

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
December 8, 2020
2009 Township Drive
Commerce Township, Michigan 48390**

Due to the Michigan Department of Health and Human Services order this meeting was held via video conferencing technology.

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
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Janet Bushey, Human Resources Director
Dave Campbell, Planning Director
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
Ben Sebrowski, Director of Technology
Mark Stacey, DDA Director

Alex Nelson, MERGE LIVE, Multimedia Group, is the host for the meeting.

Ben Sebrowski, Director of Technology, is co-host for the meeting.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

MOTION by Magner, supported by Sovel, to approve the November 17, 2020 Regular Township Board Meeting minutes, as submitted.

APPROVAL OF MINUTES (Motion continued)

ROLL CALL VOTE

AYES: Wagner, Sovel, Creech, Phillips, Weber, Berkheiser, Gray

NAYS:

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. WRC Budget

Raphael Chirolla, Water Resources Commission, gave a presentation. Brian Coburn, Amy Ploof and Mary Koeger, Water Resources Commission, were present to answer questions.

ITEM 1:12-8 APPROVAL OF AGENDA

MOTION by Sovel, supported by Weber, to approve the December 8, 2020 Regular Township Board of Trustees Meeting Agenda with the following additions: **ITEM 4 BOARD APPOINTMENTS F. George Weber - Reappointment to the Planning Commission for a 4-Year Term to Expire November 20, 2024, G. Bob Berkheiser - Reappointment to the Parks and Recreation Committee for a 4-Year Term to Expire November 20, 2024, H. Vanessa Magner – Appointment to the Library Advisory Board for a 4-Year Term to Expire November 20, 2024 and I. Rick Sovel – Reappointment to the Zoning Board of Appeals for a 4-Year Term to Expire November 20, 2024.**

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 2:12-8 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Supervisor Gray asked Alex Nelson if there was anyone who wanted to speak under the Public Comments. There were no “raised hands” from the public.

Supervisor Gray closed Public Comments.

ITEM 3:12-8 PUBLIC HEARINGS

A. Resolution Confirming Special Assessment Roll for Special Assessment District Designated Special Projects No. 46

Supervisor Gray opened the Public Hearing.

Supervisor Gray asked Alex Nelson if there was anyone who wanted to speak under the Public Hearing. There were no “raised hands” from the public.

ITEM 3:12-8 PUBLIC HEARINGS (Resolution Confirming Special Assessment Roll for Special Assessment District Designated Special Projects No. 46 continued)
Supervisor Gray closed the Public Hearing.

MOTION by Phillips, supported by Berkheiser, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 46.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:12-8 BOARD APPOINTMENTS

A. Arlene DiPaola – Reappointment to the Board of Review for a 2-Year Term to Expire December 31, 2022

MOTION by Weber, supported by Sovel, to reappoint Arlene DiPaola to the Board of Review for a 2-Year Term to Expire December 31, 2022.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. Maria Coffin – Reappointment to the Board of Review for a 2-Year Term to Expire December 31, 2022

MOTION by Sovel, supported by Magner, to reappoint Maria Coffin to the Board of Review for a 2-Year Term to Expire December 31, 2022.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

C. Diane Wilson – Reappointment to the Board of Review for a 2-Year Term to Expire December 31, 2022

MOTION by Sovel, supported by Magner, to reappoint Diane Wilson to the Board of Review for a 2-Year Term to Expire December 31, 2022.

ROLL CALL VOTE

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

ITEM 4:12-8 BOARD APPOINTMENTS (Diane Wilson – Reappointment to the Board of Review for a 2-Year Term to Expire December 31, 2022 motion continued)

NAYS:

MOTION CARRIED UNANIMOUSLY

D. Barbara Rosman – Reappointment to the Board of Review for a 2-Year Term to Expire December 31, 2022

MOTION by Creech, supported by Sovel, to reappoint Barbara Rosman to the Board of Review for a 2-Year Term to Expire December 31, 2022.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

E. Patricia Rusnell – Reappointment to the Board of Review for a 2-Year Term to Expire December 31, 2022.

MOTION by Magner, supported by Berkheiser, to reappoint Patricia Rusnell to the Board of Review for a 2-Year Term to Expire December 31, 2022.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

F. George Weber - Reappointment to the Planning Commission for a 4-Year Term to Expire November 20, 2024.

MOTION by Sovel, supported by Creech, to reappoint George Weber to the Planning Commission for a 4-Year Term to Expire November 20, 2024.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

G. Bob Berkheiser - Reappointment to the Parks and Recreation Committee for a 4-Year Term to Expire November 20, 2024.

MOTION by Sovel, supported by Phillips, to reappoint Bob Berkheiser to the Parks and Recreation Committee for a 4-Year Term to Expire November 20, 2024.

ITEM 4:12-8 BOARD APPOINTMENTS (Bob Berkheiser - Reappointment to the Parks and Recreation Committee for a 4-Year Term to Expire November 20, 2024 motion continued)

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

H. Vanessa Magner – Appointment to the Library Advisory Board for a 4-Year Term to Expire November 20, 2024.

MOTION by Sovel, supported by Berkheiser, to appoint Vanessa Magner to the Library Advisory Board for a 4-Year Term to Expire November 20, 2024.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

I. Rick Sovel – Reappointment to the Zoning Board of Appeals for a 4-Year Term to Expire November 20, 2024.

MOTION by Weber, supported by Magner, to reappoint Rick Sovel to the Zoning Board of Appeals for a 4-Year Term to Expire November 20, 2024.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

ITEM 5:12-8 SITE CONDOMINIUMS AND PLATS

A. Oak Hills Site Condominium

David Campbell, Planning Director, introduced Oak Hills Site Condominium. The Planning Commission unanimously recommends approval of the site plan. They also approved a special land use for the cluster option.

Trustee Weber – Pulte Homes came to the Planning Commission last year with a plan to put 91 homes on this property. At that time, the Planning Commission turned it down and made suggestions on what they were looking for. The petitioner took the suggestions of the Planning Commission and reduced the site plan to 78 homes.

Michael Noles, Umlor Group, representing Pulte Homes gave a presentation on the proposed site plan.

ITEM 5:12-8 SITE CONDOMINIUMS AND PLATS (Oak Hills Site Condominium continued)

MOTION by Weber, supported by Phillips, to approve PSP#20-09, a condominium site plan by Pulte Homes of Michigan for Oak Hills, a 78-unit single family residential site condominium to be developed on 32.4 vacant acres at the southeast corner of Wixom and Glengary Roads subject to conditions identified at the December 7, 2020 Planning Commission Meeting. Additionally, include the agreed upon change to Section 6.10 regarding Township liability and subject to the general comments set forth in the attorneys December 2, 2020 letter.

ROLL CALL VOTE

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

NAYS: Gray

MOTION CARRIED

ITEM 6:12-8 CONTRACTS AWARDS AND AGREEMENTS

A. Resolution Authorizing the Interlocal Agreement for Oakland County to approve the Designated Assessor for the Period January 1, 2021 through December 31, 2025.

Hans Rentrop, Township Attorney, recommends the Township Board approve this Agreement. The Township is statutorily required to appoint a designated assessor, the Township contracts with Oakland County for assessing services, and it makes sense to have the director of the unit Oakland County charges with performing the Township's assessing services be the Designated Assessor.

MOTION by Berkheiser, supported by Sovel, to approve the Resolution of The Township Board of The Charter Township of Commerce Authorizing the Interlocal Agreement for Oakland County to Approve the Designated Assessor for the Period January 1, 2021 through December 31, 2025

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:12-8 CONSENT AGENDA

- A. 2021 Meeting Schedules**
- B. 2021 Holiday Schedules**
- C. Property Tax Payment Designee Appointments**
- D. 2020 Budget Amendments**

MOTION by Sovel, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce approving Consent Agenda.

ITEM 7:12-8 CONSENT AGENDA (motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 8: ADOPTIONS

A. An Ordinance to Amend Ordinance No. 2.019 to be known as The Charter Township of Commerce Fee Ordinance 2.020

MOTION by Magner, supported by Weber, to Adopt an Ordinance to Amend Ordinance No. 2.019 to be known as The Charter Township of Commerce Fee Ordinance No. 2.020, post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend Code of Ordinances to be known as Code Amendment Ordinance No. 1.050 – International Property Maintenance Code

MOTION by Sovel, supported by Creech, 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. 1.050, post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 9:12-8 PURCHASES

A. Plow for Dump Truck – Maintenance

Mark Schoder, Maintenance Director, is requesting approval to purchase one 8' plow.

MOTION by Berkheiser, supported by Gray, to approve the purchase of one 8' plow from Angelo's Supplies at a cost not to exceed \$5,200.00.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 10:12-8 OLD BUSINESS

A. Ordinance Officer

Supervisor Gray advised the Board of changes he made in the job description under Physical Demands and Work Conditions. Additionally, he made a pay recommendation.

Discussion ensued on the need for the Township to have a full time Ordinance Officer right now or wait until the contract has ended with KER Engineering.

Jay James, Building Official and President of KER Engineering believes the Township needs a full time Ordinance Officer. He has no problem fulfilling his contract with the Township that includes enforcing the Township's Codes and Ordinances. He does not want the duties as an Ordinance Officer included in his contract if the Township approves a contract with him again.

MOTION by Sovel, to Table the Ordinance Officer Job Description.

Trustee Sovel withdrew his Motion.

No action taken

B. Horse Farm Update

Treasurer Phillips gave a summary of a tour of the horse farm and advised the Board of next step action plans. They would like to get the horse farm sub-committee back together for a meeting with Carrie Hancock so they could get a clear guideline as to what is the Township's responsibility and what is Carrie Hancock's responsibility.

Trustee Berkheiser would like the sub-committee to hold at least two meetings. One of the meetings should be without Carrie Hancock present because the Township is the land owner and may need to discuss certain items. He said the Parks and Recreation Committee have asked Ms. Hancock several times to provide them with her wish list of what she feels needs to be done at the horse farm. They have yet to receive a list from Ms. Hancock.

Emily England, Senior Director, said she talked to Ms. Hancock today and she said she has the aerial complete and will forward it to Jay James. Emily explained to her the urgency for the Parks and Recreation Committee to receive her wish list.

Jay James, Building Official, said Ms. Hancock reached out to him today requesting to meet with him.

Carrie Hancock was present and said she would appreciate a meeting again with the sub-committee to make sure everything is going in the right direction.

ITEM 11:12-8 NEW BUSINESS

A. Amendment of Option to Purchase Library Parcel to Permit Assignment by Buyer

Phillip Adkison, Township Attorney, said Commerce Downtown LLC is the entity of the DDA property and has an option to purchase the old library site. They want to create a new entity named Commerce Downtown LLC Two, which will acquire the original entity's interest in the DDA property. They are doing this because that would enable them to get a baseline environmental assessment that is used for certain protections from possible liability related to the environmental condition of the property. This can only be done before you actually acquire your interest in the property. They want to align the ownership interest with the library parcel with that of the DDA parcel. There are no issues that he knows of with the library parcel. Because the option to purchase is a cash deal and the ownership interest will be the same as they presently are, he feels this is more an administrative matter and he has no objection.

MOTION by Sovel, supported by Phillips, to approve the Amendment of Option to Purchase Library Parcel to Permit Assignment by Buyer.

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

B. Board of Review Alternate Meeting Dates

The request is to provide more flexibility in the event of an unexpected office closure or order that prevents an in-person meeting of the December Board of Review.

The Statutory 2020 meeting date is Tuesday, 12/15/2020. The workweek runs from 12/14/20 to 12/20/2020 and spread out throughout the whole week, if needed.

MOTION by Sovel, supported by Magner to allow for the Board of Review to convene on any day during the week of the statutory meetings dates for July Board of review/December Board of Review.

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

C. WRC Budget

FY 2021 Proposed Budget Summary Commerce Township Water System December 1, 2020.

MOTION by Berkheiser, supported by Weber, to approve the FY 2021 Proposed Budget Summary Commerce Township Water System December 1, 2020.

ITEM 11:12-8 NEW BUSINESS (WRC Budget motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

D. Resolution Authorizing Electronic Meetings and Attendance

Hans Rentrop, Township Attorney, explained the Resolution.

MOTION by Magner, supported by Berkheiser, to approve the Resolution of The Township Board of The Charter Township of Commerce Authorizing Electronic Meetings and Attendance.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

E. Odor Control Study

Jason Mayer, Giffels Webster Engineers, is requesting approval to move forward with the odor control study for the Hayes Creek Pump Station and upstream gravity sewer that will provide alternatives to mitigate the odors in this area at a cost not to exceed \$65,100.00.

MOTION by Magner, supported by Phillips, to approve the request of Giffels Webster Engineers to move forward with the odor control study for the Hayes Creek Pump Station and upstream gravity sewer that will provide alternatives to mitigate the odors in this area at a cost not to exceed \$65,100.00.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 12:12-8 ORDERS

MOTION by Magner, supported by Sovel, to approve the Orders and Add Ons.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 13:12-8 OTHER MATTERS

Trustee Berkheiser –

- FYI - The Fire Fund and Fund Balance in the 2020 Budget is now around \$400,000 less than what we projected. Jim Dundas, Fire Chief, said we are still expecting to receive money from the SAFER Grant. Trustee Weber said the Township anticipated that the Fire Fund year-end balance would be approximately 1.4 Million. The budget amendment that we just saw today has it less than 1 million. Does the 1 million dollars that we saw in the budget amendment include the \$300,000 SAFER Grant money that we have not received yet? Janet Bushey, Human Resources, said yes, it does. Trustee Sovel said we will also receive CARES money that was not budgeted.

Weber –

- The Motion he made to approve the site plan for Pulte Homes should read PSP-20-09. Hans Rentrop, Township Attorney, said this can be corrected administratively.
- Cascade Street is proposed to be on the agenda for next week's meeting. He is requesting any additional historical information in the Township that might be coming to us be included in the Board packet.
- Question – property taxes are based upon receipt on whether they are on time and not based on postmarked. He asked the Treasurer what the pros and cons are from utilizing the postmark and taking any issue of the Post Office delays out of the equation. Treasurer Phillips said the general problem they have had with postmark is that not all mail has the date stamped on them but have a bar scan on them. Without a scanner, we cannot read the date. The law says you can accept a postmark but if the letter shows up 7 days after the postmark date then you can consider it late.

Sovel -

- We need to start the process for Lower Straits Aquatic Weed Control in January 2021.

Treasurer Phillips –

- Update on 3400 Union Lake Road.
- Comment – at the last board meeting she and Mark Stacey were asked to look at the Wall Projection for when the Township might run out of money. She had a meeting with Mark Stacey and Keith Szymanski of Plante Moran to discuss this and can present it at the next Quarterly Discussion Meeting.
- The temporary fencing is still up at M5 and Pontiac Trail. Dave Campbell, Planning Director, said this is the upgraded fencing that will remain.

Supervisor Gray –

- Thanked the staff and the Board for assisting him during the transition as the Supervisor and at his first Township Board Meeting.

ITEM 14:12-8 ADJOURNMENT

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

MOTION by Berkheiser, supported by Weber, to adjourn the meeting at 10:11 p.m.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce