

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
January 10, 2023
2009 Township Drive
Commerce Township, Michigan 48390**

ALL 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
George Weber, Trustee

Absent: Rick Sovel, Trustee (excused)

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
Jason Mayer, Giffels Webster Engineers
Mark Schoder, Maintenance Director

APPROVAL OF MINUTES

MOTION by Magner, supported by Creech, to approve the December 13, 2022 Regular Township Board of Trustees Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:1-10 APPROVAL OF AGENDA

MOTION by Creech, supported by Magner, to approve the January 10, 2023 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:1-10 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Supervisor Gray advised the public that this is for public comments only and will be limited to 2 minutes for each person. The Board will not answer any questions from the public.

ITEM 2:1-10 PUBLIC COMMENTS (continued)

Barry Robotnick, 4910 Carroll Lake Rd., Commerce Township, Michigan, said there are approximately 3,800 signatures supporting Windmill Farms. He also stated because of the decision made by the Township Board, the equestrian teams that were at Windmill Farms will have to move outside of the Township, if they continue to exist. This will be a disservice to the schools and constituents.

Jennifer Saylor, 2068 Alsup Ave., Commerce Township, Michigan, feels the Township Board is willing to destroy something that is valuable to the community. There is an overwhelming support from people for Windmill Farms. The Board has not allowed discussion to take place in order to resolve any issues.

John Spitzig, 8280 Lake Pine Dr., Commerce Township, Michigan, there are 3 high schools within Commerce Township and they have equestrian teams that train at Windmill Farms. He is concerned about the Township spending money for litigation. He said there is a petition with approximately 4,000 signatures supporting Windmill Farms.

Frank Vecchio, 1673 Trading Post Ln., Bloomfield Hills, Michigan, said he has known Carrie Hancock for 30 years and she runs a good horse farm operation. He would like to see the Township avoid litigation.

Marie Racine, 1001 Woodward, Ste 1100, Detroit, Michigan, Attorney for Carrie Hancock. We were retained by Ms. Hancock just recently. When she had this notice to quit from September 1st telling her she had to vacate the premises by December 31st, 90 days. The contract gives her no fewer than 90 days. But there's been a great deal of pressure despite all of her presentations, plans, she was ignored, despite her requests to appear on the agenda, she was denied. When I asked to be on the agenda after meeting with Mr. Gray, and Mr. Rentrop, and Ms. Hancock on December 27th and then send a written request to be on the agenda on January 4th, I was denied telling me I missed the deadline by hours. So now I'm in public comment. We've worked in good faith. We're working on a plan as discussed in a meeting and before we could even present that, you all filed a lawsuit. I know that gives you the ability to go to closed session if that's what your goal is, fine. I agree with the gentleman that just spoke who said litigation is very expensive and sometimes works against everyone's purposes. We thought there was going to be an amicable solution. But 90 days to move over 40 horses off a piece of property is less than what some people get to just leave an apartment. Its just not reasonable. Now one of the things that I think that it's important to know, and I'm not going to get into the legalities because we're in public comment and we're now into litigation, but the horses. Horses are herd bound animals and what you're asking Ms. Hancock to do is move these horses from a location that they've known for many years, break up the herd in many cases because they can't all go to the same place. She's searching for something comparable but it can't be done overnight. The stress that it causes for a horse (*2 minute alarm went off*) and I know you have retained the Michigan Horse Council Advocate, Ms. Myers I believe it is, she can back up what I'm telling you. Horses suffer stress differently but similarly to humans. But they

ITEM 2:1-10 PUBLIC COMMENTS (continued)

don't have the ability to handle it the way we do; they can't even throw up. If they're under stress and get colic, they can die from laminitis. (*Supervisor Gray told her 10 more seconds*) What we want to know is when is your new RFP coming out? Will the new RFP be only for a horse farm, is it going to split up the property? (*Supervisor Gray said her time is up and her public comment is over. He already allowed her to speak for more than 2 minutes. Ms. Racine continued to talk [inaudible] over Supervisor Gray.*)

Supervisor Gray – I do have one question for you now. We did have a meeting on Tuesday, last month, the 27th. Two weeks ago. You stated that you would have to us by Friday the 6th, where is it at? When we were in the meeting I said, and with Hans there, if there was a plan I will give it to the Board and we will look at and get back to you as soon as we can. Now once again, no paperwork to us, just like the multiple times I said to Ms. Hancock, with no responses, asking Carrie again one more time, please send me this information. How many times did I do that? At least 5 times, sorry 4 times with no responses. So let's not go into this blaming the Township for everything, we have reached out to her, we tried to contact her so my question is where is that document that you promised me on Friday?

Ms. Racine – First, you're making false statements.

Supervisor Gray – No, I'm not.

Ms. Racine – Yes, you are. The records will show that in litigation, but in answer to your question I had the whole plan coming together with Ms. Hancock, but then we found out you filed a lawsuit. As a lawyer, you can ask your lawyer, should I be submitting to you a plan when we are getting served with a complaint? That's the reason that I withheld it and now we will be in court which is very unfortunate.

Supervisor Gray – OK, great. Thank you.

Ms. Racine – I answered your questions, we don't get answers to our questions?

Supervisor Gray – I just gave you an answer. I explained (*inaudible*).

Ms. Racine – Alright, thank you.

Carrie Hancock, 2552 Wixom Rd., Commerce Township, Michigan, the questions are when will the new RFP be issued, will it be for a horse farm or other activities? Will the RFP be for a horse farm operation? Will the property be split up for different uses? Why is the Township demolishing structures on the property? We hope that you will consider the public support and the health of the horses' safety when you make these decisions. It's important to note no notice of default has been issued. That statement is incorrect and has been stated quite a bit recently. There has been no notice of default. That was discussed as well at the December 27th meeting.

ITEM 2:1-10 PUBLIC COMMENTS (continued)

Cheryl Wheeler, 4889 Driftwood Dr., Commerce, Michigan, Windmill Farms is a convenient safe place to ride horses. A country feel is what drives people to want to live in Commerce Township.

Lucia Whalen, 2328 Ventura Dr., Wolverine Lake, Michigan, her daughter started riding lessons in September. She would like the Township to reconsider shutting Windmill Farms down.

Ryan Whalen, 2328 Ventura Dr., Wolverine Lake, Michigan, Windmill Farms gives the Township a unique country feel. He would like the Township to reconsider their decision and do not make her move the horses in the middle of winter.

Denelle Yeager, 1990 Birch Ct., Waterford, Michigan, the Township stated in writing they do not want to shut down the farm and wants to continue equestrian programs at Windmill Farms however the Township has concerns over maintenance, clean up the nature and extent of programming offered by Windmill Farms. She would like to see the Township come to a mutually acceptable agreement that resolves the issues and benefits everyone concerned.

Karen Mitchel, 2425 Archdale Blvd., West Bloomfield, Michigan, her daughter rides at Windmill Farms. She heard there is another concessionaire that will take over in the spring. When will the Township announce who it is and when will they take over the farm, if this is true. She feels the Township is not considering everyone involved.

Amy Willis, 1875 Greenmeadow Dr., Walled Lake, Michigan, her daughter rides at Windmill Farms. She will receive scholarships because of her volunteer work at the farm. She is asking the Township to consider the health of the horses and consider the kids that take lessons at the farm.

Alan Heavner, 2775 Garden Rd., Milford, Michigan, he rents canoes in Proud Lake. They never had horse riding at Proud Lake. He feels Windmill Farms provides a valuable service to the area.

Lori Watson, 1288 Pontiac Trail, Walled Lake, Michigan, her daughter rides at the farm. Windmill Farms is an excellent resource for Commerce Township. She would like to see the Township invest money at the farm.

Stephen Kade, 1288 Pontiac Trail, Walled Lake, Michigan, his daughter rides at the farm. He is a teacher and has seen the impact COVID has had on the kids. Windmill Farms is an important outlet for the kids.

Christine Long, Oakland County Commissioner, 1342 East Commerce Rd., Commerce Township, Michigan. She enjoyed the passion that everyone expressed about their love for horses at the farm. As of now, there is 82 million dollars left out of the 244 million

ITEM 2:1-10 PUBLIC COMMENTS (continued)

dollars through the American Rescue Plan that we received from the Federal Government. The county is going to hire 3 full time positions for the Mass Transit System. She will keep the Township Board informed on what the 82 million dollars will be used for and what programs can help the Township. She will also update the Board on the Mass Transit System and People's Express.

Ms. Asma Al-Khshali, 6211 Andrea Ln., West Bloomfield, Michigan, also representing Ms. Hancock with Marie Racine. She went on the internet this past summer to find a place to ride. She chose Windmill Farms because it was affordable and close by. When she heard the news of the farm closing, she was devastated.

Supervisor Gray closed Public Comments.

Supervisor Gray said he is willing to hold a meeting with Ms. Racine. If she would like to schedule a meeting, she can contact Hans Rentrop, Township Attorney. Homes will not be built on the property and there is no concessionaire agreement already lined up to take over in the spring, as Ms. Mitchel stated, at this time.

ITEM 3:1-10 CONTRACT AWARDS AND AGREEMENTS

A. RFP to Sell Township Parcels – Recommendation to Award

Jay James, Building Official, said four (4) proposals were received from the RFP. After review of the proposals by the Property Subcommittee, they recommend the Board award the contract to sell the parcels listed in the RFP to Keith Reynolds of Keller-Williams Realtors located in Commerce Township, Michigan.

Trustee Weber - Out of 166 properties the Township owns, the committee identified 7 properties that should be sold. Homeowners that are interested in purchasing one of the parcels that are adjacent to theirs were advised to contact the listing realtor.

MOTION by Berkheiser, supported by Phillips, to award the contract to sell the Township parcels as listed in the RFP to Keith Reynolds of Keller-Williams Realtors located in Commerce Township, Michigan. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:1-10 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.061 – Small Wine Maker

Hans Rentrop, Township Attorney, explained the Ordinance.

MOTION by Berkheiser, supported by Creech, to Adopt the Charter Township of Commerce, an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 1.061, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:1-10 ADOPTIONS (continued)

B. An Ordinance to Amend Ordinance No. 2.022 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.023 - SAD Petitions

Hans Rentrop, Township Attorney, said the Amendment is for changes made to pages 27 and 31 as requested by the Water Resource Commission, SAD Petitions was removed from the amendment as directed last month.

MOTION by Weber, supported by Berkheiser, to Adopt The Charter Township of Commerce, an Ordinance to Amend Ordinance No. 2.022 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.023, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 5:1-10 PURCHASES

A. Fire Department – Station Alerting System

Jim Dundas, Fire Chief, is asking for approval to purchase a Station Alerting System for all 4 fire stations including software upgrade and all necessary hardware including installation from Bryx Inc. for a cost of \$117,925.00

Firefighters, Timothy Easley and Zach Watt have been users of the system and were present to answer questions from the Board.

MOTION by Weber, supported by Phillips, to approve the purchase of a Station Alerting System for all 4 fire stations including software upgrade and all necessary hardware including installation from Bryx Inc. (Quote No. QT-06407F30-0001-1 dated December 29, 2022) for a cost not to exceed \$118,000.00 and include a \$2,000 service contract per year, per fire station. Funds to come from the Fire Department Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 6:1-10 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 7:1-10 OTHER MATTERS

Treasurer Phillips –

- Recommends we do an actuarial assessment of other post employee benefits retiree health care account. The last time it was done was in 2018 and we were overfunded at that time. Should I go out for RFP or should I use the same company that has done it the last 6 times? The cost was approximately \$7,500 the last time it was done. After discussion, she will contact the company that did the assessment before and advise the Board of the cost.
- Although the auditors want to see more of our funds FDIC insured, she will lower the Oakland County Investment Pool down on most of the accounts, and move funds to PNC to better ROI.

ITEM 7:1-10 OTHER MATTERS (continued)

Trustee Berkheiser –

- Asked if there was an update on People's Express. Supervisor Gray said he talked to Oakland County 2 weeks ago and is trying to get them to pay for services that we provide to our residents. The County does not want to reimburse the Township \$20,000 per month.
- Do the sport leagues have AED equipment available for use during their games? Fire Chief Dundas said the leagues should have one available for use. Trustee Weber asked if the Township should require the leagues to have an AED unit available. Emily England will add this to the Parks and Recreation meeting agenda for discussion.

Supervisor Gray –

- Funding has been approved for the senior center kiosks.
- We will add Tri-Party Funding for Loop Rd off 14 Mile Rd to the agenda for next month's meeting. The project will be approximately \$80,000 with the Township being responsible for \$30,000 from Tri-Party Funds.
- The Rental Ordinance will be on the February or March agenda.
- The roof at 8585 PGA Drive was patched.
- We received approximately \$42,500 from the Oakland County Sheriff's NET Program.

ITEM 8:1-10 CLOSED SESSION

A. Discussion of Purchase of Property

B. Discuss Pending Litigation re: Commerce Township v. Carrie Hancock, d/b/a Windmill Farm, Case No. 2023-23-C00072-LT

MOTION by Phillips, supported by Berkheiser, to enter into Closed Session for the purpose of discussing Purchase of Property and Pending Litigation re: Commerce Township v. Carrie Hancock, d/b/a Windmill Farm, Case No. 2023-23-C00072-LT.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 8:26 p.m.
Returned from Closed Session at 9:50 p.m.

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

ITEM 8:1-10 CLOSED SESSION (continued)

MOTION by Creech, supported by Berkheiser, to direct the Township Attorney to proceed as discussed in Closed Session regarding the purchase of property.

MOTION CARRIED

Magner opposed.

MOTION by Creech, supported by Phillips, to direct the Township Attorney to proceed as discussed in Closed Session regarding Pending Litigation, re: Commerce Township v. Carrie Hancock, d/b/a Windmill Farm, Case No 2023-23-C00072-LT.

MOTION CARRIED UNANIMOUSLY

ITEM 9:1-10 ADJOURNMENT

MOTION by Creech, supported by Magner, to adjourn the meeting at 9:52 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce