

**CHARTER TOWNSHIP OF COMMERCE
QUARTERLY MEETING OF
THE TOWNSHIP BOARD OF TRUSTEES
2009 Township Drive
Commerce Township, MI 48390
Tuesday, October 24, 2017 at 7:00 p.m.**

CALL TO ORDER: Supervisor Scott called the Township Board of Trustees Quarterly Meeting to order at 6:58 p.m.

ROLL CALL:

Present:	David E. Scott, Supervisor Melissa Creech, Clerk Molly Phillips, Treasurer Vanessa Magner, Trustee John Hindo, Trustee
Absent:	Bob Berkheiser, Trustee Rick Sovel, Trustee

Also Present: Phil Adkison, Township Attorney, Fire Chief Dundas,
Lt Schroeder, and Finance/HR Director Janet Bushey

ITEM 1: Trailway TAP Grant Resolution

Trailway Manager John Hensler gave a presentation on the progress of the Michigan Airline Trailway to date and the benefits of applying for a TAP (Transportation Alternatives Program) grant through MDOT along with the City of Walled Lake and the City of Wixom. The \$200,000.00 donation from the Levine Foundation covered the costs of design and engineering. When finished, the trail will traverse the State of Michigan from Lake Michigan all the way to Lake Huron. Currently a few portions of the trail are not complete including the portion traversing the City of Wixom, the City of Walled Lake, and Commerce Township. The TAP grant request is for \$3.4 million which will require a 20% match from the three communities for a total project cost of \$5 million. The trailway is 5.3 miles in linear footage and to arrive at the 20% match among the three communities the break down is 49% from Commerce Township for \$686,000.00, 30% from the City of Walled Lake for \$420,000.00, and 21% from the City of Wixom for \$294,000.00.

Supervisor Scott discussed the advantages of improving the pathway and stated the timing dovetails nicely with the construction of the M5 pedestrian bridge.

ITEM 1: Trailway TAP Grant Resolution (continued)

Trustee Magner asked if the TAP grant would limit anything the Township can do on the trailway?

Ann Stevens, Stan-Tec, said the only limitation is that the trail must be ADA compliant.

Trustee Magner asked if this is budgeted for?

Supervisor Scott answered no due to the accelerated nature of the project because the design and engineering costs were paid for by the Levine Foundation. He pointed out that we can raise funds to further reduce our obligation.

Supervisor Scott invited the public to comment.

Jeff Sapolla of Wixom said I think it will be a tremendous benefit to the community both socially and economically. I was in a Chicago suburb last weekend and I spoke to some bike riders who are so impressed with the trails we have so far and they thought that going coast to coast is a great way to continue improvements for this area of Michigan. So I'm all for it.

Supervisor Scott thanked Mr. Sapolla for his comments.

Jeff LaChance, Commerce Township resident, said I'm very excited about this trail as I'm a bike rider on the trail as well. I've talked to many people since I've become a member of this group and the excitement I keep hearing from the community has impressed me. I was excited about it but I didn't realize the amount of energy that was behind it. I'm all for it and I hope this goes through. Thank you very much.

Supervisor Scott thanked Mr. LaChance for his comments.

Mike Radusco, Commerce Township resident, I would like to provide my support for the trail. I think it's a quality of life issue for Commerce residents and a big asset for the community. It's one of those things that draw people to a community. My particular neighborhood doesn't have sidewalks so access to the trail makes a huge difference for getting out and exercising.

Supervisor Scott thanked Mr. Radusco for his comments.

Dave Duttfeld, I would like to stress the economic positives of having a trail.

Supervisor Scott thanked Mr. Duttfeld for his comments.

ITEM 1: Trailway TAP Grant Resolution (continued)

Brett McDonald, 9135 Commerce Road, I have just one question regarding the bike path along S. Commerce Road where one of the pilings is separated and my trailway question is it would be great if it's built but what happens when the trailway needs maintenance? Where do the funds come from for that and what happens if someone falls and breaks a leg? I assume we need insurance for that.

Supervisor Scott answered there are iron pilings under the trail bridge on S. Commerce Road and the visible separated pilings have not been removed yet but the bridge is stable and secure and has passed inspection. Maintenance is paid for by the consortium of communities and each community is responsible for their portion of the trail and it is insured by the trailway consortium.

Further discussion continued regarding the benefits of having the trailway and the Supervisor stated the billboard along M5 is in the trailway right of way and any revenue generated will revert to the Trailway Council. Area developers are including the trailway in their site development plans. All three municipalities have been asked to support this resolution so that it can be attached to the TAP grant application.

MOTION by Scott, supported by Phillips, to approve the Resolution of Support for a Grant Application by the Commerce, Walled Lake, and Wixom Trailway Council to the Michigan Department of Transportation and Southeast Michigan Council of Governments Transportation Alternatives Program for Funding of the Development of the Michigan Air Line Trail.

