

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
May 11, 2021
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
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney
David 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
Ben Sebrowski, Director of Technology

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

MOTION by Sovel, supported by Berkheiser, to approve the April 13, 2021 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. Dawn Lund – USF Water and Waste Water Financial Projection Reports
Dawn Lund, Utility Financial Solutions, LLC, presented her summary report for a long-term financial projection. She discussed operating income, cash reserves and debt coverage ratio.

ITEM 1:5-11 APPROVAL OF AGENDA

MOTION by Weber, supported by Sovel, to approve the May 11, 2021 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:5-11 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.
No one present had any questions or comments.
Supervisor Gray closed Public Comments.

ITEM 3:5-11 BOARD APPOINTMENTS

A. Sarah Grever - Appointment to the Zoning Board of Appeals as an Alternate Member for a 3-Year Term Ending May 31, 2024.

There is concern among some Board members regarding her short-term employment as listed on her resume. In the absence of Ms. Grever, David Campbell, Planning Director, and Jay James, Building Official, spoke of her qualifications that could assist the Zoning Board of Appeals as an alternate member.

MOTION by Magner, supported by Phillips, to appoint Sarah Grever to the Zoning Board of Appeals as an Alternate Member for a 3-Year Term Ending May 31, 2024, unless there are rules regarding being appointed only to cover the remaining term of the vacated alternate.

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

ITEM 4:5-11 CONTRACT AWARDS AND AGREEMENTS

A. Request of Commerce Downtown, LLC to Extend Option Agreement

Bruce Aikens, Developer with Robert B. Aikens and Associates LLC, was present to request a one-year extension of the Option Agreement for Five & Main due to delays because of the COVID pandemic.

Trustee Weber asked Mr. Aikens if he will come back to the Township Board for another one-year extension for Phase 2. Mr. Aikens answered yes.

This will be discussed in Closed Session.

B. Plante Moran Cresa Contract Extension

Jim Dundas, Fire Chief, recommends the contract extension for Fire Station #3. He is not asking for any additional funds because there was a contingency built in to the contract.

ITEM 4:5-11 CONTRACT AWARDS AND AGREEMENTS (Plante Moran Cresa Contract Extension continued)

Kevin Donnelly, Plante Moran Cresa, advised the Board that the contract included 750 total hours over a duration of 20 months. Over the contract period they have expended 880 total hours through March 31, 2021. They are not seeking any additional compensation through the end of March 2021. The project's completion date is now the end of October 2021. He is proposing an extension of the contract for the new Commerce Fire Station #3 for an additional seven months at a cost of \$46,000.

Trustee Berkheiser asked Mr. Donnelly if he feels confident the extension will take us to the end of the project. Mr. Donnelly said he is confident it will unless there are unforeseen issues.

MOTION by Berkheiser, supported by Weber, to approve the request to amend the contract with Plante Moran Cresa to extend their services through completion for the Commerce Fire Station #3 at a cost not to exceed \$46,000 and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:5-11 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 2.020 to be Known as Fee Ordinance No. 2.021.

Hans Rentrop, Township Attorney, said the Ordinance reflects changes recommended by Dawn Lund of Utility Financial Solutions (UFS).

Discussion on projection rates supplied by UFS without taking growth into consideration. Jay James, Building Official, will ask Oakland County what the average water usage is for residential customers over the past few years.

MOTION by Berkheiser, supported by Sovel, to Table an Ordinance to Amend Ordinance No. 2.020 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.021. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:5-11 CONSENT AGENDA

- A. Resolution – West Nile Virus Fund Expense Reimbursement Request**
- B. Lake Sherwood Fireworks Permit**
- C. Edgewood County Club Fireworks Permit**
- D. Long Lake Fireworks Permit**
- E. N. Commerce Lake Fireworks Permit**

MOTION by Sovel, supported by Berkheiser, to approve the Consent Agenda.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:5-11 PURCHASES

A. Request to Purchase an Ambulance – Fire Department

Jim Dundas, Fire Chief, is requesting approval to purchase an ambulance for Station #3 located at 2150 Welch Road. The purchase of an ambulance was approved in the 2021 Fire Department Budget. He recommends the purchase from Emergency Vehicles Plus vendor for Wheeled Coach for \$220,000.

MOTION by Berkheiser, supported by Creech, to approve the purchase of an ambulance from Emergency Vehicles Plus vendor for Wheeled Coach in an amount not to exceed \$220,000. Funds to come from the Fire Department Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 8:5-11 OLD BUSINESS

A. 8585 PGA Drive

Supervisor Gray asked the Board for approval to move forward on a RFI to bid on the expansion and modification for the sheriff's office at 8585 PGA Drive.

MOTION by Weber, supported by Sovel, to authorize the Supervisor to move forward on a RFI to get bids and lay-out plan options from the architect for the Sub-Station for the Oakland County Sheriff's Department located at 8585 PGA Drive.

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

B. Old Boat Launch on Union Lake Road

No action taken.

C. Lystek System

Jason Mayer, Giffels Webster Engineers, is requesting approval to begin design and permitting for the Lystek System at the Commerce Waste Water Treatment Plant (WWTP).

MOTION by Weber, supported by Berkheiser, to approve Giffels Webster Engineers to move forward on the design and permitting from EGLE for the Lystek System at the Commerce Waste Water Treatment Plant (WWTP) in an amount not to exceed \$250,000.

MOTION CARRIED UNANIMOUSLY

ITEM 9:5-11 NEW BUSINESS

A. Oakland County Health Division: Pop-Up Vaccine Site – Library

Alyson Lobert, Library Director, advised the Board that Marci Wieggers, Emergency Preparedness Coordinator at Oakland County, has inquired about the Commerce Township Community Library serving as a host site for an Oakland County Health Division pop-up vaccination clinic on May 25, 2021 and June 15, 2021.

ITEM 9:5-11 NEW BUSINESS (Oakland County Health Division: Pop-Up Vaccine Site – Library continued)

MOTION by Sovel, supported by Magner, to approve the use of Commerce Township Community Library to serve as a host site for an Oakland County Health Division pop-up vaccination clinic on May 25, 2021 and June 15, 2021.

MOTION CARRIED UNANIMOUSLY

B. Resolution Concurring with the Provisions of a Brownfield Plan to be Adopted by Oakland County Brownfield Redevelopment Authority for the Reserve at Crystal Lake Project

David Campbell, Planning Director, explained the Resolution.

Andrew Milia, Commerce Investment Company, LLC, was present and introduced Jessica DeBone, PM Environmental, Inc., who presented the Brownfield Plan and Resolutions to the Board.

Hans Rentrop, Township Attorney, reviewed and approved the Resolutions.

MOTION by Weber, supported by Berkheiser, to approve the Resolution Concurring with the Provisions of a Brownfield Plan to be Adopted by the Oakland County Brownfield Redevelopment Authority for The Reserve at Crystal Lake Project.

MOTION CARRIED

C. Resolution of Understanding of the Oakland County Brownfield Redevelopment Authority's Role in Administering a Brownfield Plan for the Reserve at Crystal Lake Residential Development

MOTION by Weber, supported by Sovel, to approve the Resolution of Understanding of The Township Board of The Charter Township of Commerce of The Oakland County Brownfield Redevelopment Authority's Role in Administering a Brownfield Plan for The Reserve at Crystal Lake Residential Development.

MOTION CARRIED UNANIMOUSLY

D. Haggerty Road Sidewalk Connection Between On The Dunes Trailhead and Michigan Airline Trail

David Campbell, Planning Director, advised the Board that Adam Zimmerman of On The Dunes (2055 Haggerty Road) has volunteered to allow a portion of his business' parking lot to serve as an official trailhead for the Michigan airline Trail. A plan was developed to construct an ADA-accessible 5-foot concrete sidewalk between the southeast corner of the On The Dune parking lot and the Airline Trail, including across the frontage of Munro Collision (1955 Haggerty). The Planning Department and the Township Engineer are seeking approval to dedicate \$30,000 from the sidewalk fund toward the Haggerty Road Sidewalk.

ITEM 9:5-11 NEW BUSINESS (Haggerty Road Sidewalk Connection Between On The Dunes Trailhead and Michigan Airline Trail continued)

Mr. Campbell will work with the Township Attorney to discuss an agreement between On The Dunes and Commerce Township regarding the parking lot in the event On The Dunes sells or dissolves the business.

MOTION by Magner, supported by Berkheiser, to authorize \$30,000 from the sidewalk fund to go toward the Haggerty Road sidewalk connection between On The Dunes Trailhead and Michigan Airline Trail and authorize the Planning Director to work with the Township Attorney on an agreement with On The Dunes regarding the parking lot.

MOTION CARRIED UNANIMOUSLY

ITEM 10:5-11 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 11:5-11 OTHER MATTERS

Trustee Weber –

- He would like to add Directors authority levels to the agenda for the next Township Board Discussion Meeting.
- The Township Property Management and Strategy Sub-Committee meetings are ongoing. They are reviewing one parcel that is next to the Waste Water Treatment Plant and one parcel that is near Huron Valley Hospital.

Trustee Magner –

- She questioned if the Township is considering streaming meetings on YouTube because of the limited number of people permitted to gather for a public meeting. Supervisor Gray does not feel a need to do this at this time. He said he has not received any calls from residents expressing support for this type of service.
- Asked if there is discussion about a crosswalk from Commerce Road to the Township Library. Emily England, Senior and Parks and Recreation Director, said there is no update at this time.

Trustee Sovel –

- He received an email from Kevin Donnelly proposing to give the Township, for a fee, an estimated cost of future construction projects.

Trustee Berkheiser –

- Asked for an update on the DDA Director position. Supervisor Gray said the position was posted on two different websites. He has not received any applications.
- Asked for an update on House Bill 4213, sponsored by Rep. Ryan Berman, that would allow on-premises liquor licensees to sell or furnish alcoholic

ITEM 11:5-11 OTHER MATTERS (continued)

liquor between 2 a.m. and 4 a.m. Supervisor Gray will discuss this with Lt. Reyes.

Supervisor Gray –

- DDA Director position
- Ordinance Officer position will be discussed next month.
- Graffiti at Mill Race Park was cleaned up this past weekend. Less than 12 hours later there was more graffiti sprayed or painted on Township property. He is looking into placing some type of clear coat where graffiti is placed.
- Oakland County Sheriff's Department will give a presentation to the Township Board in the near future.

ITEM 12:5-11 CLOSED SESSION

- A. Consider Attorney-Client Privileged Opinion Letter from Township Attorney**
- B. Consider the Purchase of Property Pursuant to MCL 15.268(d)**

MOTION by Gray, supported by Sovel, to enter into Closed Session to discuss A. Consider Attorney-Client Privileged Opinion Letter from Township Attorney and B. Consider the Purchase of Property Pursuant to MCL 15.268(d).

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 10:20 p.m.
Returned from Closed Session at 11:35 p.m.

MOTION by Phillips, supported by Sovel, to adjourn closed session and approve the Closed Session minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Sovel, to instruct the Township Supervisor to proceed in negotiations as discussed in Closed Session.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Magner, to approve a 1-year extension of the Option Agreement with Commerce Downtown, LLC, with quarterly in-person updates beginning in October 2021.

MOTION CARRIED UNANIMOUSLY

ITEM 13:5-11 ADJOURNMENT

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

MOTION by Sovel, supported by Creech to adjourn the meeting at 11:38 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce