

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
September 10, 2024
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER: Supervisor Gray called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

Absent: George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney
Jim Dundas, Fire Chief
Jay James, Building Official
Emily England, Parks and Rec/Senior Director
Dave Campbell, Planning Director
Mark Schoder, Maintenance Director
Jason Mayer, Giffels Webster Engineers

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the August 20, 2024 Regular Township Board Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS

A. Priority Waste- Dan Venet, VP Municipal Sales

ITEM 1:9-10 APPROVAL OF AGENDA

Supervisor Gray asked to remove from the agenda **Item 5 B. Victory Park Dog Park Fencing Contract Award.**

MOTION by Sovel, supported by Creech, to approve the September 10, 2024 agenda, with the removal of **Item 5 B. Victory Park Dog Park Fencing Contract Award.**
MOTION CARRIED UNANIMOUSLY

ITEM 2:9-10 PUBLIC COMMENTS

Supervisor Gray opened Public Comments and advised the public that speaking time is limited to three (3) minutes. This is for public comments only and not for comments regarding the public hearings on the agenda.

Ajay Raman, County Commissioner for the 14th District, gave the Board an update regarding Oakland County's budget process.

Megan Keblaitis, 4980 Broadway, spoke about the culvert project near her home and how her fence was removed and not replaced. She said there's a lot of dirt near the river and everything is very exposed. Supervisor Gray said he will follow up with her tomorrow even though it's an RCOC issue and their responsibility.

Michael Baruzzini, 1528 Spruce Drive, spoke about the garbage trucks leaking oil and hydraulic fluid on the Township's roads. He's concerned about environmental impacts and road surface impacts. He feels the oil and hydraulic fluid breaks down the road surface at an accelerated rate and he doesn't want to have to pay for road replacement any sooner than necessary.

Supervisor Gray closed Public Comments.

ITEM 3:9-10 PUBLIC HEARINGS

A. Establishment Resolution – Special Projects No. 52 SAD

Supervisor Gray opened the Public Hearing.

There were no public comments

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Phillips, to approve the Resolution of the Township Board 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. 52, Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. Roll Resolution – Township Fire & Rescue Protection SAD

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Magner, to approve the Township Fire & Rescue Protection Special Assessment District Resolution Confirming 2025 Special Assessment Roll at 2.8 mills.

ITEM 3:9-10 PUBLIC HEARINGS (B. Roll Resolution – Township Fire & Rescue Protection SAD motion continued)

ROLL CALL VOTE

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

NAYS:

ABSENT: Weber

MOTION CARRIED UNANIMOUSLY

C. Roll Resolution – Township Police protection SAD

Supervisor Gray opened the Public Hearing.

There were no public comments

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, to approve the Township Police Protection Special Assessment District Resolution Confirming 2025 Special Assessment Roll at 2.622 mills.

ROLL CALL VOTE

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

NAYS:

ABSENT: Weber

MOTION CARRIED UNANIMOUSLY

D. Resolution to Reprogram 2020, 2021, and 2023 CDBG Money

Parks and Recreation Director Emily England said the following CDBG program years and amounts will be reprogrammed to install an ADA accessible parking lot and kayak launch:

Program year 2020 –\$54,454.91

Program year 2021 - \$45,169.00

Program year 2021 - \$4,000.00

Program year 2023 - \$41,975.00

Supervisor Gray opened the Public Hearing at 7:38 p.m.

There were no public comments.

Supervisor Gray closed the Public Hearing at 7:39 p.m.

MOTION by Sovel, supported by Berkheiser, to approve the resolution to reprogram 2020, 2021, and 2023 Community Development Block Grant money by the Charter Township of Commerce.

MOTION CARRIED UNANIMOUSLY

ITEM 4:9-10 BOARD APPOINTMENTS was swapped with **ITEM 8:9-10 NEW BUSINESS A. Charitable Gaming Application – The Drew Crew Organization**

ITEM 8:9-10 NEW BUSINESS

A. Charitable Gaming Application – The Drew Crew Organization

Drew Clayborn was present.

MOTION by Creech, supported by Phillips to approve the charitable gaming application for The Drew Crew Charitable Organization. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:9-10 Contract Awards and Agreements

A. Victory Park Improvements Contract Award

Director Emily England reviewed the project with the Board. We split the bid and took the dog park fencing off the project.

Jason Mayer, Giffels Webster, said we received 6 bids for the project and the low bidder was Fonson Company, Inc. at \$720,138.20. We recommend that the contract for the paving portion of the construction be awarded to Fonson Company, Inc., with the total project budget, with the fence portion removed, of \$1,315,000.

MOTION by Berkheiser, supported by Magner, to award the bid for the construction portion of the project to Fonson Company, Inc., in the amount of \$720,138.20 with a project budget for all of Victory Park, minus the fencing, not to exceed \$1,315,000.

MOTION CARRIED UNANIMOUSLY

B. Victory Park Dog Park Fencing Contract Award – Removed from agenda

C. Victory Park – Lighting Agreement with DTE

MOTION by Berkheiser, supported by Phillips, to authorize the Supervisor to sign the agreement with DTE, not to exceed \$17,920.26 for the lighting for the Victory Park project.

MOTION CARRIED UNANIMOUSLY

D. Old Union Lake Boat Launch-Kayak Launch Contract Award

Director England said this item falls within the budget and will utilize the reprogrammed CDBG funds and will also be funded by the Parks Open Space Millage.

MOTION by Berkheiser, supported Creech, to approve the Union Lake Kayak Launch Project in an amount not to exceed \$262,000. **MOTION CARRIED UNANIMOUSLY**

E. Priority Waste Contract – Second Amendment

Supervisor Gray reminded the Board this allows Priority Waste to service the Township 5 days per week instead of the current 4 days per week.

MOTION by Berkheiser, supported by Magner, to approve the second amendment to contract for residential solid waste, recycling, and yard waste collection, transportation,

ITEM 5:9-10 Contract Awards and Agreements (E. Priority Waste Contract – Second Amendment motion continued)

processing and disposal services between the Charter Township of Commerce and Priority Waste.

MOTION CARRIED UNANIMOUSLY

ITEM 4:9-10 BOARD APPOINTMENTS

A. Caitlin Bearer - Appointment to the Planning Commission for a 3-Year Term to Expire September 30, 2027

Caitlin Bearer was present.

MOTION by Gray, supported by Creech, to appoint Caitlin Bearer to the Planning Commission for a 3-Year Term to expire September 30, 2027.

MOTION CARRIED UNANIMOUSLY

ITEM 6:9-10 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 2.028 be known as Fee Ordinance No. 2.029

MOTION by Magner, supported by Berkheiser, to Introduce an Ordinance to Amend Ordinance No, 2.028 to be known as Fee Ordinance No. 2.029. Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:9-10 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.071 -Change Insurance Requirement for Firework Permit Holders

MOTION by Berkheiser, supported by Phillips, to approve the Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No, 1.071. Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:9-10 NEW BUSINESS

A. Charitable Gaming Application – The Drew Crew Charitable Organization
Previously moved to follow **Item 3: Public Hearings**

B. DDA Cash Advance

Treasurer Phillips indicated she created her typical spreadsheet to illustrate the current state of the DDA budget. The good news is the DDA requires \$100,000 less than previously projected.

MOTION by Magner, supported by Berkheiser, to approve the DDA cash advance in the amount of \$1.5 million.

MOTION CARRIED UNANIMOUSLY

ITEM 8:9-10 NEW BUSINESS (continued)

C. Budget Stabilization Fund

Treasurer Phillips said this is part of the budget process every year and the budget stabilization fund is allowed to hold the lesser of:

20% of the current year's adopted general fund expenditure budget (no amendments) or,

20% of the average of the last 5 years' amended general fund expenditure budget

Treasurer Phillips said the Board's options are to leave the balance as is, reduce the balance, or increase the balance in any amount up to \$112,123.

MOTION by Sovel, supported by Creech, to accept the Treasurer's recommendation to increase to the maximum allowed of \$1,639,675 and to authorize the budget amendment. **MOTION CARRIED UNANIMOUSLY**

D. Old Union Lake Boat Launch/Kayak Launch Formal Name

Director England said the Parks and Recreation Committee approve the name as "Commerce Township Kayak & Canoe Launch."

MOTION by Berkheiser, supported by Creech, to name the pocket park "Commerce Township Kayak & Canoe Launch." **MOTION CARRIED UNANIMOUSLY**

E. Compliance with Act 152- Employee Health Care

Supervisor Gray reminded the Board that this is approved yearly.

MOTION by Sovel, supported by Phillips, to exempt itself from the requirements of Michigan Public Act 152 of 2011 from an 80/20 Health Care Plan to a 90/10 (Township pays 90% and employee pays %10) Health Care Plan, Township wide.

Berkheiser opposed.

MOTION CARRIED

F. Proposal to Amend Cell Tower Lease

Township Attorney Hans Rentrop said that in November 2022 Sprint/T-Mobile sent a notice to the Township that is was terminating the ground lease and intended to abandon the tower. Then in January of 2024 Sprint sent the Township a rescission of notice of termination stating that is was SBA, not Sprint, who is responsible for the tower. Between March and June 2024 my office attempted to contact SBA and received no response. SBA did not pay its annual rent due by May 31st. Since then SBA has contacted my office seeking to renegotiate the lease after they were served a notice to quit. We have also paused any eviction proceedings, pending the Township Board's review. The Board needs to determine if it wants the property to exist as a source of revenue and if the Board wants to make the expenditure of hiring a cell tower consultant

ITEM 8:9-10 NEW BUSINESS (F. Proposal to Amend Cell Tower Lease continued)
at a cost of roughly \$4,000. A cell tower consultant's analysis is highly beneficial for negotiating lease rates, determining market value, and providing negotiation advice.

MOTION by Phillips, supported by Sovel, to allow the legal team to hire a market consultant to negotiate the cell tower lease in an amount not to exceed \$5,000.

Berkheiser opposed.

MOTION CARRIED

G. 2025 Township Budget Discussion

No action taken.

ITEM 9:9-10 ORDERS AND ADD ONS

MOTION by Sovel, supported by Magner, to approve the orders and the add ons.

MOTION CARRIED UNANIMOUSLY

ITEM 10:9-10 OTHER MATTERS

Trustee Berkheiser –

- Asked if the DDA capture of the parks millage means the DDA has to spend that money on the Township's parks. Treasurer Phillips said the DDA captures tax dollars from a variety of places and has no legal obligation to spend it on parks.
- He asked if the Township can recoup the costs of sewer/water lines along Sleeth Road from the owners/developers of new neighborhoods. Building Official Jay James said no, but there is a charge to hook up to the system.

Clerk Creech-

- Reminded the Board that Household Hazardous Waste Day is on Saturday, September 28th from 9:00 a.m. to 1:00 p.m.

Trustee Magner-

- Asked who owns the property on the southwest corner of Sleeth Road at Benstein Road. The weeds are so high that it's hard to see cars coming when you're turning right from Benstein onto to Sleeth Road. Supervisor Gray said it is the RCOC's right of way and they are responsible.
- Asked if apartments or a Kroger will be built behind the Chipotle on Haggerty. Supervisor Gray said that is in front of the Planning Commission right now. They want to change gears over there and add a Kroger with a gas station
- When will we have an update from Bruce Aikens. Supervisor Gray said Bruce is attending the DDA meeting next week and the October Board meeting.

Supervisor Gray

- Started the Director reviews.

ITEM 11:9-10 ADJOURNMENT

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

MOTION by Phillips, supported by Creech, to adjourn at 8:40 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech

Melissa Creech, Clerk
Charter Township of Commerce