

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
April 10, 2018
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
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

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

APPROVAL OF MINUTES

MOTION by Berkheiser, supported by Weber, to approve the March 13, 2018 Regular Township Board of Trustees Meeting minutes and the March 20, 2018 Special Township Board of Trustees Meeting minutes, as submitted.

Treasurer Molly Phillips abstained from the vote approving the March 13, 2018 minutes because she was absent from the March 13, 2018 meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 1:4-10 APPROVAL OF AGENDA

MOTION by Phillips, supported by Creech, to approve the April 10, 2018 Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:4-10 PUBLIC COMMENTS

Supervisor Scott advised the Board that the Fire and Sheriff Departments used the old library building for training exercises. There is damage to the building due to training exercises and so demolition will take place in the near future.

ITEM 2:4-10 PUBLIC COMMENTS (continued)

Jose Mirkin, resident of Commerce Township, Member of the DDA and Chairperson of the Public Relations Committee advised the Board of upcoming events.

- The Detroit Institute of Arts will bring a collection of masterpieces to showcase at various buildings in the Township. There will be no cost to the Township or the DDA.
- There will be a Student Art Exhibition on May 19-25 from 10 am to 9 pm at the Township Library. The library will provide easels. There will be no cost to the Township or the DDA.
- WLCSD K-12 Art Exhibition Reception will take place on May 23, 2018 from 5-7 pm.

James Dundas, Fire Chief, advised the Board of an emergency run on March 16, 2018 for a car fire behind the CVS store. Lt. James Liker responded, extinguished the fire and noticed evidence of arson. The suspect was identified, arrested and confessed to setting the vehicle on fire. He would like to thank Lt. Liker, OCSO, and all those involved in the arrest of the arsonist.

ITEM 3:4-10 PUBLIC HEARINGS

A. Special Projects No. 42 Establishment Resolution

Supervisor Scott opened the Public Hearing.

Nicole Keller, 9241 Commerce Road, has a septic failure and questioned if her home and other residents, in her area, on Commerce Road will have sewer hookup. She was told there is no exact location of a sewer tap for her home. Jay James said she is included in the SAD. A gravity lead cannot be installed due to a gas line in the way. He has been in contact with her and is working on getting a grinder pump installed for her home within the next week.

Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, 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 Special Projects No. 42, authorize the appropriate signatures, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 4:4-10 BOARD APPOINTMENTS

A. Jason Pernick Reappointment to the Library Advisory Board for a 3 Year Term to Expire 5-31-2021.

Jason Pernick was present. His attendance rate is 89%+. Trustee Sovel asked Mr. Pernick how long he has been a member of the LAB. Mr. Pernick answered he was one of the original board members. He believes the new library and its location far exceeds everyone's expectations.

ITEM 4:4-10 BOARD APPOINTMENTS (Jason Pernick continued)

MOTION by Sovel, supported by Creech, to reappoint Jason Pernick to the Library Advisory Board for a 3-year term expiring 5-31-2021.

MOTION CARRIED UNANIMOUSLY

B. Betsy LaFond Reappointment to the Library Advisory Board for a 3 Year Term to Expire 5-31-2021.

Betsy LaFond was not present due to a death in the family. She has attended 135 out of 146 meetings.

MOTION by Sovel, supported by Magner, to reappoint Betsy LaFond to the Library Advisory Board for a 3-year term expiring 5-31-2021.

MOTION CARRIED UNANIMOUSLY

C. Linda Champagne Reappointment to the Parks and Recreation Committee for a 4 Year Term to Expire 5-31-2022.

Linda Champagne was present. Her attendance rate is 70%.

Trustee Berkheiser questioned if her attendance at the meetings will exceed 70%. She stated she makes every effort to attend meetings, however she must travel for her business. She thanked the Board for remodeling the Richardson Center. She said it is absolutely stunning.

MOTION by Sovel, supported by Phillips, to reappoint Linda Champagne to the Parks and Recreation Committee for a 4-year term expiring 5-31-2022.

MOTION CARRIED UNANIMOUSLY

ITEM 5:4-10 CONTRACT AWARDS AND AGREEMENTS

A. Five and Main Sub-PUD Agreement

Dave Campbell, Planning Director, stated the development will be a mixed use development located on the north east corner of Pontiac Trail and Martin Parkway. He showed the Board a conceptual site plan of the proposed development. There will be specific guidelines set for the architectural style and materials for the buildings.

The following were present:

Phillip G. Adkison, Township Attorney.

Mark Stacey, Director, Downtown Development Authority.

Bruce Aikens, Applicant/Developer for Robert B. Aikens & Associates, LLC, Commerce Downtown, LLC, 350 North Old Woodward Ave. Ste. 300, Birmingham, MI.

Sue Neumann, AIA, LEED AP, Project Designer, JPRA Architects, Site Design & Architect, 39300 West 12 Mile Rd. Ste. 180, Farmington Hills, MI. Sue Grissim, ASLA, Project Designer, Grissim Metz Andriese Assoc., Landscape Architect, 300 E. Cady St. Ste. 3, Northville, MI 48167

ITEM 5:4-10 CONTRACT AWARDS AND AGREEMENTS (Five and Main Sub-PUD Agreement continued)

Trustee Sovel would like to place strict guidelines in the agreement tonight on what type of material will be on the buildings. Mr. Campbell said it may be too early to do that because this is a conceptual site plan and not the final site plan. He said there needs to be some type of trust that the Planning Commission and the developer will work together towards an attractive development. The Planning Commission has authority over the final site plan.

It was agreed upon by Township Board members to hold a joint meeting between the Township Board of Trustees and the Planning Commission in order to allow each member to share their concerns and ideas of the proposed development with each other.

Trustee Magner does not want the material on the apartments to look like the other building on Martin Parkway. She is not happy with how that building turned out.

Trustee Berkheiser asked Mr. Aikens if he will develop the residential building. Mr. Aikens responded that a partner will develop it, however he will have control of it.

Trustee Sovel feels traffic will be a huge issue and he would like the Township to keep in mind the health, safety and general welfare of the public and not rush into any decisions. He asked if there will be plans to have a first aid/security office at the site for the health and safety of the patrons. Mr. Aikens said he would never put anything in the development that may be a danger to someone.

Bruce Aikens, Applicant/Developer gave a presentation on what it took to get this project to where it is today. He explained how he envisions the development. He believes this development offers the community a tremendous asset, a downtown, something that he believes will add value to the homes, the businesses, and most importantly, the lifestyle. It is an integrated, drivable and walkable open-air development, meant to create a downtown feel that has been a goal in Commerce Township for many years.

Sue Neuman, Project Designer Site Design & Architect, gave an overview of the proposed development. She presented renderings showing conceptual street fronts, access points, sidewalks, outdoor seating, street furniture, landscaping, various types of building materials, potential canopies, lighting, patio restaurant seating, the theater, entertainment block fire pits and an oversized chess game. She stated the buildings are positioned to have an ultimate street setting, with walkable sidewalks, street parking along Main Street and some of the side streets. Some buildings will face Main Street as well as Pontiac Trail, therefore, the level of detail and materials will be carried around from front to back of the buildings.

Sue Grissom, Project Designer Landscape Architect, showed a conceptual landscape design. They want to embrace the Michigan and lakes character in the landscape. It will create an elegant look that's all season; the beauty of the Spring bulbs, the Summer layers of perennial flowers, Fall colors, textures and scents, and into the Winter, Winter berries, grasses and evergreens.

ITEM 5:4-10 CONTRACT AWARDS AND AGREEMENTS (Five and Main Sub-PUD Agreement continued)

She also described the overall theme for landscaping of the streets, parking lots, entrance ways and sidewalks, and weaving the mixture of plantings and trees throughout the development to link up into the residential component and tie into the trail system.

Trustee Magner questioned who determines what building materials will be used. Mr. Campbell answered it starts with him and then goes to the Planning Commission. If there is a significant change to what was presented here tonight, it will come back to the Township Board of Trustees.

Phillip Adkison, Township Attorney, said he has not received an answer from Tom Blust at the Road Commission for Oakland County (RCOC) regarding improvements recommended by the Traffic Consultant. If this is approved tonight and then RCOC does not agree to the recommendations by the Traffic Consultant, then this will have to be renegotiated between the developer and the Township. The developer may decide he does not want to go through with the purchase of the property.

MOTION by Berkheiser, supported by Phillips, to approve PPU17-0001 Five & Main, Planned Unit Development for a mixed use development consisting of retail, restaurants, entertainment and residential uses to be located on the north east corner of Pontiac Trail and the Martin Parkway. Sidwell No.'s 172-4-204-050, -058&059 & 17-24-300-067.

This is subject to the following conditions:

- A detailed PUD Site Plan to be reviewed and approved by the Planning Commission subsequent to Township Board approval of the Five & Main PUD.
- The PUD Site Plan submittal to include highly-developed Design Guidelines for the buildings and site improvements within the Five & Main project.
- The PUD Site Plan submittal to include highly-developed Sign Guidelines for all signs – temporary and permanent – in and along the perimeter of the Five & Main project.
- The PUD Site Plan submittal to include highly-developed Landscape Plan for the Five & Main project.
- The Developer to execute an agreement satisfactory to the Township Attorney and the Commerce DDA Board memorializing his commitment to participate in traffic improvements to the adjacent road network, including but not necessarily limited to improvements to the M-5/Martin Parkway/Pontiac Trail roundabout, and to the intersection of Walnut Lake Road and Pontiac Trail as recommended by the Traffic Impact Study.
- Approval by the Road Commission for Oakland County (RCOC) and the Michigan Department of Transportation (MDOT) for all public road improvements under their respective jurisdictions.

MOTION CARRIED UNANIMOUSLY

ITEM 6:4-10 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.037 – To Amend Eligibility Standards for Determination of a Hardship Tax Exemption.

MOTION by Berkheiser, supported by Phillips, to Introduce an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.037, authorize the appropriate signatures, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:4-10 OLD BUSINESS

A. UFS Water Rate Study

July 2018 will mark the first rate change with potential tank savings. The Board should consider an update to the financial projection to ensure the rates charged to retail customers are equitable.

MOTION by Berkheiser, supported by Creech, to contract with Utility Financial Solutions, LLC to update the financial projection from Great Lakes Water Authority at a cost not to exceed \$10,000.00. **MOTION CARRIED UNANIMOUSLY**

B. Fire Apparatus Lease Agreement

James Dundas, Fire Chief, advised the Board that the Township Treasurer found a finance company that will give us a better rate.

Hans Rentrop, Township Attorney, found some issues in the lease agreement that need to be addressed.

MOTION by Berkheiser, supported by Phillips, to approve the Resolution and amend the previous Motion made during the Special Township Board of Trustees Meeting dated March 20, 2018 under Item 3, Fire Apparatus Lease Agreement by substituting Community Leasing Partners with Municipal Leasing Consultants and select Option 1: Tax-Exempt Lease Purchase, Six (6) Years – Annual /Arrears, Five (5) Annual Payments of \$122,516.93 with One (1) final payment of \$476,610.00, First payment of \$122,548.39 due one year from closing and annual thereafter (i.e. $\$960,782,000.00 \times .127518 = \$122,548.93$) and direct the Township Attorney to finalize all terms and conditions of the agreement. This is contingent upon a satisfactory escrow arrangement and transfer of title in 7 years. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:4-10 NEW BUSINESS

A. Development of New Hire Eligibility List for Fire Fighters – Fire Department

James Dundas, Fire Chief, is requesting approval to accept applications to develop a hiring list for the position of full-time firefighters for the next year.

MOTION by Sovel, supported by Creech, to authorize the Fire Chief to establish an eligibility list for the position of Full-time Firefighters. Change bullet # 5 under “Requirements at the time of application include:” to “Must have and required to maintain a valid State of Michigan driver’s license functional for all hours of

ITEM 8:4-10 NEW BUSINESS (Eligibility List Fire Department Motion continued)

employment”, remove the starting annual wage and “applications should be submitted before May 31st 2018 and change City to Township”.

MOTION CARRIED UNANIMOUSLY

B. Safer Grant Application – Fire Department

James Dundas, Fire Chief, is requesting approval to apply to FEMA for a SAFER Grant for hiring new firefighters. This is for a 3-year term covering 75% of a firefighter’s salary for the first 3 years.

Discussion took place regarding increasing the SAD in order for the Township to pay their share of 25% for the firefighter’s salary. The final figures will need to be calculated.

Trustee Sovel questioned if we should Table this until we receive final figures.

Supervisor Scott said if approved, we need to include a letter of support from the Township.

MOTION by Berkheiser, supported by Phillips, to authorize the Fire Chief to apply to FEMA for a SAFER Grant to fund 10 firefighter positions, along with a letter of recommendation from the Township. **MOTION CARRIED UNANIMOUSLY**

MOTION by Berkheiser, supported by Phillips, to authorize the Fire Chief to apply for a Recruitment and Retention Officer Grant, along with a letter of recommendation from the Township. **MOTION CARRIED UNANIMOUSLY**

C. New Ambulance Bids – Fire Department

James Dundas, Fire Chief, is requesting approval to send out bid requests for the purchase of an ambulance.

MOTION by Sovel, supported by Magner, to authorize the Fire Chief to send out bid requests to purchase an ambulance using the same specifications used for the previous ambulance the Township purchased. **MOTION CARRIED UNANIMOUSLY**

D. Resolution Vacating Part of Luneta Court

Hans Rentrop, Township Attorney, stated this is the final process to vacate Luneta Court.

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce Vacating Part of Luneta Court.

Trustee Berkheiser Opposed

MOTION CARRIED

E. Retiree Health Care Plan Actuarial Analysis

Treasurer Phillips advised the Board the Township is required by the State of Michigan to have an analysis done every other year. The last one was done in 2015 so we have to do it this year. She will be sending out bid requests.

No action needed, informational only.

ITEM 8:4-10 NEW BUSINESS (continued)

F. 2018 Township Audit

Treasurer Phillips advised the Board of significant problems with the current auditors, Layton and Richardson, PC. She recommends using another company for the 2018 Township Audit.

MOTION by Sovel, supported by Magner, to authorize the Treasurer to go out for bids for the 2018 Township Audit. **MOTION CARRIED UNANIMOUSLY**

G. Farr Street at Commerce Road Tri-Party Agreement

MOTION by Berkheiser, supported by Creech, to approve the Cost Participation Agreement Construction Farr Street, Commerce Road to 155 feet east, Charter Township of Commerce, Board Project No. 54382.

MOTION CARRIED UNANIMOUSLY

H. Oakley Park Road at Newton Road Tri-Party Agreement

MOTION by Berkheiser, supported by Magner, to approve Cost Participation Agreement Construction Oakley Park Road at Newton Road Charter Township of Commerce Board Project No. 54371.

MOTION CARRIED UNANIMOUSLY

ITEM 9:4-10 ORDERS AND ADD-ONS

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

ITEM 10:4-10 OTHER MATTERS

Trustee Sovel –

- The sound system in the Board Room is not working well. Supervisor Scott said they are working on it.
- SAD Fire Department – We need to work on language for the renewal of the Fire Department's SAD if we hire firefighters using grant money. We also need to decide if we want to place this on the August or the November ballot. Phillip Adkison, Township Attorney, will review the statute for the Police and Fire Departments SAD's.

MOTION by Berkheiser, supported by Magner, to proceed with preparing a statistical spreadsheet for the Fire Department for the November 18, 2018 ballot to be submitted in July 2018, and return to the Township Board for review.

MOTION CARRIED UNANIMOUSLY

Trustee Magner –

- Asked for an update on Scarlett's Smile Contract. Phillip Adkison, Township Attorney, said Jennifer Smith still has the contract. She was out of town last week so he will send her a reminder. Trustees Berkheiser and Magner agree the

ITEM 10:4-10 OTHER MATTERS (continued)

contract should be completed and in the hands of the Township before any more trees are cut down. Supervisor Scott will contact Sheperds Landscape and advise them to hold off on cutting down trees until further notice.

- Do the schools reimburse the Township for police officers stationed at the schools? Lieutenant Gerald Schroeder answered the Township pays 100% for one officer, the schools pay 100% for another officer and the Township pays 25% for the 3rd officer with the school paying 75%.

Supervisor Scott –

- The Joint Meeting between the Parks and Recreation Committee and the Township Board of Trustees will be held on May 1, 2018 at 7:00 p.m. because not all members of the Parks and Recreation Committee can make the April Joint Meeting.

Weber –

- Asked if non-motorized trails will be included in the Parks and Recreation Master Plan.

MOTION by Weber, supported by Berkheiser, to include a study of the non-motorized trail in the Parks and Recreation 5-year Master Plan by livingLAB.

MOTION CARRIED UNANIMOUSLY

- He walked Hickory Glen Park and the mountain bike trail and said a lot of people are at risk of falling because of obstacles, jumps, etc. on the trails. Do we have an insurance policy in place in the event someone gets hurt? Phillip Adkison, Township Attorney, will review if there is government immunity that covers liability.

Berkheiser –

- The Boy Scouts will be placing flags at the cemetery on April 28, 2018.
- Asked for an update on Benstein Grille- Supervisor Scott said it is moving forward.
- Asked for an update on the Mill Race sign. Phillip Adkison, Township Attorney said a sign is not required to be placed there. Jay James will talk to Mr. Arkin.
- Does the Township Board need to do anything to proceed with a Class C Liquor License for the Richardson Center? Hans Rentrop, Township Attorney, answered not at this time.

ITEM 11:4-10 ADJOURNMENT

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

MOTION by Berkheiser, supported by Wagner, to adjourn the meeting at 10:53 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce