

**CHARTER TOWNSHIP OF COMMERCE  
REGULAR BOARD OF TRUSTEES MEETING**

**May 10, 2016**

2009 Township Drive  
Commerce Township, Michigan 48390

**CALL TO ORDER:** Thomas K. Zoner, 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: Thomas K. Zoner, Supervisor  
Molly Phillips, Treasurer  
Robert Berkheiser, Trustee  
Robert Long, Trustee  
Rick Sovel, Trustee

Absent: Melissa Creech, Clerk  
John Hindo, Trustee

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

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Berkheiser, to approve the April 12, 2016 Regular Township Board of Trustees Meeting minutes and the April 26, 2016 Township Board of Trustees Quarterly Meeting minutes, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

None

**PETITIONS:**

None

**ITEM 1:5-10 APPROVAL OF AGENDA**

**MOTION** by Sovel, supported by Phillips, to approve the May 10, 2016 agenda with the addition of Edgemere Barton Dust Control SAD under Item 3, Maintenance of Trees and MDOT M5 Bridge under Other Matters.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:5-10 PUBLIC COMMENTS**

Gerry Szumiak advised the Board there is an increase of motorcycle activity in the woods by Wise Road. He sent an email to the Township to let them know the motorcycles are destroying the land. The cyclists are entering from the neighborhood to the north. Supervisor Zoner will contact Emily England to discuss how this problem can be resolved.

Lon Shook is upset because he pays for weed control through a SAD every year and he is denied access to attend meetings relative to the SAD weed control. He is requesting this be placed as an agenda item during one of the Township Board meetings.

Phillip Adkison, Township Attorney advised Mr. Shook that once the hearing and roll are complete and approved, the Township has no involvement with the exception they receive and disperse the funds. He said they will review the SAD Resolution specific to the lake and let him know what role, if any, the Township has with the SAD.

Ray Golota would like to know when Township meetings are held. He signed up on the Township website to subscribe to Commerce Township email. He never received any form of email from the Township. He went back to the website and the link is no longer there. He suggested another form of communication would be to publicize the meetings in the Oakland Press Newspaper because not everyone receives the Spinal Column Newspaper.

**ITEM 3:5-10 PUBLIC HEARINGS**

None

**Edgemere Barton Dust Control SAD**

Hans Rentrop, Township Attorney stated there were 53.7% signatures on the petition. Supervisor Zoner received another signature that was not counted on the petition. Jay James said no letters were received objecting to the SAD.

**MOTION** by Phillips, supported by Berkheiser, to approve the intent of the Edgemere Barton Dust Control SAD. **MOTION CARRIED UNANIMOUSLY**

**ITEM 4:5-10 BOARD APPOINTMENTS**

**A. Michelle Holmes, Parks and Recreation Committee, 4 year term expires 5-31-2020**

Michelle Holmes was not present. Christine Dennis, Deputy Clerk said Ms. Holmes was not present at this meeting because she said she had a funeral to attend.

**BOARD APPOINTMENTS (Michelle Holmes continued)**

**MOTION** by Berkheiser, supported by Sovel, to Table the reappointment of Michelle Holmes to the Parks and Recreation Committee until the next regular Township Board of Trustees meeting.

**ROLL CALL VOTE:**

**AYES:** Berkheiser, Sovel, Phillips, Long

**NAYS:** Zoner

**ABSENT:** Creech, Hindo

**MOTION CARRIED**

**B. Barbara Garbutt, Library Advisory Board, 3 year term expires 5-31-2019**  
Barbara Garbutt was present.

**MOTION** by Sovel, supported by Phillips, to approve the reappointment of Barbara Garbutt to the Library Advisory Board for a 3 year term to expire on May 31, 2019.

**MOTION CARRIED UNANIMOUSLY**

**C. Barry Hiscox, Library Advisory Board, 3 year term expires 5-31-2019**  
Barry Hiscox was present.

**MOTION** by Sovel, supported by Zoner, to approve the reappointment of Barry Hiscox to the Library Advisory Board for a 3 year term to expire on May 31, 2019.

**MOTION CARRIED UNANIMOUSLY**

**D. Tim Hoy, Downtown Development Authority, 4 year term expires 5-31-2020**  
Tim Hoy was not present. Mark Stacey, DDA Director advised the Board that he spoke with Mr. Hoy yesterday morning to let him know a recommendation for reappointment will be on the agenda for tonight's meeting. Mr. Hoy expressed his desire to be reappointed to the DDA. He could not attend tonight's meeting because he is preparing for an out of town trip. Mr. Stacey said Mr. Hoy has attended at least 95% of the meetings.

**MOTION** by Long, supported by Sovel, to Table the reappointment of Tim Hoy to the Downtown Development Authority.

**ROLL CALL VOTE:**

**AYES:** Long, Sovel, Berkheiser, Phillips

**NAYS:** Zoner

**ABSENT:** Creech, Hindo

**MOTION CARRIED**

**ITEM 5:5-10 CONTRACT AWARDS AND AGREEMENTS**

**A. Wise Road Park Improvement**

The single bid that was received was \$40,000.00 more than expected. The bidding will be postponed to a future date.

**CONTRACT AWARDS AND AGREEMENTS (continued)**

**B. Utility Finance Solutions Water Rate Study Proposal – tabled 5-10-2016**

**MOTION** by Sovel, supported by Berkheiser, to remove Utility Financial Solutions Water Rate Study Proposal from the Table. **MOTION CARRIED UNANIMOUSLY**

Dawn Lund, Vice-President of Utility Financial Solutions, LLC was present. She stated the previous financial forecast was projected to be a 3.5% rate increase in water rates as provided by Detroit Water and Sewerage Department (DWSD). This year it was increased to 7.8% set to begin in July 2016. She recommends updating the financial projection. Discussion ensued on the need for the study now or wait until the water tank is operational for one year and then adjust the rates. Ms. Lund said the study will ensure the Township will be financially on track in regards to the water rates. Supervisor Zoner feels we need the projection forecast so the Township will have a stable water authority.

**MOTION** by Sovel, supported by Phillips, to approve the engagement letter by Utility Financial Solutions, LLC for an amount not to exceed \$9,000.00 and authorize the appropriate signatures. Funds to come from the Water Fund.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:5-10 INTRODUCTIONS**

None

**ITEM 7:5-10 ADOPTIONS**

None

**ITEM 8:5-10 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:5-10 CONSENT AGENDA**

- A. Temporary Precinct Change for Two Polling Locations for 8-2-2016 Primary
- B. Fireworks permit – North Commerce Lake Fireworks Association
- C. Fireworks permit – Edgewood Country Club
- D. Fireworks permit – Long Lake
- E. Fireworks permit – Lake Sherwood Association
- F. West Nile Virus Expense Reimbursement Request

**MOTION** by Sovel, supported by Berkheiser, to approve the Consent Agenda with the removal of Item B. Fireworks permit – North Commerce Lake Fireworks Association.

Long inquired why there is something whited out on the ATF sheet? Christine Dennis, Deputy Clerk answered personal identifying data is always whited out on documents that are distributed to other persons.

**CONSENT AGENDA (Motion continued)**

**ROLL CALL VOTE:**

**AYES:** Sovel, Berkheiser, Long, Phillips, Zoner

**NAYS:**

**ABSENT:** Creech, Hindo

**MOTION CARRIED UNANIMOUSLY**

**B. Fireworks permit – North Commerce Lake Fireworks Association**

Long would like to see the \$50.00 fee the Township charges go towards the firework display because the firework display benefits a lot of residents. Joseph R. Schornack, Fire Chief said firefighters inspect the display and at times need to do this on overtime.

**MOTION** by Berkheiser, supported by Sovel, to approve the permit for fireworks display for North Commerce Lake Fireworks Association to be held on July 2, 2016.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:5-10 PURCHASES**

**Fire Department, New Medic 4**

Joseph R. Schornack, Fire Chief is requesting approval to purchase one 2016 ambulance to replace Medic #4. He submitted an updated proposal with a \$4,500.00 discount, \$5,000.00 for a trade in and no payment due up front. The total cost will be \$183,112.00

**MOTION** by Berkheiser, supported by Long, to approve the purchase of one 2016 Type-I Ford 450 VIN IEDUF4HT9GEC62517 (172" x 98") Ambulance from Mercy Sales, Inc. for an amount not to exceed \$183,112.00. Funds to come from the Fire Fund.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:5-10 OLD BUSINESS**

**A. Fire Department, Natural Gas Upgrade**

Joseph R. Schornack, Fire Chief discussed the need to upgrade to natural gas along Glengary Road, ¼ mile west of Benstein Road to the substation. He stated Suburban Propane will not move the tank for free, it will cost \$571.00. He provided a breakdown of costs for natural gas versus propane. He also provided a breakdown of charges paid during the 2012-2014 years. The natural gas will pay for itself in 4-5 years.

**MOTION** by Sovel, supported by Berkheiser, to approve the process to convert Station #4 from propane to natural gas.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:5-10 NEW BUSINESS**

**A. Huron Valley Sinai Hospital Fun Run**

DMC Huron Valley-Sinai Hospital will be hosting their first annual Scrub Run event on June 4, 2016. The 5K run will take place from 9:00am to 10:00am. The following streets will be affected directly: Applebrook Drive, Birkdale Drive, Fenwick Drive, Juniper Drive and Sleeth Road.

Supervisor Zoner stated the Road Commission for Oakland County requires a Resolution in order to close the streets for the event.

**MOTION** by Phillips, supported by Sovel, to approve the DMC Huron Valley-Sinai Hospital Scrub Run event on June 4, 2016. **MOTION CARRIED UNANIMOUSLY**

**B. Garage at Sub Station – Fire Station #4**

**Lieutenant Dennis Servis** was present to request the approved cost of \$15,000 be amended to \$18,500.00 to build a storage building at the substation. The most favorable bid submitted by Jerry's Concrete came in at \$18,500.00.

**MOTION** by Sovel, supported by Berkheiser, to approve the construction of a storage building by Jerry's Concrete for \$18,500.00 and amend the budget accordingly. Plans shall be submitted to the Planning Commission for approval.

Discussion - Phillip Adkison, Township Attorney advised the Board and Lieutenant Servis that they need to coordinate the location of the storage building because the Township granted a cell tower easement on the site.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:5-10 ORDERS AND ADD-ONS**

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

Discussion - Berkheiser questioned the dry cleaners invoice and if we bill residents for kits used during an overdose or allergic reaction. Joseph R. Schornack, Fire Chief said the dry cleaner invoice was for paid on call firefighter's t shirts and we do not bill residents for the kits.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:5-10 OTHER MATTERS**

**MDOT M5 Bridge** – Phillip Adkison, Township Attorney is asking for direction from the Board on their vision for the bridge so he can present it at the next MDOT meeting.

After discussion, it was the consensus of the Board to have decorative stone on the bridge and walkway areas, arch with some type of emblem, theme or language on each side of the bridge for northbound and southbound traffic, potential led lighting used for the language and possibly some decorative lighting on the pillars.

**OTHER MATTERS (MDOT M5 Bridge continued)**

Long recommends we rename the MDOT M5 Bridge project "Gateway". Supervisor Zoner said he likes the intent but not the name "Gateway".

**MOTION** by Berkheiser, supported by Long, to approve the alignment for the MDOT M5 Bridge at a south portion, perpendicular to M5 and south of the power lines.

**MOTION CARRIED UNANIMOUSLY**

Supervisor Zoner advised the Board that he received a call from Rachel Jeziorski regarding Chickory Lane. She is asking if the Township would consider participating in the dust control, snow removal, and grading as she believes the Township owns property to the center line of the road. The Board would like to know what the cost will be. Supervisor Zoner will check to see where the Township property boundaries are and report back his findings.

Supervisor Zoner advised the Board that a resident, named Jeff Priebe, in the subdivision that abuts the Township Hall property contacted him regarding a number of trees that are leaning and falling down. He fears some of the trees will fall on his house. Supervisor Zoner will obtain an aerial view. Jay James said the site plan shows the area is not to be disturbed. Further review is needed.

Phillip Adkison, Township Attorney advised the Board that ITC Utility contacted Dykema to represent them to acquire easements. Mr. Adkison recommends the Township sign the conflict waive letter.

**MOTION** by Sovel, supported by Phillips, to authorize Supervisor Zoner to sign the conflict letter received by Dykema in respect to ITC Utility.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 15:5-10 CLOSED SESSION**

- A. Attorney Client Privileged Information**
- B. Pending Litigation**

**MOTION** by Phillips, supported by Sovel, to enter in Executive Session for the purpose of discussing Attorney Client Privileged Information and Pending Litigation.

**ROLL CALL VOTE:**

**AYES:** Phillips, Sovel, Long, Berkheiser, Zoner

**NAYS:**

**ABSENT:** Creech, Hindo

**MOTION CARRIED UNANIMOUSLY**

Entered into Closed Session at 9:05 p.m.

(4 minute recess)

Returned from Closed Session at 10:20 p.m.

**MOTION** by Berkheiser, supported by Phillips, to adjourn from Closed Session and approve Closed Session minutes, and advise attorney to hire an appraiser as discussed.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 16:5-10 ADJOURNMENT**

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

**MOTION** by Long, supported by Sovel, to adjourn the meeting at 10:30 p.m.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech, Clerk  
Charter Township of Commerce



**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE  
APPROVING CONSENT AGENDA – AMENDED**

At the regular Meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on 10<sup>th</sup> day of May, 2016, in the Township Hall at 7:00p.m.

**PRESENT:** Long, Sovel, Zoner, Phillips, Berkheiser,  
**ABSENT:** Creech, Hindo

The following resolution approving the Consent Agenda of May 10, 2016, Board of Trustees Meeting of the Charter Township of Commerce was offered by Berkheiser and supported by Sovel.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF COMMERCE:**

- A. Temporary Precinct Change for Two Polling Locations for 8-2-2016 Primary
- B. Fireworks Permit – Edgewood Country Club
- C. Fireworks Permit – Long Lake
- D. Fireworks Permit – Lake Sherwood Association
- E. West Nile Virus Expense Reimbursement Request

**AYES:** Long, Sovel, Zoner, Phillips, Berkheiser  
**NAYS:** None  
**ABSENT:** Creech, Hindo

**RESOLUTION DECLARED  
ADOPTED STATE OF MICHIGAN**

) )  
                                  )s.  
**COUNTY OF OAKLAND )**

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a Meeting held on the 10<sup>th</sup> day of May, 2016.



**Melissa Creech, CMMC  
Clerk, Charter Township of Commerce**

Dated: 5-11-2016

**RESOLUTION AUTHORIZING  
WEST NILE VIRUS FUND EXPENSE REIMBURSEMENT REQUEST**

At a regular meeting of the Township Board of The Charter Township of Commerce, County of Oakland, Michigan, held on the 10<sup>th</sup> of May 2016, in the Township Hall at 7:00 p.m.

Present: Zoner, Phillips, Long, Sovel, Berkheiser

Absent: Creech, Hindo

**WHEREAS**, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

**WHEREAS**, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

**WHEREAS**, the Township of Commerce, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

**NOW THEREFORE BE IT RESOLVED**, that this board authorizes and directs its Supervisor as agent for the Township of Commerce to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

ROLL CALL VOTE:

AYES: Sovel, Berkheiser, Long, Phillips, Zoner

NAYS: None

ABSENT: Creech, Hindo



Melissa Creech, CMMC  
Clerk, Charter Township of Commerce

Date: 5-11-2016

**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE,  
TENTATIVELY DECLARING ITS INTENTION  
TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT  
TO BE KNOWN AS  
EDGEMERE/BARTON DUST CONTROL SPECIAL ASSESSMENT DISTRICT**

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 10<sup>th</sup> day of May, 2016 in the Township Hall at 7:00 p.m.

PRESENT: Thomas Zoner, Molly Phillips, Robert Long, Rick Sovel, Robert Berkheiser

ABSENT: John Hindo, Melissa Creech

The following preamble and resolution were offered by Molly Phillips and supported by Robert Berkheiser.

**WHEREAS**, the Charter Township of Commerce, Oakland County, Michigan, has received petitions requesting the establishment of a special assessment district to finance the payment of expenses, fees and charges related to application of dust control for Edgemere and Barton Streets, and;

**WHEREAS**, the Charter Township of Commerce has caused to be prepared plans showing the improvement, the location thereof and an estimate of the cost thereof, and;

**WHEREAS**, the Charter Township of Commerce is in receipt of such plans and estimates of costs, the same having been filed with the Township Clerk, and;

**WHEREAS**, the costs associated with this Special Assessment District are of such a nature that periodic redeterminations of the costs will be made from time to time without further notice to the record owners or parties with an interest in property located within this Special Assessment District.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance the payment of expenses, fees and charges related to the application of dust control measures to provide service to that portion of the Township described in attached Exhibit A. The Township Board tentatively designates the Special Assessment District against which the cost of the improvement is to be assessed as being that portion of

the Charter Township of Commerce described in "Exhibit A" attached hereto and made a part hereof.

2. The Township Board of the Charter Township of Commerce, Oakland County, Michigan, will meet on the 13<sup>th</sup> day of June, 2016 at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments regarding the project, the petitions filed, and the creation of a Special Assessment District to pay costs associated with this improvement project.
3. The Township Board of the Charter Township of Commerce tentatively designates this proposed Special Assessment District as: Edgemere/Barton Dust Control Special Assessment District.
4. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at 2009 Township Drive, Commerce Township, Michigan, 48390. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

AYES : Thomas Zoner, Molly Phillips, Robert Long, Rick Sovel, Robert Berkheiser


NAYS: None

ABSENT: John Hindo, Melissa Creech

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN    )  
  )ss.  
COUNTY OF OAKLAND )

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 10<sup>th</sup> day of May, 2016.

  
MELISSA CREECH, Clerk  
Charter Township of Commerce

Dated: May 11, 2016

# EXHIBIT A

## Parcel Nos.

17-12-232-011  
 17-12-232-002  
 17-12-232-003  
 17-12-232-005  
 17-12-232-006  
 17-12-232-007

17-12-232-012  
 17-12-232-009  
 17-12-233-008  
 17-12-233-011  
 17-12-233-010  
 17-12-233-009

17-12-233-005  
 17-12-233-004  
 17-12-233-003  
 17-12-233-002  
 17-12-233-001

The following map depicts the boundary of the Special Assessment District:

