

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

February 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
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
George Weber, Trustee

Absent: Rick Sovel, Trustee (excused)

Also Present: Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney
Mark Stacey, DDA Director
Connie Ozinga, Library Director
Jay James, P.E. Building Official

PLEDGE OF ALLEGIANCE TO FLAG

APPROVAL OF MINUTES

MOTION by Magner, supported by Creech, to approve the January 8, 2019 Regular Township Board of Trustees Meeting minutes and the January 22, 2019 Quarterly Township Board of Trustees Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS

A. WRC Major Maintenance Reserve and Project Details

Jared Buzo, P.E. Operations Engineer, WRC, and Ben Lewis, Manager, WRC, were present and gave a presentation of the major maintenance reserve scheduled for Commerce Township for the Fiscal Year 2018-2019.

ITEM 1:2-12 APPROVAL OF AGENDA

MOTION by Phillips, supported by Magner, to approve the January 12, 2019 Agenda with the following changes: Move E. Consideration of Draft RFP for Residential Refuse Collection and Disposal under ITEM 9 E NEW BUSINESS to the bottom of NEW BUSINESS.

MOTION CARRIED UNANIMOUSLY

ITEM 2:2-12 PUBLIC COMMENTS

None

ITEM 3:2-12 PUBLIC HEARINGS

A. Establishment Resolution – Special Projects 43

Supervisor Scott opened the Public Hearing.

No one present had any questions or comments.

Supervisor Scott closed the Public Hearing.

There is one resident that is planning to pay their balance in full. They are waiting for a check from the title company. Treasurer Phillips said they should pay their portion next week. She questioned what happens if they do not pay. Hans Rentrop, Township Attorney, recommends approving the original Resolution and modify the Roll Resolution to the amended one, if needed.

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

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-12 BOARD APPOINTMENTS

A. Robert Mistele - Appointment to the ZBA for a 3-Year Term to Expire March 31, 2022. Supervisor Scott said the Robert Mistele attended every meeting without being paid. He was an alternate for the ZBA.

MOTION by Berkheiser, supported by Creech, to approve the appointment of Robert Mistele to the ZBA for a 3-Year Term to expire March 31, 2022.

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-12 INTRODUCTIONS

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

Hans Rentrop, Township Attorney, advised the Board this amends the Code of Ordinances to provide regulations for the ignition, use or discharge of consumer fireworks and to otherwise

ITEM 5:2-12 INTRODUCTIONS (Code Amendment Ordinance No. 1.045 continued)

bring the Code of Ordinances into compliance with the recently amended Michigan Fireworks Safety Act.

MOTION by Phillips, supported by Creech, 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. 1.045, amending the civil fine up to \$1,000.00 with 50% of the fine allocated to the police department, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-12 ADOPTIONS

- A. An Ordinance to Amend Ordinance No. 2.016 to be known as Fee Ordinance No. 2.017**

MOTION by Phillips, supported by Weber, to Adopt an Ordinance to Amend Ordinance No. 2.016 to be known as the Charter Township of Commerce Fee Ordinance No. 2.017 (with renumbered pages).

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**

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

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-12 PURCHASES

Connie Ozinga, Library Director is requesting approval to purchase the following items for the library.

- A. Shelving for the Teen Room**
- B. Shelving Inserts for Adult New Book Displays**
- C. Lorca Tables**
- D. Self-Check Out Equipment and Software for the Youth Room**

MOTION by Berkheiser, supported by Creech, to approve the following purchases for the library: 1) shelving for the teen room from Library Design Associates for \$2,894.00, 2) ten shelving inserts from Library Design Associates for \$645.00, 3) two Lorca tables from Library Design Associates for \$2,494.00 and 4) self-check equipment from Envisionware Inc. for \$7,794.16, for a total not to exceed \$13,827.16.

ITEM 7:2-12 PURCHASES (Motion continued)

ROLL CALL VOTE

AYES: Berkheiser, Creech, Phillips, Scott

NAYS: Weber, Magner

ABSENT: Sovel

MOTION CARRIED

E. Nearmap Software – Building Department

Jay James, P.E. Building Official, is requesting approval to purchase an aerial photo program from Nearmap US Inc. for \$8,500.00, funds to come from the Building Department fund balance. If the program is a benefit to the Township, future yearly fees of \$8,500.00 will be budgeted in the Building Department beginning next year.

MOTION by Magner, supported by Phillips, to approve the purchase of an aerial photo program from Nearmap US Inc. not to exceed \$8,500.00, funds to come from the Building Department fund balance.

MOTION CARRIED UNANIMOUSLY

Trustee Weber would like to see Oakland County purchase a limited number of licenses from Nearmap so all municipalities in Oakland County can use it. There should be an opportunity for a cost savings through a County purchase.

ITEM 8:2-12 OLD BUSINESS

A. OPEB Actuarial Valuation

Treasurer Phillips is requesting approval for consulting services from Rodwan Consulting Company for the 2018 OPEB Actuarial Valuation and GASB Reporting Services in an amount not to exceed \$7,800.00.

MOTION by Weber, supported by Magner, to approve the contract with Rodwan Consulting Company for consulting services for the 2018 OPEB Actuarial Valuation and GASB Reporting Services in an amount not to exceed \$7,800.00.

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-12 NEW BUSINESS

A. WRC Budget

MOTION by Magner, supported by Phillips, to approve the WRC Fiscal Year 2019 Budget as presented, changing the Pump Maintenance FY 2019 Budgeted Expenses to \$404,000.

MOTION CARRIED UNANIMOUSLY

B. DDA Cash Advance

Mark Stacey, DDA Director, is requesting a cash advance in the amount of \$1,500,000.00. He presented the DDA's activity through the end of July when Aiken's closing will take place.

ITEM 8:2-12 NEW BUSINESS (DDA Cash Advance continued)

MOTION by Magner, supported by Creech, to approve a cash advance to the Downtown Development Authority in the amount of \$1,500,000.00.

MOTION CARRIED UNANIMOUSLY

C. Application for Alcoholic Liquors Special Permit – Multi Lakes Annual Gun Bash

MOTION by Weber, supported by Creech, to approve an application for Alcoholic Liquors Special Permit for Multi Lakes Conservation Association for an annual Gun Bash Fundraiser held on June 22, 2019 from noon to 8:00 p.m.

MOTION CARRIED UNANIMOUSLY

D. Metro Act Permit Renewal – Fiber Technologies

MOTION by Scott, supported by Phillips, to approve the request of Fiber Technologies Networks, L.L.C. Approval of Modification to Exhibit A of Right-Of-Way Telecommunications Permit.

MOTION CARRIED UNANIMOUSLY

(Moved to bottom of New Business)

E. Consideration of Draft RFP for Residential Refuse Collection and Disposal

F. Intention Resolution – Ashland Dust Control SAD

Hans Rentrop, Township Attorney, advised the Board that 78% of the residents signed the petition.

MOTION by Berkheiser, 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 Ashland Dust Control Special Assessment District.

MOTION CARRIED UNANIMOUSLY

G. CISMA Memo of Understanding

MOTION by Magner, supported by Creech, to approve the Oakland County Cooperative Invasive Species Management Area Memorandum of Understanding Revised December 2018. This is intended to be at no mandatory cost to the Township.

MOTION CARRIED UNANIMOUSLY

H. Huron River Sanitary Sewer Rehabilitation

Jason Mayer, Giffels Webster, provided the Board with the preliminary project budget for the Huron River Sanitary Sewer Rehabilitation project. He is requesting approval to move forward with the design and bidding of this project at a cost not to exceed \$28,300.00.

MOTION by Weber, supported by Berkheiser, to direct Giffels Webster to move forward on the design and bidding of the Huron River Sanitary Sewer Rehabilitation project at a cost not to exceed \$28,300.00.

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-12 NEW BUSINESS (continued)

I. Resolution to Petition the RCOC to Abandon and Discontinue Parts of Tamworth Street, Commercial Street, Andrews Street and Elkin Street

This is to abandon and discontinue parts of Tamworth Street, Commercial Street, Andrews Street, and Elkin Street, which are located within the area commonly referred to as Village of Commerce Plat. The vacation of these roads allows the Township to combine several parcels, owned by the Township, into a park and avoid any future confusion as to use of said properties.

MOTION by Scott, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce to Petition the Road Commission For Oakland County to Abandon and Discontinue Parts of Tamworth Street, Commercial Street, Andrews Street and Elkin Street.
MOTION CARRIED UNANIMOUSLY

J. Crown Castle Cell Tower Lease Amendment Proposal

Hans Rentrop, Township Attorney, advised the Board that Crown Castle, the owner of the cell tower located in Robert Long Park, is proposing to amend to current site lease to extend the term for six terms of five years (with automatic extensions) and increase the rent by 15 percent along with 30 percent revenue sharing for new tenants. He said that Phillip Adkison, Township Attorney, recommends the Board hire the consultant we have used in the past to evaluate the financial terms proposed. He is requesting the Board's permission to proceed with evaluation of the offer and preparation of an appropriate counter offer. The counter offer will be brought back to the Board for approval in March.

MOTION by Weber, supported by Berkheiser, to direct the Township Attorney to proceed with their designated consultant of the evaluation of the contract terms of the proposed Lease Amendment from Crown Castle Cell Tower. The consultant costs are to be paid by Crown Castle through as escrow deposit.
MOTION CARRIED UNANIMOUSLY

ITEM 10:2-12 ORDERS

MOTION by Scott, supported by Berkheiser, to approve the Orders and Add Ons.
MOTION CARRIED UNANIMOUSLY

ITEM 11:2-12 OTHER MATTERS

Trustee Weber –

- Asked for the status of the calendar he requested 6 months ago. Clerk Creech said that Ben Sebrowski, Director of Technology, was working on it but then had a family emergency which slowed the project down.
- Asked Jay James if the new Assessing Legislation would have any effect on Commerce operations. Mr. James advised “no” – only Oakland County Assessing would be affected

ITEM 11:2-12 OTHER MATTERS (Trustee Weber continued)

- Horse farm at 2552 Wixom Road – questioned if the Board wants to be in the horse farm business. Based on a walk-through with Supervisor Scott and Emily England, it appears it will take a very significant investment from the Township to bring the facility up to code. Discussion took place on what steps the Township needs to take. The tenant, Ms. Hancock, has not paid rent since October 2018 and has not submitted a liability insurance certificate to the Township even after several requests by Supervisor Scott. There could be liability to the Township without an insurance certificate by the tenant. Ms. Hancock has never obtained any permits for repairs such as electrical, etc. done to the building. Supervisor Scott will contact Ms. Hancock and request receipt of a liability insurance certificate within 10 days. This matter will be put on the March 2019 Township Board of Trustees meeting agenda.

Trustee Berkheiser –

- Asked for an update on minors' vaping. Lieutenant Schroeder said they are taking a zero tolerance approach and writing citations to minors vaping in the schools.
- Why does the Township need DNR approval for the billboard? Supervisor Scott said the billboard is an asset of the trail owned by the DNR.
- Scarlet's Smile Playground may come to the Township to discuss a 12'x12' room in the restroom building to put equipment in for the splash pad they would like to install at the playground. This was not supposed to cost the Township any money but so far it is costing the Township a lot of money. Jason Mayer, Giffels Webster, said the splash pad will require a lot of maintenance and will need to have underground storage tanks and water pipes. This could be costly to the Township if we have to maintain the playground. Supervisor Scott is reaching out to municipalities that have splash pads to see what their maintenance costs are.

Treasurer Phillips –

- The Manager of Edgewood County Club contacted her to let her know that they have been charged by the Township and paid garbage collection fees since 1992 even though they use their own refuse company. She would like to remove them from Republic's refuse pick up service, take the charge off and refund the 2019 fees that were collected. She will put this on the agenda for the March meeting.

Supervisor Scott –

- There was an emergency repair to the water softener and well pump at 740 Glengary, the log cabin home.

Clerk Creech –

- Walled Lake Schools will have a Special Election on May 7, 2019.
- Huron Valley Schools will have a Special Election in November 2019.

Trustee Magner –

- Asked about damage to the new fencing at the Pontiac Trail/M5 roundabout

Break: 9:31 pm
Returned from Break: 9:35 pm

ITEM 8:2-12 NEW BUSINESS


E. Consideration of Draft RFP for Residential Refuse Collection and Disposal
Hans Rentrop, Township Attorney, and the Board reviewed and made changes to the draft RFP.

ITEM 13:2-12 ADJOURNMENT

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

MOTION by Phillips supported by Weber, to adjourn the meeting at 11:59 p.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce