

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
May 9, 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
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
John Hindo, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee

Absent: Melissa Creech, Clerk (excused)

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

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the April 11, 2017 Regular Township Board of Trustees Meeting minutes and the April 25, 2017 Quarterly and Special Joint Township Board Meeting minutes, as submitted.

Phillips abstained from vote on the Quarterly Meeting minutes because she was absent from the meeting.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:5-9 APPROVAL OF AGENDA

MOTION by Magner, supported by Sovel, to approve the May 8, 2017 Agenda with additions to Item 11:5-9 Old Business – A. Naming of Wise Road Parks, B. Wise Road Project, C. Friends of Byers, and D. Hickory Glen Park.

MOTION CARRIED UNANIMOUSLY

ITEM 2:5-9 PUBLIC COMMENTS

Val McFarland, 3285 Mapledale Street, thanked local businesses for supporting her efforts to restore the drive-in theatre sign.

Mike Coffey of White Lake, Michigan, is in support of restoring the drive-in theatre sign.

Joe LaCola, 3270 Royal Boulevard, is in support of restoring the drive-in theatre sign and would like to see it become a landmark for people coming into Commerce Township.

Regina Roth, 4080 Lake Pointe Lane, thanked Supervisor Scott for speaking into the microphone so everyone can hear. She asked if the Township has a hazmat program. Sovel answered there is a Household Hazardous Waste Collection Day once a year on the third Saturday in September. Ms. Roth asked that the information be published in the newspaper and in addition that everything published by the Township be accompanied by the Township logo.

ITEM 3:5-9 PUBLIC HEARINGS

A. Community Development Block Grant Reprogramming of 2014 Funds

Supervisor Scott gave an explanation of the Block Grant.

Supervisor Scott opened the Public Hearing.

Ilene Komer, 3766 Hearthstone Drive, asked if adding the word “mobile” expands the definition of a “home”.

Supervisor Scott answered yes.

Ellen Smith, 215 Foxbury Street, believes Byers Farm may be eligible for block grant money if the funds were used to make Byers ADA compliant.

Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Phillips, to approve the Resolution to Reprogram 2014 Community Development Block Grant Money by the Charter Township of Commerce.

**ITEM 3:5-9 PUBLIC HEARINGS (Community Development Block Grant
Reprogramming of 2014 Funds motion continued)**

ROLL CALL VOTE:

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

NAY:

ABSENT: Creech

MOTION CARRIED UNANIMOUSLY

**B. Roll 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.

MOTION by Sovel, supported by Magner, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated First Amended and Restated Lakeside Subdivision Lighting Special Assessment District.

ROLL CALL VOTE:

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

NAY:

ABSENT: Creech

MOTION CARRIED UNANIMOUSLY

**C. Establishment Resolution for the First Amended and Restated
Midwood/Lower Straits Lake Aquatic Weed Control SAD**

Hans Rentrop, Township Attorney, advised the Board there were a few parcels inadvertently omitted from the published notices and he advises the Board not to take any action on this item at this time. He should have the corrections made for a Public Hearing in June 2017. Residents in the SAD will receive notice via USPS.

Supervisor Scott opened the Public Hearing.

No one present had any comments.

Supervisor Scott closed the Public Hearing.

No action taken.

ITEM 4:5-9 BOARD APPOINTMENTS

**A. Shane Lakner, Reappointment to the Library Advisory Board, 3 Year Term
to expire 5-31-2020**

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

MOTION CARRIED UNANIMOUSLY

ITEM 4:5-9 BOARD APPOINTMENTS (Shane Lakner Reappointment continued)

Shane Lakner was present to thank the Township Board and expressed his desire to remain on the Library Advisory Board.

Berkheiser asked him if he had children and what his future vision is for the library. Mr. Lakner answered that he has two children who love going to the library. He would like to see the library continue to grow, have more adult programs, and more group involvement with adults.

MOTION by Sovel, supported by Phillips, to reappoint Shane Lakner to the Library Advisory Board for a 3 year term to expire 5-31-2020.

MOTION CARRIED UNANIMOUSLY

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

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

MOTION CARRIED UNANIMOUSLY

Judy Sternberg was present and thanked the Township Board and stated she would like to remain on the Library Advisory Board. She is pleased to have a new Township library building. She would like to see the library grow and add more adult programs.

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

MOTION CARRIED UNANIMOUSLY

ITEM 5:5-9 CONTRACT AWARDS AND AGREEMENTS

None

ITEM 6:5-9 INTRODUCTIONS

None

ITEM 7:5-9 ADOPTIONS

A. An Ordinance to Amend Article 2, Section 2.02; Article 29, Section 29.05 (C); and Article 26, Section 517 of Zoning Ordinance 3.000 to be known as Zoning Amendment Ordinance No. 3.029 – Donation Bins

Dave Campbell, Planning Director, gave an explanation of the Ordinance.

Phillip Adkison, Township Attorney, advised the Board the donation bins that are presently on commercial properties in the Township are considered illegal which this

ITEM 7:5-9 ADOPTIONS (Zoning Amendment Ordinance No. 3.029 continued)

ordinance addresses. He said the Township can take action to have the owners of the property remove the bins.

Jay James, Building Official, said the procedure for illegal bins will be 1) Tag the bin and send a letter to the property owners giving them a set period of time to remove the bin (45 days) and 2) If the bin is not removed, a court ticket will be issued.

MOTION by Scott, supported by Phillips, to Adopt an Ordinance to Amend Article 2, Section 2.02; Article 29, Section 29.05 (C); and Article 26, Section 517 of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.029 – Donation Bins.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Berkheiser, to require the Building Official to submit a monthly report on the number of donation bins tagged, letters sent out, court appearances, and costs incurred.

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend Article 2, Section 2.02 and Article 26, Section 26.113 of Zoning Ordinance 3.000 to be known as Zoning Amendment Ordinance No. 3.030 – Recovery Homes

Dave Campbell, Planning Director, gave an explanation of the Ordinance.

Phillip Adkison, Township Attorney, advised the Board it would be reasonable for the Planning Director to ask the applicant, at their expense, to provide the Township with a business plan of operation for the recovery home.

MOTION by Sovel, supported by Scott, to Adopt an Ordinance to Amend Article 2 Section 2.02 and Article 26 Section 26.113 of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be known as Zoning Amendment Ordinance No. 3.030 – Recovery Homes.

MOTION CARRIED UNANIMOUSLY

ITEM 8:5-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:5-9 CONSENT AGENDA

- A. Fireworks Permit – Long Lake**
- B. Fireworks Permit – N. Commerce Lake**
- C. Fireworks Permit – Edgewood County Club**

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

ITEM 9:5-9 CONSENT AGENDA (motion continued)

ROLL CALL VOTE:

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

NAY:

ABSENT: Creech

MOTION CARRIED UNANIMOUSLY

ITEM 10:5-9 PURCHASES

A. Fire Engine - Fire Department

James Dundas, Fire Chief, advised the Board the fire engine at Station 1 is approximately 24 years old. He would like to replace engine 1 with a new truck and

keep the old one as a reserve. He recommends purchasing the fire engine from Emergency Vehicles Plus and take advantage of pre-pay discounts offered in the bid package which will reduce the overall price of the new engine. He recommends that we pay 75% of the vehicle cost up front which will reduce the price by \$14,496.00.

MOTION by Berkheiser, supported by Magner, to approve the purchase of one Rosenbauer Commander Chassis with a Rosenbauer FX body from Emergency Vehicles Plus for an amount not to exceed \$566,000.00 and accept the option to save \$14,496.00 by prepaying 75% of the cost within 10 days from signing the contract. Funds to come from the Fire Department Capital Outlay Account.

MOTION CARRIED UNANIMOUSLY

Sovel asked Fire Chief Dundas about the status of filling the open positions for firefighters. Fire Chief Dundas answered there were 15 candidates that meet qualifications and interviews will take place on May 17 and 18, 2017. He will swear in two new officers; one promotion to Captain and one to Lieutenant.

ITEM 11:5-9 OLD BUSINESS

A. The Naming of Wise Road Parks

Berkheiser - The Parks and Recreation Committee recommends we name the south side of Wise Road "Victory Park" and the north side of Wise Road "Wise Woods Park".

MOTION by Berkheiser, supported by Sovel, to formally name the newly acquired Wise Road property as follows: the south side of the Park at Wise Road will be named "Victory Park" and the north side of Wise Road will be named "Wise Woods Park".

MOTION CARRIED UNANIMOUSLY

B. Wise Road Project

Berkheiser would like the Township to move forward on the Wise Road Project. He would like gravel on the parking lot on the north side so people can gain access to the trails. Supervisor Scott recommends this be tabled because a representative from the

ITEM 11:5-9 OLD BUSINESS (Wise Road Project continued)

Department of Defense conveyed to Congressman Trott's staff that after remediation the Department of Defense may leave behind a roadway and parking lot.

MOTION by Berkheiser, supported by Sovel to Table the Wise Road Project.

MOTION CARRIED UNANIMOUSLY

C. Friends of Byers

Berkheiser attended a meeting with the Friends of Byers and he believes they are a benefit to the Township. They are willing to act as a volunteer group working under the Parks and Recreation Department. Phillip Adkison, Township Attorney, is working on a general agreement between the Township and the Friends of Byers and will present it at the next Township Board of Trustees Meeting.

Supervisor Scott would like to address growth, expansion, and legal guidance. He feels any money received by the Friends of Byers should be held by the Parks and Recreation Department and earmarked for Byers.

Berkheiser stated the Friends of Byers are designated a 501(c) (3) organization which is the same as other sport organizations using Township parks and they do not give their money to the Township.

Phillips stated the sports teams do pay for electricity used at the parks.

Phillip Adkison, Township Attorney, advised the Board the Township has discretion to treat each organization differently. There are different circumstances with each organization. If they are volunteers of the Township then they are acting on the Township's behalf and will be on their insurance policy. We may want to revisit how the Township wants to handle organizations using Township property. The Township cannot give away public resources unless they receive some type of benefit.

MOTION by Berkheiser, supported by Sovel, to Table the Volunteer Agreement with the Friends of Byers.

MOTION CARRIED UNANIMOUSLY

D. Hickory Glen Park

Supervisor Scott would like to address Motor City Mountain Biking Association making Hickory Glen Park their "home". They have made extensive changes to the property such as altering the trails, terrain, and adding difficult obstacle courses where someone could be injured.

Berkheiser recommends this go to the Parks and Recreation Committee for review.

No action taken.

ITEM 12:5-9 NEW BUSINESS

A. Community Development Block Grant Participation in 2018, 2019 and 2020

Supervisor Scott gave an explanation of the Block Grant. Janet Bushey, Finance/Human Resources Director, said this is done every three years.

MOTION by Berkheiser, supported by Sovel, to approve the Resolution to Participate in 2018, 2019 and 2020 Community Development Block Grant Program Oakland County, Michigan, Urban County Qualification 2018 – 2020.

MOTION CARRIED UNANIMOUSLY

B. Resolution to Appoint Ordinance Enforcement Officers

Jay James, Building Official, is requesting additional Ordinance Enforcement Officers to cover for him in the event he is not available.

MOTION by Berkheiser, supported by Scott, to approve the Resolution of the Township Board of the Charter Township of Commerce to Appoint Jay James, Building Official, James Dundas, Fire Chief, and Dave Campbell, Planning Director, as Ordinance Enforcement Officers.

MOTION CARRIED UNANIMOUSLY

C. 2017 Budget Amendment – Water and Sewer

Jay James, KER Engineering, Inc., advised the Board it was discovered the budget line items for both Water and Sewer funds were not included when the 2017 budget was passed.

MOTION by Berkheiser, supported by Sovel, to approve the 2017 Water and Sewer Budget Amendments.

MOTION CARRIED UNANIMOUSLY

D. 2017 Budget Amendment – DDA Sidewalks

Mark Stacey, DDA Director, explained the amendment.

MOTION by Phillips, supported by Sovel, to approve the 2017 Budget Amendment for an amount not to exceed \$238,003.52.

MOTION CARRIED UNANIMOUSLY

E. Tri Party Projects

Engineer Jason Mayer, Giffels Webster, is looking for confirmation regarding the Tri-Party Projects that the Township wishes to pursue so he can set up a meeting with the Road Commission for Oakland County.

After much discussion, the Board chose the following projects: 1) Construct a right turn lane on Oakley Park Road at Newton Road and 2) Pave up to 50' of Farr Street from Commerce Road and 3) Construct a right turn lane from Carroll Lake Road to Cooley Lake Road.

ITEM 12:5-9 NEW BUSINESS (Tri Party Projects continued)

Jason Mayer, Giffels Webster, will meet with the Road Commission for Oakland County to discuss the above projects and which alternative project could be included.

No action taken.

F. Pump Station Emergency Generator Design Proposal

Jason Mayer, Giffels Webster, is requesting approval to perform engineering services related to the addition of permanent emergency generators at the Eldora, Lake Sherwood, and Starwood sanitary pump station sites.

MOTION by Berkheiser, supported by Phillips, to approve the Scope of Services to Engineering Services with Giffels Webster for Emergency Generator Design Project No. 19237.00 in an amount not to exceed \$59,500.00.

MOTION CARRIED UNANIMOUSLY

G. PNC Letter of Credit Authorization

Molly Phillips, Treasurer, advised the Board that PNC Bank is the current provider of the Letter of Credit facility for the DDA 2008 Variable Rate Refunding Bonds. Currently the Township's Letter of Credit rate is .7%, and the facility expires September 1, 2017. PNC Bank has offered to extend the Letter of Credit on this debt. They have proposed two options for the renewal. Option one is to extend the agreement for five years at the current rate of .7%. Option 2 is to extend the agreement for 3 years at a rate of .5%. Option two has the potential to save approximately \$200K in LoC fees over the next 3 years. However, it also requires the DDA/Township to renew in another 3 years. She recommends the Township accept the PNC offer to extend the Letter of Credit Facility for 5 years starting September 1, 2017.

MOTION by Sovel, supported by Magner, to approve the PNC Letter of Credit for the DDA 2008 Variable Rate Refunding Bonds at the rate of .7% for 5 years starting September 1, 2017.

MOTION CARRIED UNANIMOUSLY

ITEM 13:5-9 ORDERS AND ADD-ONS

MOTION by Berkheiser, supported by Sovel, to approve the Orders and Add-ons.

MOTION CARRIED UNANIMOUSLY

ITEM 14:5-9 OTHER MATTERS

Berkheiser –

- Do we still use McKenna Associates? Dave Campbell, Planning Director, answered we use them for certain issues.
- Will flags be placed on gravesites in the cemetery for Memorial Day? The Clerks Department will place the flags on the gravesites this year.

Have we done a salary survey? Supervisor Scott answered he needs to reach out to the Michigan Township Association.

ITEM 14:5-9 OTHER MATTERS (continued)

Phillip Adkison, Township Attorney, said he misspoke earlier when he said the Planning Commission approves recovery homes. Dave Campbell, Planning Director, will determine approval or not for recovery homes.

ITEM 15:5-9 CLOSED SESSION

A. Attorney- Client Privileged Information and Purchase of Property

MOTION by Sovel, supported by Berkheiser, to enter into Closed Session for the purpose of discussing client privileged Information and the purchase of property.

ROLL CALL VOTE:

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

NAY:

ABSENT: Creech

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 10:12 p.m.
Returned from Closed Session at 11:15 p.m.

MOTION by Phillips, supported by Berkheiser, to adjourn from closed session and approve Closed Session minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Berkheiser, supported by Hindo, to direct Township Attorney to proceed as discussed in Closed Session.

MOTION CARRIED UNANIMOUSLY

MOTION by Berkheiser, supported by Magner, to purchase the Touby property for an amount not to exceed \$489,000.00.


MOTION CARRIED UNANIMOUSLY

ITEM 16:5-9 ADJOURNMENT

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

MOTION by Sovel, supported by Phillips, to adjourn the meeting at 11:19 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce