favor of creating a policy if there is none.
- When are the union contracts up? Supervisor Scott said at the end of 2018.

Jay James, Building Official –

- Hired a new employee for the Building Department. The working hours are 10:00 a.m. to 2:00 p.m.

ITEM 10:7-10 CLOSED SESSION

A. Discussion of Purchase of Real Property

B. Discussion of Pending Litigation (Commerce Township vs White Lake Township)

MOTION by Scott, supported by Sovel, to enter into Closed Session for the purpose of discussing purchase of real property and pending litigation - Commerce Township vs White Lake Township.

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 9:46 p.m.

Returned from Closed Session at 10:25 p.m.

MOTION by Scott, supported by Sovel, to adjourn from closed session, approve the closed session minutes, and direct the Supervisor to proceed as directed in closed session.


MOTION CARRIED UNANIMOUSLY

ITEM 11:7-10 ADJOURNMENT

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

MOTION by Scott, supported by Creech, to adjourn the meeting at 10:27 p.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce