

**CHARTER TOWNSHIP OF COMMERCE  
REGULAR BOARD OF TRUSTEES MEETING  
June 14, 2016  
2009 Township Drive  
Commerce Township, Michigan 48390**

**CALL TO ORDER:** Thomas K. Zoner, 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: Thomas K. Zoner, Supervisor  
Melissa Creech, Clerk  
Molly Phillips, Treasurer  
Robert Berkheiser, Trustee  
John Hindo, Trustee  
Robert Long, Trustee  
Rick Sovel, Trustee

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

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Phillips, to approve the May 10, 2016 Regular Township Board of Trustees Meeting minutes, with a correction to page 2, after Public Hearings, Edgemere Barton Dust Control SAD, in the Motion change "establishment" to "intent".

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

**A. DDA Overview – Mark Stacey and Randy Thomas**

Mark Stacey and Randy Thomas gave a project overview of the recent activity on the Commerce Downtown Development project with current deals in due diligence, and proposals for deals that have not yet been signed.

**B. Richardson Center Renovation**

Barbara Garbutt, Parks and Recreation Committee advised the Board that since 2014 they have been working on making the Richardson Community Center ADA compliant and more user friendly.

Bill Petsch and Michelle Holmes, Parks and Recreation Committee gave a presentation on the proposed renovations, and utility/maintenance cost and revenues for the Richardson Community Center.

**PRESENTATIONS (continued)**

**C. Michigan Airline Trail**

John Hensler, Trail Manager Michigan Air Line Trail and Kristen Wiltfang, Associate Planner Oakland County, gave a presentation on the Michigan Air Line Trail. Acquisition should be complete within 90 days.

James Meenahan, Secretary Friends of Byers advised the Board that they held an annual clean up this past Sunday at Byers. He thanked Bob Berkheiser for assisting with the event. Approximately thirty people were present for the clean up.

David Scott, 8610 Buffalo Drive voiced his concern with the Township not notifying residents of meetings that were held for the Michigan Air Line Trail.

**PETITIONS:**

None

**ITEM 1:6-14 APPROVAL OF AGENDA**

**MOTION** by Sovel, supported by Hindo, to approve the June 13, 2016 agenda with the addition of Michigan Air Line Trail under Presentations and Union Negotiations and Pending Litigation under Item 15 Closed Session.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:6-14 PUBLIC COMMENTS**

Ray Golota, 1595 Vanstone, would like the Township to find a better way of notifying residents of public notices. He stated that Commerce Township posts notices in the Oakland Press. He took a survey of his neighborhood (Commerce Lake Island) to see how many residents receive the Oakland Press. He said only 18 out of 120 homes received the newspaper. Additionally, he asked if there will be sidewalks at the new library building. Supervisor Zoner said there is a trail that goes through Byers and out to the sidewalks. Trustee Long said the Township is having discussion regarding placing a crosswalk at the library.

Ed Glomb, 8948 Shady Pointe Lane, said there has to be a balance between the Township and the developers when it comes to tree removal in the Township. He would like to see the Township draft and approve a Tree Ordinance. There are too many trees being cut down in the Township.

David Scott, 8610 Buffalo Drive advised the Board that he has been trying to get a problem resolved with the resident behind his home since 2011. The resident will remove his pool cover and place it over his shed, along with several other tarps. There are gallons of stagnant water on his property. He would like code enforcement to step in and take care of the problem. The resident lives on Golfane Street. Supervisor Zoner will review this tomorrow.

**ITEM 2:6-14 PUBLIC COMMENTS (continued)**

Klint Kesto, Michigan State Representative District 39 updated the Board and the public on the following:

- Budget is complete, projection reduced by 174 Million Dollars
- Increased private sector jobs
- Schools – increased by 261 Million Dollars
- Federal funding was reduced
- Road funding – increase in gas tax and registration fees. Over the next 5 years, funding for the Road Commission for Oakland County will double from 65 Million Dollars to 111 Million Dollars.
- The House passed HB 5788, “dark stores” legislation, it is in the Senate now
- Gas stations on outlots will be able to use the same liquor license as the main store as long as they are owned by the same entity.
- Senate passed Medical Marijuana regulations.
- Working on legislation to prevent opioid abuse.

**ITEM 3:6-14 PUBLIC HEARINGS**

**A. Establishment Resolution of Barton Edgemere Dust Control SAD**

Supervisor Zoner opened the Public Hearing.

No one present had any questions or comments.

Supervisor Zoner closed the Public Hearing.

**MOTION** by Sovel, supported by Hindo, to approve the Resolution of the Township Board of the Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefor, Edgemere/Barton Dust Control Special Assessment District

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:6-14 BOARD APPOINTMENTS**

**A. Michelle Holmes, Parks and Recreation Committee, 4 year term expires 5-31-2020**

Michelle Holmes was present.

**MOTION** by Berkheiser, supported by Phillips, to remove the re-appointment of Michelle Holmes to the Parks and Recreation Committee from the Table.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Zoner, supported by Phillips, to approve the re-appointment of Michelle Holmes to the Parks and Recreation Committee for a 4 year term to expire on May 31, 2020.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:6-14 BOARD APPOINTMENTS (continued)**

**B. Tim Hoy, Downtown Development Authority, 4 year term expires 5-31-2020**

Tim Hoy was present.

**MOTION** by Berkheiser, supported by Phillips, to remove the re-appointment of Tim Hoy to the Downtown Development Authority from the Table.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Creech, to approve the re-appointment of Tim Hoy to the Downtown Development Authority for a 4 year term to expire on May 31, 2020.

**MOTION CARRIED UNANIMOUSLY**

**C. William McKeever, Planning Commission, 3 year term expires 6-30-2019**

William McKeever was present.

**MOTION** by Hindo, supported by Sovel, to approve the re-appointment of William McKeever to the Planning Commission for a 3 year term to expire on June 30, 2019.

**MOTION CARRIED UNANIMOUSLY**

**D. Jose Mirkin, Downtown Development Authority, 4 year term expires 7-31-2020**

Jose Mirkin was present.

**MOTION** by Zoner, supported by Creech, to approve the re-appointment of Jose Mirkin to the Downtown Development Authority for a 4 year term to expire on July 31, 2020.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:6-14 CONTRACT AWARDS AND AGREEMENTS**

**A. Welch Road CIPP Sewer Rehabilitation**

Jason Mayer, Giffels Webster Engineers gave an overview of the bids received for the construction contract. On the basis of experience, qualifications, and review of references, and their submittal of the lowest responsive bid, he recommends the Welch Road Gravity Sewer CIPP Rehabilitation construction contract be awarded to Inland Waters Pollution Control, Inc. in the amount of \$788,821.00.

**MOTION** by Berkheiser, supported by Sovel, to award the Welch Road Gravity Sewer CIPP Rehabilitation construction contract to Inland Waters Pollution Control, Inc. in than amount not to exceed \$788,821.00. Funds to come from the Sewer Fund.

**MOTION CARRIED UNANIMOUSLY**

**Executive Session**

**MOTION** by Berkheiser, supported by Sovel, to enter into Executive Session for the purpose of discussing Attorney Client Privileged Information.

**ROLL CALL VOTE:**

**AYES:** Berkheiser, Sovel, Phillips, Hindo, Long, Creech, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Entered into Executive Session: 8:33 p.m.

Returned from Executive Session: 8:45 p.m.

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:6-14 INTRODUCTIONS**

None

**ITEM 7:6-14 ADOPTIONS**

None

**ITEM 8:6-14 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:6-14 CONSENT AGENDA**

None

**ITEM 10:6-14 PURCHASES**

**A. Wood Chips for Play Structures – Parks and Recreation**

**MOTION** by Berkheiser, supported by Creech, to approve the purchase of woodchips from Zeager Bros., Inc. for Dodge Park (\$9749.90), Richardson Center (\$6,172.44) and Maple and Hickory Glen Parks (\$2,455.55). The total cost shall not exceed \$18,377.89. Funds to come from the Open Space Fund. **MOTION CARRIED UNANIMOUSLY**

**ITEM 10:6-14 PURCHASES (continued)**

**B. Thermal Imaging Cameras - Fire Department**

Joseph R. Schornack, Fire Chief is requesting approval to purchase four new thermal imaging cameras to replace and upgrade the existing four cameras. He recommends the purchase of four Bullard LDX model cameras for a total cost of \$30,202.60. Funds to come from the Capital Outlay Fund. Lt. James Liker explained the need for purchasing upgraded cameras and why they chose the Bullard LDX model.

**MOTION** by Sovel, supported by Berkheiser, to approve the purchase of four (4) Bullard Eclipse LDX model cameras for a cost not to exceed \$30,202.60. Funds to come from the Capital Outlay, account #206-000-970.000. The budget shall be amended accordingly, if needed.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:6-14 OLD BUSINESS**

**A. Chickory Lane Dust Control**

Homeowner Rachel Jeziorski is requesting the Township make a contribution to the maintenance (grading and dust control) of Chickory Lane, a private road ½ of 1,300 ft. is owned by the Township.

Discussion took place if the Township should contribute money when the maintenance is already complete and there is no SAD in place.

**MOTION** by Zoner, to assist residents of Chickory Lane, the Township Board approves a contribution of \$500.00 for the Township's share of the dust control for Chickory Lane for the year 2016. Future contributions will be based on a SAD in place.

**MOTION DIED DUE TO LACK OF SUPPORT**

**No action taken**

**ITEM 12:6-14 NEW BUSINESS**

**A. Byers Farm Repairs**

Trustee Berkheiser advised the Board that the Parks and Recreation Committee recommends moving forward on the farmhouse repairs. They recommend contracting with Wiss, Janney, Elstner Associates, Inc. to conduct a structural assessment of the building and prepare construction drawings to be used for obtaining bids from contractors and for the repair work. The intent is to make the farmhouse safe and secure.

**MOTION** by Berkheiser, supported by Creech, to move forward with a structural assessment and prepare construction drawings of the Byers Farmhouse by Wiss, Janney, Elstner Associates, at a cost not to exceed \$5,000.00.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:6-14 NEW BUSINESS (continued)**

**B. Maple Glen Timber Removal**

Supervisor Zoner said there are around 100 pieces of timber at Maple Glen Park. Should the Township put up a sign advertising free wood?

**MOTION** by Berkheiser, supported by Phillips, to contract with Linns Tree Service to chip trees at Maple Glen Park at a cost not to exceed \$1,000.00.

**MOTION CARRIED UNANIMOUSLY**

**C. Pre-payment of Comerica DDA Bonds**

Treasurer Phillips advised the Board that if the debt was paid off it will save the DDA \$148,000.00 over a 2 year period.

**MOTION** by Phillips, supported by Sovel, to authorize paying off the 2010 DDA Refunding Bonds (backed by the Comerica Letter of Credit) as of October 1, 2016.

**MOTION CARRIED UNANIMOUSLY**

**D. Special Event Liquor License – Multi-Lakes, Rocking on Reed Lake**

**MOTION** by Creech, supported by Phillips, to approve the Special Event Liquor License for Multi-Lakes Conservation Association, 3860 Newton Road on July 16, 2016 from 5:00 p.m. to midnight. This is contingent upon receipt of their State liquor license.

**MOTION CARRIED UNANIMOUSLY**

**E. Retiree Health Benefits**

Treasurer Phillips advised the Board there was never a formal Board Resolution or Ordinance establishing the designated fund for retiree health benefits.

**MOTION** by Phillips, supported by Berkheiser, to establish a resolution to set up a trust for retiree health benefits.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Long, to Table management of the trust for retiree health benefits.

**MOTION CARRIED UNANIMOUSLY**

**F. Purchase of Property – Union Lake Road**

There are two parcels slated to go to tax foreclosure sale in July 2016 that may be beneficial for the Township to own. The parcels are wetlands on either side of Union Lake Road just north of where the road goes over the water (north of Richardson). The parcels may serve a purpose for any future widening of Union Lake Road.

**MOTION** by Sovel, supported by Berkheiser, to approve the purchase of parcels E-17-12-456-006 and E-17-12-480-003 for an amount not to exceed \$10,000.00.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:6-14 NEW BUSINESS (continued)**

**G. Library Travel Request**

Elizabeth Norton, Teen Librarian would like to attend the Young Adult Library Services Association Symposium in Pittsburgh PA.

**MOTION** by Berkheiser, supported by Zoner, to approve the request of Elizabeth Norton, Teen Librarian to attend the Young Adult Library Services Association Symposium in Pittsburgh PA from November 3, 2016 through November 6, 2016 at a cost not to exceed \$716.00. **MOTION CARRIED UNANIMOUSLY**

**H. Richardson Center Renovation**

Chuck Kummer, Kummer Construction was present to answer questions.

**MOTION** by Berkheiser, supported by Long, to move forward with renovations of the Richardson Community Center and to interview Architects.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:6-14 ORDERS AND ADD-ONS**

**MOTION** by Sovel, supported by Creech, to approve the Orders and Add Ons.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:6-14 OTHER MATTERS**

Trustee Long received an email from Phillip Adkison, Township Attorney regarding Gateway. Should we consider hiring an engineer or utilize the engineering firm that Ionia used for their bridge? Mr. Adkison advised the Board that they may want to see what MDOT is offering and if the Township would like to see something different they could consult with an engineer at that time. After discussion it was decided the Township will contact Ionia to get more information on their bridge.

The liquor license for Cooley Lake Inn is being held by the State of Michigan.

Clerk Creech introduced Sydney McKinstry, Summer Intern for the Township.

Trustee Berkheiser stated there are problems with controlling the use of Wise Road Park. Property is being destroyed by motorcycles, quads, etc. There are also unleashed dogs on the property. Can the Township send a letter to residents asking them to help enforce regulations and notify the Township when problems occur? Phillip Adkison, Township Attorney will draft a letter for the Board's review.



**ITEM 15:6-14 CLOSED SESSION**

**A. Attorney Client Privileged Information**

**MOTION** by Berkheiser, supported by Phillips, to enter in Executive Session for the purpose of discussing, Attorney Client Negotiations, Union Negotiations and Pending Michigan Tax Tribunal.

**ROLL CALL VOTE:**

**AYES:** Berkheiser, Phillips, Creech, Hindo, Long, Sovel, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Entered into Closed Session at 10:50 p.m.  
Returned from Closed Session at 11:20 p.m.

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

**MOTION CARRIED**

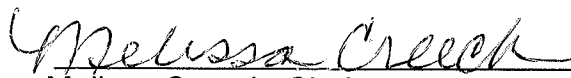
**UNANIMOUSLY**

**ITEM 16:6-14 ADJOURNMENT**

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

**MOTION** by Sovel, supported by Creech, to adjourn the meeting at 11:45 p.m.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech, Clerk  
Charter Township of Commerce

**RESOLUTION OF THE TOWNSHIP BOARD OF THE  
CHARTER TOWNSHIP OF COMMERCE DETERMINING TO  
UNDERTAKE AN IMPROVEMENT PROJECT  
AND TO ESTABLISH AND MAINTAIN A SPECIAL ASSESSMENT  
DISTRICT TO PAY COSTS ASSOCIATED THEREWITH AND APPROVING  
THE PLANS AND ESTIMATES OF COSTS THEREFOR  
EDGEMERE/BARTON DUST CONTROL SPECIAL ASSESSMENT DISTRICT**

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 14<sup>th</sup> day of June, 2016, at 7:00 p.m.

PRESENT: Thomas Zoner, John Hindo, Molly Phillips, Melissa Creech, Robert Long, Rick Sovel, Robert Berkheiser

ABSENT: None

The following preamble and resolution were offered by Rick Sovel and supported by John Hindo.

**WHEREAS**, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, has tentatively declared its intention to finance the payment of expenses, fees and charges related to application of dust control measures, and has tentatively designated a Special Assessment District against which costs of the improvement are to be assessed,

**WHEREAS**, the costs associated with this Special Assessment District are of such a nature that periodic redeterminations of the costs will be made from time to time without further notice to the record owners or parties with an interest in property located within this Special Assessment District, and;

**WHEREAS**, after due and legal notice, the Township Board of the Charter Township of Commerce held a public hearing on the 14<sup>th</sup> day of June, 2016, at 7:00 p.m. for the purpose of receiving comments regarding the improvements and the Special Assessment District to be established.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Township Board of the Charter Township of Commerce determines that the petitions filed in connection with the proposed Special Assessment District are valid and in compliance with the requirements of Michigan Public Act 188 of 1954, as amended.
2. In accordance with the provisions of Michigan Public Act 359 of 1947, as amended, and Michigan Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce hereby determines that financing the payment of expenses, fees and charges

related to application of dust control measures is reasonable, necessary and in the interest of the public health, safety and welfare of the inhabitants of the Charter Township of Commerce and shall be done.

3. The Township Board of the Charter Township of Commerce hereby establishes a Special Assessment District for the purpose set forth in paragraph two (2) hereof and names the Special Assessment District "Edgemere/Barton Dust Control Special Assessment District." It includes the property described in **Exhibit A** attached hereto.
4. The Township Board of the Charter Township of Commerce hereby approves the plans and estimates of costs as set forth in the attached **Exhibit B**. The aggregate of all such costs will be spread against the Special Assessment District hereby established. The nature of the Special Assessment District is that a periodic redetermination of costs will be necessary without a change in the boundaries. The costs will be redetermined for the Special Assessment District at 7:00 p.m. on the second Tuesday in October of each year.
5. The term of the Special Assessment District shall end on October 31, 2022, or at such time as the Township Board may deem prudent.
6. The Special Assessment District shall reimburse the Township Improvement Revolving Fund for all money advanced for the project together with outstanding interest thereon.
7. The Township Supervisor is hereby directed, in accordance with Michigan Public Act 188 of 1954, as amended, to make a Special Assessment Roll in which shall be entered and described all of the parcels of land to be assessed, with the names of the respective owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the Special Assessment District as the benefit to the parcel of land bears to the total benefit to all parcels of land in the Special Assessment District.
8. When the Township Supervisor completes the Special Assessment Roll, he shall affix thereto his certificate stating that it was made pursuant to this resolution of the Township Board of the Charter Township of Commerce that in making the Special Assessment Roll he has, according to his best judgment, conformed in all respects to the directions contained in this resolution and to the statutes of this state.
9. The Township Supervisor shall file the Special Assessment Roll, with his certificate attached thereto, with the Township Clerk, who shall then present the same to the Township Board of the Charter Township of Commerce.

10. The hearing on the Special Assessment Roll shall be held on the 12<sup>th</sup> day of July, 2016 at 7:00 p.m. at the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan 48390. The Township Clerk is hereby directed to give notice of the hearing as required by law.
11. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at the above address. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.
12. The names and addresses of those persons present at the Public Hearing who protested the assessment, if any, will be identified in the minutes of the Public Hearing.

AYES: Thomas Zoner, John Hindo, Molly Phillips, Melissa Creech, Robert Long, Rick Sovel, Robert Berkheiser

NAYS: None

ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN    )  
  ) ss.  
COUNTY OF OAKLAND )

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 14<sup>th</sup> day of June, 2016.

CHARTER TOWNSHIP OF COMMERCE

  
\_\_\_\_\_  
MELISSA CREECH, Clerk

Dated: June 15, 2016

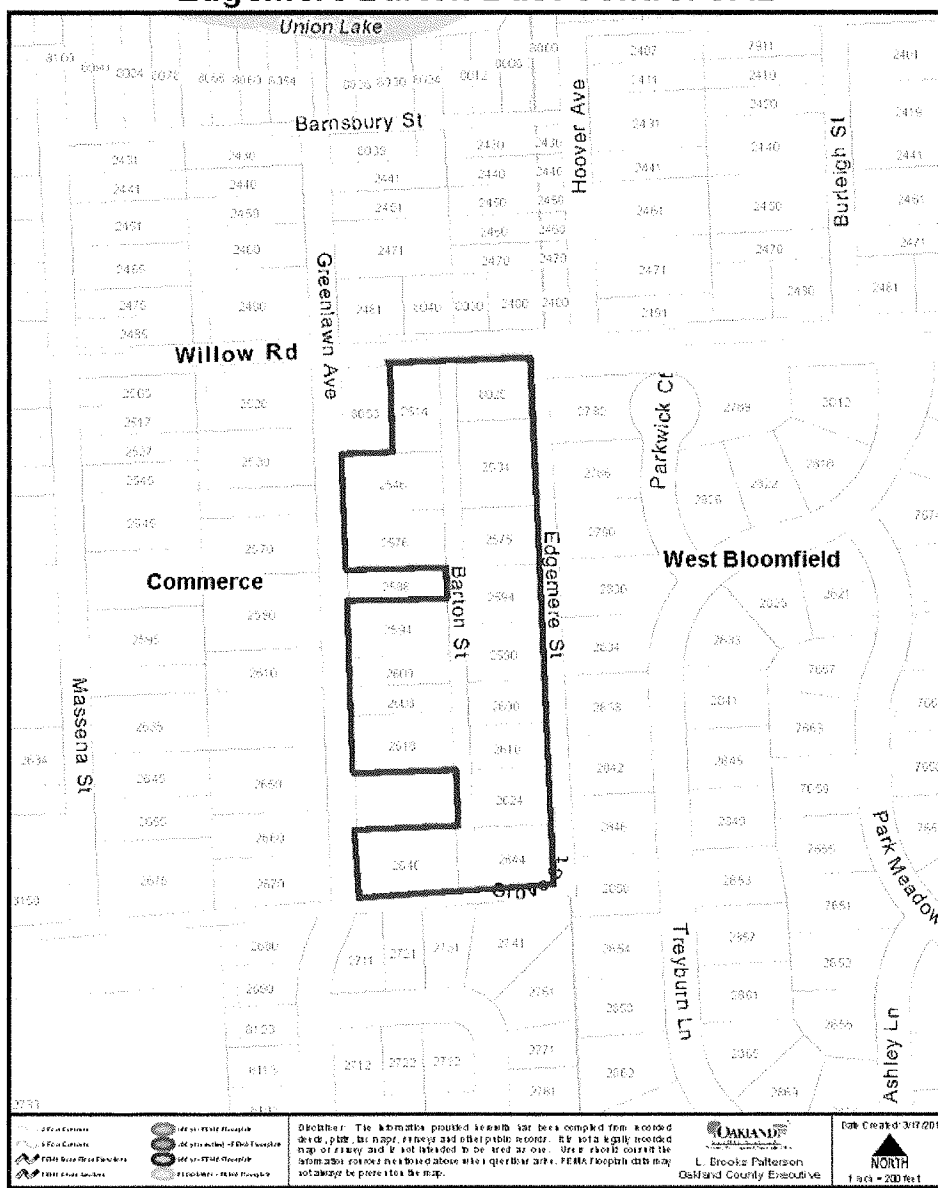
# EXHIBIT A

## Parcel Nos.

|               |               |               |               |
|---------------|---------------|---------------|---------------|
| 17-12-232-011 | 17-12-232-007 | 17-12-233-010 | 17-12-233-002 |
| 17-12-232-002 | 17-12-232-012 | 17-12-233-009 | 17-12-233-001 |
| 17-12-232-003 | 17-12-232-009 | 17-12-233-005 |               |
| 17-12-232-005 | 17-12-233-008 | 17-12-233-004 |               |
| 17-12-232-006 | 17-12-233-011 | 17-12-233-003 |               |

The following map depicts the boundary of the Special Assessment District:

### Edgemere Barton Dust Control SAD



## EXHIBIT B

### 6 - Year Cost Projection

| <b>Year</b> | <b>Total<br/>SAD Cost</b> | <b>Cost<br/>Per Parcel</b> |
|-------------|---------------------------|----------------------------|
| 2016        | \$1,015                   | \$60                       |
| 2017        | \$558                     | \$33                       |
| 2018        | \$614                     | \$36                       |
| 2019        | \$675                     | \$40                       |
| 2020        | \$743                     | \$44                       |
| 2021        | \$817                     | \$48                       |
| 2022        | \$899                     | \$53                       |