

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
February 8, 2022
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER: Supervisor Larry Gray called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Larry Gray, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
George Weber, Trustee

Absent: Rick Sovel, Trustee (excused)

Also Present: Hans Rentrop, Township Attorney
Jim Dundas, Fire Chief
Emily England, Senior/Parks and Recreation Director
Jay James, Building Official
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Mark Schoder, Maintenance Director
Debbie Watson, DDA Director

APPROVAL OF MINUTES

MOTION by Phillips, supported by Creech, to approve the January 11, 2022 Regular Township Board Meeting minutes and the January 25, 2022 Quarterly Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:2-8 APPROVAL OF AGENDA

MOTION by Magner, supported by Berkheiser, to approve the February 8, 2022 agenda with the removal of **ITEM 11:2-8 CLOSED SESSION.**

MOTION CARRIED UNANIMOUSLY

ITEM 2:2-8 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Mr. Golota, 1595 Vanstone, appreciates the plowing that was done at the Maple Glen parking lot. He would like to see the trailways/walkways also cleared of debris and snow.

Barry Raboutnick, 4910 Carroll Lake Road, said he noticed big improvements that have been done at the horse farm over the past year.

Carrie Hancock, 2552 Wixom Road, said she is present to answer questions regarding ITEM 7:2-8 OLD BUSINESS A. Horse Farm.

Supervisor Gray closed Public Comments

ITEM 3:2-8 PUBLIC HEARINGS

A. Establishment Resolution – Special Projects No. 48 SAD

Hans Rentrop, Township Attorney, explained the Resolution.

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

MOTION by Berkheiser, 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 Special Projects No. 48, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-8 BOARD APPOINTMENTS

A. Keith Mayer- Appointment to the Board of Review for a Partial Term Ending December 31, 2022

MOTION by Gray, supported by Weber, to appoint Keith Mayer to the Board of Review for a partial term ending December 31, 2022. **MOTION CARRIED UNANIMOUSLY**

B. Susan Spelker – Reappointment to the Downtown Development Authority for a 4-Year Term Ending March 31, 2026

Susan Spelker was present.

MOTION by Gray, supported by Magner, to reappoint Susan Spelker to the Downtown Development Authority for a 4-year term ending March 31, 2026.

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-8 BOARD APPOINTMENTS (continued)

C. Robert Mistele – Reappointment to the Zoning Board of Appeals for a 3-Year Term Ending March 31, 2025

Robert Mistele was present.

MOTION by Gray, supported by Magner, to reappoint Robert Mistele to the Zoning Board of Appeals for a 3-year term ending March 31, 2025.

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-8 CONTRACTS AWARDS AND AGREEMENTS

A. Richardson Center Sidewalks

Jason Mayer, Giffels Webster Engineers, recommends the Richardson Center Sidewalks Project construction contract be awarded to the low bidder Audia Construction in the amount of \$78,439.45. Below is a summary of the proposed project budgeted:

Construction Bid	\$ 78,439.45
Project Contingency (15%)	\$ 11,765.92
Engineering (15%)	\$ 11,765.92
TOTAL	\$101,971.29

The Richardson Center Sidewalks Project will not exceed \$102,000.00 without prior authorization from the Township Board.

MOTION by Berkheiser, supported by Magner, to award the Richardson Center Sidewalks Project construction contract to the low bidder Audia Construction in the amount of \$78,439.45. The total project shall not exceed \$102,000.00 without prior approval by the Township Board.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-8 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.059 – Encroachments on Township Land.

Hans Rentrop, Township Attorney, explained the Ordinance.

MOTION by Weber, 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. 1.059, post and publish according to Law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-8 OLD BUSINESS

A. Horse Farm

Request For Proposal - Equestrian Activities for a Concessionaire Agreement.

Emily England, Senior/Parks and Recreation Director, gave an update on the status of items that were in need of attention as stated in a letter dated October 30, 2021 to the

ITEM 7:2-8 OLD BUSINESS (Horse Farm continued)

Concessionaire, Carrie Hancock. The Township ultimately had to pay to have the Concessionaire's trailers removed. Insurance was turned in. Payments are up to date. Of approximately 100 fence posts delivered by the Township in June, approximately 60 posts were installed, primarily along Wixom Road. It is not known when the Concessionaire will install the remaining posts as the ground is now frozen. There are still many items on the top floor of the barn that need to be removed. Signed waivers which were required to be submitted 60 days prior, were just turned in today. The lower part of the barn was cleared out but there are still old washing machines and old furniture left in some of the horse stalls. Items kept at the east side of the arena were organized. Programming has not been turned in. The Township is not getting email responses from the Concessionaire when they communicate via email.

The Concessionaire said she has done a lot of programming and reported that to the Parks and Recreation Committee at their monthly meetings. She said she would be able to provide the Township with correct information and answer questions if she were allowed to attend meetings that are held by the Township.

Discussion ensued on numerous communications and meetings the Township has had with the Concessionaire, and the Township's original determination to move forward with the Concession Agreement being based on a significant focus on equestrian opportunities for Township residents. Additional discussion centered on whether the Township should seek additional methods to improve resident interest and exposure through a RFP process; the present Concessionaire would also be able to respond to the proposal.

MOTION by Gray, supported by Creech, to approve the Request For Proposal - Equestrian Activities for a Concessionaire Agreement for the horse farm located at 2552 Wixom Rd, Commerce Twp., MI.

Discussion: Treasurer Phillips reminded the Board that some work that needs to be done by the Township has not been accomplished at the horse farm yet and that could be seen as a reason it is difficult for the Concessionaire to move forward with bringing in new programs and people into the facility. Discussion ensued regarding the primary outstanding item is moving the well bladder to the newly constructed room below the barn, and that this delay was due to a labor shortage with the contractor and the ground now being frozen. This delay would not affect any programming activities.

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-8 NEW BUSINESS

A. Prime 7 Amended Plan of Operation

Fran Zefi, owner of Prime 7 at 8635 Cooley Lake Road, would like to amend their restaurant's Plan of Operation to allow for light entertainment inside the building.

Mr. Zefi said entertainment would be limited to an acoustic instrument.

ITEM 8:2-8 NEW BUSINESS (Prime 7 Amended Plan of Operation continued)

Jay James, Building Official, said an annual liquor license review is done by the Township. They make sure nothing has changed from the site plan and from the plan of operation and also make sure nothing has been put in without permits.

MOTION by Creech, supported by Phillips, to approve the amended Plan of Operation submitted by Prime 7. **MOTION CARRIED UNANIMOUSLY**

B. Park User Group Agreements

Emily England, Senior/Parks and Recreation Director, said this license agreement permits certain limited use of Township facilities in a manner consistent with the Township's recreational and cultural objectives. She would like to remove The Motor City Mountain Biking Association because there is still some work that needs to be done with the attorney.

Hans Rentrop, Township Attorney, recommends a typical mandatory insurance indemnification rider be included in the agreement

MOTION by Weber, supported by Berkheiser, to authorize Supervisor Gray to sign the Charter Township of Commerce License Agreement for Use of Township Property to include language regarding an insurance indemnification rider and to provide Supervisor Gray the authority to review the Motor City Mountain Biking Association and any unique conditions to Byers Farm. **MOTION CARRIED UNANIMOUSLY**

C. Rental Inspection Ordinance Program

Jay James, Building Official, said a rental inspection program should assure that all properties which are being utilized for commercial use, are being maintained and operated in a safe and clean manner for the Township residents which utilize those properties, as well as those residents which abut those commercial uses.

Jay James will provide the Board with a general checklist on what the owners and tenants should expect. No action taken

D. Union Lake Road Traffic Congestion Mediation

Supervisor Gray asked for input from the Board if they would like to move forward on a study and design plan for the Union Lake Road traffic congestion. The study would cost approximately 1-1.5 million dollars and could take up to 3 to 5 years to complete. The first phase would include Martin Parkway up to Commerce and Union Lake Roads.

The Board is in support of moving forward with the study.

ITEM 8:2-8 NEW BUSINESS (continued)

E. Resolution Authorizing Library Millage Renewal Ballot Language

Alyson Lobert, Library Director, was present to answer questions the Board may have.

Treasurer Phillips said the 2021 winter tax bill was the last tax bill for the library millage. It was originally approved in August 2016 at .6895 mills. The millage can be renewed since it has not lapsed.

MOTION by Phillips, supported by Magner, to approve the Resolution of The Township Board of The Charter Township of Commerce Authorizing Library Millage Renewal Ballot Language with the levy of 0.6601 of one mill for a period of 10 years.

ROLL CALL VOTE

AYES: Phillips, Magner, Berkheiser, Creech, Weber, Gray

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

ITEM 9:2-8 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 10:2-8 OTHER MATTERS

Trustee Weber –

- FYI – He will be a member of the Planning Commission for the Village of Wolverine Lake. He sees this as an opportunity to improve communication between the Village and the Township.
- Update – The Property Sub-committee met last month with a representative of Walled Lake Consolidated Schools to see if they would be interested in trading some land. Commerce Township owns two parcels of land that borders school property. We would like to discuss the idea of trading one or both of our parcels with parcels they own that borders Township property, specifically Township parks. The school district owns 83 acres of land off of Commerce Road, just north of the fire station and adjoining the south end of Victory Park. The sub-committee found value in this property. The school district purchased the property from the DNR and would now like to sell it. We asked if we could have an opportunity to see if we could get a grant from the DNR and turn it into a park. This would expand the size of Victory Park and it would provide access to the park from Commerce Road. The school district let them know that the sale of the property is only half of what is important to them. Putting a large amount of homes on that property is significantly important to them because each home has the opportunity to have a student in it which will provide a tax revenue.

ITEM 10:2-8 OTHER MATTERS (Trustee Weber continued)

Emily England, Senior/Parks and Recreation Director will see if we can get a grant from the DNR and if we can, we will meet with the school representative to discuss this further.

Treasurer Phillips –

- Last fall we discussed the interest rates being near zero and the potential to refund 2016 capital improvement sewer bonds. The financial advisor and bond advisor ran the numbers again because we paid off more of the sewer bond debt. Right now the numbers are close to the same as they were in September 2021. Interest rates are starting to increase. Right now we can issue more bonds at lower interest rates. She would like the Board to think about this and let her know what their thoughts are.

Supervisor Gray –

- We are in the process of the Union Lake boat launch being turned over to Commerce Township.
- Ben Sebrowski, Director of Technology, will discuss the emergency broadcast system at the March Board meeting.
- The floors are complete at Fire Station #3. We are working on some issues at Fire Station #4.
- We had another member resign from the Board of Review.
- Two new employees for the Maintenance Department will start work on Monday February 14, 2022.

ITEM 11:2-8 CLOSED SESSION

A. To Discuss Confidential Commercial Information Pursuant to MCL 15.268 and MCL 15.243(1)(f)

(removed from the Agenda)

ITEM 12:2-8 ADJOURNMENT

MOTION by Weber, supported by Berkheiser, to adjourn the meeting at 9:24 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce