

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
May 8, 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
Vanessa Wagner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Robert Berkheiser, Trustee (excused)

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

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the April 10, 2018 Regular Township Board of Trustees Meeting minutes, with a correction to page 9, ITEM 10 OTHER MATTERS, 3rd paragraph, 1st sentence under "Weber's comments: change "falling down" to "*at risk of falling*". **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS

None

PETITIONS

None

ITEM 1:5-8 APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to approve the May 8, 2018 Agenda with the addition of D. Fire Department Grievance under ITEM 12: NEW BUSINESS. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:5-8 PUBLIC COMMENTS

None

ITEM 3:5-8 PUBLIC HEARINGS

A. Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 42.

Supervisor Scott opened the Public Hearing.
No one present had any comments.
Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Phillips, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 42, authorize the appropriate signatures, post and publish according to law.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Berkheiser

MOTION CARRIED UNANIMOUSLY

ITEM 4:5-8 BOARD APPOINTMENTS

None

ITEM 5:5-8 CONTRACT AWARDS AND AGREEMENTS

A. 2018 Medical Marijuana Operation and Oversight Sub-Grant Agreement

MOTION by Sovel, supported by Magner, to approve the 2018 Medical Marijuana Operation and Oversight Grant Subrecipient Agreement between Oakland County and Township of Commerce.

MOTION CARRIED UNANIMOUSLY

ITEM 6:5-8 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.038 – Penalties for Failing to Register Alarm Systems.

Discussion took place on the definition of an alarm system.

Hans Rentrop, Township Attorney, said the Amendment speaks to any alarm system that alerts the local fire or police department when your alarm system is activated.

ITEM 6:5-8 INTRODUCTIONS (An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.038 – Penalties for Failing to Register Alarm Systems continued)

Discussion followed and it was agreed to change some of wording in the Amendment to:

- 1st offense violation will be to make sure the alarm system is properly working and the need to register with the Clerk.
- 2nd offense violation a warning will be issued.
- 3rd offense violation shall be a penalty fee in the amount of \$100.
- After the 1st false alarm, if they are not registered, the Township will send a letter to the owner telling them they need to register the alarm system. The civil fine for failure to register an alarm system within 30 days shall be \$100.00.

Ben Sebrowski, Director of Technology, will place information regarding penalties for failing to register alarm systems on the Township Website.

Hans Rentrop, Township Attorney, will make changes to the Amendment and bring it back to the Township Board for approval.

No action taken

ITEM 7:5-8 ADOPTIONS

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

MOTION by Weber, supported by Phillips, to Adopt 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 7:5-8 SITE CONDOMINIUMS AND PLATS

None

ITEM 7:5-8 CONSENT AGENDA

- A. Banner Permit – Open Door Outreach Center**
- B. Fire Works Permit – Edgewood Country Club**
- C. Fire Works Permit – North Commerce Lake**
- D. Fire Works Permit – Long Lake**
- E. Fire Works Permit – Lake Sherwood**
- F. Fire Works Permit – Long Lake After Party**
- G. West Nile Virus Fund Expense Reimbursement Request**

ITEM 7:5-8 CONSENT AGENDA (continued)

Discussion:

Trustee Weber noticed the Federal Explosives License/Permit issued to Jason Trudeau has an expiration date of June 1, 2018. Clerk Creech will contact Mr. Trudeau and ask him to send her an updated License/Permit. He also noticed that Zambelli Firework Mfrg. Co. did not provide a License/Permit for Lake Sherwood. Clerk Creech will ask for an updated license.

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda. This is contingent upon receipt of updated license/permits for the Fire Works Permits.

MOTION CARRIED UNANIMOUSLY

ITEM 7:5-8 PURCHASES

A. Upgrades to Sound System in the Oakwood Meeting Room

Ben Sebrowski, Director of Technology, advised the Board of the need to upgrade the sound system in the Oakwood Meeting Room at the Township Hall.

Trustee Sovel would like to have new cable installed in place of having a wireless system because batteries do not last long for a wireless system.

Mr. Sebrowski will contact Custom sound&vision and request a quote for the purchase and installation of cable in place of the wireless cost.

MOTION by Sovel, supported by Creech, to approve the purchase from Custom sound&vision to upgrade the sound system in the Oakwood meeting Room at the Township Hall, Quote No. CSVQ1848, with the exception of adding the purchase and installation of cable in place of wireless in an amount not to exceed \$11,068.69.

MOTION by Sovel, supported by Creech, to Amend the Motion to change the cost from \$11,068.69 to \$12,000.00.

MOTION CARRIED UNANIMOUSLY

VOTE ON THE ORIGINAL MOTION:

MOTION CARRIED UNANIMOUSLY

ITEM 7:5-8 OLD BUSINESS

A. Police SAD

B. Fire SAD

Trustees Weber and Sovel along with Treasurer Phillips have been working diligently on the SAD's and gave an update.

They have enough information to determine how many police officers and firefighters will be needed to serve the Township in the future. They will be working on how much

ITEM 7:5-8 OLD BUSINESS (continued)

money will be needed to provide residents with public safety and police services in the upcoming years.

They would like this to be a new millage to replace the expiring millage. Phil Adkison, Township Attorney, believes the wording for the millage can be done to accomplish this. They also would like to have a 2 year gap between the Fire and Police millages.

Clerk Creech said the deadline for the millage to be received by Oakland County is August 14, 2018.
Informational only.

ITEM 7:5-8 NEW BUSINESS

A. Resolution Authorizing Contribution to Help Defray legal Costs in Menard Inc. v. City of Escanaba "Dark Store" Litigation

Hans Rentrop, Township Attorney, advised the Board that exceptionally high costs have been incurred by the City of Escanaba in excess of funds available from its Property Tax Administration Fee to achieve an outcome from which many more communities, including the Charter Township of Commerce, will also benefit.

MOTION by Weber, supported by Phillips, to approve the Resolution of the Township Board of The Charter Township of Commerce Authorizing Contribution to help defray legal costs in Menard Inc. v. City of Escanaba "Dark Store" Litigation.

MOTION CARRIED UNANIMOUSLY

B. Richardson Center Liquor License

Hans Rentrop, Township Attorney, recommends the Township partner with a company that would specialize in the management of the Richardson Center if they have a Class C Liquor License. The role of the management or catering company would be to handle the booking, food and alcohol service, and general operations and maintenance of the Richardson Center. He recommends the Township approve the Township Application for a Class C Liquor License, the Resolution authorizing the liquor license to be issued to the Richardson Center, authorize the appropriate signatures and authorize a check for the amount of the application (\$1,322.50).

MOTION by Creech, supported by Scott, to approve the Charter Township of Commerce Application for New Liquor License or for Transfer of License, the Resolution of Local Government Approval for a Class C Liquor License for the Richardson Center, issue a check to the Michigan Liquor Control Commission in the amount of \$1,322.50 and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

C. CW3 Field Development Contract

Phillip Adkison, Township Attorney gave an update on the CW3 field development. They are moving forward on the project. He is working on two contracts that will be presented to the Township Board at the June 2018 Township Board meeting. He said Scarlett's

ITEM 7:5-8 NEW BUSINESS (continued)

Park grant coordinator created a legal description which CW3 may want to review. The DNR will be involved in the development.

A committee will be made up of a representative from the Parks and Recreation Committee and CW3, Emily England, David Scott and George Weber.

No action taken.

D. Fire Department Grievance #18-001

Supervisor Scott advised the Board that he received Grievance #18-001 on April 2, 2018. The grievance was to be resolved within 30 days from receipt by the Township. A Light Duty Policy has been established. The Light Duty Policy allows a firefighter to return to work for light duty assignment after injury or illness when he/she is not medically cleared for regular operational assignment.

James Dundas, Fire Chief, said there was no resistance to the policy from the firefighters, although they want the policy to be added to their Union Contract. A Light Duty Policy is recommended by Risk Management. There will be an allowance for a Firefighter to request light duty assignment if he/she is injured off duty.

Trustee Weber said light duty scheduling should be included as an amendment to the current contract and then negotiated as part of the CBA process for the future contract.

James Liker, President of Firefighters Union 2154, said the Union has no problem as the policy is written. They do have an issue with the change of work hours because it would be a change in scheduling. They never advocated a 24 hour shift. They do not want a 24 hour Light Duty Policy. They would like the current Firefighter Union 2154 Contract amended to include a Memorandum of Understanding.

MOTION by Weber, supported by Scott, to approve the Firefighters Light Duty Policy, effective immediately, and add the Memorandum of Understanding to the current Firefighter Union 2154 Contract. **MOTION CARRIED UNANIMOUSLY**

Grievance #18-001 is dismissed.

ITEM 9:5-8 ORDERS AND ADD-ONS

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

ITEM 10:5-8 OTHER MATTERS

Trustee Sovel –

- Recommends we start working on upcoming I.A.F.F. and A.F.S.C.M.E contracts and set meeting dates, etc.

MOTION by Magner, supported by Creech, approve a Negotiating Committee to consist of Supervisor Scott, George Weber and Rick Sovel.

MOTION CARRIED UNANIMOUSLY

Clerk Creech –

- The SAD notice has been sent to the printer. A hazardous waste letter will be placed on the back of the notices.

Supervisor Scott –

- Davis Construction is taking the necessary steps towards lane closures for the non-motorized bridge. There appears to be some camping on the west side of M5 south of the Michigan Air Line Trailway, he wants Lieutenant Schroder to be aware of it.
- The following businesses changed their name to reflect that their business resides in Commerce Township and not another municipality: Lifetime Fitness,, Hampton Inn and Marriot Inn. He will encourage other businesses to do the same.

Trustee Weber –

- Will the sections of the poured concrete at the pedestrian bridge be painted to have a uniform look? Jay James, Building Official, answered yes all of the poured concrete will look the same.
- Questioned if anyone knew anything about a lawsuit within the Great Lakes Water Authority where a sub-committee made a binding settlement without the Boards knowledge. He asked if there are any risks where something like this could happen within the Township's structure. The Township Attorneys were not aware of this specific settlement and said it is not likely to happen in the Township. Phillip Adkison, Township Attorney, said the Township Board makes all decisions and the Downtown Development Authority has independent authority to make decisions, although they cannot settle for any dollar amount over what their budget is, and the Township Board has full visibility of this.
- He would like a rolling 6 month calendar of events, meetings and key deadlines created and provided in the Board members meeting packs so the Board can plan accordingly. Supervisor Scott said they are looking at this now.

ITEM 10:5-8 CLOSED SESSION

A. Discussion of Pending Litigation in the Michigan Tax Tribunal Matters of Wal-Mart v. Commerce Twp. MTT#16-001920 and Edgewood Country Club v. Commerce Twp. MTT#17-002608

MOTION by Creech, supported by Magner, to enter into Closed Session for the purpose of discussing Pending Litigation.

ITEM 10:5-8 CLOSED SESSION (continued)

ROLL CALL VOTE:

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

NAYS:

ABSENT: Berkheiser

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 9:12 p.m.
Returned from Closed Session at 9:35 p.m.

MOTION by Phillips, supported by Magner, to adjourn from closed session, instruct the attorney to proceed as discussed and approve the closed session minutes.

MOTION CARRIED UNANIMOUSLY

ITEM 11:5-8 ADJOURNMENT

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

MOTION by Scott, supported by Creech to adjourn the meeting at 9:37 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce