

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
June 13, 2023
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
Robert Berkheiser, Trustee
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney
Dave Campbell, Planning Director
Jim Dundas, Fire Chief
Emily England, Senior/Parks and Recreation Director
Jay James, Building Official
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Mark Schoder, Maintenance Director
Janet Bushey, Finance/HR Director

APPROVAL OF MINUTES

MOTION by Magner, supported by Creech, to approve the May 9, 2023 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

RESOLUTION OF RECOGNITION

A. Friends of the Library

Supervisor Gray read the Resolution and presented it to the Friends of the Library.

MOTION by Phillips, supported by Magner, to approve the Resolution recognizing and commending the Friends of the Commerce Township Community Library for their 17 years of outstanding community service and contributions.

MOTION CARRIED UNANIMOUSLY

B. Janet Bushey

Supervisor Gray read the Resolution and presented it to Janet Bushey.

MOTION by Creech, supported by Phillips, to approve the Resolution by the Commerce Township Board of Trustees to extend to Janet Bushey their sincere and grateful appreciation for her 27 years of dedicated service to The Charter Township of Commerce, congratulations on her well-earned retirement, and their best wishes to her and her family for continued success, happiness, and good health in the years to come.

MOTION CARRIED UNANIMOUSLY

ITEM 1:6-13 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the June 13, 2023 agenda with the addition of **B. Township Property Sale** under **ITEM 8:6-13 OLD BUSINESS**.

MOTION CARRIED UNANIMOUSLY

ITEM 2:6-13 PUBLIC COMMENTS

Supervisor Gray opened Public Comments and advised the public that this is for public comments only and will be limited to 2 minutes for each person.

A resident who did not want her name in the minutes asked how much money the Township spent on the M-5 sign? Supervisor Gray informed her this portion of the meeting is for public comments only and was not for questions/answers. She stated the Township is denying residents a walkway along Benstein Road but can pay for a sign on M-5. She would like to have a continuing walkway on Benstein Road.

Supervisor Gray closed Public Comments.

ITEM 3:6-13 PUBLIC HEARINGS

A. Roll Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated First Amended and Restated Lower Straits Lake Aquatic Weed Control Special Assessment District (2023 – 2032)

ITEM 3:6-13 PUBLIC HEARINGS (Roll Resolution – First Amended and Restated Lower Straits Lake Aquatic Weed Control SAD motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:6-13 CONTRACT AWARDS AND AGREEMENTS

A. CDBG Cooperation Agreement

Hans Rentrop, Township Attorney, said Oakland County Neighborhood & Housing Development would like the Township to continue participating in the Oakland County Urban County Community Development Block Grant (CDBG) program for the years 2024-2026.

MOTION by Berkheiser, supported by Magner, to approve the Resolution of The Township Board of The Charter Township of Commerce Authorizing Participation in The Oakland County, Michigan Urban County Community Development Block Grant Program, Program Years 2024-2026. **MOTION CARRIED UNANIMOUSLY**

B. Proposed Electric Vehicle Charging Station Agreement – Charge EV, LLC

Hans Rentrop, Township Attorney, presented the Charging Station Agreement proposed by Charge EV, LLC and a redline of the proposed Agreement with his suggested changes.

Supervisor Gray said there is no cost to the Township. This is through the GM program and dealerships will sponsor the electric vehicle charging stations. The Township will have to maintain the area around the charging stations. The locations for the charging stations could be the Township Library, Township Hall, and Scarlet's Playground.

Hans Rentrop, Township Attorney, advised the Board that the placement of the charging stations would not be allowed at Scarlet's Playground because of deed restrictions.

Trustee Weber feels this would be of value to the Township. His concerns with the agreement are: 1) the definition of maintenance seems a little broad, it appears they want to be able to get out of the agreement if they did not like the amount of use that was happening with the charging stations, 2) there is no mention of the rates that will be charged and if they will be competitive, and 3) should we accept this or is this something we should bid out since this is for a 10-year term with 5 year extensions?

Hans Rentrop, Township Attorney, advised the Board that the Township will be leasing their property for a commercial business, and consider the possibility that other commercial businesses may want to lease Township property.

ITEM 4:6-13 CONTRACT AWARDS AND AGREEMENTS (Proposed Electric Vehicle Charging Station Agreement – Charge EV, LLC continued)

Trustee Sovel asked if the charging stations are installed and then we feel there is a better area in the Township, can we change the location? Hans Rentrop, Township Attorney said yes, you can always negotiate a contract.

Trustee Berkheiser is not in favor of this but since GM is putting these in, will there be one hook up just for GM vehicles or will there be hook ups to accommodate all electric vehicles? He is also concerned with 1) the amount of time (30 days) the charging stations would be repaired in the event of a breakdown, and 2) installing the stations in a busy location like Dodge Park will take away from regular parking areas.

Trustee Magner asked if Charge EV, LLC reviewed the changes made to the agreement? Mr. Rentrop said he wanted the Board's input first before he presented the agreement to them.

Supervisor Gray will have answers to the Board's questions at the next Township Board meeting.

Discussion took place on locations in the Township that would be appropriate for the charging stations.

No action taken.

ITEM 5:6-13 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.065- Provide Procedure to Abate Ongoing Public Nuisances

Supervisor Gray gave an update. He said there are two residents that will participate in the group. Members of the group are Molly Phillips, Rick Sovel, Vanessa Magner, Kim Meharg, Betsy LaFond, and Jay James.

ITEM 6:6-13 ADOPTIONS

A. An Ordinance to Amend Articles 2, 5, 14, 15, and 26 of Zoning Ordinance 3.00 to Be Known as Zoning Amendment Ordinance 3.061 – Special Land Use for Smoke Shops.

David Campbell, Planning Director, explained the Ordinance. The Planning Commission recommends approval.

General discussion took place i.e., definition of smoke shops, illegal sale of products, sale to minors, regular review of businesses, violation/enforcement of the Ordinance.

ITEM 6:6-13 ADOPTIONS (An Ordinance to Amend Articles 2, 5, 14, 15, and 26 of Zoning Ordinance 3.00 to Be Known as Zoning Amendment Ordinance 3.061 – Special Land Use for Smoke Shops continued)

Changes discussed: Section 2 – Amendment, Smoke Shops - Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, synthetic marijuana and/or tobacco or marijuana paraphernalia and from which more than 51% of the total gross receipts and real estate, income/ sales, are derived from the sale of tobacco products, vapor products, nicotine products, and/or alternative nicotine products.

MOTION by Weber, supported by Berkheiser, to Adopt an Ordinance to Amend Articles 2, 5, 14, 15 and 26, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 3.061, special land use for smoke shops, including the language change as discussed. Post and publish according to law.
MOTION CARRIED UNANIMOUSLY

ITEM 7:6-13 CONSENT AGENDA

- A. Application for Alcoholic Liquors Special Permit – Multi-Lakes Eastern MI Camaro Club**
- B. Application for Alcoholic Liquors Special Permit – Multi-Lakes Annual Good Old Days**
- C. Fireworks Permit – Edgewood**
- D. Fireworks Permit – Long Lake**
- E. Fireworks Permit – North Commerce Lake**
- F. Fireworks Permit – Lake Sherwood**
- G. ~~Compliance of Act 152 Employee Health Care~~**

Trustee Berkheiser would like G. Compliance of Act 152 Employee Health Care removed from the Consent Agenda.

MOTION by Magner, supported by Creech, to approve the Consent Agenda with the removal of G. Compliance of Act 152 Employee Health Care.

MOTION CARRIED UNANIMOUSLY

G. Compliance of Act 152 Employee Health Care

Trustee Berkheiser feels strongly that the Township should pay 80% and the employees pay 20% of health care.

MOTION by Sovel, supported by Magner 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.

Trustee Berkheiser voted no

MOTION CARRIED

ITEM 8:6-13 OLD BUSINESS

A. Road Commission for Oakland County (RCOC) Projects

Union Lake & Richardson – Lengthen/extend SB RT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request.)

Oakley Park & Newton – Lengthen/extend SB RT lane and WB RT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request.)

Oakley Park & South Commerce (East Int.) – Lengthen/extend EB RT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request.)

Oakley Park & South Commerce (West Int.) – Lengthen/extend SB RT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request. May want to also lengthen/extend the WB RT lane.)

Commerce & Sleeth/Commerce - Lengthen/extend SB RT lane and WB RT lane (RCOC conclusion: Intersection study to be done in 2024.)

Commerce & Glengary – Add dedicated NB LT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request.)

Benstein & Loon Lake – Add dedicated NB LT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request.)

Richardson & Newton – Add dedicated SB LT lane (RCOC conclusion: No intersection study will be done. It is up to Commerce Twp. if they want to proceed with request.)

Supervisor Gray talked to Tom Noechel, RCOC, about widening Richardson Road from Martin Parkway to Union Lake Road. Mr. Noechel said we could probably do this, but he wanted input from the Township Board if they want him to do a cost analysis study. The Board is in favor of the study.

B. Township Property Sale

Supervisor Gray said we received 3 offers to purchase on Township owned property.

A cash offer of \$250,000, with no inspection, for 740 Glengary Road.

A cash offer of \$90,000, with no conditions, for Parcel B, behind the log cabin house on 740 Glengary Road.

A cash offer of \$41,000, with no conditions, for 485 W. Beechdale Street.

ITEM 8:6-13 OLD BUSINESS (Township Property Sale continued)

MOTION by Berkheiser, supported by Phillips, to accept the Offer to Purchase from Joseph Schulist, on behalf of an entity to be formed, the sum of \$250,000 for 740 Glengary Road, E-17-22-201-005 (known as the Log Cabin).

MOTION CARRIED UNANIMOUSLY

MOTION by Berkheiser, supported by Weber, to accept the Offer to Purchase from Sheba Roy and Qasim Arshed the sum of \$90,000 for Parcel B on Log Cabin Drive.

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Creech, to accept the Offer to Purchase from Vincent Pipitone the sum of \$41,000 for 485 W. Beechdale Street, E-17-03-431-004.

MOTION CARRIED UNANIMOUSLY

ITEM 9:6-13 NEW BUSINESS

A. Charitable Gaming Application – Words of Hope 4 Life

Clerk Creech said all the documentation needed was received.

MOTION by Magner, supported by Creech, to approve the Local Governing Body Resolution for Charitable Gaming Licenses to Words of Hope 4 Life.

MOTION CARRIED UNANIMOUSLY

B. Intention Resolution – Special Projects No. 50 SAD

Treasurer Phillips said there was a 6th parcel (E1710351037) that needs to be included in the Resolution.

MOTION by Berkheiser, supported by Sovel, to approve the 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 Special Projects No. 50 with the addition of the 6th parcel (E1710351037).

MOTION CARRIED UNANIMOUSLY

C. Entry Signage/Partnership with City of Novi

Supervisor Gray said in 2009 we partnered with The City of Novi to include a “Welcome to Commerce Township” face to the back of the sign in the M-5 median just south of Fourteen Mile Road. The sign had been damaged and removed. The City of Novi is putting the welcome sign back up and are asking us to pay 25% of the cost.

MOTION by Weber, supported by Creech, to authorize the Supervisor to pay 25% of \$22,519.00 to The City of Novi for the Welcome sign in the M-5 median just south of Fourteen Mile Road.

MOTION CARRIED UNANIMOUSLY

ITEM 9:6-13 NEW BUSINESS continued

D. Richardson Community Center Policy Update

Hans Rentrop, Township Attorney, presented the Richardson Community Center Policy for the Board's review and approval. Angel Food Catering, LLC is no longer servicing the Richardson Center, so we need to revisit this. When alcohol consumption is contemplated, a liquor license is required when (a) money is changing hands in any form and/or (b) when the event is open to the public. For private events where the renter wants to provide alcohol as part of the event and seeks no compensation in any form, the service of alcohol without a liquor license is permitted. A liquor license is required if the host seeks or receives compensation in any manner. This means there can be no cash bar, no ticket to get into the event, and no contributions from guests. If the host does not want to personally purchase and/or serve the alcohol, he or she must engage the services of a catering company with a catering permit issued by the Michigan Liquor Control Commission.

MOTION by Weber, supported by Berkheiser, to modify the Charter Township of Commerce Richardson Community Center Policy to increase the deposit to \$500 if the renter provides alcohol and provide a liability insurance policy as defined in the Township Ordinance. **MOTION CARRIED UNANIMOUSLY**

E. ARPA Funds

Treasurer Phillips said during pre-audit discussions last year, it was brought to her attention that we never had a formal resolution for our ARPA funds.

MOTION by Berkheiser, supported by Weber, to approve previous expenditures of ARPA funds and to allocate the remaining ARPA Funds as provided by the Township Treasurer. **MOTION CARRIED UNANIMOUSLY**

F. Sealcoating Quotations

Supervisor Gray said the Township received 3 quotes for sealcoating the Township Hall, Richardson Community Senior Center, Dodge Park and the Library.

Mark Schoder, Maintenance Director, was present to answer questions of the Board.

MOTION by Berkheiser, supported by Magner, to award the sealcoat project for 2009 Township Drive (Township Hall), Richardson Community Senior Center, 4380 S. Commerce Road (Dodge Park) and 180 Commerce Road (Library) to Best Asphalt in an amount not to exceed \$60,000. **MOTION CARRIED UNANIMOUSLY**

ITEM 10:6-13 ORDERS

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

ITEM 11:6-13 OTHER MATTERS

Trustee Weber –

- Asked when we will see an update from the Ordinance Officers on people encroaching on Township property. Supervisor Gray said he is working on this. There were 10 letters sent out.

Trustee Berkheiser –

- Said Great Lakes Water Authority settlement was 24 million dollars. He thought the original price was 54 million dollars Who is paying the other 30 million dollars? Jason Mayer, Giffels Webster Engineers will find out and report back at the next Board meeting.

Clerk Creech –

- Said the first residential shredding day will be held on Saturday, June 17, 2023, from 9 am – 1 pm at the Township Hall parking lot.

Supervisor Gray –

- In the process of reviewing Township paperwork that can be shredded.
- We received an email from Oakland County regarding the Oakland County Senior grant for \$250,000. He would like a Motion authorizing his signature on the documents.

MOTION by Berkheiser, supported by Weber, to approve the Increment Roll Agreement for Local Fiscal Recovery Fund Distribution of Oakland County and Richardson Senior Center First Amendment contingent on Township Attorney approval along with Supervisor Larry Gray's approval and signature.

MOTION CARRIED UNANIMOUSLY

ITEM 12:6-13 ADJOURNMENT

MOTION by Magner, supported by Creech, to adjourn the meeting at 8:50 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce