

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
April 11, 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  
John Kummer, Township Attorney  
Dave Campbell, Planning Director  
Jim Dundas, Fire Chief  
Jay James, Building Official  
Alyson Lobert, Library Director  
Jason Mayer, Giffels Webster Engineers  
Mark Schoder, Maintenance Director  
Katelyn Massey, Assistant Finance/HR

**APPROVAL OF MINUTES**

**MOTION** by Magner, supported by Creech, to approve the March 14, 2023 Regular Township Board Meeting minutes, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 1:4-11 APPROVAL OF AGENDA**

**MOTION** by Sovel, supported by Magner, to approve the April 11, 2023 agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:4-11 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.

Jim Cote, 2893 Sleeth Road, Commerce Township, has concerns with the construction going on from the Crystal Lake project. He lives across the street from the entrance to the project. There is so much dirt and mud that tracks out of site onto the road. Every time it rains the dirt goes down the road and into his and his neighbor's house and garage. Dust from the site falls onto his property and also gets into his air conditioner causing it to stop working.

Ken Gignac, 2877 Sleeth Road, Commerce Township, said he agrees with Mr. Cote's comments. He does not understand why the entrance to the Crystal Lake project was put in front of their homes instead of down the road where there is vacant land.

Supervisor Gray will contact the contractor.

Supervisor Gray closed Public Comments.

**ITEM 3:4-11 PUBLIC HEARINGS**

**A. Roll Resolution – Lagoon & Point Streets Sanitary Sewer SAD**

Supervisor Gray opened the Public Hearing.

William Josephson, 1873 Point St., Commerce Township, said he owns 3 parcels. He has a house on one parcel and a garage on another parcel. He has been told that he will be charged twice for the SAD. Jay James, Building Official, said the parcel with a garage is a separate buildable parcel and that is why it is included in the SAD along with the parcel his house is on.

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 Lagoon & Point Streets Sanitary Sewer Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Roll Resolution – Whitlow Court Paving SAD**

Supervisor Gray opened the Public Hearing.

Scott Rauch, 4950 Whitlow Ct., Commerce Township, in support.

**ITEM 3:4-11 PUBLIC HEARINGS (Roll Resolution – Whitlow Court Paving SAD continued)**

Gerald Fowler, 4962 Whitlow Ct., Commerce Township, in support.  
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 Whitlow Court Paving Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:4-11 BOARD APPOINTMENTS**

**A. William Petsch – Reappointment to the Parks and Recreation Committee for a 4-year term expiring May 31, 2027.**

**MOTION** by Gray, supported by Weber, to Reappoint William Petsch to the Parks and Recreation Committee for a 4-year term expiring May 31, 2027.

**MOTION CARRIED UNANIMOUSLY**

**B. Shane Lakner - Reappointment to the Library Advisory Board for a 3-year term expiring May 31, 2026.**

Shane Lakner was present.

**MOTION** by Gray, supported by Magner, to Reappoint Shane Lakner to the Library Advisory Board for a 3-year term expiring May 31, 2026.

**MOTION CARRIED UNANIMOUSLY**

**C. Donald Petersen - Reappointment to the Library Advisory Board for a 3-year term expiring May 31, 2026.**

Donald Petersen was present.

**MOTION** by Gray, supported by Magner, to Reappoint Donald Petersen to the Library Advisory Board for a 3-year term expiring May 31, 2026.

**MOTION CARRIED UNANIMOUSLY**

**D. Steven Matta - Reappointment to the Downtown Development Authority for a 4-year term expiring May 31, 2027.**

Steven Matta was present.

**MOTION** by Gray, supported by Sovel, to Reappoint Steven Matta to the Downtown Development Authority for a 4-year term expiring May 31, 2027.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:4-11 BOARD APPOINTMENTS (continued)**

**E. David Smith - Reappointment to the Downtown Development Authority for a 4-year term expiring May 31, 2027.**

David Smith was present.

**MOTION** by Gray, supported by Phillips, to Reappoint David Smith to the Downtown Development Authority for a 4-year term expiring May 31, 2027.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:4-11 CONTRACT AWARDS AND AGREEMENTS**

**A. USF Water and Wastewater Rate Studies Contract Award**

Jason Mayer, Giffels Webster Engineers, said the Township asked Dawn Lund, Vice President, Utility Financial Solutions, LLC (UFS) to provide us with a proposal that includes 1) The annual rate study for water and sewer 2) An analysis of lateral benefit charges and 3) An analysis of the minimum water usage that is in our Fee Ordinance.

Trustee Sovel said we are paying \$33,500 to UFS for their services plus \$2,500 to present the report to the Township Board. He feels it is unacceptable to charge us \$2,500 for Dawn Lund to give a presentation before the Board.

**MOTION** by Sovel, supported by Creech, to approve and authorize the appropriate signatures for the proposal submitted by Utility Financial Solutions, LLC, to provide water and wastewater financial update and review of lateral charges and the minimum included in the customer charge. Payment shall be: \$19,500 from the Water Fund and \$14,000 from the Sewer Fund. The fee for an on-site presentation by Dawn Lund shall be eliminated.

**ROLL CALL VOTE**

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

**NAYS:** Phillips, Berkheiser

**MOTION CARRIED**

**B. Lagoon & Point Streets Sanitary Sewer SAD Contract Award**

Jason Mayer, Giffels Webster Engineers, advised the Board that four (4) bids were received for the construction contract for Lagoon and Point Sanitary Sewer SAD. He recommends awarding the bid to the lowest bidder, D'Angelo Brothers in the amount of \$299,882.00. The total project cost shall not exceed \$421,137.36.

**MOTION** by Magner, supported by Berkheiser, to award the Lagoon & Point Sanitary Sewer SAD Contract to D'Angelo Brothers, with engineering and contingencies included, in an amount not to exceed \$421,138.00.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:4-11 CONTRACT AWARDS AND AGREEMENTS (continued)**

**C. Whitlow Court Paving SAD Contract Award**

Jason Mayer, Giffels Webster Engineers, advised the Board that nine (9) bids were received for the construction contract for Whitlow Court Paving SAD. He recommends awarding the bid to the lowest bidder, Best Asphalt Inc. in the amount of \$154,870.00. The total project cost shall not exceed \$225,712.00.

**MOTION** by Berkheiser, supported by Phillips, to award the Whitlow Court Paving SAD Contract to Best Asphalt Inc. in the amount of \$154,870.00. The total project cost shall not exceed \$225,712.00. **MOTION CARRIED UNANIMOUSLY**

**ITEM 6:4-11 INTRODUCTIONS**

**A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.062 – Require FOIA Requests to be Submitted in Writing.**

Hans Rentrop, Township Attorney, explained the Code Amendment Ordinance.

**MOTION** by Sovel, supported by Creech, 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. 1.062. 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 1.063 – Septic Inspections**

Hans Rentrop, Township Attorney, explained the Code Amendment Ordinance.

Jay James, Building Official, advised the Board this will eliminate the five-year requirement to pump the disposal system and sending a copy of the pump out bill to the Building Department.

**MOTION** by Sovel, supported by Phillips, 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. 1.063. Post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

**C. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.064 – Residential Property Leasing Regulations**

John Kummer, Township Attorney, advised the Board the Ordinance provides for new regulations for the leasing of residential properties within the Township.

Discussion took place on the privacy of a residential homeowner/renter when inspections are done.

Jay James, Building Official, will provide, to the Board, a preliminary checklist of what they will be looking at during an inspection. **No action taken.**

**ITEM 6:4-11 INTRODUCTIONS (continued)**

**D. An Ordinance to Amend Ordinance No. 2.023 to be Known as Fee Ordinance 2.024**

John Kummer, Township Attorney, said this Ordinance goes hand in hand with the Rental Ordinance as discussed in ITEM 6:4-11 INTRODUCTIONS C.

**No action taken.**

**ITEM 7:4-11 ADOPTIONS**

**A. An Ordinance to Amend the Zoning Map to be Known as Zoning Amendment Ordinance No. 3.060 – Cove at Benstein Crossing**

Hans Rentrop, Township Attorney, explained the Ordinance.

**MOTION** by Weber, supported by Phillips, to Adopt an Ordinance to Amend the Zoning Map of the Charter Township of Commerce, Oakland County, Michigan as Adopted by Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No 3.060. Post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:4-11 PURCHASES**

**A. Furniture Purchase Request - Library**

Alyson Lobert, Library Director, stated she received three (3) quotes for the purchase of a Haskell mobile makerspace table. She recommends the purchase from the low bidder, Kay Twelve, in the amount of \$5,107.57.

**MOTION** by Berkheiser, supported by Creech, to approve the purchase of a Haskell mobile makerspace table from Kay Twelve (quote No. MP-10215 dated 2-21-2023) in the amount not to exceed \$5,200.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:4-11 OLD BUSINESS**

**A. Township Property Sales**

Supervisor Gray said there are seven (7) parcels of Township property for sale. A full price offer of \$149,900 was received for the Kewenaw St. parcels.

**MOTION** by Gray, supported by Berkheiser, to accept the offer to purchase in the amount of \$149,900 for the Kewenaw St. parcels.

**MOTION CARRIED UNANIMOUSLY**

Supervisor Gray said there has been a lot of activity on a couple of parcels; one is the log cabin home at 740 Glengary and the other is the Beachdale vacant property. He recommends, as suggested by Trustee Sovel, to form a group consisting of three (3) Township Board members to review purchase offers and make recommendations to the Township Board. We received an offer to purchase for 740 Glengary for \$299,000 and a cash offer of \$230,000, a conventional mortgage offer of \$225,000 and two \$300,000 cash offers that includes the one parcel that was split.

**ITEM 9:4-11 OLD BUSINESS (Township Property Sales continued)**

Keith Reynolds, Realtor, was present and recommends the Township Board meet with him to discuss the offers. He recommends the Board not accept the offers that are on the table right now because he feels the Township can get more money. An offer to purchase can be accepted subject to Township Board approval.

Hans Rentrop, Township Attorney, recommends the Board authorize the establishment of a group consisting of three (3) Board members who will work with Keith Reynolds to develop recommendations to the Board.

The work group shall consist of Trustees Weber and Berkheiser, Supervisor Gray and Keith Reynolds.

Supervisor Gray advised the Board that Randy Thomas is looking into the South Commerce property, west of the cemetery.

**B. Tri-Party Funds**

Supervisor Gray received a phone call from Tom Noechel of the Road Commission for Oakland County. They discussed intersections to improve the safety of our infrastructure as follows: widening the intersections and right turn lanes at southbound Newton at Oakley Park Road, westbound Oakley Park Road at Newton, southbound Union Lake Road at Richardson, southbound Commerce Road at Sleeth and Commerce Roads, eastbound South Commerce at South Commerce and Oakley Park, southbound South Commerce at Oakley Park and South Commerce Roads. He also asked Mr. Noechel to look at the signage at the dedicated left turn lanes at North Commerce and Glengary Road, eastbound Sleeth at Commerce Road, northbound Benstein at Loon Lake Road, and southbound Newton at Richardson Road. We would like to see if there is any way we can add a lane eastbound Richardson Road between Martin Road and Union Lake Road as well as possible northbound Martin Road between Oakley Park and Richardson Road. He would like to update all of our traffic signals to SCAT, a traffic control system.

**ITEM 10:4-11 NEW BUSINESS**

**A. Oakland County Parks Grant Application**

Trustee Berkheiser advised the Board that Oakland County is offering their Parks and Recreation Grant for 2023. The maximum request amount is \$100,000 with a 50% match. He said the grant money will be used at Bicentennial Park to resurface the existing parking lot, renovate the existing tennis courts, enlarge the existing basketball court and add ADA accessible pathways in the park connecting to Glengary Hills Subdivision.

**MOTION** by Berkheiser, supported by Creech, to authorize the Senior/Parks and Recreation Director to apply for the Parks and Recreation Grant for 2023 from Oakland County for Bicentennial Park improvements. **MOTION CARRIED UNANIMOUSLY**

**ITEM 10:4-11 NEW BUSINESS (continued)**

**B. Resolution Authorizing 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, Gray

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**C. Library Generator**

Supervisor Gray said \$100,000 was budgeted last year for a generator for the library. Three (3) companies submitted quotes for a generator. The lowest price for a 200 kw natural gas generator was \$162,900 up to \$235,000 for a 300 kw natural gas generator.

Alyson Lobert, Library Director, feels a generator is needed at the library to continue providing library services to residents and a place for the residents to stay warm during a power outage.

Ms. Lobert will go out for bid on a generator.

**D. Employee Assistance Program**

Supervisor Gray said first responders and employees would like the Board to approve First Stop Health, that will allow employees to talk to a healthcare professional anytime, anywhere by app, website, phone or in person. They will come out to the workplace to talk to first responders and employees after a mass casualty event. The cost is \$13,000 per year and will be prorated at a cost of \$6,500 for the remainder of 2023.

Jim Dundas, Fire Chief, and Shawn Tretinik, Firefighter and Firefighter's Union President, were in support of using First Stop Health and feel it is the best resource for first responders.

**MOTION** by Magner, supported by Creech, to approve First Stop Health for counseling and crisis support for Township employees and first responders including their family members. The cost for the year 2023 shall be \$6,500.00. The amount of \$3,250.00 shall come from the Fire Department Fund and \$3,250.00 shall come from the General Fund.

**MOTION CARRIED UNANIMOUSLY**

**E. Resolution Establishing a Temporary Moratorium on Smoke Shops and Tobacco Stores**

Hans Rentrop, Township Attorney, said the moratorium suspends the applications for, and issuance of, permits to smoke shops/tobacco stores for a period of 90 days while the Township Zoning Ordinance is reviewed for possible amendment.



**ITEM 10:4-11 NEW BUSINESS (Resolution Establishing a Temporary Moratorium on Smoke Shops and Tobacco Stores continued)**

**MOTION** by Sovel, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce Establishing a Temporary Moratorium on Smoke Shops and Tobacco Stores. **MOTION CARRIED UNANIMOUSLY**

**F. Short-Term Rentals**

Supervisor Gray said short term rentals were not included in the Ordinance for Residential Property Leasing Regulations. Clerk Creech said Arbnb showed there were 64 houses in the Township that are listed as short term rentals.

Jay James said short term residential rentals should have the same inspection done as the long term residential rentals.

**MOTION** by Magner, supported by Creech, to direct the Township Attorney to draft an Ordinance for short term rentals.

Berkheiser and Phillips voted no

**MOTION CARRIED**

**ITEM 11:4-11 ORDERS**

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

**ITEM 12:4-11 OTHER MATTERS**

Supervisor Gray –

- Director of Finance/HR Janet Bushey will retire on June 22, 2023. Katelyn Massey was recently hired as Janet's assistant. When Janet retires, he would like to promote Katelyn Massey to Director of Finance/HR subject to a probationary period.
- We were selected for a project in 2024 with \$260,000 for fire training at Station 4.
- Someone hit the Welcome to Novi/Commerce sign on M5. Novi is in the process of fixing the sign and will get back with him on the cost. The Township will pay our cost to repair the sign.
- Bruce Aikens will be at the May Township Board meeting.

Trustee Magner –

- The U turn sign is not marked very good on Maple Road in front of Lowes.
- There are quite a few down trees in the Township.
- Is there a Quarterly meeting in April? Supervisor Gray said the Quarterly meeting in April is cancelled because there will not be a quorum.

**ITEM 12:4-11 OTHER MATTERS (continued)**

Trustee Sovel –

- The Kroger on Pontiac Trail has a sign inside the store that says Welcome to Walled Lake Kroger.

Clerk Creech –

- Residential shredding will be held on June 17, 2023 from 9:00 am to 1:00 pm.
- She would like to see the Fire Station Training Center named after Susan Gross.
- She received approval to shred the November 2020 ballots.

Treasurer Phillips –

- During the next Township Board meeting you will see letters from residents receiving violations for PTA's and requesting a waiver of the fees.
- We are going through our Actuarial Audit for our Other Posted Employment Benefits (OPEB) at the same time we are doing the Township's audit.
- She is looking for volunteers to see what funds we should use for MERS investments.
- She signed a memo for AccuMed for ambulance fees they cannot collect so I can send them to collections. Our ordinance currently says Commerce Township residents have to pay \$400 or what their insurance covers for ambulance service, whichever is less. Most of the runs are over \$400 right now. Should we revisit the cost when it gets closer to ALS?
- The auditors convinced us to sign up for National Opioid Settlements. She is getting numerous emails from the State of Michigan asking to sign up for the next opioid settlement. She cannot get an estimate on how much the settlement is. She does not want to join the next settlements.

Trustee Berkheiser -

- Asked for an update on encroachment at Commerce Township parks. Supervisor Gray said they will walk around the parks next week.
- Asked for an update on the "cat" house. Supervisor Gray said it is being refurbished.

Trustee Weber -

- Recognition to Captains Stacy and Marcus on the CPR classes.
- He asked what the procedure is for Trustees to call the Township Attorney in regards to legal issues in the Township. Do we, as a member of the Township Board, have the financial authority to contact the Township Attorney? Hans Rentrop, Township Attorney, said the Township Board has the authority to call him.
- Do we have a list of business owners in the Township in the event we need to get in touch with them for an emergency? Jay James said we do not, although we can look at the permits or the list of businesses that have security alarms and get a name and phone number.

**ITEM 12:4-11 OTHER MATTERS (Trustee Weber continued)**

- He said we have between 50-60% of the General Fund with PNC Bank of which \$500,000 is FDIC insured. How are we protecting ourselves if PNC were to get in trouble? Treasurer Phillips said PNC is happy to come in and give a presentation on their banking services and why they are safe. She feels they are a well-capitalized bank.

Hans Rentrop, Township Attorney, advised the Board he is confident this part of litigation is over with the horse farm. They have until June 2023 to vacate the property.

**ITEM 13:4-11 ADJOURNMENT**

**MOTION** by Creech, supported by Magner, to adjourn the meeting at 10:38 p.m.

**MOTION CARRIED UNANIMOUSLY**



Christine Dennis, Deputy Clerk  
Charter Township of Commerce