

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

December 11, 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

Students from Milford High School were in attendance.

PLEDGE OF ALLEGIANCE TO FLAG

APPROVAL OF MINUTES

MOTION by Sovel, supported by Phillips, to approve the November 13, 2018 Regular Township Board of Trustees Meeting minutes, with a correction to page 1, Presentations, A. 2nd sentence, change "Mr. Gormely is an investment banker" to "Mr. Gormely is a Bond Marketing Agent" and page 2, Presentations, 1st sentence, change "Township's bond remarketing agent" to "Bond Legal Counsel". **MOTION CARRIED UNANIMOUSLY**

ITEM 1:12-11 APPROVAL OF AGENDA

MOTION by Scott, supported by Sovel, to approve the December 11, 2018 Agenda with the following changes: Item 3, Board Appointments, remove C. John Scott (he resigned), H. change "Alternate Member" to "Member" (replacing John Scott), add Item 12 A. Firefighters Contract Approval, B. Elected Officials' Wages (moved from Item 8 E.) and C. Nonunion Employee Wages, and pull A. and C. from Item 6 Consent Agenda and vote on them separately.

MOTION CARRIED UNANIMOUSLY

ITEM 2:12-11 PUBLIC COMMENTS

Supervisor Scott read into the record correspondence from Patrick Dubey, 1335 Sleeth Road, Commerce Township, MI. In his letter he states he has not always agreed with decisions of the Township Board but he would like the Board to know that he feels this Township Board is doing a great job and he wishes Happy Holidays to employees and members of Township Boards.

Mr. Chris Hill, 8497 Edgewood Park Drive, thanked Clerk Creech for her kind words during this year's election. He is a precinct chairperson and contributes the success of his precinct on election day to the residents of the Village of Wolverine Lake. He does have one complaint about the leaf pick up services provided by Republic Waste. He had approximately 25 bags of leaves that needed to be picked up. The truck had no more room so the driver told him he will be back. He never returned nor did Republic return numerous phone calls to them. He asked for the Board's assistance as to the next step he should take. Supervisor Scott said he will take care of this.

Kari Cotter, 1077 Lakeside Drive, White Lake, MI would like the Township Board to consider allowing non-profit organizations use of Township facilities. She also made a request to use the Township Hall for the Outrun Hunger event on November 9, 2019.

ITEM 3:12-11 BOARD APPOINTMENTS

- A. Brian Winkler – Reappointment to the Downtown Development Authority for a 4 Year Term to Expire January 31, 2023.**

Brian Winkler was present.

- B. Arlene DiPaola – Reappointment to the Board of Review for a 2 Year Term to Expire December 31, 2020.**
- C. John Scott – Reappointment to the Board of Review for a 2 Year Term to Expire December 31, 2020. (removed under Approval of Agenda – Mr. Scott resigned)**
- D. Barbara McNutt – Reappointment to the Board of Review for a 2 Year Term to Expire December 31, 2020.**
- E. Larry Pawlovich – Reappointment to the Board of Review for a 2 Year Term to Expire December 31, 2020.**
- F. Barbara Rosman – Reappointment to the Board of Review for a 2 Year Term to Expire December 31, 2020.**

ITEM 3:12-11 BOARD APPOINTMENTS (continued)

Barbara Rosman was present.

G. Pat Rusnell – Reappointment to the Board of Review for a 2 Year Term to Expire December 31, 2020.

H. Maria Coffin – Appointment to the Board of Review for a 2 Year Term to Expire December 31, 2020.

Maria Coffin was present.

Arlene DiPaola, Barbara McNutt, Larry Pawlovich, and Pat Rusnell were excused.

MOTION by Sovel, supported by Magner, to reappoint Brian Winkler to the Downtown Development Authority for a 4 Year Term to expire January 31, 2023, reappoint Arlene DiPaola to the Board of Review for a 2 Year Term to expire December 31, 2020, reappoint Barbara McNutt to the Board of Review for a 2 Year Term to expire December 31, 2020, reappoint Larry Pawlovich to the Board of Review for a 2 Year Term to expire December 31, 2020, reappoint Barbara Rosman to the Board of Review for a 2 Year Term to expire December 31, 2020, reappoint Pat Rusnell to the Board of Review for a 2 Year Term to expire December 31, 2020, appoint Maria Coffin to the Board of Review for a 2 Year Term to expire December 31, 2020.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:12-11 CONTRACTS AWARDS AND AGREEMENTS

A. Oakland County Sheriff’s Office 2019-2021 Law Enforcement Services Agreement with the Charter Township of Commerce.

MOTION by Sovel, supported by Magner, to approve the Oakland County Sheriff’s Office 2019-2021 Law Enforcement Services Agreement with The Charter Township of Commerce and authorize the appropriate signatures.

Discussion –

Trustee Weber asked Lieutenant Gerald Schroeder to explain the process for controlling overtime.

Lieutenant Schroeder answered the Sergeant approves overtime and if he is not available then he approves overtime and tries to be fiscally responsible at all times. The Township Board of Trustees approved two additional deputies last year. It is \$20,000 less per year to have a no fill deputy.

Trustee Weber feels the language in #28. Termination of the contract states each party can terminate the contract with at least ninety (90) days’ notice prior to the proposed termination date. He feels this is too short of a time to transition to a new police protection agency.

MOTION CARRIED UNANIMOUSLY

ITEM 5:12-11 INTRODUCTIONS

- A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.042 – Clarify that Township Quota Class C Liquor Licenses are not permitted within the DDA, and, to revise the Specific Standards of Residential Construction in all Areas of Special Flood Hazards where Base Flood Elevation has been provided.**

Hans Rentrop, Township Attorney, explained the Class C Liquor License Amendment.
Jay James, Township Engineer, explained flood hazards.

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 known as Code Amendment Ordinance No. 1.042, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

- B. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.043 – Charter Township of Commerce Prohibition of Marihuana Establishments.**

Hans Rentrop, Township Attorney, explained the Amendment.

MOTION by Weber, 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. 1.043, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 6:12-11 CONSENT AGENDA

- A. 2019 Meeting Schedules**

MOTION by Sovel, supported by Creech, to approve the Charter Township of Commerce, Township Board Regular Meeting Schedule January 1, 2019 through December 31, 2019, the Charter Township of Commerce, Library Advisory Board Regular Meeting Schedule January 1, 2019 through December 31, 2019, the Charter Township of Commerce, Downtown Development Authority Regular Meeting Schedule January 1, 2019 through December 31, 2019, the Charter Township of Commerce, Parks and Recreation Committee Regular Meeting Schedule January 1, 2019 through December 31, 2019 (with a change to the Parks and Recreation Committee's schedule by correcting the "Wise Rd" location to the correct named park under the October 2019 meeting), the Charter Township of Commerce, Planning Commission Regular Meeting Schedule January 1, 2019 through December 31, 2019, and the Charter Township of Commerce, Zoning Board of Appeals Regular Meeting Schedule January 1, 2019 through December 31, 2019.

MOTION CARRIED UNANIMOUSLY

ITEM 6:12-11 CONSENT AGENDA (continued)

B. 2019 Holiday Closures

MOTION by Sovel, supported by Berkheiser, to approve the Offices of the Charter Township of Commerce, the Commerce Township Community Library and the Offices of the Richardson Community Center 2019 Holiday Closures.

MOTION CARRIED UNANIMOUSLY

C. 2018 Budget Amendments

MOTION by Sovel, supported by Berkheiser, to approve the Charter Township of Commerce Budget Amendment Fiscal Year 2018 Amendment 18-01.

MOTION CARRIED UNANIMOUSLY

ITEM 7:12-11 OLD BUSINESS

A. DDA Variable Rate Bond Options

Treasurer Phillips gave an update on bond options. She will have the Resolutions ready in January or February 2019.

No action taken – informational only.

B. Township Hall Use Policy

Trustee Weber gave a recap on two options that were suggested for the Township Hall Use Policy. The first option would restrict use of the Township Hall to government use. The second would restrict use of the Township Hall to government use and 501C3 organizations with some restrictions in a rental policy. He said most events could be moved to the Richardson Center, with the exception of large events such as Outrun Hunger. Outrun Hunger provides a very important service to the residents of Commerce Township. He would like to discuss an option of restricting use of the Township Hall to government use and provide a 2 year exemption for Outrun Hunger to use Township facilities. After 2 years, Outrun Hunger could move their event to the Five and Main development. Five and Main will be capable of accommodating a large amount of people for the event.

Hans Rentrop, Township Attorney, advised the Board that if you allow one entity to use Township facilities then you have to open it up to other entities. You cannot pick and choose which organizations can use Township facilities.

Supervisor Scott said Township parks offer a great deal of space that could accommodate the large amount of people participating in Outrun Hunger. If they use the Richardson Center and for some reason had to use the inside of the building, they would exceed the occupancy level.

It was agreed by Board members to revise portions of the policy to allow 501C3 organizations and bring back to the Township Board for approval.

MOTION by Berkheiser, supported by Sovel to move forward with Township Hall Use Policy Draft #2 and bring back to the Township Board of Trustees for final approval.

ITEM 7:12-11 OLD BUSINESS (B. Township Hall Use Policy motion continued)

ROLL CALL VOTE

AYES: Berkheiser, Sovel, Weber, Wagner,
NAYS: Creech, Phillips, Scott

MOTION CARRIED

ITEM 8:12-11 NEW BUSINESS

A. 2018 DDA Budget Amendment

Mark Stacey, DDA Director, was present to answer questions.

MOTION by Wagner, supported by Berkheiser, to approve the Charter Township of Commerce DDA Budget Amendment Fiscal Year 2018, as submitted.

MOTION CARRIED UNANIMOUSLY

B. Tree Removal – Township Hall

MOTION by Scott, supported by Sovel, to contract with the low bidder, Good Ol' Boys Tree Service to remove trees at the Commerce Township Hall, as indicated in their proposal, at a cost of \$2,000.00 subject to verification of insurance. **MOTION CARRIED UNANIMOUSLY**

C. Resolution Authorizing 2019 Annual Permit for Work on State Trunkline Right of Way

This Performance Resolution is required in order for the Township, and/or its contractors, to apply for, and obtain, permits to perform work within state highway rights of way

MOTION by Sovel, supported by Berkheiser, to approve the Performance Resolution for Governmental Agencies and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

D. Transfer of Property from Oakland County

Treasurer Phillips received a memo from Laura Schmitt, Oakland County Treasurers Office, for one parcel that did not sell at the 2018 Land Sale auction. This parcel will be deeded to the Township unless we object in writing no later than December 31, 2018.

MOTION by Phillips, supported by Weber, to retain parcel, sidwell no. 17-09-376-060 that did not sell in the 2018 Land Sale auction.

MOTION CARRIED UNANIMOUSLY

E. Elected Officials' Wages

This was moved to Item 12

ITEM 9:12-11 ORDERS

MOTION by Wagner, supported by Creech, to approve the Order and Add Ons.

MOTION CARRIED UNANIMOUSLY

ITEM 10:12-11 OTHER MATTERS

Trustee Berkheiser –

- Asked for an update on the Dodge Park V Butterfly Fencing. Supervisor Scott would like this to go back to the Parks and Recreation Committee.
- Asked for an update on the Airline Trail paving. Supervisor Scott said bids are due to be sent out in February 2019. He anticipates paving to start in the spring of 2019.
- The Flag Box has been installed at Fire Station #2.

Supervisor Scott said the Tri-Party Road Funding Program for new projects will come to the table in the near future. We may want to start thinking of what projects the Township would like to add to the Tri-Party Program.

ITEM 11:12-11 CLOSED SESSION

A. Union Contract Negotiations

B. Discuss Settlement of Pending Litigation: Charter Township of Commerce v. Charter Township of White Lake, et.al. Oakland County Case No. 2016-155404-CK

MOTION by Scott, supported by Magner, to enter into Closed Session for the purpose of discussing Union Contract Negotiations and to Discuss Settlement of Pending Litigation: Charter Township of Commerce v. Charter Township of White Lake, et.al. Oakland County Case No. 2016-155404-CK.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 8:39 p.m.

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

MOTION by Scott, supported by Sovel, to adjourn from Closed Session and approve the Closed Session Minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Weber, to Ratify the Consent Judgement, Exhibit A to be finalized between the Charter Township of Commerce and the Charter Township of White Lake (Oakland County Case No. 2016-155404-CK.), as discussed in Closed Session.

MOTION CARRIED UNANIMOUSLY

ITEM 12:12-11

A. Health Care

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

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

B. Firefighters Contract Approval

MOTION by Sovel, supported by Phillips, to approve the Firefighters Five Year Contract, as discussed, along with the 90/10 Health Care Plan, as presented.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

C. Elected Officials' Wages (moved from Item 8 E.)

MOTION by Sovel, supported by Berkheiser, to approve the Elected Officials' Annual Wages for 2019 as follows: Supervisor - \$91,857.51, Clerk and Treasurer - \$86,613.04 and the Township Board of Trustees \$150.00 per meeting. **MOTION CARRIED UNANIMOUSLY**

D. Nonunion Employee Wages

MOTION by Sovel, supported by Berkheiser, to approve the Nonunion Employee Annual Wages for 2019 to include an average 3% increase in their annual salary, as discussed.

MOTION CARRIED UNANIMOUSLY

ITEM 13:12-11 ADJOURNMENT

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

MOTION by Magner, supported by Creech, to adjourn the meeting at 10:43 p.m.

MOTION CARRIED UNANIMOUSLY