Discussion:

Trustee Hindo asked which account the \$686,000.00 would come from?

Supervisor Scott answered it would be a general fund expenditure.

Trustee Magner asked what is the total cost to the Township for the bridge and the trailway?

Supervisor Scott answered we don't have a definitive amount as this just went to bid to 5 to 8 bridge builders. MDOT will tell us what our numbers are shortly.

Trustee Hindo stated that his concern is that when we started this a long time ago and after many conversations with Tom Zoner it was stated that this wouldn't cost the Township any money. Then it went to a nominal amount that the Township would contribute and now we're contributing almost \$700,000.00.

ITEM 1: Trailway TAP Grant Resolution (motion continued)

Township Attorney Phil Adksion asked if he could address Trustee Hindo's remarks: You're right but I think it was also clear that the discussion regarding cost was related to acquisition. I don't think there was much discussion or even consideration about what would happen after the property was acquired. There was a lot of discussion about West Bloomfield's experience which is essentially a limestone base and twice yearly cutback of the shrubbery. I think the folks who were involved in that early decision did not anticipate the level of development being considered as part of this grant application. So it is fair to say that the acquisition ended up costing the communities virtually nothing. There were times the communities were asked to advance money but they were reimbursed out of the MDOT grant and the DNR grant and various escrows and hold backs that were a part of that process. But all that money has come back to the communities and we have now entered a new phase and until you make this commitment you are still at a point where it has cost you nothing. I don't recall ever representing to the Board that there would never be any costs, as I was a part of that process. But there was absolute representation that there would be no costs associated with the acquisition.

Supervisor Scott said he remembers those discussions as a community member. All three communities contributed a \$1,000.00 and received \$5 million worth of linear park.

Trustee Magner asked if the other communities have approved the resolution?

Supervisor Scott answered the City of Wixom is approving it tonight and the City of Walled Lake has called a special meeting to do so.

Trustee Magner asked if in future years we will be paying for maintenance?

Supervisor Scott answered we will be responsible for maintenance inside Commerce Township and as we've discussed during budget talks potentially creating a maintenance fund the Maintenance Director would oversee so as not to tax Parks and Rec because this is a separate independent entity. Also, Commerce Township would not have to insure this because it insures itself through the consortium.

MOTION CARRIED UNANIMOUSLY

Item 2: Orphan Medical Network International Liquor License Special Permit

MOTION by Creech, supported by Phillips, to approve the application for alcoholic liquor special permit for the Orphan Medical Network at the Steinway Piano Gallery on November 2.

MOTION CARRIED UNANIMOUSLY

Item 3: Public Hearing for Resolution Correcting Special Assessment Roll for the SAD Designated as First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD

Supervisor Scott opened the public Hearing.

Chris Hill, 8497 Edgewood Park Drive, I have a question concerning why some of the sidwells are not included in the special assessment district. There are 13 sidwells that are not included that are on the lake. These lots are owned by home owners associations and people from the back lots use these and why aren't they contributing to the weed control which is a real problem this year. It's been pretty bad this year. We need to do something about that. If the people in the back areas are using the lots we need to tax those sidwells and the association can pass it along to the homeowners as part of the annual assessments.

Supervisor Scott answered that the best way to describe this is as a system that started long ago and I think it was because originally the back lot owners were not in favor of the SAD and the lake front owners did not want to include the back lot owners for that reason. We need to be good stewards of the lake and I'll be the first to tell you that when this SAD expires I would champion finding a method to include more owners in the SAD.

Treasurer Phillips stated that the SAD was established in 2012 and runs for 10 years. When this SAD expires you can circulate a new petition and include other lot owners but at this point, with the way it is drafted, they are excluded.

Brett McDonald, 9135 Commerce Road, I lived here for 14 years and I'm representing at least 5 of my neighbors and we all live on the canal. We are all really really unhappy to the extent that people are looking at lawyers. That is because of the way the SAD has been run since I've lived here is it's essentially very mysterious, don't ask, it's none of your business even though you pay into it. It's like the heads of subdivisions get together and decide this. I'm asking what does the Township do, how is it involved in the SAD? I was told that I can't attend the secret meetings and it's none of my business. I submitted a FOIA request for this SAD and I was surprised to find out that Commerce Township is charging a 9% administrative fee every year to administer something that I've been told by multiple people that you don't do anything for but that the secret society does. So I'm trying to figure out why Commerce is taking almost \$2,700.00 out of the fund every year, from \$30,000.00 which is 9%. But you don't do anything.

Supervisor Scott responded that the subdivision associations have designated one person to attend the meeting and your subdivision chose not to therefore you don't have a seat at that table.

Brett McDonald asked but why are you charging a fee?

Item 3: Public Hearing for Resolution Correcting Special Assessment Roll for the SAD Designated as First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD (continued)

Supervisor Scott answered because we have to manage the fund and manage the treatment.

Brett McDonald asked how can the residents go about forming a new SAD or revoking or changing the current SAD?

Phil Adkison answered that there's no law against having multiple SAD's covering the same geographic area and serving the same function. However, it's totally within the discretion of the Township Board, whether it's by petition or otherwise, as to whether or not a SAD will be established. But there's nothing to stop you if you think you want to supplement what's already done or do something in a different way and you can persuade 51% of the affected area to agree and circulate an appropriate petition and bring it to the Township Board and make your case. They are free to say no, we are not going to do it.

Supervisor Scott, seeing no one else present, closed the public hearing.

Item 4: Resolution Correcting Special Assessment Roll for the SAD Designated as First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD

MOTION by Phillips, supported by Hindo, to approve the Resolution Correcting Special Assessment Roll for the SAD Designated as First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD.

ROLL CALL VOTE

AYES: Phillips, Hindo, Creech, Magner, Scott

NAYS: None

ABSENT: Berkheiser, Sovel

MOTION CARRIED UNANIMOUSLY

Item 5: Public Hearing for 2017 Millage Rates

Supervisor Scott opened the public hearing.

Supervisor Scott, seeing no one present for the public hearing, closed the public hearing.

Item 6: Approval of 2017 Millage Rates

A. Charter Township of Commerce Resolution of Levy of Operating Millage for the 2017 Tax Year

MOTION by Hindo, supported by Magner, to approve the Charter Township of Commerce Resolution of Levy of Operating Millage for the 2017 Tax Year.

ROLL CALL VOTE

AYES: Hindo, Magner, Creech, Phillips, Scott

NAYS: None

ABSENT: Berkheiser, Sovel

MOTION CARRIED UNANIMOUSLY

B. Charter Township of Commerce Resolution of Levy of Library Millage for the 2017 Tax Year

MOTION by Hindo, supported by Magner, to approve the Charter Township of Commerce Resolution of Levy of Library Millage for the 2017 Tax Year.

ROLL CALL VOTE

AYES: Hindo, Magner, Creech, Phillips, Scott

NAYS: None

ABSENT: Berkheiser, Sovel

MOTION CARRIED UNANIMOUSLY

C. Charter Township of Commerce Resolution of Levy of Public Library Services Millage for the 2017 Tax Year

MOTION by Hindo, supported by Magner, to approve the Charter Township of Commerce Resolution of Levy of Public Library Services Millage for the 2017 Tax Year.

ROLL CALL VOTE

AYES: Hindo, Magner, Creech, Phillips, Scott

Item 6: (C) Charter Township of Commerce Resolution of Levy of Public Library Services Millage for the 2017 Tax Year (motion continued)

NAYS: None

ABSENT: Berkheiser, Sovel

MOTION CARRIED UNANIMOUSLY

D. Charter Township of Commerce Resolution of Levy for Additional Sheriff Deputies Millage for the 2017 Tax Year

MOTION by Hindo, supported by Magner, to approve the Charter Township of Commerce Resolution of Levy for Additional Sheriff Deputies Millage for the 2017 Tax Year.

ROLL CALL VOTE

AYES: Hindo, Magner, Creech, Phillips, Scott

NAYS: None

ABSENT: Berkheiser, Sovel

MOTION CARRIED UNANIMOUSLY

E. Charter Township of Commerce Resolution of Levy for Park Improvements and Creation and Acquisition of Open Space Millage for the 2017 Tax Year

MOTION by Hindo, supported by Magner, to approve the Charter Township of Commerce Resolution of Levy for Park Improvements and Creation and Acquisition of Open Space Millage for the 2017 Tax Year.

ROLL CALL VOTE

AYES: Hindo, Magner, Creech, Phillips, Scott

NAYS: None

ABSENT: Berkheiser, Sovel

MOTION CARRIED UNANIMOUSLY

Item 7: Public Hearing for the 2018 Township Budget

Supervisor Scott opened the public hearing.

Seeing no one present for the public hearing Supervisor Scott closed the public hearing.

Item 8: 2018 Township Budget

A short general discussion followed regarding a few budget items. Trustee Magner asked for an updated budget showing the trailway expense. Supervisor Scott indicated it would be forthcoming along with the budget reflecting updated millage rates before the next meeting.

Item 9: Other Matters

Trustee Magner wants to start talking to the Parks and Recreation Department about anticipated expansion costs. Trustee Magner asked if the Supervisor received responses to the questionnaire he sent out to local sport league organizations?

Supervisor Scott answered yes and he is in the process of compiling those responses.

Trustee Magner asked if we could hold joint quarterly meetings with other committees?

Supervisor Scott answered yes.

MOTION by Phillips, supported by Creech, to adjourn the meeting at 8:04 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, CMMC
Clerk, Commerce Township