

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

October 9, 2018

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: David Scott, Supervisor, called the meeting to order at 7.00 p.m.

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

Students from Lakeland High School were present to observe the meeting for their government class.

PLEDGE OF ALLEGIANCE TO FLAG

APPROVAL OF MINUTES

MOTION by Magner, supported by Sovel, to approve the August 28, 2018 Special Township Board Meeting minutes, the September 11, 2018 Regular Township Board of Trustees Meeting minutes, and the September 18, 2018 Special Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:10-9 APPROVAL OF AGENDA

MOTION by Sovel, supported by Phillips, to approve the October 9, 2018 Agenda with the addition of DDA Proposed Amendment under Item 14 Other Matters and Employee Health Care Insurance under Item 14 G. New Business. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:10-9 PUBLIC COMMENTS

None

ITEM 3:10-9 PUBLIC HEARINGS

**A. Resolution Confirming Special Assessment Roll for the SAD Designated
Commerce Crossing Lighting SAD**

Supervisor Scott opened the Public Hearing.
No one present had any comments.
Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated *Commerce Crossing Lighting Special Assessment District*. **MOTION CARRIED UNANIMOUSLY**

**B. Resolution Confirming Special Assessment Roll for the SAD Designated Lake
Pine Lighting SAD**

Supervisor Scott opened the Public Hearing.
No one present had any comments.
Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated *Lake Pine Lighting Special Assessment District*.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

**C. Resolution Confirming Special Assessment Roll for the SAD Designated First
Amended and Restated Lower Straits Lake Weed Control SAD**

Supervisor Scott opened the Public Hearing
No one present had any comments.
Supervisor Scott closed the Public Hearing

MOTION by Weber, supported by Berkheiser, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated First Amended and Restated Lower Straits Lake Weed Control Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:10-9 CONTRACT AWARDS AND AGREEMENTS

A. City of Novi – Charter Township of Commerce Sanitary Sewer Capacity Exchange Agreement

Jay James, Building Official, said this Agreement is to replace an existing 1991 agreement between Commerce, Novi, Walled Lake and the Oakland County Water Resources Commissioner. The primary purpose of this proposed Agreement is to convert the measure of sewage exchange from residential equivalent units to flow based upon meters and to replace the terms and conditions of the 1991 agreement. This is the fairest way to do it for both communities.

MOTION by Magner, supported by Sovel, to approve the City of Novi - Charter Township of Commerce Sanitary Sewer Capacity Exchange Agreement and authorize the appropriate signatures.
MOTION CARRIED UNANIMOUSLY

B. Auditor Recommendation

Treasurer Phillips advised the Board that five firms responded to a RFP for auditor services. She recommends the Board award the contract to Plante Moran. She feels they will provide the best service.

MOTION by Magner, supported by Creech, to award the auditor services contract to Plante Moran for 2018, 2019, 2020 and authorize the appropriate signatures.
MOTION CARRIED UNANIMOUSLY

ITEM 5:10-9 PUBLIC HEARING FOR POLICE PROTECTION SPECIAL ASSESSMENT

Supervisor Scott opened the Public Hearing.
No one present had any comments.
Supervisor Scott closed the Public Hearing.

ITEM 6:10-9 RESOLUTION CONFIRMING POLICE PROTECTION SPECIAL ASSESSMENT

Trustee Sovel questioned why the resolution is for a 2.622 millage rate and not a 2.7 millage rate as previously discussed. The 2.622 rate will fund one additional deputy and the 2.7 rate will fund two additional deputies.

Trustee Magner asked Lt. Schroeder to explain the need to hire 2 additional deputies. Lt. Schroeder answered while overall major incidents are down from 2017 levels: traffic incidents, domestic violence, OWI and drug arrests have increased. In addition, service calls are up approximately 200 per month. He said officers are tied up when responding to these calls and another deputy would guarantee 4 officers on duty for each shift even if a deputy takes the day off.

**ITEM 6:10-9 RESOLUTION CONFIRMING POLICE PROTECTION SPECIAL ASSESSMENT
(continued)**

Trustee Weber suggested we keep the 2.622 millage rate as noted in the Resolution for one deputy and take funds from the Police Fund Balance to pay for an additional deputy for 2019.

MOTION by Phillips, supported by Creech, to approve the Township Police Protection Special Assessment District Resolution Confirming 2019 Special Assessment Roll.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:10-9 PUBLIC HEARING FOR FIRE PROTECTION SPECIAL ASSESSMENT

Supervisor Scott opened the Public Hearing.

No one present had any comments.

Supervisor Scott closed the Public Hearing.

ITEM 8:10-9 RESOLUTION CONFIRMING FIRE PROTECTION SPECIAL ASSESSMENT

MOTION by Weber, supported by Magner, to approve the Township Fire Protection Special Assessment District Resolution Confirming 2019 Special Assessment Roll.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

**ITEM 9:10-9 APPROVAL OF SINGLE YEAR SPECIAL ASSESSMENTS FOR THE 2018
TAX ROLL**

No action taken – Moved to the October 23, 2018 Quarterly meeting.

ITEM 10:10-9 OLD BUSINESS

A. Huron Valley Youth Assistance – Tabled 7-24-2018

MOTION by Sovel, supported by Creech, to remove Huron Valley Youth Assistance from the Table.
MOTION CARRIED UNANIMOUSLY

Supervisor Scott recommends we approve an amount not to exceed \$2,500 to Huron Valley Youth Assistance.

Trustee Magner is on the Lakes Area Youth Assistance Board and said the Township has always contributed to Lakes Area Youth Assistance and not Huron Valley Youth Assistance. She said Huron Valley Youth Assistance is going against what other groups are doing by

ITEM 10:10-9 OLD BUSINESS (A. Huron Valley Youth Assistance continued)

asking communities to fund their program. The Lakes Area Youth Assistance Board is not in favor of this. She said any student that goes to Walled Lake Schools, even if they live in another district, are supported by Lakes Area Youth Assistance. The County should be the one to set where and how they get their money.

MOTION by Weber, supported by Scott, to approve an amount not to exceed \$2,500 to Huron Valley Youth Assistance.

ROLL CALL VOTE

AYES: Weber, Scott, Phillips

NAYS: Creech, Berkheiser, Magner, Sovel

MOTION FAILED

ITEM 11:10-9 NEW BUSINESS

A. Cemetery Grave Reimbursement

MOTION by Berkheiser, supported by Weber, to authorize \$500 reimbursement to Stephenie I. Murphy for cemetery error.

MOTION CARRIED UNANIMOUSLY

B. Oakland County Hazard Mitigation Plan Resolution

Federal law requires this Plan to be updated every five years and the Township last approved a version in 2013. Oakland County updated the Plan in 2017, has adopted it as an official document of the County, and recommends that Commerce Township adopt the applicable sections of the 2017 Plan. Adoption of the Plan is required to ensure eligibility for federal funding.

MOTION by Magner, supported by Phillips, to adopt the Oakland County Hazard Mitigation Plan Resolution.

MOTION CARRIED UNANIMOUSLY

C. Sleeth Road Sanitary Sewer Manhole Rehabilitation

Jason Mayer, Giffels Webster, is requesting approval to move forward with the design and bidding of Sleeth Road Sanitary Sewer Manhole Rehabilitation (21 manholes) at a cost not to exceed \$38,000.00.

MOTION by Sovel, supported by Magner, to authorize Giffels Webster to move forward with the design and bidding of Sleeth Road Sanitary Sewer Manhole Rehabilitation at a cost not to exceed \$38,000.00. Funds to come from the Sewer Fund.

MOTION CARRIED UNANIMOUSLY

D. Resolution Tentatively Declaring Its Intention to Establish a SAD to be known as Penny Court Snow Plowing SAD

100% of the homeowners signed the petition.

ITEM 11:10-9 NEW BUSINESS (D. Resolution Tentatively Declaring Its Intention to Establish a SAD to be known as Penny Court Snow Plowing SAD continued)

MOTION by Sovel, supported by Phillips, 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 *Half Penny Court Snow Plowing Special Assessment District*.
MOTION CARRIED UNANIMOUSLY

A. Halloween Trick or Treat Hours

MOTION by Magner, supported by Creech, to approve the 2018 Halloween hours on October 31, 2018 from 6:00 p.m. – 8:00 p.m.
MOTION CARRIED UNANIMOUSLY

B. West Oakland Transportation Authority

Supervisor Scott explained the agreement is only to review what we can do and what it would cost to have public transportation for seniors, disabled, and low income residents in Commerce Township and the surrounding communities.

MOTION by Sovel supported by Weber, to authorize the supervisor to work with Township Attorneys regarding an Intergovernmental Contracted Services Agreement between The Charter Township of Highland, The Charter Township of Milford, The Charter Township of Waterford, The Charter Township of White Lake, The Charter Township of Commerce, The City of Walled Lake, The Village of Milford, The Village of Wolverine Lake and The West Oakland Transportation Authority.
MOTION CARRIED UNANIMOUSLY

C. Employee Health Care Insurance

Trustee Sovel is requesting approval to authorize the health care insurance company to set up informational meetings with employees to discuss three health plans; Simply Blue PPO, PPO HAS and Community Blue PPO.

MOTION by Magner, supported by Sovel, to authorize the health care insurance company to set up informational meetings with employees regarding health care plans.

MOTION CARRIED UNANIMOUSLY

ITEM 12:10-9 2019 TOWNSHIP BUDGET

Discussion took place on the Police SAD and the need for two additional deputies. It was agreed by Board members to take funds from the Police Fund Balance to pay for one of the two additional deputies.

ITEM 13:10-9 ORDERS AND ADD-ONS

MOTION by Creech, supported by Magner, to approve the Orders and Add-Ons.

MOTION CARRIED UNANIMOUSLY

ITEM 14:10-9 OTHER MATTERS

Mark Stacey, DDA Director, and David Campbell, Planning Director, gave an update on the project proposed by Bruce Aiken for M5 and Pontiac Trail. Mr. Stacey visited Pinecrest located in Cleveland Ohio. This is a mixed use district similar to what Mr. Aiken plans for in the M5 and Pontiac Trail area that he plans on purchasing from the Township. Mr. Stacey elaborated on how nice the development is. Mr. Aiken would like to add a 4 story hotel where the old library building was. This would cause a 6-month delay for the purchase of the property and a 12-month delay for the completion date of the development. If the Planning Commission approves this request during their December 2018 meeting, it will come before the Township Board in January 2019. No action needed – informational only.

Trustee Berkheiser asked if the older house where the veterinarian hospital was will be redone. David Campbell, Planning Director said it may not be redone but might be spruced up.

Trustee Weber noted in the Planning Director's report the posts for the M5 Bridge were the wrong color. He questioned if they were re-powder-coated or just painted as he is concerned that paint may not last. David Campbell, Planning Director, said they were re-coated and put back up this weekend.

Treasurer Phillips will meet with Mark Stacey and Tom Traciak to discuss fixed/variable rates on outstanding DDA debt.

Trustee Berkheiser said the Parks and Recreation Committee is looking into moving "Concert in the Park" to the Richardson Center.

ITEM 15:10-9 CLOSED SESSION

- A. Discussion of Pending Litigation: Charter Township of Commerce v Charter Township of White Lake – Trial Strategy, Oakland County Case No. 2016-155404-CK**
- B. Discuss Purchase of Property Pursuant to MCL 15.268(d)**
- C. Consider Attorney- Client Privileged Communication Relating to Development Agreement with Country Hills Development, LLC**

MOTION by Magner, supported by Phillips, to enter into Closed Session for the purpose of discussing Pending Litigation: Charter Township of Commerce v Charter Township of White Lake – Trial Strategy, Oakland County Case No. 2016-155404-CK, Purchase of Property Pursuant to MCL 15.268(d) and Consider Attorney- Client Privileged Communication Relating to Development Agreement with Country Hills Development, LLC.

ITEM 15:10-9 CLOSED SESSION (motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 9:27 p.m.

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

MOTION by Magner, supported by Creech, to adjourn from closed session and approve the closed session minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Weber, supported by Magner, to authorize the Township Attorney to proceed as directed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

ITEM 16:10-9 ADJOURNMENT

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

MOTION by Magner, supported by Creech, to adjourn the meeting at 10:30 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce