

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

January 8, 2019

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.

SWEARING IN OF STATE SENATOR 15th DISTRICT – Jim Runestad

State Sen.-elect Jim Runestad was sworn in by the Honorable Judge Michael Warren.

APPROVAL OF MINUTES

MOTION by Berkheiser, supported by Magner, to approve the December 11, 2018 Regular Township Board of Trustees Meeting minutes, and the December 19, 2018 Special Township Board of Trustees Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS

A. Bruce Aikens – 5 & Main

Bruce Aikens and his team were present and gave a presentation on proposed changes to the 5 & Main project. A preliminary site plan rendering was reviewed by the Board.

ITEM 1:1-8 APPROVAL OF AGENDA

MOTION by Creech, supported by Sovel, to approve the January 8, 2019 Agenda with the following changes: Move ITEM 8 A. Rezoning Agreement – Jacob Park of Rock Ridge Investments, LLC to ITEM 6 C. and revise the Township Holiday Calendar after Closed Session.

MOTION CARRIED UNANIMOUSLY

ITEM 2:1-8 PUBLIC COMMENTS

Erica Friedman-Smit, 2336 Trillium Hills Drive, would like to see larger recycling bins with tops provided to residents. The wind is blowing recycling out of the neighbor's bins and scattered all over the place.

Dawn McKinney, 525 Oakley Park Drive, said garbage is not being picked up and there is garbage all over the place. She heard the Township did not pay the trash company for their services and wondered if this was the reason why there was no service. Supervisor Scott said one payment was withheld because of the poor service from the company. He has been in contact with the company about the problems with trash pick-up. The Township will go out for bids for refuse collection as the current contract expires 12/31/2019.

Christine Long, County Commissioner District 7, announced the first County Commissioner Board Meeting for 2019 is on January 9, 2019 in the Commissioners' Auditorium. She will be sworn in during the meeting at 5:30 p.m.

Basil Bakal, 169 Loop Road, owner of two hotels in Commerce Township said he was asked to attend the meeting. He does not feel this is a good location for a hotel. He said Commerce Township is not a demand generator for hotels. He is concerned the hotel will not keep rooms booked when the economy is bad. This will be bad for the Township to have a hotel that will be vacant.

Christine Boji, 2133 Serenity Way, said there is garbage all over the place. Republic Services are not doing their job picking up garbage.

ITEM 3:1-8 CONTRACTS AWARDS AND AGREEMENTS

A. Amended and Restated Sub-Planned Unit Development Agreement for 5 & Main Sub-Planned Unit Development.

David Campbell, Planning Director, explained the changes made to the development and said the Planning Commission recommends approval with conditions.

This amendment changes the existing Agreement by:

- Permitting the Developer to locate a hotel on the site.
- Providing a mechanism to allow uses that would be permitted in the underlying zoning classification if the uses are consistent with the intent and purpose of the planning objectives of the Sub-Planned Unit Development.

ITEM 3:1-8 CONTRACTS AWARDS AND AGREEMENTS (A. Amended and Restated Sub-Planned Unit Development Agreement for 5 & Main Sub-Planned Unit Development continued)

- Permitting limited outside activities and events
- Permitting some buildings to be relocated from the position shown on the Development Plan under certain circumstances.

MOTION by Sovel, supported by Magner, to approve the recommendation of the Planning Commission to approve the Amended and Restated Sub-Planned Unit Development Agreement Five and Main Sub-Planned Unit Development, Charter Township of Commerce, Oakland County, Michigan.

Discussion: Trustee Weber asked Mr. Aikens to elaborate on Mr. Basil Bakal's comments regarding a hotel at 5 & Main. Mr. Aikens said he will have an upscale boutique/hotel at his development. He will be looking for the right user with the right size for the site's configuration. He said he has received a considerable amount of interest from hotel developers to build on this site. The site is a perfect location for a hotel because it will be surrounded by stores, trails, entertainment and in close proximity to expressways.

Trustee Sovel stated he has been to these types of retail developments all over the country and they all have a hotel. He has stayed in many and they seem to work very well.

Trustee Berkheiser is concerned about the type of hotel that will be built at 5 & Main.

Berkheiser voted no

MOTION CARRIED

ITEM 4:1-8 SITE CONDOMINIUMS AND PLATS

A. Fourth Amendment to the Master Deed of Commerce Towne Place

David Campbell, Planning Director, gave an overview of the Amendment.

Hans Rentrop, Township Attorney, said the Amendment removes reference to the library and Library Drive; creates two new units which will be used by the 5 and Main project; reserves easements for drainage and irrigation; and amends Exhibit B of the Master Deed to reflect the preceding changes. Additionally, paragraphs 7 and 8 of the Amendment modify the Master Deed Bylaws to limit the uses permitted on the two newly created units.

Mark Stacy, DDA Director, said if Mr. Aikens does not go through with Phase 2 of the development within a 24-month period, the property will go back on the open market.

MOTION by Magner, supported by Phillips, to approve the Fourth Amendment to the Master Deed of Commerce Towne Place.

ITEM 4:1-8 SITE CONDOMINIUMS AND PLATS (A. Fourth Amendment to the Master Deed of Commerce Towne Place continued)

Discussion – Trustee Berkheiser is concerned that if there is no deposit made by Mr. Aikens on Phase 2 he could ask for extensions or just walk away from it. Mark Stacy said the market has been challenging for Mr. Aikens on Phase 1 of the development and that is why extensions were given. The project is going forward now and Mr. Aikens will be putting at least \$1,000,000.00 towards the project so he is confident that Mr. Aikens will close on the property for Phase 2 of the development.

Trustee Magner said if we split the property and Mr. Aikens does not close within 24 months, then she believes the property will become more valuable for another buyer.

Berkheiser voted no.

MOTION CARRIED

ITEM 5:1-8 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 2.016 to be known as Charter Township of Commerce Fee Ordinance No. 2.017.

Hans Rentrop, Township Attorney, said this reduces the charge for the Industrial Pretreatment Program from \$5.54 per REU to \$5.28 per REU and eliminates the charge of \$0.23 per one hundred cubic feet (“CCF”). This change is being recommended by the Oakland County Water Resource Commissioner’s Office.

MOTION by Sovel, supported by Creech, to Introduce an Ordinance to Amend Ordinance No. 2.016 to be known as The Charter Township of Commerce Fee Ordinance No. 2.017, 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. 1.044 – To Comply with the Michigan Regulation and Taxation of Marihuana Act.

Hans Rentrop, Township Attorney, said this will amend the Code of Ordinances to provide regulations for possession and cultivation of marihuana and to otherwise bring the Township Code of Ordinances into compliance with the new Michigan Regulation and Taxation of Marihuana Act.

MOTION by Weber, supported by Phillips, 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. 1.044, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 6:1-8 ADOPTIONS

- 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.**

MOTION by Magner, supported by Sovel, 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. 1.042, 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 – Prohibiting Marihuana Establishments within the Charter Township of Commerce.**

MOTION by Sovel, supported by Scott, 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. 1.043, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

- C. Rezoning Agreement – Jacob Park of Rock Ridge Investments, LLC**
David Campbell, Planning Director, explained the agreement.

MOTION by Scott, supported by Weber, to approve PZ#18-0002, a petition by Rock Ridge Investments LLC for a map amendment to rezone a portion of the Commerce Ridge parcel – Parcel ID No. 17-33-400-044, on the north side of Pontiac Trail, east of Beck Road, from MHP (Mobile Home Park) to R-1D (One Family Neighborhood Residential) to be known as Zoning Amendment Ordinance No. 3.040.

MOTION CARRIED UNANIMOUSLY

ITEM 7:1-8 OLD BUSINESS

- A. Township Hall Use Policy**

Trustee Weber said the revised draft #2 policy includes comments and clarifications made during the last Board of Trustees Meeting, specifically relating to deposits and refunding deposits.

MOTION by Weber, supported by Berkheiser, to Introduce the Commerce Township Hall Use Policy to include Non-Profit 501(c)(3) entities.

MOTION by Weber, supported by Berkheiser, to amend the Motion to include revising page 2 Item b Subparagraph v. to \$42.00 per hour.

ITEM 7:1-8 OLD BUSINESS (A. Township Hall Use Policy motion continued)

ROLL CALL VOTE

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

MOTION CARRIED

A. WOTA Interlocal Agreement

Supervisor Scott said the general purpose of the WOTA is to provide transportation services to seniors and disabled individuals.

Hans Rentrop, Township Attorney, said the Township can withdraw from WOTA, but it cannot do so before the end of a current fiscal year and notice of withdrawal must be provided at least 90 days before the end of the then current fiscal year. The party is not reimbursed or refunded any money if it withdraws.

Discussion on the lack of information regarding revenues, number of riders, transportation destinations, continued grants, and more, are needed in order to make a decision.

Mr. Rentrop will obtain additional information and report back to the Board.

MOTION by Sovel, supported by Berkheiser, to Table the Interlocal Agreement for Transportation Services until additional information is provided, as discussed, is received.

MOTION CARRIED UNANIMOUSLY

ITEM 8:1-8 NEW BUSINESS

A. O'Neal Out of State Travel Request – Library

B. Rossetto Out of State Travel Request - Library

Connie Ozinga, Library Director, is asking for approval for Shane O'Neal and Ashley Rossetto to attend the ALA Conference.

MOTION by Berkheiser, supported by Creech, to approve the Library Director's request for Shane O'Neal and Ashley Rossetto to attend the ALA Conference in Washington D.C. in June 2019 not to exceed travel expenses up to \$2,100.00 each.

MOTION CARRIED UNANIMOUSLY

C. 2 Additional Deputies for Midnight Shift

Lt. Schroeder is requesting approval for two (2) additional deputies for the midnight shift.

MOTION by Sovel, supported by Creech, to approve adding two (2) No Fill Uniform Deputy II's to the complement of contracted personnel of the Oakland County Sheriff's Commerce Sub Station.

MOTION CARRIED UNANIMOUSLY

ITEM 8:1-8 NEW BUSINESS (continued)
D. Michigan Airline Trail 2019 Budget

MOTION by Sovel, supported by Berkheiser, to approve the CW2 Trailway Management Council Operating Budget Resolution 2019-1. **MOTION CARRIED UNANIMOUSLY**

E. Resolution of the Charter Township of Commerce Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Special Projects No. 43

MOTION by Berkheiser, supported by Sovel, 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 Special Projects No. 43.

MOTION CARRIED UNANIMOUSLY

ITEM 9:1-8 ORDERS

MOTION by Berkheiser, supported by Magner, to approve the Order and Add Ons.

MOTION CARRIED UNANIMOUSLY

ITEM 10:1-8 OTHER MATTERS

Trustee Magner inquired if the Township will be going out for bids on refuse collection. Phillip Adkison, Township Attorney, said the process has been started and he will have a draft ready for the next Township Board Meeting.

Trustee Sovel asked Fire Chief Jim Dundas about recent fires in the Township. Chief Dundas said there was a fully involved house fire. The house was vacant and in the process of being renovated. There were no injuries and the cause of the fire is not yet known.

Clerk Creech said the Quarterly Discussion Meeting will be on January 22, 2019. Please send her any items you would like to add to the agenda.

Trustee Berkheiser asked about the lights on the M5 Bridge. David Campbell, Planning Director said the northbound side of the bridge has blue lighting. There is no color change on the southbound side. The electrician would like us to provide him with suggestions for "scenes" for the lighting, such as red, white and blue for July 4th, orange and green for St. Patrick's Day, etc. Mr. Campbell will provide him with suggestions and schedule of times.

Trustee Berkheiser asked for an update on the billboard. Phillip Adkison, Township Attorney, said we need DNR approval first. The paperwork is in John May's office now.

Trustee Weber asked for an update on the calendar showing Township projects that he requested be included in the Board meeting packet. Supervisor Scott said Ben Sebrowski needs to convert the calendar into the system.

ITEM 10:1-8 OTHER MATTERS (continued)

Supervisor Scott requested Board members send any requests or questions to the Township and not the Township Attorneys. He will make sure the correct department receives their requests/questions. This will cut down on attorney fees.

ITEM 11:1-8 CLOSED SESSION

A. Union Contract Negotiations

MOTION by Sovel, supported by Berkheiser, to enter into Closed Session for the purpose of discussing Union Contract Negotiations. **MOTION CARRIED UNANIMOUSLY**

Entered into Closed Session: 10:12 p.m.
Returned from Closed Session: 10:30 p.m.

MOTION by Phillips, supported by Creech, to adjourn and return from Closed Session and approve the Closed Session Minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Sovel, supported by Creech, to approve the AFSCME Contract and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**


ITEM 12:1-8 REVISE TOWNSHIP HOLIDAY CALENDAR

MOTION by Sovel, supported by Weber, to remove the Wednesday before Thanksgiving from the Township Holiday Calendar. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:1-8 ADJOURNMENT

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

MOTION by Phillips, supported by Creech, to adjourn the meeting at 10:31 p.m. **MOTION CARRIED UNANIMOUSLY**


Melissa Creech, Clerk
Charter Township of Commerce