

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
August 13, 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: Jay James, P.E. Building Official
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the July 9, 2019 Regular Township Board of Trustees Meeting minutes and the July 23, 2019 Quarterly Discussion Board Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

Supervisor Scott introduced Wendy Reyes, Oakland County Sheriff Lt. She will replace Lt. Schroeder of the Oakland County Sheriff's Department who retired August 9, 2019. He was Substation Commander at the Commerce Township Substation.

PRESENTATIONS

A. 52-1 District Court Judges

The Honorable David Law and the Honorable Travis Reeds, Michigan 52-1 District Court, were present to show their support to the Township and to keep the lines of communications open. They apprised the Board of the type of cases that come before them. They see approximately 50,000 cases per year. They explained what types of divisions are within the 52-1 District Court system and the communities they serve. Commerce Township is one of the safest

PRESENTATIONS (52-1 District Court Judges continued)

communities in Oakland County. They are a mentor to many students from the school district and are involved in many community programs.

ITEM 1:8-13 APPROVAL OF AGENDA

MOTION by Magner, supported by Creech, to approve the August 13, 2019 Agenda with the addition of **D. Horse Barn Repair Estimates** and **E. Insurance Requirements Update** under **ITEM 6:8-13 OLD BUSINESS**.
MOTION CARRIED UNANIMOUSLY

ITEM 2:8-13 PUBLIC COMMENTS

No one present had any questions or comments.

ITEM 3:8-13 CONTRACTS AWARDS AND AGREEMENTS

A. Richardson Community Center Catering Contract

Hans Rentrop, Township Attorney, and Bonnie Peck, Consultant, reviewed the contract with the Township Board.

MOTION by Sovel, supported by Weber, to approve the Richardson Community Center Catering Service Agreement, as amended.
MOTION CARRIED UNANIMOUSLY

ITEM 4:8-13 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be known as Code

Amendment Ordinance No. 1.046 – Lot Combinations/Boundary Movements

Hans Rentrop, Township Attorney, advised the Board Chapter 22 of the Township's Code of Ordinances dealing with land divisions only contemplated divisions; not combinations or the movement of property lines. The Ordinance will amend Chapter 22 to include combinations or the movement of property lines.

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. 1.046, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend Ordinance No. 2.017 to be known as Fee Ordinance No. 2.018

MOTION by Sovel, supported by Magner, to Introduce an Ordinance to Amend Ordinance No. 2.017 to be known as the Charter Township of Commerce Fee Ordinance No. 2.018, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 5:8-13 PURCHASES

A. Fire Hose Replacement – Fire Department

Jim Dundas, Fire Chief, recommends the purchase of fire hose from Apollo Fire Equipment for a total cost of \$10,547.84. The fire hose we currently have is over 30 years old and failed annual testing.

MOTION by Sovel, supported by Creech, to approve the purchase of non-budgeted fire hose from Apollo Fire Equipment at a cost not to exceed \$10,547.84. Funds to come from the Fire Department Capital Outlay Account. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:8-13 OLD BUSINESS

A. Employee Evaluations Discussion

Supervisor Scott will obtain evaluation forms, for the Board's review, from a company specializing in employee evaluations.

Trustee Weber said the goal is to establish a process with tools necessary to perform effective employee evaluations versus stated job related objectives; with a primary purpose of differentiating performance for annual merit raises. It is not for disciplinary issues.

No action taken.

B. 8585 PGA Drive Update

Supervisor Scott received the Phase 1 evaluation and will send it out to Board members for their review.

C. Sale of Property

Glenn Kaplan and Mike Richardson, Co-owners of Benstein Grille, would like to purchase a portion of parcel 17-21-401-006, approximately 1 acre in size to the west of their existing parking lot, west off of Benstein Road, south of Glengary, to expand their parking area so they can enlarge the building.

Trustee Sovel is against selling Township property to solely benefit a business.

Hans Rentrop, Township Attorney, advised the Board if they decide to sell the property he would like to make modifications to the Letter of Intent.

Supervisor Scott recommends the Township Attorney modify the Letter of Intent.

MOTION by Scott, supported by Weber, to move forward with the sale of a portion of parcel 17-21-401-006, west off of Benstein Road, south of Glengary and authorize the Township Attorney to modify the Letter of Intent submitted by K and R Management, LLC (Benstein Grille).

Trustee Sovel voted No.

MOTION CARRIED

ITEM 6:8-13 OLD BUSINESS (continued)

D. Horse Barn Repair Estimates

Jay James, P.E. Building Official, provided the Board with estimated cost of repairs. If the Board chooses to rent out the facility and property, then the house needs to be demolished, the well needs to be connected to city water and the parking lot needs repair.

Mr. James will bring back projected costs to demolish the house, connect the well to city water and grade the parking area.

Supervisor Scott will talk to the current renter of the site regarding the likely increase in rental fees and advise the Board of their conversation.

E. Insurance Requirements Update

Trustee Sovel said Kari Cotter, Race Director for Outrun Hunger, has complied with the Township's request to obtain insurance coverage but there are deficiencies in what the Township asked for. She is an add-on to a group policy. The insurance policy must state who the insured person/applicant is. We need to update our insurance requirements and have Commerce Township named as an endorsement on the insurance policy along with the name of the insured person/applicant.

The Township Attorney will amend the Township's Insurance Policy and bring it back to the Board for review.

ITEM 7:8-13 NEW BUSINESS

A. DDA Cash Advance

Mark Stacey, DDA Director, is requesting a cash advance of up to \$2,500,000.00 for DDA 2019 Budget.

MOTION by Berkheiser, supported by Phillips, to approve a cash advance of \$2,500,000.00 for DDA 2019-2020 Budget.

MOTION CARRIED UNANIMOUSLY

B. Township Canadian Geese Nest Destruction Application Policy

Supervisor Scott said we should comply with DNR Policy procedure and change our policy to egg and nest destruction. He believes a resident should have the right to remove a nest if it is on their property. Relocation of geese is proven not to work.

Trustee Berkheiser does not believe nest destruction is effective because the geese will simply build a new one. He believes an egg destruction method is more effective.

Amend the application policy to reference egg and nest destruction and not for a goose round up and match the signature requirements. Clerk's office to validate signatures.

MOTION by Scott, supported by Berkheiser, to approve the Charter Township of Commerce Canadian Geese Nest Destruction Application Policy, as amended.

ITEM 7:8-13 NEW BUSINESS (B. Township Canadian Geese Nest Destruction Application Policy Motion continued)

Trustee Sovel voted No.

MOTION CARRIED

C. WLCSD Utility Extensions to Glengary Elementary School

Jay James, P.E. Building Official, advised the Board Walled Lake Consolidated Schools would like to extend the sanitary sewer and water service to Glengary Elementary School in order to abandon the existing well and onsite sewage disposal system.

MOTION by Weber, supported by Scott, to authorize the Township Attorney and Engineers to move forward with getting the agreement drafted and signed for Walled lake Consolidated Schools to extend sewer and water service to Glengary Elementary School in order to abandon the existing well and onsite sewage disposal system.

MOTION CARRIED UNANIMOUSLY

D. Huron Valley Youth Assistance

Huron Valley Youth Assistance is asking the Township to pay their portion of the budget as follows: \$4,162.00 for the year 2018 and \$1,459.00 for past due amount for 2017.

A representative from Huron Valley Youth Assistance was not present for the request.

No action

E. Class C Liquor License Transfer of Stock – Richardson’s Food, Inc.

Hans Rentrop, Township Attorney, advised the Board that since this is a transfer, approval of the local unit of government is required.

No action taken

F. Intent Resolution – Peninsular Park Paving SAD

Hans Rentrop, Township Attorney, recommends waiting until November 2019 to hold the next Public Hearing. This will allow West Bloomfield adequate time to approve their SAD because their parcels are next to Commerce Township’s parcels

MOTION by Sovel, supported by Creech, 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 Peninsular Park Paving Special Assessment District. The next Public Hearing will be in November 2019, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:8-13 NEW BUSINESS (continued)

G. Intent Resolution – Wenonah Hills and Tree Haven Snow Plowing SAD

MOTION by Magner, supported by Berkheiser, 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 Wenonah Hills and Tree Haven Snow Plowing Special Assessment District, striking all references to salting services, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

H. Martin Road Traffic Study Evaluation

Supervisor Scott met with Dennis Kolar, Managing Director for Road Commission for Oakland County, on what is the best path to take to connect Martin Road to Union Lake Road. A traffic study needs to be done. This is not eligible for Tri-Party funding.

MOTION by Weber, supported by Berkheiser, to move forward with the Martin Road Traffic Study Evaluation with the Road Commission for Oakland County at a cost to the Township not to exceed \$25,000.00.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

I. Resolution Reaffirming Payments for the Purchase of Property – Horse Farm

MOTION by Berkheiser, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce Reaffirming Payments for the Purchase of Property.

MOTION CARRIED UNANIMOUSLY

J. Application for Alcoholic Liquors Special Permit – Barefoot & Free Yoga Festival

MOTION by Sovel, supported by Creech, to approve the application for alcoholic liquors special permit to Spartan Warrior Project for the Barefoot & Free Yoga Festival at Proud Lake State Recreation Area on August 16, 2019 4:00 p.m. to 10:00 p.m., August 17, 2019 7:00 a.m. to 10:00 p.m. and August 18, 2019 7:00 a.m. to 8:00 p.m.

MOTION CARRIED UNANIMOUSLY

ITEM 8:8-13 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 9:8-13 OTHER MATTERS

Trustee Magner – Confirmed the Budget Meeting is set for September 3, and tentatively set for September 17, and 24, 2019.

Trustee Berkheiser – Asked about zoning for parcels listed in the Planning Department’s report referencing potential three story apartment buildings.

Supervisor Scott – We may want to stop approving banner permits. The banner for Orchard Lake Fine Arts Festival, held on July 27, 2019, has not been taken down yet. The Fire Department tried to take the banner down but could not because of traffic. DTE installed the banner.

The wave panels on the M5 Bridge are scheduled to be installed this week.


Hans Rentrop, Township Attorney, said GFL will sign the approved contract this week.

ITEM 10:8-13 ADJOURNMENT

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

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

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce