

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
April 11, 2017
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
John Hindo, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee

Also Present: Phillip Adkison, Township Attorney
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney

Supervisor Scott thanked Todd Martin for all of his hard work and dedication for filling in as Acting Fire Chief during the transition period between the prior Fire Chief and the new Fire Chief. He welcomed and introduced James Dundas, Fire Chief, and Lieutenant Gerald Schroeder, OCSO Commerce Substation Commander.

APPROVAL OF MINUTES

MOTION by Magner, supported by Creech, to approve the March 14, 2017 Regular Township Board of Trustees Meeting minutes and the March 20, 2017 Special Township Board of Trustees Meeting minutes, as submitted

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:4-11 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the April 11, 2017 Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:4-11 PUBLIC COMMENTS

Ned Losey, 2962 Woodlawn, advised the Board that he has repeatedly complained to the Township about the house across the street from him having a yard full of junk and trash. There has been a flat bed with a car on it for years. He is requesting the Township's involvement with this issue. Supervisor Scott requested his phone number and said he will get back with him.

Dr. Mark Kendall was present for the B2B3 Zoning Variance for 9555 Commerce Road. Supervisor Scott told him the applicant did not petition for it to come before the Board this month. Dr. Kendall thanked the Board for their service.

ITEM 3:4-11 PUBLIC HEARINGS

A. Re-Establishment Resolution for the First Amended and Restated Lakeside Subdivision Lighting SAD

Supervisor Scott opened the Public Hearing.

No one present had any comments.

Supervisor Scott closed the Public Hearing.

Hans Rentrop, Township Attorney advised the Board that the Resolution is to add 5 properties to the roll that were not done previously.

MOTION by Sovel, supported by Phillips, 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, *First Amended and Restated Lakeside Subdivision Lighting Special Assessment District*.

Berkheiser asked how many parcels were originally on the SAD and if letters were sent to residents advising them that 5 parcels will be added to the SAD. Hans Rentrop answered 70 parcels were originally on the SAD and all residents were notified.

MOTION CARRIED UNANIMOUSLY

ITEM 4:4-11 BOARD APPOINTMENTS

A. Jim Gotts, Reappointment to the DDA, 4 Year Term to Expire 5-31-2021

Jim Gotts was present.

Berkheiser asked Mr. Gotts if he goes out of town for the winter months. Mr. Gotts answered that he sold his out of state property so he will not be going out of town during the winter months. He also stated that he has not missed many winter meetings for the past 12 years.

Magner and Sovel asked Mr. Gotts if the DDA Board would consider holding at least one meeting later in the day so those that have to work can attend the meeting if they choose to do so. Mr. Gotts answered that he has no problem holding a meeting later in the day if there is an interest from the public.

MOTION by Scott, supported by Berkheiser, to reappoint Jim Gotts to the DDA for a 4 year term to expire May 31, 2021.

MOTION CARRIED UNANIMOUSLY

A. Barbara Garbutt, Reappointment to the Parks and Recreation Committee for a 4 Year Term to expire 5-31-2021

Barbara Garbutt was present.

Sovel asked Ms. Garbutt how many years she has served on the Parks and Recreation Committee. Ms. Garbutt answered she has served 25-26 years on the Committee, with a few year gap in the middle.

Berkheiser informed the Board that he believes Ms. Garbutt is an asset to the Committee with her knowledge and dedication to the Township.

MOTION by Berkheiser, supported by Sovel, to reappoint Barbara Garbutt to the Parks and Recreation Committee for a 4 year term to expire May 31, 2021.

MOTION CARRIED UNANIMOUSLY

B. Shane Lakner, Reappointment to the Library Advisory Board for a 3 Year Term to expire 5-31-2020

Shane Lakner was not present.

MOTION by Sovel, supported by Berkheiser, to Table reappointment of Shane Lakner to the Library Advisory Board.

MOTION CARRIED UNANIMOUSLY

C. Judy Sternberg, Reappointment to the Library Advisory Board (LAB for a 3 Year Term to expire 5-31-2020

Judy Sternberg was not present.

Sovel questioned if we should we have more members serve on the LAB that have younger children. Chairperson Ozinga informed the Board that Shane Lakner has young children.

ITEM 4:4-11 BOARD APPOINTMENTS (Judy Sternberg continued)

Supervisor Scott stated the Library is functioning very well since the move to the new building. He discussed some of the roles of the Library Advisory Board and feels they are doing a good job.

MOTION by Scott, supported by Creech, to reappoint Judy Sternberg to the Library Advisory Board for a 3 year term to expire May 31, 2020

(MOTION DIED)

MOTION by Berkheiser, supported by Sovel, to Table reappointment of Judy Sternberg to the Library Advisory Board.

MOTION CARRIED UNANIMOUSLY

ITEM 5:4-11 CONTRACT AWARDS AND AGREEMENTS

None

ITEM 6:4-11 INTRODUCTIONS

None

ITEM 7:4-11 ADOPTIONS

None

ITEM 8:4-11 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:4-11 CONSENT AGENDA

None

ITEM 10:4-11 PURCHASES

A. Compressor – Maintenance Department

Mark Schoder, Maintenance Director, was present and advised the Board that the Maintenance Department would like to purchase a new air compressor. The one they have now is loud and worn out. The cost to replace the motor and other mechanical parts would be close to the cost of a new compressor. They compared prices and models and would like to purchase the Ingersoll Rand from Tractor Supply for \$899.99. This is under the amount that was approved in the 2017 budget.

MOTION by Berkheiser, supported by Phillips, to approve the purchase of one Ingersoll Rand SS5L5 5 HP 60 Gallon High Capacity Air Compressor from Tractor Supply for \$899.99. Funds to come from the General Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 10:4-11 PURCHASES (continued)

B. Mower – Maintenance Department

Mark Schoder, Maintenance Director, was present and advised the Board that the Maintenance Department would like to replace mower deck #4. They feel it is a potential safety hazard. The cost of a new mower deck is \$3,145.00. This was a 2017 budgeted item.

MOTION by Magner, supported by Creech, to approve the purchase of one John Deere 62 In. Fastback Commercial Rear Discharge Deck from Bader & Sons for \$3,145.00. Funds to come from the General Fund. **MOTION CARRIED UNANIMOUSLY**

C. Truck – Maintenance Department

Mark Schoder, Maintenance Director, was present and advised the Board that the Maintenance Department would like to replace truck #9 in their fleet. It is a 2002 GMC and is the oldest truck they have. He said the quotes were from last year so he will have to see what the cost is today. He recommends the 2016 Fleet/Non-Retail GMC Sierra 2500HD 4WD Reg Cab 133.6" TK25903 for \$27,459.00.

MOTION by Sovel, supported by Berkheiser, to authorize the purchase of one 2016 Fleet/Non-Retail GMC Sierra 2500HD 4WD Reg Cab 133.6" TK25903 for \$27,459.00 from Red Holman Buick GMC. Funds to come from the General Fund. **MOTION CARRIED UNANIMOUSLY**

ITEM 11:4-11 OLD BUSINESS

None

ITEM 12:4-11 NEW BUSINESS

A. Library Patron Behavior Policy

Connie Jo Ozinga, Library Director, is requesting approval for three changes in the Patron Behavior Policy: 1) Add "and or vaping" to paragraph 1, 4th bullet, 2) Add "No food other than vending machine snacks" and "Failure to follow directions of a library staff member" to paragraph 1, additional bullets 10 and 11, 3) Add "Users who refuse to abide by the behavior policy may be asked to leave the building." at the end of paragraph 2.

