

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
September 12, 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

Absent: George Weber, 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
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Mark Schoder, Maintenance Director
Katelyn Massey, Assistant Finance/HR

APPROVAL OF MINUTES

MOTION by Phillips, supported by Magner, to approve the August 8, 2023 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:9-12 APPROVAL OF AGENDA

MOTION by Magner, supported by Creech, to approve the September 12, 2023 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:9-12 PUBLIC COMMENTS

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

Sara James, 2479 Willow Way Dr., Commerce Township, was present to support Dawn Raye as the next concessionaire of the farm at 2552 Wixom Road. She spoke very highly of her work ethic and ability to run the Silo Ranch at this site.

Supervisor Gray closed Public Comments.

ITEM 3:9-12 PUBLIC HEARINGS

A. Establishment Resolution – Chickory Lane Maintenance SAD

Supervisor Gray opened the Public Hearing.

There were no public comments.

Hans Rentrop, Township Attorney, said there will be a reduction in cost and there will be revised cost numbers. He recommends the Public Hearing stay open until the next regular Township Board meeting.

ITEM 4:9-12 BOARD APPOINTMENTS

A. Brian Winkler – Reappointment to the Planning Commission for a 3-Year Term Expiring October 31, 2026

MOTION by Gray, supported by Phillips, to Reappoint Brian Winkler to the Planning Commission for a 3-Year Term Expiring October 31, 2026

MOTION CARRIED UNANIMOUSLY

B. Brady Phillips - Reappointment to the Planning Commission for a 3-Year Term Expiring October 31, 2026

MOTION by Gray, supported by Creech, to Reappoint Brady Phillips to the Planning Commission for a 3-Year Term Expiring October 31, 2026

MOTION CARRIED UNANIMOUSLY

ITEM 5:9-12 CONTRACT AWARDS AND AGREEMENTS

A. GFL Contract

Supervisor Gray said the contract expires on 12-31-2024. We have until October 31, 2023 to accept the option to renew for an additional 5-year term. He is waiting for GFL to forward the agreement to him.

No action taken.

ITEM 5:9-12 CONTRACT AWARDS AND AGREEMENTS (continued)

B. Snow Plowing SAD Contracts

Jay James, Building Official, received 6 sealed bids for the 9 snow plow contracts. Michigan Automatic Sprinkler was the low bidder on Demartist/Barkley Street, Joe Drive and Lyniss Drive. LMC Management Services was the low bidder on Lower Mount Royal, Whitlow Court, Wenonah/Tree Haven, Half Penny Court, Golf Lane and Chickory Lane.

MOTION by Berkheiser, supported by Magner, to award the 2023 Township Snow Plow SAD contract to Michigan Automatic Sprinkler for Demarist/Barkley Street, Joe Drive and Lyniss Drive. LMC Management Services for Lower Mount Royal, Whitlow Court, Wenonah/Tree Haven, Half Penny Court, Golf Lane and Chickory Lane

MOTION CARRIED UNANIMOUSLY

ITEM 6:9-12 INTRODUCTIONS

A. An Ordinance to Amend the Code of Ordinances to Be Known as Code Amendment Ordinance No 1.065 – Amends Sidewalk Standards, REU Assignment, and On-Site Disposal Systems

Hans Rentrop, Township Attorney, said the changes are considered housekeeping changes as the sidewalk change is required by law, the REU change is an update, and the septic inspection change is intended to effectuate the understood intent of the Township Board.

MOTION by Sovel, supported by Magner, 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. 1.065, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:9-12 ADOPTIONS

A. An Ordinance to Amend the Zoning Ordinance 3.000 to Be Known as Zoning Amendment Ordinance No. 3.063 – Amends Footnotes to the Table of Dimensional Standards and Nonconforming Structures.

David Campbell, Planning Director, said this is considered a housekeeping change to the Ordinance and said the Planning Commission recommends approval.

MOTION by Berkheiser, supported by Phillips, to Adopt an Ordinance to Amend Article 6, Section 6.02 and Article 39, Section 39.03, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan, to be Known as Zoning Amendment Ordinance No. 3.063, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:9-12 PURCHASES

A. OCSO Sub-Station Furniture

Supervisor Gray advised the Board that three 3 bids were received for the Oakland County Sheriff's Sub-Station office furniture.

ITEM 8:9-12 PURCHASES (OCSO Sub-Station Furniture continued)

MOTION by Gray, supported by Sovel, to award the OCSO Sub-Station furniture to Efficient Office Solutions, LLC (Estimate #EO16889 dated 8-28-2023) in an amount not to exceed \$18,000.
MOTION CARRIED UNANIMOUSLY

B. Novel Branch – Library

Alyson Lobert, Library Director, requested approval to purchase two 2 Novel Branch kiosks from the Library Corporation in an amount not to exceed \$78,000. The funding was awarded from a Community Project Funding grant. The Novel Branch library kiosks will be installed at The Avalon of Commerce Township and the Richardson Senior Center.

MOTION by Magner, supported by Creech, to approve the purchase of two 2 Novel Branch kiosks from the Library Corporation in an amount not to exceed \$78,000. Funds to come from the Community Project Funding grant that was awarded July 1, 2023.
MOTION CARRIED UNANIMOUSLY

C. Picnic Tables – Parks and Recreation

Emily England, Senior/Parks and Recreation Director, received four 4 quotes for ADA compliant picnic tables for the parks. This was a budgeted item in the 2023 budget. She recommends we purchase the tables from Kay Park Recreation. She is also requesting the purchase of five 5 additional ADA picnic tables at a cost of \$4,866.00

MOTION by Berkheiser, supported by Sovel, to approve the purchase of twenty 20 picnic tables from Kay Park Recreation in an amount not to exceed \$21,000
MOTION CARRIED UNANIMOUSLY

ITEM 9:9-12 OLD BUSINESS

A. Wixom Road Property

Supervisor Gray said four 4 possible concessionaires for the farm at 2552 Wixom Road were interviewed and Silo Farms was chosen to appear before the Board for consideration.

Dawn Raye and Cathy Peterson gave a vision statement presentation for the SILO Ranch at 2552 Wixom Road. They shared their experience as lifelong equestrian owners and discussed community programs/events that will be offered at the farm. The Mission of the Silo Ranch is to cultivate an environment that enhances community awareness and participation in the equine and agricultural cultures through education, training, and events.

MOTION by Berkheiser, supported by Magner, to move forward on a concessionaire agreement between Dawn Raye and Cathy Peterson and The Charter Township of Commerce for the SILO Ranch at 2552 Wixom Road.
MOTION CARRIED UNANIMOUSLY

ITEM 10:9-12 NEW BUSINESS

A. Distribution of the Updated Master Plan

David Campbell, Planning Director, explained the distribution of the Planning Commission's updated Master Plan. The final draft will be completed by the end of calendar year 2023.

MOTION by Magner, supported by Creech, to approve the distribution of the updated Planning Commission Master Plan consistent with State law for a 63-day review.

MOTION CARRIED UNANIMOUSLY

B. Budget Stabilization Fund

Treasurer Phillips discussed the balance in the Budget Stabilization Fund. The fund balance is currently \$1,315,272. The maximum allowed is \$1,466,805. She recommends we leave it alone, or only increase it \$151,000.

MOTION by Berkheiser, supported by Sovel, to move \$150,000 from the General Fund into the Budget Stabilization Fund.

MOTION CARRIED UNANIMOUSLY

C. Point and Pay Credit Card Processing

Treasurer Phillips said the Building Department would like to enable contractors, etc. to receive their permits via email and also pay online for those permits with a debit/credit card or e-check. In order to accomplish this, we need to contract with another provider other than the G2G system. She recommends the Board authorize the signatures on the client application and e-payment service agreement.

Hans Rentrop, Township Attorney, said the agreement can only be terminated at the end of the term which, for the initial term, is 3 years. The Township traditionally likes a provision allowing termination at-will following reasonable notice. The agreement will be for one 1 year, per Treasurer Phillips, if we pay an initial set up fee of \$2,000.

MOTION by Berkheiser, supported by Sovel, to authorize the appropriate signatures on the revised Point and Pay, LLC E-Payment Services Agreement and Client Application along with an initial set up fee of \$2,000. Funds to come from the Building Department.

MOTION CARRIED UNANIMOUSLY

D. Treasurer's Tax Collection Designees Resolution

Treasurer Phillips said there has been a turnover of employees in the Treasurer's Department, therefore a Resolution is needed to reflect that change.

MOTION by Creech, supported by Berkheiser, to approve the Resolution for Property Tax Payment Designee Appointments.

MOTION CARRIED UNANIMOUSLY

ITEM 10:9-12 NEW BUSINESS (continued)

E. Flashing Speed Warning Lights Near Walled Lake Central High School

Supervisor Gray said the Principal of Walled Lake Central reached out to him regarding contributing money toward flashing speed warning lights in front of the school. The Road Commission for Oakland County will pay 1/3 of the cost. Supervisor Gray said we can use Tri-Party dollars for this project. Trustee Berkheiser said he will not vote in favor of this because the Township has reached out to Walled Lake School District in the past to take care of certain items in front of their schools and they said no. The Principal, not Walled Lake School Board, is asking the Township to contribute funds for the flashing lights.

No action taken

F. Township Insurance Policy

Supervisor Gray said the price of the insurance policy has increased because the current policy was designed for smaller townships. Now that property values have increased, the insurance company wants to increase the cost. They will look into other options that are out there. We will discuss this further during the September 26, 2023 Special Township Board meeting.

G. 2024 Township Budget Discussion

The Board reviewed the following funds:

Assessing

Road Improvement Fund

Attorney

Museum Fund – We are allowed to move money and/or change the name of the fund to something like the Historical Fund

Board of Review

Transportation Services fund

ITEM 11:9-12 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 12:9-12 OTHER MATTERS

Trustee Berkheiser –

- Asked if we will add links to our new website so we can jump to another document or resource. Supervisor Gray answered yes and stated the new website is not complete yet.
- Asked for an update on the Chaldean Catholic Church purchase of the Bay Pointe Golf Club and an update on the drive-in property, both located at the northeast corner of Union Lake and Richardson Roads. Dave Campbell, Planning Director, said they are trying to set up a meeting between the Chaldean

ITEM 12:9-12 OTHER MATTERS (Trustee Berkheiser continued)

- Church, the owners of the old drive-in theater property and the Road Commission for Oakland County to discuss how the traffic circulation will be impacted.
- Asked if we are getting Peoples Express statistics. Emily England, Senior/Parks and Recreation Director, said we are getting quarterly reports of the monthly numbers.

Treasurer Phillips -

- Reminder: we need to submit our L-4029 forms to Oakland County by September 30, 2023.

Trustee Magner -

- Asked Chief Dundas if it is typical to wait a long time for an ambulance to respond to an accident? She read in an email that they were waiting for an ambulance that was on M59 to respond to an accident near Welch and 14 Mile Roads. Chief Dundas said that does happen sometime because if an ambulance is responding to a call, they need to have a secondary ambulance from somewhere outside of the township respond to the call. He is in the process of reviewing this.

Trustee Sovel –

- Mentioned that he heard comments about people not following the pickleball rules.

Clerk Creech –

- She met with Oakland County Elections to discuss early voting. We will host Commerce, Walled Lake, and Wixom residents for early voting to be held at the Commerce Township Library. Oakland County will pay most of the costs. The first early voting date is October 28, 2023 due to the City of Wixom and the City of Walled Lake having November elections.
- The next Household Hazard Waste Collection Day will be held on September 30, 2023 from 9:00 am to 1:00 pm at the Township Hall.
- The fallen tree at the cemetery has been cleaned up. She is working on repair of the fence. A company came out and flagged all the dead or dying trees. The Maintenance Department will work on getting some quotes for removal.

Supervisor Gray –

- Future meetings for Board members:
September 26, 2023 at 5:30 pm Special Township Board of Trustees Meeting
October 10, 2023 at 5:30 pm Special Township Board Meeting and a Regular Township Board Meeting at 7:00 pm
October 24, 2023 at 5:30 pm Quarterly Township Board of Trustees Meeting
November 7, 2023 at 5:30 pm Special Township Board of Trustees Meeting

ITEM 12:9-12 OTHER MATTERS (Supervisor Gray continued)

November 14, 2023 at 5:30 pm Special Township Board Meeting and a Regular Township Board Meeting at 7:00 pm

- Employee reviews need to be turned in by September 21, 2023.
- Katelyn Massey's 90 probation period is up on September 21, 2023. He recommends offering her the full-time position of Finance and Human Resource Director.

MOTION by Gray, supported by Creech, to employ Katelyn Massey as the full time Finance and Human Resource Director at an annual salary of \$79,000.00 beginning September 22, 2023.

MOTION CARRIED UNANIMOUSLY

ITEM 13:9-12 CLOSED SESSION

- A. Discussion of Pending Litigation: Village of Wolverine Lake v. Richard and Jody Haifleigh, Oakland County Circuit Court Case No. 2021-191676-CC**
- B. Contract Negotiations Pursuant to MCL 15.268(c)**

MOTION by Berkheiser, supported by Sovel, to enter Closed Session for the purpose of discussing Discussion of Pending Litigation: Village of Wolverine Lake v. Richard and Jody Haifleigh, Oakland County Circuit Court Case No. 2021-191676-CC and Contract Negotiations Pursuant to MCL 15.268(c).

ROLL CALL VOTE

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

NAYS:

ABSENT: Weber

MOTION CARRIED UNANIMOUSLY

Entered Closed Session: 9:04 p.m.

Returned from Closed Session: 10:06 p.m.

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

MOTION CARRIED UNANIMOUSLY


MOTION by Creech, supported by Phillips, to approve the settlement, authorize the Township to issue a check as discussed in Closed Session; and authorize the Supervisor to execute the necessary documents for effectuating the settlement and resolve the litigation.

MOTION CARRIED UNANIMOUSLY

ITEM 14:9-12 ADJOURNMENT

MOTION by Creech, supported by Magner, to adjourn the meeting at 10:07 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce