

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
February 13, 2024  
2009 Township Drive  
Commerce Township, Michigan 48390**

**CALL TO ORDER:** Supervisor Gray called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Present: Larry Gray, Supervisor  
Melissa Creech, Clerk  
Vanessa Magner, Trustee  
Rick Sovel, Trustee  
George Weber, Trustee

Absent: Molly Phillips, Treasurer (excused)  
Robert Berkheiser, Trustee (excused)

Also Present: Hans Rentrop, Township Attorney  
Jim Dundas, Fire Chief  
Emily England, Senior/Parks and Recreation Director  
Jay James, Building Official  
Jason Mayer, Giffels Webster Engineers  
Mark Schoder, Maintenance Director

**APPROVAL OF MINUTES**

**MOTION** by Creech, supported by Weber, to approve the January 9, 2024 Regular Township Board Meeting minutes, and the January 23, 2024 Quarterly Township Board Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

**ITEM 1:2-14 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Sovel, to approve the February 13, 2024 agenda. **MOTION CARRIED UNANIMOUSLY**

**ITEM 2:2-14 PUBLIC COMMENTS**

Supervisor Gray opened Public Comments and advised the public that speaking time is limited to 3 minutes. This is for public comments only.

Rusty Rosman, 1081 Island Drive, Commerce Township, MI, said she was recently appointed to the Oakland County Senior Advisory Council. Oakland County has launched a new grant program for local organizations that offer volunteer programs for

**ITEM 2:2-14 PUBLIC COMMENTS (continued)**

senior residents. The aim of the funding is to help organizations that rely on older adult volunteers expand their programming, as these programs have been slow to recover following the COVID-19 health crisis. Eligible applicants include Oakland County nonprofits that provide senior-centered services, such as food delivery, transportation, and home repairs, or have an existing senior volunteer program. Past recipients of Oakland County ARPA-funded grants are not eligible. All information about eligibility and requirements and to apply can be found at [www.oakgov.info/ARPAgrants](http://www.oakgov.info/ARPAgrants). This grant opportunity is for non-profit organizations that provide senior centered services in Oakland County to improve their evidence-based volunteer management practices and can be used for background checks screening, Outreach plan to increase number of volunteers and volunteer training.

Ajay Raman, Oakland County Commissioner District 14, said he wanted to address the upcoming renewal of the sheriff and fire dispatch contracts. The contracts were not approved by the Board of Commissioners. They are in the process of obtaining clarification of expenditures to make sure everything is accurate. He will report back to The Commerce Board of Trustees on their findings. He is on the Committee for the Acorn2Oak Grant Program that supports students aged 8 to 18. This pilot program offers up to \$1,000 start-up funding for Oakland County youth who are interested in starting their own business or community initiative, advancing their extracurricular talents, or pursuing educational opportunities. Applications are now open and additional details and FAQs for this program can be found at [acorn2oakgrant.com](http://acorn2oakgrant.com).

Supervisor Gray closed Public Comments.

**ITEM 3:2-14 PUBLIC HEARINGS**

**A. Roll Resolution for Special Projects No. 51 SAD**

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

**MOTION** by Sovel, supported by Magner, to Approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 51, post and publish according to law.

**ROLL CALL VOTE:**

**AYES:** Sovel, Magner, Weber, Creech, Gray

**NAYS:**

**ABSENT:** Berkheiser, Phillips

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:2-14 BOARD APPOINTMENTS**

**A. Barbara Rosman - Reappointment to the ZBA for a 3-Year Term Expiring March 31, 2027.**

Barbara Rosman was present.

**MOTION** by Gray, supported by Sovel, to Reappoint Barbara Rosman to the ZBA for a 3-Year Term Expiring March 31, 2027. **MOTION CARRIED UNANIMOUSLY**

**ITEM 5:2-14 CONTRACTS AWARDS AND AGREEMENTS**

**A. Oakley Park Road Pathway Contract**

Jason Mayer, Giffels Webster, said a total of five (5) bids were received, including bids for the base bid (pathways west of the Richardson Center driveway) and the alternate bid (new pathway east of the Richardson Center driveway). He recommends that the Township award the bid to the low bidder, Asphalt Specialists.

Emily England, Senior/Parks and Recreation Director, said the Pathways Work Group is still trying to figure out what the Township's priorities are. She recommends approval of the pathways west of the Richardson Center

**MOTION** by Weber, supported by Magner, to award the Oakley Park Road Pathway Construction Contract (Base bid, west of the Richardson Entrance), including connecting to the pickleball courts, to Asphalt Specialists in an amount not to exceed \$205,000.00. Funds to come from the Pathway Maintenance Fund.

Discussion took place on the best location for the pathways, combining the west and east portion right now, and costs involved.

Supervisor Gray would like to see both the west and east projects done right now. Clerk Creech agreed.

Supervisor Gray and Clerk Creech voted no.

**MOTION CARRIED**

**B. First Amended and Restated Interlocal Agreement – MALT Management Council**

Hans Rentrop, Township Attorney, said the agreement is necessary because of the withdrawal of the City of Walled Lake from the Trailway Council.

The City of Walled Lake is required to maintain the pathway that runs through Walled Lake and must continue to provide access to Commerce Township and the City of Wixom, via the pathway.

**MOTION** by Weber, supported by Creech, to approve the First Amended and Restated Interlocal Agreement Michigan Air Line Trailway Management Council and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

**ITEM 6:2-14 ADOPTIONS**

**A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.068 – International Property Maintenance Code**

**MOTION** by Magner, supported by Creech, 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. 1.068, 2024 International Property Maintenance Code, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**B. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.069 – Hardship Tax Exemptions**

**MOTION** by Magner, supported by Creech, 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. 1.069, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**C. An Ordinance to Amend the Code of Ordinances to be Known as The Charter Township of Commerce Fee Ordinance No. 2.027**

**MOTION** by Sovel, supported by Magner, to Adopt an Ordinance to Amend Ordinance No. 2.026 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.027, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:2-14 PURCHASES**

**A. ADA Accessible Picnic Tables – Parks and Recreation**

Emily England, Senior/Parks and Recreation Director, is requesting approval to purchase ADA Accessible picnic tables from Kay Park Recreation in the amount of \$19,989.30.

**MOTION** by Creech, supported by Magner, to approve the purchase of thirteen (13) ADA compliant picnic tables and six (6) wheelchair accessible picnic tables from Kay Park Recreation (quote 01232403MI dated 1-23-2024) in an amount not to exceed \$20,000.00. Funds to come from the General Fund.

**MOTION CARRIED UNANIMOUSLY**

**B. Maintenance Equipment – Maintenance Department**

Mark Schoder, Maintenance Director, is requesting approval to purchase a wood chipper from Morbark, a leaf vacuum from Weingartz, a blower from Mowers at Jacks, a dump trailer from Fenton Trailer, and a road grader from ABI Attachments, Inc.

Trustee Weber said the Bandit wood chipper is less money than the Morbark wood chipper. Mr. Schoder said either one would work but the Morbark is sturdier with a

**ITEM 7:2-14 PURCHASES (Maintenance Equipment – Maintenance Department continued)**

thicker barrel, although both wood chippers would work well. They have rented the Morbark in the past but not the Bandit.

Trustee Sovel recommends Mr. Schoder rent the Bandit wood chipper to see if it works as well as the Morbark chipper before we decide which one to purchase.

No action was taken on the wood chipper.

**MOTION** by Weber, supported by Creech, to approve the purchase of a leaf vacuum (Billy Goat bgdl1802ve) from Weingartz (Quote No. 20528728-00 dated 2-7-2024) in an amount not to exceed \$5,500.00. Funds to come from the Maintenance Capital Improvement Fund. **MOTION CARRIED UNANIMOUSLY**

**MOTION** by Gray, supported by Creech, to approve the purchase of a blower (Brown BVZ4000H with attachments) from Mowers at Jacks in an amount not to exceed \$22,500.00. Funds to come from the Maintenance Capital Improvement Fund. **MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Creech, to approve the purchase of a dump trailer (2023 Sure-Trac trailer, model ST8214tldd-b-140) from Fenton Trading Post, Inc. Trailer Sales in the amount of \$11,315.00. Funds to come from the Maintenance Capital Improvement Fund. **MOTION CARRIED UNANIMOUSLY**

Clerk Creech said in the quote from ABI Attachments for the road grader, tax was included, and needs to be removed.

**MOTION** by Weber, supported by Creech, to approve the purchase of a road grader (TR38.5C2 8.5' CAT2 TR3 rake) from ABI Attachments (Quote No. Q0424985 dated 1-16-2024) in an amount not to exceed \$9,200.00. Funds to come from the Maintenance Capital Improvement Fund. **MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Creech, to amend the Motion for the purchase of a dump trailer (2023 Sure-Trac trailer, model ST8214tldd-b-140) from Fenton Trading Post, Inc. Trailer Sales *in an amount not to exceed \$11,500.00*. Funds to come from the Maintenance Capital Improvement Fund. **MOTION CARRIED UNANIMOUSLY**

**ITEM 8:2-14 OLD BUSINESS**

**A. Road Intersection Study**

Supervisor Gray presented the Board with an agreement from OHM Advisors to provide design services for intersection studies at 1) Union Lake Road at Richardson Road 2) Oakley Park Road at Newton Road 3) Oakley Park Road at South Commerce Road (West Intersection) 4) Oakley Park Road at South Commerce Road (East Intersection) 5) Benstein Road at Loon Lake Road and, 6) Richardson Road at Newton Road for \$60,000. We can use Tri-Party funds for this study. The cost to the Township will be \$20,000.00.

**ITEM 8:2-14 OLD BUSINESS (Road Intersection Study continued)**

Trustee Sovel asked if the Road Commission for Oakland County (RCOC) will accept the recommendations from the study and allow us to use Tri-Party funds for the intersection projects. Supervisor Gray answered yes.

Trustee Weber would like to include Martin and Richardson Roads in this study because of potential development going in. Supervisor Gray will contact RCOC to see if they are going to move forward with a study for this area.

**MOTION** by Magner, supported by Creech, to approve the agreement with OHM Advisors for the Charter Township of Commerce Intersection Studies in an amount not to exceed \$60,000.00, and authorize the appropriate signatures.

Discussion – Trustee Weber Tri-Party funds are for road improvements and not for maintenance or repairs of roads. The RCOC keeps trying to get the Township to use Tri-Party Funds to repair county roads.

**MOTION CARRIED UNANIMOUSLY**

**B. Oakland County Sheriff's Office 2022-2024 Law Enforcement Services agreement Amendment 2**

Supervisor Gray said this is a Resolution for an additional Patrol Sergeant and the current contract we have with Oakland County.

**MOTION** by Sovel, supported by Weber, to approve the Resolution #2023-3705\_24-3 Amendment #2 for an additional Patrol Sergeant for the Oakland County Sheriff's Department and authorize the appropriate signatures.

Trustee Weber said we need clarification of the dollar amounts on the spreadsheet for Sheriff's Office – Amendment #2 to 2022-20254 Law Enforcement Services Agreement with the Charter Township of Commerce Schedule "A" Detail before we decide to approve or deny the Resolution.

Discussion ensued.

Supervisor Gray will contact Oakland County for clarification of the dollar amounts and report his findings back to the Board.

**MOTION FAILED due to lack of support.**

No action taken

**ITEM 9:2-14 NEW BUSINESS**

**A. DDA Cash Advance**

Supervisor Gray said the DDA is requesting a cash advance of \$1,600,000.00.

**MOTION** by Weber, supported by Sovel, to approve a cash advance of \$1,600,000.00 to the DDA. **MOTION CARRIED UNANIMOUSLY**

**B. Giffels Webster Engineering Consulting Agreement Request to Extend Existing Contract**

Jason Mayer, Giffels Webster, would like to extend their Engineering Consulting Agreement with the Township through the end of 2029.

Trustee Weber appreciates all the work Giffels Webster does for the Township. As we look at projects, generally the engineering expenses are 20% of the total cost. When the total project costs go up, design engineering costs go up as well. Billing is based on actual hours it takes by Giffels Webster to complete the project. Is the 20% a correct figure or should it be less because, in theory, it will still take the same number of hours to complete the project. Will we see an actual reconciliation of costs by Giffels Webster on a project?

Jason Mayer said engineering costs are typically 15 – 18% of the total cost. He provides Emily England with summaries at the end of every project. He also provides summaries to Treasurer Phillips on SAD's. If the budget summary has more than 5% left, it will be refunded to the participants. The budget that is projected is a "not to exceed budget" and is billed hourly. He can print out a report on the hours spent on a project along with the rates for the Board's review.

**MOTION** by Sovel, supported by Gray, to approve extension of the contract with Giffels Webster to expire on 12-31-2028 at the proposed hourly rates for 2024 and then a 2.5% increase starting annually in January 2025. **MOTION CARRIED UNANIMOUSLY**

**C. Commerce Library Sidewalk Extension Design**

Jason Mayer, Giffels Webster, is requesting approval to move forward with the design engineering and geotechnical services for the Commerce Library sidewalk extension at a cost not to exceed \$90,000.00. Commerce Township received a \$1,000,000.00 grant for the Commerce Library sidewalk extension.

Trustee Weber asked if we can put the section that is west of South Commerce Road on north side of Commerce Road? This will provide an access point from the school to the library. Existing plans for pathways are all on the north side of Commerce Road.

Discussion took place on easement and permit issues, and flood plain/wetlands if the sidewalk is on the north side of Commerce Road.

Emily England, Senior/Parks and Recreation Director, answered questions from the Board.

**ITEM 9:2-14 NEW BUSINESS (Commerce Library Sidewalk Extension Design continued)**

**MOTION** by Sovel, supported by Magner, to move forward with the design engineering and geotechnical services for the Commerce Library sidewalk extension by Giffels Webster at a cost not to exceed \$90,000.00. **MOTION CARRIED UNANIMOUSLY**

**D. Union Lake ADA Kayak Launch**

Emily England, Senior/Parks and Recreation Director, is requesting approval to move forward with the design engineering portion of the Union Lake ADA Kayak Launch project at a cost not to exceed \$19,000.00.

**MOTION** by Gray, supported by Weber, to move forward with the design engineering portion of the Union Lake ADA Kayak Launch project at a cost not to exceed \$19,000.00. **MOTION CARRIED UNANIMOUSLY**

**E. Actuarial Analysis of MER Account**

Treasurer Phillips submitted a memo to the Board regarding an update on actuarial services. She contacted the firm that did our last actuarial evaluation to get an estimated cost and received no response after three attempts. She contacted Watkins Ross and they will do an actuarial evaluation for the 2023 full review, and roll that information forward to 2024 reporting requirements at a cost of \$7,200 for the two years.

**ITEM 10:2-14 ORDERS AND ADD ONS**

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

**ITEM 11:2-14 OTHER MATTERS**

Trustee Weber –

- We need to meet with the new Superintendent of Walled Lake School District to discuss the property south of Victory Park.

Trustee Sovel -

- When we allow someone to speak under Public Comments do we need to let them know their comments will be a part of the minutes and are public record? Also, does the law require they give us their name and address? Hans Rentrop said you can advise them that their comments will be a part of public record if you want to. The law does not require they give their name and address. Public comments are put in the minutes and are not verbatim but are a summary of what they said, regardless of whether they gave their name and address or not.

Clerk Creech –

- There will be a special election held on May 7, 2024 for school districts in Commerce Township.
- The 2<sup>nd</sup> annual shredding day will be held on June 15, 2024.



**ITEM 11:2-14 OTHER MATTERS (continued)**

Supervisor Gray –

- The Silo Ranch has 27 horses at the facility. They have a trainer that will be teaching classes. There will be an Easter Egg Hunt on March 16, 2024. 4H Informational meetings are held at the ranch. Future Farmers of America are welcome at the ranch. They will sell community garden plots
- The Township will participate in a program called Dr. Shrink. In March we will begin selling bags for \$8 to put your boat's used shrink wrap covers in. There will be a disposal area at the Township Hall where you can drop off your bag(s) for recycling.
- The Fire Dispatch Contract's new rates will begin in March 2024 at \$40.19 per call. He will meet with the Sheriff's Department on Thursday, February 15, 2024 to discuss dispatch expenses.
- He has not heard back from school officials on Resource Officers.

**ITEM 12:2-13 CLOSED SESSION**

**A. Discuss Pending Litigation and Real Estate Appraisal Services re: Lake (Commerce), LLC v. Charter Township of Commerce; MTT Docket No 23-002669**

**MOTION** by Creech, supported by Magner, to enter into Closed Session for the purpose of discussing pending litigation and real estate appraisal services re: Lake (Commerce), LLC v. Charter Township of Commerce; MTT Docket No 23-002669.

**ROLL CALL VOTE:**

**AYES:** Creech, Magner, Weber, Sovel, Gray

**NAYS:**

**ABSENT:** Berkheiser, Phillips

**MOTION CARRIED UNANIMOUSLY**

Entered Closed Session 9:05 p.m.

Returned from Closed Session 9:24 p.m.

**MOTION** by Gray, supported by Creech, to adjourn from Closed Session and approve the Closed Session minutes.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Creech, supported by Gray, to direct the Township Attorney to proceed as discussed in Closed Session.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:2-14 ADJOURNMENT**

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

**MOTION** by Creech, supported by Magner, to adjourn at 9:25 p.m.

**MOTION CARRIED UNANIMOUSLY**



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Melissa Creech, Clerk  
Charter Township of Commerce