MOTION by Magner, supported by Creech, to approve the change to the Patron Behavior Policy Commerce Township Community Library as follows: 1) Add "and or vaping" to paragraph 1, 4th bullet, 2) Add "No food other than vending machine snacks" and "Failure to follow directions of a library staff member" to paragraph 1, additional bullets 10 and 11, 3) Add "Users who refuse to abide by the behavior policy may be asked to leave the building." at the end of paragraph 2.

MOTION CARRIED UNANIMOUSLY

ITEM 12:4-11 NEW BUSINESS (continued)

Berkheiser asked for an update on the grand opening for the new library building. Director Ozinga said the flag raising ceremony will be on May 13, 2017 at 10:15 a.m. All other plans will be finalized by the end of this week.

B. Dangerous Building Recommendation

Jay James, P.E. Building Official, advised the Board that on February 27, 2017, a Dangerous Building hearing was held for 5560 Blackmoor St. (Sidwell # 17-02-309-006). As a result of the hearing an order was issued requiring compliance by March 23, 2017. As of this date there has been no compliance. He is requesting the Board schedule a public hearing to take the necessary action to enforce the order pursuant to Article V, Chapter 12 of the Charter Township of Commerce Code of Ordinances.

The building is dangerous to enter. The taxes are being paid. Treasurer Phillips will inquire if a bank is paying the taxes or the owners are. Hindo asked could there be a lien against the home for demolition costs and would it be subordinate to a mortgage?

Hans Rentrop, Township Attorney recommends that if this is approved, the Board should direct his office to proceed with court action.

MOTION by Berkheiser, supported by Sovel, to direct the Township Attorneys to file a Complaint and Order to Show Cause in the Oakland County Circuit Court declaring the structure dangerous and a nuisance per se and why the Township should enter upon the property and remove the dangerous structure and to take the necessary legal action to obtain an order to demolish the building at 5560 Blackmoor St.

MOTION CARRIED UNANIMOUSLY

**C. Oakland County Cooperative Invasive Species Management Area
Memorandum of Understanding**

Supervisor Scott advised the Board that this would be a good opportunity for the Township and residents to control invasive species in the Township. He explained how phragmites harm property values, infrastructure and increases the risk of fire and flooding. He would like to have a Township wide permit from the DEQ so residents can participate and receive a discounted rate under the permit, if they choose to do so. He would like to ask Jerry VanHelleMont to assist the Township in this endeavor. He recommends approval of the Memorandum of Understanding.

MOTION by Scott, supported by Magner, to approve the Oakland County Cooperative Invasive Species Management Area Memorandum of Understanding and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

D. Banner Permit – Open Door Outreach

MOTION by Sovel, supported by Creech, to approve the Open Door Outreach request to hang a banner across Union Lake Road by Cooley Lake Road across from the DNR site from May 16, 2017 until June 6, 2017 for the Julie Run to End Hunger Open Door.

MOTION CARRIED UNANIMOUSLY

ITEM 12:4-11 NEW BUSINESS (continued)

E. Emergency Operations Support Plan

Hans Rentrop, Township Attorney recommends the Board pass the Resolution for the Charter Township of Commerce Emergency Operations Support Plan ("2017 Plan").

The Township has elected to be included in the Oakland County Emergency Management Program, which requires a support plan. The Township approved emergency support plans in 1997, 2002, 2009, and 2013. The 2013 plan expired on April 1, 2017. Like previous plans, the 2017 Plan establishes procedures and protocols for Township personnel to follow in the event of an emergency. The 2017 Plan provides basic guidance in response to an emergency but should be revisited after the new fire chief has taken his position and in consultation with the new substation commander. Oakland County encouraged adoption of the 2017 Plan as soon as possible stating that further amendments could be made.

Berkheiser asked James Dundas, Fire Chief, what he feels is a reasonable amount of time to review the plan. Chief Dundas answered three months should be a sufficient amount of time to review the plan and recommend amendments, if any.

MOTION by Berkheiser, supported by Sovel to approve the Resolution of the Township Board of the Charter Township of Commerce to Adopt the Charter Township of Commerce Emergency Operations Support Plan and authorize the appropriate signatures; with the intent to have it evaluated for amendments by the Fire Chief and the Lieutenant by September 1, 2017. **MOTION CARRIED UNANIMOUSLY**

F. Amendment to Waste Water Rate Study

Jay James, P.E. Building Official, stated the Board requested Utility Financial Solutions, LLC to update the rate schedule for sanitary sewer. Utility Financial Solutions, LLC recommends the Township go to the meter based system and would be happy to submit a proposal to provide a comprehensive analysis of converting to meter based charges compared to REU's.

MOTION by Scott, supported by Berkheiser, to authorize Utility Financial Solutions, LLC (UFS) to submit a proposal to provide a comprehensive analysis of converting to meter based charges compared to REU's at a cost not to exceed \$5,000.00. Funds to come from the Sewer Fund. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:4-11 ORDERS AND ADD-ONS

MOTION by Sovel, supported by Magner, to approve the Orders and Add-ons. **MOTION CARRIED UNANIMOUSLY**

ITEM 14:4-11 OTHER MATTERS

Sovel – Would like to see SAD letters and the Household Hazardous Waste Collection flyer included in the July tax bills. This will save the Township on the cost of postage.

Berkheiser – Suggested the Township also include, in the July tax bills, a notice of invasive species and that the resident's cost will be at the Township's rate if they choose to be part of the program.

Supervisor Scott will look into updating the Commerce Township Newsletter.

Clerk Creech advised the Board that Oakland County selected a new company for the election equipment. We should receive the new equipment by the end of the year. We will also get a new high speed tabulator.

Treasurer Phillips advised the Board that she would like to switch the lock box service because it will save the Township money.

MOTION by Phillips, supported by Sovel, to change the lock box service to Level One Bank.

MOTION CARRIED UNANIMOUSLY

Berkheiser questioned the 40-50 calls per month to the high schools. Lieutenant Gerald Schroeder said the calls were not criminal incidents. The calls consisted of fights, marihuana possession, etc.

Berkheiser asked if the Board had anything specific for discussion at the joint meeting with the Parks and Recreation Committee. The Board did not have anything at the time.

Hans Rentrop, Township Attorney, advised the Board that the statute states a lien for demolition costs does not have priority over other liens such as a mortgage.

Magner asked if the Township Board of Trustees have a quarterly meeting assigned with each Boards and Commissions. Supervisor Scott answered yes.

Supervisor Scott advised the Board that he had staff compile a catalog of parcels the Township owns. There were 140 parcels owned by the Township. He found there were 7 parcels that may be appropriate to place on the market for sale by a realtor. He will make a list of properties and bring it back to the Board for their review.

ITEM 15:4-11 CLOSED SESSION

A. Attorney- Client Privileged Information and Purchase of Property

MOTION by Sovel, supported by Magner, to enter into Closed Session for the purpose of discussing Client Privileged Information and Purchase of Property.

ROLL CALL VOTE

AYE: Sovel, Magner, Creech, Phillips, Hindo, Berkheiser, Scott

NAY:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 8:45 p.m.
Returned from Closed Session at 9:35 p.m.

MOTION by Sovel, supported by Magner, to adjourn from closed session and approve Closed Session minutes. **MOTION CARRIED UNANIMOUSLY**


MOTION BY Sovel, supported by Phillips, to direct the Township Attorney to renegotiate the purchase price and to revise the purchase agreement on the Touby matter as discussed during closed session.

MOTION CARRIED UNANIMOUSLY

ITEM 16:4-11 ADJOURNMENT

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

MOTION by Phillips, supported by Berkheiser, to adjourn the meeting at 9:35 p.m. **MOTION CARRIED UNANIMOUSLY**


Melissa Creech, Clerk
Charter Township of Commerce