

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

June 14, 2022

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Larry Gray called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Larry Gray, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee
Robert Berkheiser, Trustee

Also Present: Hans Rentrop, Township Attorney
Dave Campbell, Planning Director
James Dundas, Fire Chief
Jay James, Building Official
Jason Mayer, Giffels Webster Engineers
Alyson Lobert, Library Director
Lt. Wendy Reyes, Oakland County Sheriff's Office

APPROVAL OF MINUTES

MOTION by Magner, supported by Sovel, to approve the May 10, 2022 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. OCSO NET Program

Lt. Jennings spoke about the benefits of Commerce Township's participation in the NET Program.

Supervisor Gray made a short presentation about Township actions to date regarding the conditions of a home in the Lake Sherwood subdivision.

ITEM 1:6-14 APPROVAL OF AGENDA

MOTION by Sovel, supported by Berkheiser, to approve the June 14, 2022 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:6-14 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Joel Hamp, 5605 Deerwood, spoke about the situation at the on Deerwood, saying there's drug and prostitution activity at all hours of the day and the police are there all the time. He said people are squatting there while the owner is in jail and one of those people threatened him earlier today.

Joli Hull, 5010 Winewood, spoke about the horrible condition of the property on Winewood. They've endured 2 1/2 years of feral cat smell with urine and feces everywhere. The smell is so bad they cannot use their own yard. It's a health and safety issue for the neighborhood.

Riley Bristow, 5010 Winewood, spoke about the horrible smell, how embarrassing it is, and how you have to run from your car, while holding your breath, directly into the house. She can't even open her windows.

Noah Arbit, resident of West Bloomfield, introduced himself to the board of Trustees and said he is running as a democrat for the 20th State House District.

Martha Klemmer, 2884 Tamwood, said the owner of the house on Winewood does not pay his dues or obey the rules. The home is completely unsanitary and the Health Department needs to check that house. Bats and cats are going in and out. We need strength, not a wimpy lawyer.

Cecilia Elliott, 5578 Deerwood, said that she has lived here for 25 years and it's disappointing to have drugs and prostitution in the area and she is worried about her special needs, non-verbal son. They can't use their pool, random people walk through their yard all the time. The cops indicated that at the last OD call, the conditions in the house were worse than expected.

Andy Sarkisian, 3398 Tiquewood, thanked Supervisor Gray for his help with Deerwood. He's lived in the township for 30 years and he loves Lake Sherwood and how active the community is. They love the community because it's away from the city and crime. The Winewood house is a habitual violator and is feeding the cats.

Gary Koch, 2978 Ravinewood, thanked Supervisor Gray for his help. The judge ordered the person on Winewood to stop feeding the feral cats and he has not stopped feeding them and there are 5 junk vehicles parked on the property. It's been almost a year and no progress has been made.

ITEM 2:6-14 PUBLIC COMMENTS continued

Craig Lundin, 2961 Barbwood Ct., said he's familiar with the conditions on Winewood and he talked to the wife and did the neighborly thing and offered to help clean up the yard and mow the lawn and the next day he received a restraining order via certified mail. The man on Winewood does not want to participate.

Greg Woelfel, 4911 Winewood, said he put out a feral cat trap and captured 5 feral cats which he took to Oakland County Animal Control. Their policy is to spay or neuter the feral cats and release them back at the same location, which does not help the situation.

Sue McFarland, spoke about the fact this property has been like this for years but it is worse now. The feral cats have reached a completely different level. The cats need to be removed safely. As a homeowner, for her it's been frustrating that there is a certain process that the Township needs to follow which has been very slow. The Township also said the HOA needed to do certain things and the HOA says they've done everything they can. It needs to be a joint effort of some sort. Her concern is this is precedent setting and this thing has been going on for years with no resolution. It's a nightmare and we need to expedite this. Why does it take years to fix? It's garbage.

Thea Vagiates, I live on Deerwood, that house on Deerwood is an active drug house. I strongly support the funding of NET. I support my neighbors comments regarding drugs and prostitution, I see it all day and night with young girls going into the house. There's serious safety concerns here.

Mike Loney, 2944 Barbwood, he purchased his house 8 months ago and he sees this as a blatant disregard for the HOA. The stench is so bad he can't even take walks in the neighborhood, now there's no trespassing signs in the yard. This is someone with a total disregard for others. When you go into a community you obey HOA laws.

Teresa Thompson, 3115 Ravinewood, unbelievable to her that it's gotten this bad. She doesn't understand how long things are taking. Are we going to wait until someone drowns in a neighbor's pool or a child is picked up off the street. She commends everyone's patience. She doesn't know who is supposed to take care of this but someone should, we all pay taxes, we all live in the same Township. If you were living next to the house on Deerwood or Winewood, it wouldn't be like this. It would've been taken care of. Why is nobody upset? What exactly are we waiting for? She's mortified, she moved out here to get away from the city. What is taking so long.

Bill Elliott, 5578 Deerwood, lives near the house everyone is talking about. What can we do to protect ourselves? He has a special needs son and a wife and he goes to work every day. That house is rocking and rolling all night long. They moved here to specifically stay away from the nonsense and nonsense has found them. He called 911 today and it took them at least 15 minutes to get here because of traffic. He can't use his pool, there's drug paraphernalia in the road.

ITEM 2:6-14 PUBLIC COMMENTS continued

Trustee Weber said we hear what you are saying on both Deerwood and Winewood and we sympathize and empathize with you. I take umbrage at the comment that if we were living on the street, it would be fixed tomorrow. We care but we have to go through the legal process. We as a local government can't go and evict somebody, as much as we would like to in certain cases. We have to go through the court system. And, yes, I did not realize the person on Winewood was an attorney, that yes if this is a game, we will play the game. We have our attorney here and we have started the process, the suits are in process, the fines are being applied. We have to do it through that process and if there was a mechanism to go faster, we would go faster. I agree that we did not go fast enough at first, we did not have our ordinance officers in place a few years ago. I commend Supervisor Gray who took the initiative to figure out how we can have an ordinance officer and how to actually fund 2 officers, not just to solve this issue on Winewood, which is not an isolated case. There are numerous properties within the Township where people let properties go and we are taking action on those as well. We do hear you, we empathize with you, we understand the urgency, and we are trying to expedite any urgency we can but the process to resolution has to go through the court system and we all know what that's going to be like. We are committed to it and we don't have another mechanism to make a person sell their property or to magically wave the wand and make the person go fix everything they're doing with the cats. I think the opportunity with Animal Control and the Humane Society – I will investigate that. I don't know if there's anything we can do with that or not. But if there's something on that avenue, we'll move with that.

A member of the public asked if the properties could be condemned?

Trustee Berkheiser answered that it is the same court process and it takes several years.

Shahnaz Atchoo, 5565 Deerwood, she has children who are 5 and 6 years old and they can't go outside, there are syringes on the ground. This disgusts her that they can't go outside and ride their bikes. There are hookers and drug dealers coming in and out of the street. It blows her mind that the legal system is this slow in trying to resolve this issue. They've been here 8 years and she's ready to pack up and get the hell out of Commerce because they are not gonna raise their kids with drug dealers and hookers on the same street as them. She's called the Oakland County Sheriff numerous times.

Steve Biebel, 5251 Starwood, said he's the current HOA president, and just wanted to let the Board know that Lake Sherwood has done its part. They've kept track of this house and provided information to the sheriff and they have a long significant history with this guy that's gone nowhere and they understand that government is going to move at the speed of government and they are going to be as patient as they can and do everything they can to help.

ITEM 2:6-14 PUBLIC COMMENTS continued

Charles Holmes, 1875 Union Lake Road, asked if the sidewalk study is complete. He likes to ride his bike along Union Lake Road near Union Lake but he's had a few close calls and had to stop riding his bike. When will the area be improved?

Trustee Sovel took his phone number and will contact Mr. Holmes.

Supervisor Gray closed Public Comments.

ITEM 3:6-14 CONTRACT AWARDS AND AGREEMENTS

A. Amendment No. 5 to Water Service Contract with GLWA

Jason Mayer, Giffels Webster, reviewed the updates in the amendment.

Motion by Magner, supported by Berkheiser, to approve Amendment No. 5 to Water Service Contract with GLWA. **MOTION CARRIED UNANIMOUSLY**

B. 2022-2024 Marine Patrol Services Agreement with Oakland County Sheriff's Office

Township Attorney Hans Rentrop summarized the agreement.

MOTION by Sovel, supported by Phillips, to approve the 2022-2024 Marine Patrol Services Agreement with Oakland County Sheriff's Office.

MOTION CARRIED UNANIMOUSLY

C. Program Year 2022 HIDTA Subrecipient Agreement with Oakland County

MOTION by Sovel, supported by Berkheiser, to approve the HIDTA Subrecipient Agreement with Oakland County.

MOTION CARRIED UNANIMOUSLY

ITEM 4:6-14 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 2021 to be Known as Fee Ordinance No. 2.022

Township Attorney Hans Rentrop reviewed the changes made to the fee ordinance:

- NSF fee corrected to \$25.00, maximum allowed by state law
- sidewalk permit fee does not include a performance fee for homeowners replacing a sidewalk
- container permit fee is a placeholder
- precious metal and gem dealer fee removed
- special event banner fee removed

Township Attorney Hans Rentrop noted the following changes would be made to the fee ordinance before the ordinance is adopted at the next regular meeting:

- the sidewalk ordinance and the administrative fee associated with it
- take a look at what the PC is doing in terms of possible changes regarding tractor trailers, storage trailers, the boy scout trailer, etc.

ITEM 4:6-14 INTRODUCTIONS (A. An Ordinance to Amend Ordinance No. 2021 to be Known as Fee Ordinance No. 2.022 continued)

MOTION by Magner, supported by Creech, to approve the Ordinance to Amend Ordinance No. 2.021 to be Known as Fee Ordinance 2.022 with attorney corrections as discussed.
MOTION CARRIED UNANIMOUSLY

ITEM 5:6-14 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.057 – Sidewalk and Recreational Pathways

Township Attorney Hans Rentrop reviewed the ordinance and indicated the concerns raised at last month's meeting were addressed.

MOTION by Berkheiser, supported by Weber, to adopt the Code of Ordinances known as Code Amendment No. 1.057 – Sidewalks and Recreational Pathways.
MOTION CARRIED UNANIMOUSLY

ITEM 6:6-14 CONSENT AGENDA

- A. Fireworks Permit – North Commerce Lake**
- B. Fireworks Permit – Edgewood Country Club**
- C. Fireworks Permit – Long Lake**
- D. Fireworks Permit – Lake Sherwood**

MOTION by Magner, supported by Sovel, to approve the Consent Agenda, as submitted

ROLL CALL VOTE:

AYES: Magner, Sovel, Creech, Berkheiser, Weber, Phillips, Gray
NAYS: None
ABSENT: None

MOTION CARRIED UNANIMOUSLY

ITEM 7:6-14 PURCHASES

A. Library New Book Display

Library Director Alyson Lobert indicated the Library Advisory Board approved the purchase of a new book display and she recommends Demco.

MOTION by Magner, supported by Creech, to approve the library new book display from Demco in an amount not to exceed \$8,000.00.

MOTION CARRIED UNANIMOUSLY

ITEM 7:6-14 PURCHASES (continued)

B. Self-Contained Breathing Apparatus – FEMA Grant with Matching Funds

Fire Chief Jim Dundas reviewed the purpose and the scope of the grant application and the award from FEMA. He asked the Board of Trustees to approve the Township's 10% share of the matching funds in the amount of \$46,200.00

MOTION by Weber, supported by Berkheiser, to approve up to \$47,000.00 for the 10% matching grant funds for the purchase of the self-contained breathing apparatus.

MOTION CARRIED UNANIMOUSLY

ITEM 8:6-14 OLD BUSINESS

A. Byer's Farm House

Supervisor Larry Gray indicated that the Daly Company is not responding back to our contract.

MOTION by Gray, supported by Berkheiser, to withdraw our contract discussions from the Daly Company and go out to bid for new vendors.

MOTION CARRIED UNANIMOUSLY

ITEM 9:6-14 NEW BUSINESS

A. Lawn Maintenance Services Agreement for Private Properties

Supervisor Gray indicated that Ordinance Officer Terry Long went out for bid and only 1 company responded –K&C Grounds Care, LLC. The Township has been operating under an expired agreement for about 10 years and it was time for an update. The agreement is for a 2-year term.

MOTION by Berkheiser, supported by Phillips, to approve the Lawn Maintenance Services Agreement for Private Properties. **MOTION CARRIED UNANIMOUSLY**

B. Township Hall Carpet and Flooring

Supervisor Gray indicated that last year the Township budgeted \$50,000.00 for new carpet throughout the building as well as \$7,000.00 for vinyl tiling at the entrances.

MOTION by Gray, supported by Creech, to go with Winton Design rolled carpet in an amount not to exceed \$30,000.00. **MOTION CARRIED UNANIMOUSLY**

MOTION by Gray, supported by Creech, to approve Winton Design for LVT flooring at both entrances to the Township Hall in an amount not to exceed \$5,200.00.

MOTION CARRIED UNANIMOUSLY

C. Township Hall HVAC Bids

Supervisor Gray indicated the township Hall HVAC system needs to be updated with HEPA filters and the roof-top units refurbished and he recommends using 911 Mechanical.

ITEM 9:6-14 NEW BUSINESS (C. Township Hall HVAC Bids continued)

MOTION by Weber, supported by Creech, to go with 911 Mechanical in an amount not to exceed \$19,000.00 to include maintenance agreement options 3 and 4.

MOTION CARRIED UNANIMOUSLY

D. Library Program Policy

Library Director Alyson Lobert explained this is a common policy for public libraries to have and it's a companion policy to the materials selection policy and the display policy.

MOTION by Magner, supported by Phillips, to approve the Library Program Policy as presented.

MOTION CARRIED UNANIMOUSLY

E. Planning Department 2022 Budget Amendment – Update to the 2015 Master Plan

Planning Director Dave Campbell requested a budget amendment to fund an update to the Township's Master Plan. After a series of meetings, the Planning Commission determined that a substantial update to the Master Plan is needed. Giffels Webster's scope of services include 4 phases: 1) refinement of existing conditions analysis and GIS mapping, 2) public involvement, vision, goals and objectives, 3) Master Plan updates – development areas and future land use map and, 4) a public hearing and adoption.

MOTION by Weber, supported by Creech, to fund up to \$84,000.00 to Giffels Webster to project manage the 2022 Master Plan update.

MOTION CARRIED UNANIMOUSLY

F. Intention Resolution – Lyniss Snow Plowing SAD

MOTION by Sovel, supported by Phillips, to approve the Intention Resolution to be Known as Lyniss Drive Snow Plowing Special Assessment District.

MOTION CARRIED UNANIMOUSLY

G. Intention Resolution –To Re-Establish Certain Dust Control SAD's

MOTION by Sovel, supported by Berkheiser, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Re-Establish Certain Dust Control Special Assessment Districts.

MOTION CARRIED UNANIMOUSLY

H. Intention Resolution – To Re-Establish Certain Street Lighting SAD's

MOTION by Sovel, supported by Creech, to Re-Establish the Certain Street Lighting SAD's.

MOTION CARRIED UNANIMOUSLY

ITEM 9:6-14 NEW BUSINESS (continued)

I. Intention Resolution – To Re-Establish Certain Snow Plowing SAD's

MOTION by Sovel, supported by Magner, to approve the Resolution of the Township Board Tentatively Declaring its Intention to Re-Establish Certain Snow Plowing Special Assessment Districts.
MOTION CARRIED UNANIMOUSLY

J. Intention Resolution – Fox Lake Aquatic Weed Control SAD 2023-2032

MOTION by Sovel, supported by Berkheiser, to approve the Fox Lake Aquatic Weed Control Special Assessment District, with the addition of the Township owned parcel.
MOTION CARRIED UNANIMOUSLY

K. Intention Resolution – Lower Straits Lake Aquatic Weed Control SAD 2023-2032

MOTION by Sovel, supported by Phillips, to approve the Resolution of the Charter Township of Commerce Tentatively Declaring its Intention to Establish a Special Assessment District to be Known as Lower Straits Lake Aquatic Weed Control Special Assessment District 2023-2032.
MOTION CARRIED UNANIMOUSLY

L. Intention Resolution – Reed Lake Aquatic Weed Control SAD 2023-2032

MOTION Sovel, supported by Phillips, to approve the Resolution of the Township Board to Tentatively Establish an SAD to be Known as Reed Lake Aquatic Weed Control Special Assessment District 2023-2032.
MOTION CARRIED UNANIMOUSLY

M. Intention Resolution – Chickory Lane Paving and Maintenance SAD 2023-2032

MOTION by Sovel, supported by Phillips, to approve the Intent Resolution to Establish a Special Assessment District to be Known as Chickory Lane Paving and Maintenance Special Assessment District.
MOTION CARRIED UNANIMOUSLY

ITEM 10:6-14 ORDERS

MOTION by Creech, supported by Magner, to approve the Orders and Add Ons.
MOTION CARRIED UNANIMOUSLY

ITEM 11:6-14 OTHER MATTERS

Trustee Weber –

- Suggested the compensation sub-committee should begin its work and thinks that supervisor Gray should be a member.

ITEM 11:6-14 OTHER MATTERS (continued)

Trustee Weber (continued) -

- There's a large fund balance in the Building Department, and there are limited uses for it, I suggest that a portion of it be used to waive the fee for the rental inspection ordinance if you register your property in the first 6 months.
- The People's Express contract is up in October.

Trustee Berkheiser –

- Asked if there is weekend enforcement of the sign ordinance? Supervisor Gray answered "yes".
- Is there an update for 5 and Main? Supervisor Gray indicated Bruce Aikens will update the Board at the July quarterly meeting.

Treasurer Phillips-

- The Township audit is complete. Does the Board have any items they would like additional information on?
- The NSF fee pre-printed on the tax bills as \$27.50 is incorrect and we are only charging \$25.00
- Do you want me to send out and RFP for new auditors? Or, negotiate a new 3-year contract with Plante Moran? Trustee Berkheiser asked for a 3-year proposal from Plante Moran.
- I've been looking at a system called Debt Book which manages all the Township's leases and complies with GASB 87.
- Our letter of understanding with PNC expires on 9-22. I would prefer not to do a banking RFP during tax season. I will ask for a proposal letter.
- I was certain someone would ask how much money we've been reimbursed from the HIDTA program and no one did but I have those numbers. We've paid \$5,000.00 in over-time and in 2018 we received \$30,899.00, in 2019 \$37,213.00, in 2020 \$34,964.00, and in 2021 \$24,184.00.

Clerk Creech-

- We have an issue with a cemetery in Commerce Memorial. Back in 1985 a family bought 2 lots and then sold one of the lots back to the Township. The information regarding the lot sell back to the Township was not communicated to Huron Cemetery Maintenance. Recently, the family, who originally bought both lots, buried their son in the lot they no longer own. Huron Cemetery Maintenance was unaware that the family no longer owned it. This family has suffered several tragedies in recent years.

MOTION by Weber, supported by Gray, to waive the fee from 1985, due to clerical error.

MOTION CARRIED UNANIMOUSLY

- The August Primary Election is in 50 days.

Trustee Sovel -

- Asked Lt. Reyes if it's possible, since school is out for the summer, to have the school resource officers patrol in Lake Sherwood? Lt. Reyes responded yes.

ITEM 11:6-14 OTHER MATTERS (continued)

Trustee Magner-

- Asked Lt. Reyes if it took officers 15 minutes to respond to a 911 call to a home in Lake Sherwood today? Lt. Reyes said it did not take 15 minutes according to the call logs.
- Asked if the Horse Farm is coming back to the Board? Trustee Berkheiser said the sub-committee is meeting next week.

Supervisor Gray-

- I asked the road Commission to do a study on Loop Road. The project came in at \$3 million. If we use tri-party funds, it will cost us \$427,000.00 out of pocket.
- The second round of ARPA money is coming by the end of July. A resident on Cardinal has asked for new cross-walks with flashing beacons near Dodge Park.
- We have 2 maintenance department job openings and we have received zero applications for part-time summer help. We are still looking for help at the Richardson Center and Molly has an opening in the Treasurer's Department.
- Had a meeting the other day with Spicer and the preliminary budget came in at \$1.5 million. We've removed some of the items to reduce the cost. We are right around \$1.25 million for the project. I've also pushed back the dates on bidding the project out.

Township Attorney Hans Rentrop circling back to the lawsuit we have ongoing with Joseph James vs. James Karol and Christine Karol. Their lawsuit is from when the sign with razor blades was removed by Jay James when he was the ordinance officer. The defendants' attorney has requested to take deposition of Larry Gray and David Scott, as supervisor and ex-officio supervisor. It is our recommendation that they be attended with an attorney to know what is going on in that deposition because it does pertain to Township business. I'm requesting approval for that.

MOTION by Magner, supported by Creech, to authorize the attorney to attend the depositions of the Township Supervisor and the ex-supervisor.

MOTION CARRIED UNANIMOUSLY

ITEM 12:6-14 CLOSED SESSION

A. Discuss Pending Litigation re: Outdoor One Communications, LLC vs. Charter Township of Commerce, Case No. 2:22-cv-10737-BAF-KGA

MOTION by Creech, supported by Berkheiser, to enter Closed Session.

ROLL CALL VOTE:

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

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

ITEM 12:6-14 CLOSED SESSION (A. Discuss Pending Litigation re: Outdoor One Communications, LLC vs. Charter Township of Commerce, Case No. 2:22-cv-10737-BAF-KGA continued)


Entered Closed Session at 10:40 p.m.
Returned from Closed Session at 11:15 p.m.

MOTION by Weber, supported by Berkheiser to adjourn from Closed Session and approve the Closed Session Minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Creech, supported by Berkheiser, to instruct the Township Attorney as discussed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:6-14 ADJOURNMENT

MOTION by Creech, supported by Berkheiser, to adjourn the meeting at 11:18 p.m. **MOTION CARRIED UNANIMOUSLY**



Melissa Creech, Clerk
Charter Township of Commerce