

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
March 12, 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
Robert Berkheiser, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Vanessa Magner, Trustee (excused)
Molly Phillips, Treasurer (excused)

Also Present: David Campbell, Planning Director
Emily England, Senior Director
Jay James, P.E. Building Official
Jason Mayer, Giffels Webster Engineers
Connie Ozinga, Library Director
Hans Rentrop, Township Attorney

Students from Milford High School and a student from Wayne State University were present to observe the meeting.

PLEDGE OF ALLEGIANCE TO FLAG

APPROVAL OF MINUTES

MOTION by Creech, supported by Berkheiser, to approve the February 12, 2019 Regular Township Board of Trustees Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. WOTA

Rick Hamill, Highland Township Supervisor, gave a presentation on the Community Transportation Program which is funded through SMART and Municipal Credits, Community Development Block Grant (CDBG) funds, grants, fares and donations. CTP provides service to area residents age 55 and older and adult individuals with permanent or temporary disabilities who cannot provide their own means of transportation. Mr. Hamill applied for and received a SEMCOG Grant in the amount of \$50,000 to go towards researching the costs and feasibility of combining bus transportation services with other communities. Kim Viener, Community Transportation Director was present. She stated there are 261 registered Commerce Township residents and 50 additional residents that are on the transportation waiting list. Mr. Hamill and Ms. Viener answered questions of the Board. Mr. Hamill is asking the Township to support moving forward with the Community Transportation Program.

ITEM 1:2-12 APPROVAL OF AGENDA

MOTION by Sovel, supported by Weber, to approve the March 12, 2019 Agenda with the addition of C. Non-Union Merit Performance Process under Item 8 Old Business.

MOTION CARRIED UNANIMOUSLY

ITEM 2:2-12 PUBLIC COMMENTS

None

ITEM 3:2-12 PUBLIC HEARINGS

A. Establishment Resolution for the Ashland Dust Control SAD

Supervisor Scott opened the Public Hearing.

No one present had any questions or comments.

Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Creech, 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, Ashland Dust Control Special Assessment District.

MOTION CARRIED UNANIMOUSLY

B. Resolution Confirming the Special Assessment District Designated Special Projects No. 43

Supervisor Scott opened the Public Hearing.

No one present had any questions or comments.

Supervisor Scott closed the Public Hearing.

ITEM 3:2-12 PUBLIC HEARINGS (Resolution Confirming the Special Assessment District Designated Special Projects No. 43 continued)

MOTION by Sovel, supported by Creech, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 43.

ROLL CALL VOTE

AYES: Sovel, Creech, Weber, Berkheiser, Scott

NAYS:

ABSENT: Phillips, Magner

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-12 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.041 - FOIA

Hans Rentrop, Township Attorney, recommends approval of this Amendment so that the Township's Code requirements are consistent with State law. The Amendment reflects changes made by the State to the Freedom of Information Act ("FOIA") and to implement the State's sliding scale for the recovery of costs associated with FOIA contractors.

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. 1.041, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-12 CONTRACT AWARDS AND AGREEMENTS

A. Crown Castle Cell Tower Consulting Agreement

Hans Rentrop, Township Attorney, stated that last month the Township Board approved hiring Ken Schmidt of Steel in the Air to assist the Township in assessment of the offer made by Crown Castle to add another carrier to the cell tower site in Long Park. The representative from Crown Castle had indicated, in error, that they would pay for the consultant. Crown Castle has a policy prohibiting payments to consultants on valuation matters. The Township could recover Mr. Schmidt's fees from an increase in the lease price or the signing bonus. Discussion took place on ensuring the consultant's report included data on other Township cell tower leases which expire within the next five years.

MOTION by Sovel, supported by Weber, to approve the Consulting Agreement between Steel in the Air, Inc. and the Township of Commerce.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-12 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances, to be known as Code Amendment Ordinance No. 1.045, to Bring Regulations Governing Use of Consumer Fireworks in Accord with State Law

MOTION by Berkheiser, 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. 1.045, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. Zoning Map Amendment PZ19-0001 – Eleven Properties Within the Commerce Village Settlement Area

David Campbell, Planning Director, reviewed the Amendment with the Board.

Trustee Weber said all residents who spoke at the Planning Commission meeting were in favor of the Amendment except for one resident who owned a non-buildable lot and wanted to turn it into a parking lot.

MOTION by Weber, supported by Sovel, to approve PZ#19-0001, a petition by the Commerce Township Planning Department to amend the Township's Zoning Map for eleven properties within the northeast quarter of Section 10 of Commerce Township from B-2 (Community Business) to R-1D (One-Family Neighborhood Residential), post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-12 PURCHASES

A. Grand Rapids Jill Chairs – Library

Connie Ozinga, Library Director, is requesting approval to purchase 12 chairs for the library.

MOTION by Berkheiser, supported by Scott, to approve the purchase of 12 Grand Rapids Jill chairs from Library Design Associates at a cost not to exceed \$5,500.00 for the library. Funds to come from the Library fund

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-12 OLD BUSINESS

A. WOTA

Trustee Weber questioned if the Resolution is an actual Authority or not. He referred to Ms. Viener saying it is an Authority. Hans Rentrop, Township Attorney, said the current terms of the agreement is not an Authority. Weber would like to see the word "Authority" removed from the heading of the Resolution.

Hans Rentrop, Township Attorney, recommends changing the first paragraph of the Resolution as follows:

ITEM 8:2-12 OLD BUSINESS (WOTA continued)

“The Township Board hereby provides notice of its intent to execute an intergovernmental agreement to create WOTA, upon review and approval of the final agreed upon language of the interlocal agreement and upon receipt of information from survey’s and other data sources, the funding for which is available, supporting a demand for the services to be provided by WOTA in an acceptable ratio to the costs to be incurred by the Township as determined by the Township Board.”

and change the word “AUTHORITY” to “AGREEMENT” in the heading.

MOTION by Scott, supported by Weber, to approve the Resolution of the Township Board of the Charter Township of Commerce Regarding Notice of Intent and Grants for West Oakland Transportation Agreement and change the first paragraph as follows: The Township Board hereby provides notice of its intent to execute an intergovernmental agreement to create WOTA, upon review and approval of the final agreed upon language of the interlocal agreement and upon receipt of information from survey’s and other data sources, the funding for which is available, supporting a demand for the services to be provided by WOTA in an acceptable ratio to the costs to be incurred by the Township as determined by the Township Board.”

MOTION CARRIED UNANIMOUSLY

B. Horse Farm – 2252 Wixom Road

It is the recommendation of Supervisor Scott that Ms. Hancock be advised that the Township will terminate the rental of the property and that she, and all occupants vacate the premises in accordance with the rental agreement, that all boarded animals be moved off site that all personal property be removed, and commercial and private riding be suspended. She is late on paying rent since October 2018 and does not have liability insurance.

Hans Rentrop, Township Attorney, recommends a letter of default of the lease agreement be forwarded to Ms. Hancock giving her the opportunity to correct all violations of the lease agreement and pay all past due rent within 10 days. Supervisor Scott believes 4-6 months is a good timeline for all boarded animals to be moved off site in the event a lease termination has to be issued to Ms. Hancock with a target of no later than the end of July, 2019.

MOTION by Sovel, supported by Scott, to draft and send a letter of default of the lease agreement for 2252 Wixom Road to Ms. Hancock giving her the opportunity to correct all violations of the lease agreement and pay all past due rent within 10 days. In the event Ms. Hancock has not corrected all violations and paid all past due rent within 10 days, the Township may issue a notice of termination of the lease agreement and set forth a time to vacate property.

MOTION CARRIED UNANIMOUSLY

C. Non-Union Merit Performance Process

Trustees Sovel, Weber and Magner worked on a project to change the way the Township recognizes employee performance and approves wage increases for non-union employees.

Trustee Sovel gave a presentation on the proposed performance review process.

ITEM 9:2-12 NEW BUSINESS

A. Oak Wilt at Maple Glen Park – Parks and Recreation Department

Emily England, Senior Director, advised the Board that Oak Wilt has returned to Maple Glen. Two of the infected trees are just outside of the original trench lines that were put in, which means we will have to set a perimeter and put another trench in to contain the spread. Additionally, the 2 large Oak trees that were injected in 2017 will need to be done again this year.

MOTION by Berkheiser, supported by Weber, to contract with American Arbor L.L.C. to treat Oak Wilt at Maple Glen Park by digging another trench, remove and dispose all infectious tree material larger than 16 inches and inject 2 large Oak trees at a cost not to exceed \$7,700.00. Funds to come from the General Fund. **MOTION CARRIED UNANIMOUSLY**

B. Dodge Park V Play Structure Relocation – Parks and Recreation Department

Emily England, Senior Director, advised the Board that the Parks and Recreation Committee made a Motion to recommend relocation of the Dodge Park Playground due to the construction of Scarlet's Smile and the new restroom facility at Dodge Park.

MOTION by Berkheiser, supported by Weber, to approve the relocation of the Dodge Park playground equipment, install curb borders, erosion control and restoration and tree removal in an amount not to exceed \$60,000. Funds to come from the Open Space Fund.

MOTION CARRIED UNANIMOUSLY

C. Resolution Approving Parks and Recreation and Trails 5-Year Master Plan

Leah Groya of Living Lab was present to review and discuss the Master Plan with the Board.

Trustee Weber thanked Emily England, Leah Groya and the Parks and Recreation Committee on the fantastic job they did on the Master Plan.

MOTION by Berkheiser, supported by Scott, to approve the Resolution of Adoption Commerce Township Board of Trustees Parks, Recreation + Trails Master Plan 2019 – 2023.

MOTION CARRIED UNANIMOUSLY

D. Resolution Approving the Establishment of Receiving Boards for All Commerce Township Elections

MOTION by Creech, supported by Sovel, to approve the Resolution Approving the Establishment of Receiving Boards for all Commerce Township Elections.

MOTION CARRIED UNANIMOUSLY

E. Edgewood Country Club Garbage Collection Fee Refund

MOTION by Weber, supported by Berkheiser, to approve the refund for the 2018 winter bill garbage charge of \$193.54 to Edgewood County Club.

MOTION CARRIED UNANIMOUSLY

ITEM 9:2-12 NEW BUSINESS (continued)

F. Banner permit – Orchard Lake Fine Art Show

MOTION by Creech, supported by Weber, to approve a 4' x 50' netted banner across Union Lake Road, south of Cooley Lake Road from July 10, 2019 to July 29, 2019 for Hot Works LLC Orchard Lake Fine Art Show subject to receipt of a valid Certificate of Insurance.

Discussion - Trustee Sovel said the Certificate of Insurance will be expired in April.

MOTION CARRIED UNANIMOUSLY

G. SAFER Grant Application – Fire Department

Jim Dundas, Fire Chief, is requesting approval to apply to FEMA for a SAFER Grant to fund 8 firefighter positions.

MOTION by Berkheiser, supported by Creech, to approve the request of the Fire Chief to apply to FEMA for a SAFER Grant to fund 8 firefighter positions.

MOTION CARRIED UNANIMOUSLY

ITEM 10:2-12 OLD BUSINESS

D. RFP for Residential Refuse Collection and Disposal

Hans Rentrop, Township Attorney, reviewed the revised garbage RFP with the Board and together made changes to the RFP, including accelerating the timeline with a target to award the bid in early May, 2019.

ITEM 11:2-12 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 12:2-12 OTHER MATTERS

Supervisor Scott –

- Renewal of the pollution insurance policy is due on June 1, 2019. He will meet with the insurance agent tomorrow.
- The Township will be participating in the Michigan Inter-Governmental Trade Network (MITN/Bidnet) to register RFPs, bids and awards for access by registered vendors.
- ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Training was held at the Library for Township employees. There will be another class held at the Township Hall for those who could not attend this training class. Employees will also attend a CPR training class at the Township Hall.
- If Walled Lake gives up their portion of the Michigan Air Line Trail, is the Township interested in taking over their portion? The consensus of the Board was they do not want to take over Walled Lake's portion of the Air Line Trail.

ITEM 12:2-12 OTHER MATTERS (continued)

Trustee Weber –

- Questioned if the Township has an Emergency Fund. A comment was made a few months ago that if the Township had an emergency, and required State funding to help pay for necessary repairs, the State would require the Township to exhaust its own Emergency Fund balance first. If the Township had no Emergency Fund established – there is a risk the State would say the Township was unprepared and not assist. This happened to Highland Township several years ago. Supervisor Scott will ask Janet Bushey if the Township has an emergency fund.

Trustee Berkheiser –

- Asked Jay James, P. E. Building Official, about the February revenue in his report. Mr. James said this was a slow period although plans are still coming in.
- Asked for the status of Oak Hill. David Campbell, Planning Director, said he met with the buyer and seller. The project may not go thru if Pulte cannot put in the amount of houses they need. They want to build in 91 homes and the present zoning allows for only 77 sites.
- Does the Sheriff's Department visit establishments that hold a liquor license? Lieutenant Schroeder said there were three businesses that sold alcohol to minors last year.
- What was the M5 Bridge check in the amount of \$3,700.00 for? David Campbell, Planning Director, said it was payment for the bridge architect and electrical contractor.
- Asked for the status on the color scheme for the M5 Bridge. David Campbell, Planning Director, said MDOT has the drawings for the blue wave panels on the south side of bridge, northbound approach. Has not decided on color schemes yet, although he would like to have color schemes for different times of the year such as holidays/events.
- Was property at the cemetery sold? Supervisor Scott answered no.

Trustee Sovel –

- In the process of reviewing insurance requirements for the Township.

Jay James, P.E. Building Official –


- Oakland County changed the assignment sheet for REU's. He forwarded them to Dawn Lund, to see how the rates will be affected. He will report back to the Board at the April, 2019 Township Board of Trustees meeting.
- A developer is very interested in purchasing the gravel pit.

ITEM 13:2-12 ADJOURNMENT

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

MOTION by Berkheiser, supported by Creech, to adjourn the meeting at 11:29 p.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce