

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

July 14, 2020

2009 Township Drive
Commerce Township, Michigan 48390

Due to Governor Whitmer's Executive Order to "Stay Home, Stay Safe", this meeting was held via Zoom video conferencing technology.

CALL TO ORDER: Supervisor David Scott called the meeting to order at 7.00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: David E. 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 Attorney
Dave Campbell, Planning Director
Emily England, Senior and Parks and Recreation Director
Jay James, P.E. Building Official
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney
Ben Sebrowski, Director of Technology
Mark Shoder, Maintenance Director
Mark Stacey, DDA Director
Janet Bushey, Finance HR Director

APPROVAL OF MINUTES

MOTION by Magner, supported by Berkheiser, to approve the June 9, 2020 Regular Township Board of Trustees Meeting Minutes, as submitted.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. USF Rate Study – Dawn Lund

Dawn Lund presented an executive summary report for a long-term financial projection in the Water Department. The specific purposes of this long-term financial projection study are: 1) Determine Water utility's revenue requirements for fiscal year 2021. 2) Project rate adjustments needed to meet targeted revenue requirements.

Additionally, she presented an executive summary report for a long-term financial projection in the Wastewater Department. The specific purposes of this long-term financial projection study are: 1) Determine the Wastewater utility's revenue requirements for fiscal year 2021. 2) Project rate adjustments needed to meet targeted revenue requirements.

B. Sleeth Road Gravel Pit Brownfield Development

Andrew Milia, Managing Member for Commerce Investment Company, LLC, gave a presentation and is seeking preliminary feedback from the Township Board for a 200-unit single-family home development on 157 acres on Sleeth Road in Commerce Township. He said the site is a former sand and gravel mine. They are proposing to complete the development under the Brownfield Tax Credit Program through the Oakland County Brownfield Authority in conjunction with the State of Michigan Land Bank. They are asking for input from the Township Board regarding its level of support of the Brownfield Tax option. Gary Jonna gave a presentation on the benefits to the Township.

Trustee Sovel likes the concept and the fact it is a low-density single-family development.

Trustee Berkheiser would like to see this move forward but would like to see a breakdown of how much of the money is true tax payer dollars versus project dollars.

Trustee Weber agrees with Trustee Berkheiser. He asked Mr. Milia if he is interested in purchasing the land to the east. Mr. Milia said he is not interested in that parcel. Trustee Weber is concerned whoever purchases the property to the east may also request a Brownfield Tax Credit because we approved one for this development. He would also like to see a breakdown of all costs and margins through the life of the project. With costs, he would specifically like to see the estimates of ordinary development costs versus extraordinary costs due to contamination.

Trustee Magner needs to review this further before she gives her support. Overall, she thinks this is a good use of the property.

Treasurer Phillips would like to see the numbers, rate of return and net present values before she gives her support.

Clerk Creech agrees with board members on the concept of the development and numbers.

7-14 PRESENTATIONS (Sleeth Road Gravel Pit Brownfield Development - continued)

Supervisor Scott likes the idea of the development and expansion of the sewer and water throughout the Township but would like the Township Attorney to review this first. The Township Attorney will review and report back to the Township Board.

ITEM 1:7-14 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the July 14, 2020 Regular Township Board of Trustees Meeting Agenda with the addition of ITEM 8 NEW BUSINESS N. Boy Scout Camping and O. Digital Meetings.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 2:7-14 PUBLIC COMMENTS

Supervisor Scott asked Ben Sebrowski, Director of Technology, if there was anyone who wanted to speak under Public Comments.

Kyrston Miller spoke of the Commerce Township Cemetery land restoration plans. She is upset the Township sold the land that belonged to Commerce Cemetery. She said some residents indicated to her they are also upset and said the land that was sold no longer provides the shade and peacefulness due to the lack of mature trees and the fact the walking path is now closer.

Christine Long, Oakland County Commissioner District 7, updated the Township Board on programs that can benefit the Township. She said Oakland County received \$219,000,000 federal money for the COVID-19 pandemic. The County Board set aside \$30,000,000 to reimburse Townships, Cities and Villages for expenditures because of the coronavirus. There is \$5,000,000 set aside specifically for senior centers. The contact person for reimbursement is Marcus Pearson 248-858-0593.

Ben Sebrowski, Director of Technology said there were no further raised hands.

Supervisor Scott closed Public Comments.

ITEM 3:7-14 PUBLIC HEARINGS

A. Establishment Resolution - Special Projects No. 45 SAD

Supervisor Scott opened the Public Hearing

Ben Sebrowski, Director of Technology said there were no raised hands.

Supervisor Scott closed the Public Hearing.

**ITEM 3:7-14 PUBLIC HEARINGS (Establishment Resolution - Special Projects No. 45
SAD – continued)**

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. 45.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:7-14 BOARD APPOINTMENTS

**A. Clarence Mills - Reappointment to the Zoning Board of Appeals for a 3-Year Term
expiring August 31, 2023.**

MOTION by Sovel, supported by Phillips, to reappoint Clarence Mills to the Zoning Board of Appeals for a 3-Year Term expiring August 31, 2023.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

**B. Samir Karim - Appointment to the Planning Commission for a Partial Term to
Expire September 30, 2021.**

Samir Karim was present.

MOTION by Weber, supported by Berkheiser, to appoint Samir Karim to the Planning Commission for a Partial Term to Expire September 30, 2021.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

**C. Chelsea Rebeck – Appointment to the Planning Commission for a Partial Term to
Expire October 31, 2020.**

Chelsea Rebeck was present.

MOTION by Scott, supported by Creech, to appoint Chelsea Rebeck to the Planning Commission for a Partial Term to Expire October 31, 2020.

ITEM 4:7-14 BOARD APPOINTMENTS (Chelsea Rebeck – Appointment to the Planning Commission for a Partial Term to Expire October 31, 2020 – Motion continued)

Trustee Weber said the Township has significantly benefited from Tom Jones service for the past 22 years as a member on the Planning Commission.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 5:7-14 CONTRACT AWARDS AND AGREEMENTS

A. Resolution – Agreement for CARES Act Distribution Between Oakland County and The Charter Township of Commerce

MOTION by Berkheiser, supported by Weber, to approve the Resolution of The Township Board of the Charter Township of Commerce to enter into the Agreement for Cares Act Distribution between Oakland County and The Charter Township of Commerce.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 6:7-14 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.049 – Budget Stabilization Fund

Hans Rentrop, Township Attorney explained the Ordinance and recommends approval.

MOTION by Phillips, supported by Berkheiser, 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. 1.049. Post and publish according to law.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:7-14 OLD BUSINESS

A. Sale of Old Library Site – Third Amendment to Option Agreement

MOTION by Weber, supported by Sovel, to approve the Third Amendment to Option Agreement by The Charter Township of Commerce and Commerce Downtown, LLC.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 8:7-14 NEW BUSINESS

A. Resolution – West Nile Virus Fund Expense Reimbursement Request

MOTION by Berkheiser, supported by Creech, to approve the Resolution Authorizing West Nile Virus Fund Expense Reimbursement Request.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. Concert in the Park 2020

Trustee Berkheiser said the Parks and Recreation Committee is seeking approval to cancel concerts in the park for the rest of the summer.

MOTION by Berkheiser, supported by Weber, to cancel the Concert in the Park Series for July 31, August 7 and 14, 2020.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

C. Tree Stump Removal – Hickory Glen Park

Trustee Berkheiser said the front section of Hickory Glen Park along Glengary Road has several stumps that need to be removed. The Parks and Recreation Committee recommends the low bidder, Jacob's Stump Removal for an amount not to exceed \$1,500.00.

MOTION by Berkheiser, supported by Magner, to award the contract to Jacob's Stump Removal at a cost not to exceed of \$1,500.00 for stump removal at Hickory Glen Park.

ITEM 8:7-14 NEW BUSINESS (Tree Stump Removal – Hickory Glen Park – Motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

D. Development Plan for Hickory Glen Park – Phase 1A

E. Development Plan for Richardson Community Center – Phase 1A

Emily England, Senior Director, said these are the same concept plans that were before the Township Board last month. The cost from livingLab to combine Hickory Glen Park and Richardson Community Center is \$15,000 if they present it before the Township Board or \$13,000 if they do not present it before the Township Board.

MOTION by Berkheiser, supported by Scott, to award the Development Plans for Hickory Glen Park, Phase 1A and the Richardson Community Center, Phase 1A to livingLab at an amount not to exceed \$15,000.

Discussion: Trustee Magner asked if the leagues will contribute any money towards the concept plan. She feels the leagues should be helping with the cost. Emily England, Senior Director said no they will not because this is for general use, not league specific.

ROLL CALL VOTE

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

NAYS: Magner

MOTION CARRIED

F. Library Staffing Recommendation

Alyson Lobert, Library Director, recommends combining the Youth/Teen Services Manager and the Adult Services Manager into one position: Head of Information Services. The Head of Information Services will supervise all of Commerce Township Community Library's librarians with an annual salary of \$65,000. In addition to this staffing modification representing a financial savings of nearly \$45,000 plus the added cost of benefits, this change will facilitate additional staffing flexibility and more collaboration between the two departments.

Trustee Berkheiser questioned the salary which is approximately 10% higher than what the Manager that will be taking this position made.

MOTION by Sovel, supported by Magner, to approve the recommendation of the Library Director to combine the Youth/Teen Services Manager and the Adult Services Manager into one position: Head of Information Services at an annual salary of \$65,000.

ITEM 8:7-14 NEW BUSINESS (Library Staffing Recommendation – Motion continued)

ROLL CALL VOTE

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

MOTION CARRIED

G. Resolution – Transfer of Excess Money in Budget Stabilization Fund

Hans Rentrop, Township Attorney, gave an explanation of the change to the numbers in the Resolution.

MOTION by Berkheiser, supported by Magner, to approve the Resolution of The Township Board of The Charter Township of Commerce Regarding Transfer of Excess Money in Budget Stabilization Fund Account with the amended numbers as presented.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

H. Resolution – Investment of Budget Stabilization Fund

MOTION by Phillips, supported by Scott, to approve the Resolution of The Township Board of The Charter Township of Commerce Regarding Investment of Budget Stabilization Fund.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

I. Annual Approval of Public Act 152

MOTION by Sovel, supported by Phillips, to exempt itself from the requirements of Michigan Public Act 152 of 2011 from an 80/20 Health Care Plan to a 90/10 (Township pays 90% and employee pays 10%) Health Care Plan, Township wide.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

ITEM 8:7-14 NEW BUSINESS (continued)

J. Resolution - Property Transfer Affidavit Penalty Waiver for Parcel No. 17-01-128-015

MOTION by Weber, supported by Scott, to approve the Resolution of the Township Board of The Charter Township of Commerce to waive the \$200.00 property transfer penalty on parcel 17-01-128-015.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

K. Resolution – Property Transfer Affidavit Penalty Waiver for Parcel No. 17-04-226-012

MOTION by Berkheiser, supported by Weber, to approve the Resolution of the Township Board of The Charter Township of Commerce to waive the \$130.00 Property Transfer Penalty on Parcel 17-04-226-012.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

L. Resolution – Affirming Limited Tax General Obligation Pledge by the Charter Township of Commerce in favor of Special Assessment Bonds

MOTION by Scott, supported by Sovel, to approve the Resolution Affirming Limited Tax General Obligation Pledge by the Charter Township of Commerce in favor of Special Assessment Bonds, Series 2020 (Limited Tax General Obligation).

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

M. Sale of Vacant Parcel – Annapolis

Supervisor Scott said Josh and Crystal Darling would like to purchase parcel #E-17-02-156-002 for \$2,000.00 to add to their current property at 342 Annapolis St., Commerce, MI.

Trustee Weber is not sure \$2,000 is a fair market value for this property. He would like to have Randy Thomas provide the Township Board with a fair market value. Once agreed upon, he would support the sale.

ITEM 8:7-14 NEW BUSINESS (Sale of Vacant Parcel - Annapolis - continued)

MOTION by Sovel, supported by Weber, to Table the purchase of parcel #E-17-02-156-0032 in order to obtain an independent evaluation and report back to the Township Board.

ROLL CALL VOTE

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

NAYS: Phillips

MOTION CARRIED

N. Boy Scout Camping

Trustee Berkheiser is requesting approval to hold an overnight Boy Scout camp on the back side of the Richardson Community Center near the lake on August 7 and 8, 2020 and a day camp from August 7–13, 2020. There should be no more than 10-15 Boy Scouts.

MOTION by Berkheiser, supported by Magner, to approve an overnight Boy Scout camp on the back side of the Richardson Community Center near the lake on August 7 and 8, 2020 along with a day camp from August 7–13, 2020.

Discussion: Clerk Creech is concerned this could create a precedence for overnight/day camping on Township property.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

O. Digital Meetings

Supervisor Scott said he asked Dave Campbell, Planning Director, to research companies that White Lake and Lyon Townships use to host our digital meetings. The Township Attorney will review contracts submitted by the company.

MOTION by Weber, supported by Magner, to authorize Supervisor Scott, under the emergency provision, to contract with an appropriate company to host our digital Township meetings until they are no longer required, in an amount not to exceed \$5,000.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 9:7-14 ORDERS

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

Discussion: Treasurer Phillips said Sherwood Acres SAD refund is removed because it requires a Resolution.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 10:7-14 OTHER MATTERS

Supervisor Scott

- If you have a topic you would like added to the Quarterly Meeting agenda, please forward it along with documentation to Clerk Creech asap.
- Graffiti at Bicentennial Park has been removed.
- Plant Moran Cresa had to withdraw from doing an assessment of Byers property tomorrow due to COVID-19. This will be rescheduled.
- We need to schedule dates to discuss the Township budget at the Quarterly Meeting.
- Temporary signage is being installed on the Michigan Airline Trail. It is an educational sign that will give safety procedures on utilizing the crossway light and entering a street with motorists.
- Maintenance will be done at Welch Road. The brush is very aggressive and close to the roadway.
- Someone attempted to vandalize the display painting installed by The Detroit Institute of Arts at the M5 Bridge and M5 trail.

Trustee Berkheiser

- There has been a couch and chairs on Commerce Road for a week. Supervisor Scott will take care of this.

Trustee Magner

- She was at Dodge Park two weeks ago and noticed there were no outhouses. Emily England said there are outhouses at the park now.
- The M5 Bridge is rusting. Supervisor Scott said they are working with MDOT to get that repaired.

Trustee Weber

- Asked Jason Mayer if we will install informational signs before construction of the Benstein water main. Jason said the Road Commission requires advanced signage and there will be updates posted on the Commerce Township website.
- Did we send any librarians to the ALA Conference in June? Alyson Lobert said the conference was cancelled.

ITEM 10:7-14 OTHER MATTERS (continued)

Clerk Creech

- We are over 9300 absentee ballots issued so far this election.
- She is seeking election workers. She said multiple people have dropped out of working the election most likely because of COVID-19.

ITEM 11:7-14 ADJOURNMENT

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

MOTION by Berkheiser, supported by Phillips, to adjourn the meeting at 10:48 p.m.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce