

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
June 12, 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 Sovel, supported by Berkheiser, to approve the May 1, 2018 Special Township Board of Trustees Meeting Minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Sovel, to approve the May 8, 2018 Regular Township Board of Trustees Meeting Minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:6-12 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the June 12, 2018 Agenda with the addition of "D." under ITEM 4:6-12 CONTRACT AWARDS AND AGREEMENTS: Resolution Oakland County Department of Information Technology (IT).

MOTION CARRIED UNANIMOUSLY

ITEM 2:6-12 PUBLIC COMMENTS

Mrs. Sarver of Nottingham Ct., said sidewalks need to be connected within the Township. For the past 10 years she has been asking for a sidewalk to meet up to the Wolverine Lake Bridge. In addition, she would like the Township to remove the public

ITEM 2:6-12 PUBLIC COMMENTS (continued)

and political signs that are in the roundabouts. She feels this is a safety hazard and a distraction to motorists.

Chris Hill, 8497 Edgewood Park Drive, is asking for Township assistance to control the weeds in Lower Straits Lake. He said nothing has been done so far this year for weed control. The Lower Straits Lake Committee submitted their findings to the Township. Supervisor Scott said there will be an open house held at the Township Hall on June 19, 2018 where Dr. Pullman will describe the lake conditions.

Hubert Cleveland, 9130 Marilyn Ter, would like to receive clarification of how the S.A.D. is managed so they can understand what their tax dollars are spent on.

Dick Levine, 8931 Edgewood Park Drive, would like to see the Township and the residents work together to control the weed problem in Lower Straits Lake.

Bret McDonald, 9135 Commerce Road, stated the Township needs to step in and take over the weed control for Lower Straits Lake. He said there is a handful of people that are overseeing the weed control and not willing to work with other residents.

ITEM 3:6-12 PUBLIC HEARINGS

A. Resolution to Reprogram 2017 Community Development Block Grant Money

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

MOTION by Sovel, supported by Creech, to approve the Resolution to Reprogram 2017 Community Development Block Grant Money by the Charter Township of Commerce, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:6-12 CONTRACT AWARDS AND AGREEMENTS

A. Lower Straits Lake Aquatic Weed Control SAD Contracts

Hans Rentrop, Township Attorney, advised the Board there are three one year contracts for their consideration: 1) Aquest Corporation Proposal for Services by Dr. Pullman for 2018, 2) Aquatic Services, Inc. Aquatic Plant Management Service Contract for 2018 & Addendum for increased funding, and 3) Inland Lakes Weed Harvesting Co., Aquatic Ecology Maintenance Agreement for 2018. He recommends approval for contracts 1 & 2. He stated Inland Lakes Weed Harvesting Co. removed themselves from servicing the weed harvesting. Dr. Pullman will reach out to other contractors for weed harvesting.

MOTION by Sovel, supported by Berkheiser, to authorize the Supervisor and the

A. Lower Straits Lake Aquatic Weed Control SAD Contracts (motion continued)

Township Attorney to sign a weed harvesting contract for Lower Straits Lake with a company that meets the insurance requirements and is recommended by Dr. Pullman in an amount not to exceed \$10,000.00.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Phillips, to approve the Aquest Corporation Proposal for services related to the management, monitoring, and study of Lower Straits Lake for the 2018 service year.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Magner, to authorize the Supervisor to sign the Aquatic Services, Inc. Aquatic Plant Management Service Contract for Lower Straits Lake/Reed Lake/Fox Lake and to approve the increased amount.

MOTION CARRIED UNANIMOUSLY

B. CW3 Development and License Agreements

Chris Haney, CW3 Soccer, was present to answer questions.

Phillip Adkison, Township Attorney, advised the Board the agreement is to construct a new soccer field in Dodge Park 5. He negotiated and prepared 2 agreements for the Board's consideration. Both agreements rely heavily on a proposed Facility Plan that will be attached to the agreements as an exhibit and that will detail the location of the field and the improvements to the park related to its construction. This Facility Plan has not yet been prepared, in part because the final location for the field will not be determined until June 20, 2018. Rather than wait until the Facility Plan is complete to consider the terms of the agreement, he is proposing the Township Board consider the agreement terms at tonight's meeting and review the details of the Facility Plan at the July meeting.

Discussion: The Board would like Section 13 of the License Agreement between Charter Township of Commerce and Cw3 Soccer Association removed or the wording changed. They also discussed residents' access to the park.

Mr. Adkison recommends to change the wording to reflect both parking and admission fees are not permitted. In addition, Mr. Adkison recommends to bring the agreements back to the Board for consideration after he makes changes.

No action taken.

C. 2018 Tri-Party Projects Contract Award

Jason Mayer, Giffels Webster Engineers, recommends the contract for the 2018 intersection improvements be awarded to the low bidder, Reliance Building Company in the amount of \$261,795.50. Final payment will be based on unit prices quoted in the Proposal and final field measurements. The proposed budget of \$364,763.71 will not be exceeded without prior approval by the Township Board.

ITEM 4:6-12 CONTRACT AWARDS AND AGREEMENTS (continued)

MOTION by Berkheiser, supported by Weber, to award the 2018 Tri-Party Projects Contract (Intersection improvements Farr Street approach and Oakley Park right turn lane) to the low bidder, Reliance Building Company and to approve the total proposed project budget of \$364,763.71. **MOTION CARRIED UNANIMOUSLY**

D. Resolution Oakland County Department of Information Technology (IT)

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce to Enter into the 2018 Agreement for I.T. Services Between Oakland County and Township of Commerce. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:6-12 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.

Hans Rentrop, Township Attorney, presented a revised Code Amendment to address the penalties for failure to register alarm systems.

MOTION by Weber, supported by Scott, 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. 1.038 with modifications as identified, post and publish according to law.

Trustee Berkheiser voted no

MOTION CARRIED

ITEM 6:6-12 PURCHASES

A. Edraulic Rescue Tools for Engine 1 – Fire Department

Jim Dundas, Fire Chief, advised the Board the purchase of Hurst Edraulic rescue tools (spreader, cutter, ram) is necessary because they are replacing Rescue – 1 with the newly purchased Engine – 1. The tools on Rescue -1 were specific to that truck. These tools are the most efficient cordless and hose free tools of this kind and are compatible with what we are using on Rescue-3.

MOTION by Sovel, supported by Berkheiser, to approve the purchase of new rescue tools (spreader, cutter, ram) for Engine – 1 from Apollo Fire Equipment for a total cost of \$29,000.00. Funds to come from the Fire Department Capital Outlay Account.

MOTION CARRIED UNANIMOUSLY

ITEM 7:6-12 OLD BUSINESS

A. Police SAD

B. Fire SAD

Jim Dundas, Fire Chief, and Lieutenant Gerald Schroeder were present.

ITEM 7:6-12 OLD BUSINESS (Police and Fire SAD continued)

Trustees Weber and Sovel gave a presentation on Commerce Township Police and Fire/Rescue S.A.D. Development Status. The residential capacity was set at 45,651 in the Master Plan. However, based on census and projected new development projects Trustees Weber and Sovel projected future residential capacity at 48,000.

The criteria evaluated for incident & resource development included:

- Age Demographics
- Census Data
- Housing
- Community Building
- Pass Through Traffic
- Day/Night Traffic
- Master Plan Data

Fire and EMS Incidents compared to the population was prepared and submitted by Fire Chief Jim Dundas and show a direct correlation to one another.

Lieutenant Gerald Schroeder prepared and submitted a comparison of population, officers, service calls, criminal complaints and officer/population ratio from Independence and Orion Townships.

Fire Chief Jim Dundas prepared and submitted a comparison of population, Prof. FF, PoC FF, stations, service calls, response time and SAD/millage from Independence and Orion Townships. He noted that response time is calculated differently with each municipality.

Preliminary S.A.D Estimates:

Police – (2030 Projected Average Annualized Costs)

- Personnel \$7.6 M
- All Other \$0.4 M

Total \$8.0 M

S.A.D. Rate 2.9% (from 2.6% to 2.9%)

Fire & Rescue – (2030 Projected Average Annualized Costs)

- Personnel \$3.6 M
- Equip/Veh \$0.8 M

Total \$4.4 M

S.A.D. Rate 2.5% (from 2.0% to 2.5%)

Station #3 – 5.5 M (Total Projected Cost)

S.A.D. Rate including new station – 2.8%

Supervisor Scott recommends including some type of analysis to determine if additional structure to house the Police Department is needed.

ITEM 7:6-12 OLD BUSINESS (Police and Fire SAD continued)

Trustees Weber and Sovel are asking the Board to provide them with any comments or input they may have. Next steps include meeting with Treasurer Phillips to complete a financial/cost analysis.

Informational only

ITEM 8:6-12 NEW BUSINESS

**A. Class C Liquor License Transfer Application – Cooley Lake Bar & Grill, Inc.
DBA Prime 7**

Fatima Abdrabboh, Attorney for Fran Zefi, owner of Prime 7 Bar and Restaurant was present. They are asking for a Class C Liquor License transfer. The patio area will be less than 10% seating. She advised the Board that Mr. Zefi owns two other restaurants in Oakland County. She has an understanding of the problems the residents had with the prior establishment at the building. Prime 7 will be a family dining restaurant serving breakfast, lunch and dinner.

Trustee Berkheiser asked if the agreement from several years ago is still in force and if the porch dining area will be expanded. Phillip Adkison, Township Attorney, said his firm did not handle the agreement.

Helal Farhat, owner of the building, said the agreement was made a part of the lease and is still in force. He will abide by the agreement. He stated the prior business had a bar atmosphere. This will be a family dining business with no entertainment. Mr. Zefi said the porch dining area will not be expanded.

Trustee Sovel asked if video monitoring of the building that is a part of the old agreement is still be in place and operative. Mr. Helal Farhat said the video monitor will not be necessary with Prime 7.

Supervisor Scott asked if, in presentation of this project, were there any Planning Commission comments or objections? David Campbell, Planning Director, said this is zoned for restaurant. He signed off on the transfer of the liquor license. The parking is sufficient. They did some cosmetic improvement to the building. They did not require any approvals by the Planning Commission.

Trustee Berkheiser asked Mr. Zefi if he met with residents in the area? Mr. Zefi said he will open the door of the restaurant to any resident that wants to come see it or discuss any issues they have.

Supervisor Scott said there was only one complaint received during construction and that was from a resident that had an outdoor event at their house.

Trustee Sovel asked how much work needs to be done on the inside. Mr. Zefi, said the inside is complete.

Linda Clappison, President of the Subdivision Association, said the owner of the

ITEM 8:6-12 NEW BUSINESS (Class C Liquor License Transfer Application – Cooley Lake Bar & Grill, Inc. DBA Prime 7 continued)

restaurant is a very nice, hardworking person. She supports their goal to have a family dining restaurant in the building. She does not feel they have to continually defend themselves for someone else's past problems. They have attended a Subdivision Association Meeting and have opened their doors during construction for anyone who wanted to see the building. She is speaking on behalf of the residents that she talked to in her subdivision.

Judy Yahner, Vice President of the Subdivision Association hopes this will be a nice restaurant with no problems.

Mr. Hug, 8617 Cooley Lake Road, supports transfer of the Liquor License. He was in receipt of paperwork stating there was a variance granted in 2001 with conditions on the hours set for the porch area. There was to be no seating after 8:30 p.m. and the porch area closed at 9:00 p.m. David Campbell reviewed the paperwork given to him by Mr. Hug.

Mr. Zefi said the hours will be as follows:
Patio will be closed at 9:00 p.m.
Sunday thru Thursday – 7:00 a.m. to 11:00 p.m.
Friday and Saturday – 7:00 a.m. to 11:30 p.m.

Janet Hug, 8617 Cooley Lake Road, is concerned there will be delivery trucks arriving prior to 7:00 a.m. She would like delivery trucks to arrive at the building after 7:00 a.m. Mr. Zefi said there will be no delivery trucks prior to 7:00 a.m. Ms. Hug is in support of the restaurant.

Judy Yahner, Vice President of the Subdivision Association, said if the restaurant is opened until 11:00 p.m. then customers leaving after that will make noise when entering their vehicle.

MOTION by Berkheiser, supported by Phillips, to approve the Class C Liquor License Transfer Application from Jarjosa Operating LLC to Cooley Lake Bar & Grill, Inc. DBA Prime 7 for 8635 Cooley Lake Road, Commerce Township, Michigan.

MOTION CARRIED UNANIMOUSLY

B. Application for Alcoholic Liquors Special Permit – Multi-Lakes Conservation Association Annual Gun Bash

MOTION by Berkheiser, supported by Sovel, to approve the Application for Alcoholic Liquors Special Permit for Multi-Lakes Conservation Association for an annual Gun Bash to be held on June 23, 2018 at 3860 Newton Road, Commerce Township, Michigan.

MOTION CARRIED UNANIMOUSLY

ITEM 8:6-12 NEW BUSINESS (continued)

C. Resolution Approving First Amendment to Ground Lease Agreement with Towerco and Ratifying Grant of Underground Easement to DTE Electric Company

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving First Amendment to Ground Lease Agreement with Towerco and Ratifying Grant of Underground Easement to DTE Electric Company.

MOTION CARRIED UNANIMOUSLY

ITEM 9:6-12 ORDERS AND ADD-ONS

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

MOTION CARRIED UNANIMOUSLY

ITEM 10:6-12 OTHER MATTERS

Supervisor Scott said the Sheriff's Department seized over 850 lbs. of illegal manufactured marijuana products in a residential area of the Township. Lieutenant Gerald Schroeder said this was a very dangerous situation and is pleased it is shut down. So far this year there were 9 illegal marijuana operations in the Township.

Trustee Weber

- Asked for an update on Five & Main. David Campbell, Planning Director said Mr. Aikens has secured the "anchor" tenants and is in the process of securing additional tenants for the development. He needs to have 60% of the development leased out before he can obtain financing for the project. The Road Commission for Oakland County (RCOC) wants to review the recommendations by the traffic consultant. Supervisor Scott, DDA Director Mark Stacey, RCOC and MDOT will discuss traffic improvements for the M5 and Pontiac Trail roundabout. They still plan on an opening date in the fall of 2020. Mr. Aiken will ask for Final PUD Site Plan Approval from the Planning Commission after financing is lined up.
- Application for permits and inspections have gone up but revenue has gone down. Is there a reason for this? David Campbell, Planning Director does not have an answer to this at this time. This is a question for the Building Department. Supervisor Scott said he believes it is a timing issue and that revenues should catch-up in the coming months.
- Should we require groups (soccer, baseball, softball, football, etc.) who use park land to be a 501-C organization? Trustee Berkheiser said a 501 organization cannot make a profit. He feels there should be no problem as long as the Township receives their financial report. Trustee Phillips is looking for some type of consistency with reporting requirements and accountability. Trustee Weber agrees and as he believes there is only one organization that is not a 501-C it would be in the Township's interest to require this consistency.
- Wolverine Lake village has a lake weed harvester. As we have not been able to find an independent contractor to do the work, should the Township contact

ITEM 10:6-12 OTHER MATTERS (Trustee Weber continued)

- Wolverine Lake Village to see if we can contract with them on a temporary basis to help solve the Lower Straits Lake weed issue? Supervisor Scott will contact Wolverine Lake Village.

Trustee Berkheiser

- The grass in the Township parks need to be maintained. Supervisor Scott said they have 4 seasonal maintenance job openings right now.
- The wood on the bridge in Byers Farm looks worn and needs to be maintained, possibly sealed.
- Is there access to the trail at the Beck and Maple Roads development? Supervisor Scott said this is not the Townships trail, it was turned over to the Michigan Airline Trail.
- Life Scout Colin Beck conducted his Eagle Scout Project at Dodge 5 by Scarlet's Smile Park. He built a Butterfly Garden at the request of Parks and Recreation and the Scarlet's Smile Foundation. Total service hours were 175.
- Election signs in roundabouts. Phillip Adkison, Township Attorney is confident he can control the issue of signs placed in roundabouts if it creates a safety hazard.
- Can the Township send residents affected by an S.A.D. a schedule of plans/procedures so they will stay informed? Supervisor Scott said a meeting can be held like the one we will have for Lower Straits Lake on June 19, 2018.

Treasurer Phillips

- When will Wixom Road be closed for bridge construction? Supervisor Scott said mussels listed as endangered by the federal government could delay construction of the bridge on Wixom Road over the Huron River in Milford and Commerce Townships if any are found living near the bridge when the area is surveyed in June. They are hoping to finish the construction of the bridge before school starts without bothering the mussels.

Trustee Magner

- Questioned if the trails were removed when trees were taken down at the future Scarlet's Smile location. Supervisor Scott said they were pathways, not groomed trails.
- Will we see if political signs in roundabouts are a safety hazard? Supervisor Scott said he will ask Lieutenant Gerald Schroeder to check into this.

Trustee Sovel

- Asked for an update on the pedestrian bridge over M-5. David Campbell, Planning Director, said the beams were installed on May 19, 2018. M-5 was to be closed both Saturday and Sunday but both beams were put up on Saturday so there was no need to close the road both days. Everything is on schedule and opening day is still scheduled by August 15, 2018.

ITEM 10:6-12 OTHER MATTERS (continued)

Supervisor Scott

- The Michigan Air Line Trail was added to SEMCOG funding.

David Campbell, Planning Director

- There is a gap on the west side of M-5 because of a gas main. MDOT will build a bridge over the gas line.

Trustee Sovel

- Asked for an update on the old library building. Supervisor Scott said demolition will take place Monday or Tuesday, June 18 and 19, 2018.

Supervisor Scott


- The full time employee for the Richardson Community Center has resigned. The former part time employee has filled that position and I want to add an additional full time position (nonunion). It was agreed to ask Emily England, Senior Director, to create a job description and bring it back to the Township Board.
- The Walled Lake Consolidated School District Superintendent is in support of issuing a liquor license for the Richardson Center.

ITEM 11:6-12 ADJOURNMENT

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

MOTION by Sovel, supported by Creech, to adjourn the meeting at 9:34 p.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce