

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
February 11, 2025
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
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Robert Long, Trustee (excused)

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

APPROVAL OF MINUTES

MOTION by Phillips, supported by Creech, to approve the January 14, 2025 Regular Township Board Meeting minutes and the January 28, 2025 Quarterly Township Board Meeting, as submitted. **MOTION CARRIED UNANIMOUSLY**

ITEM 1:2-11 APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to approve the February 11, 2025 agenda. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:2-11 PUBLIC COMMENTS

Supervisor Gray opened Public Comments and advised the public that speaking time is limited to three (3) minutes. This is for public comments only and not for comments regarding the public hearings on the agenda.

ITEM 2:2-11 PUBLIC COMMENTS (continued)

Mario Gibbons was present and introduced himself as the new Ordinance Manager in the Ordinance Department. He said it is a pleasure to serve the Township and residents of Commerce Township.

Supervisor Gray closed Public Comments.

ITEM 3:2-11 BOARD APPOINTMENTS

A. Robert Mistele – Reappointment to the Zoning Board of Appeals for a 3-Year Term Ending March 31, 2028

MOTION by Gray, supported by Sovel, to Reappoint Robert Mistele to the Zoning Board of Appeals for a 3-year term ending March 31, 2028.

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-11 CONTRACT AWARDS AND AGREEMENTS

A. UFS Water and Sanitary Rate Study

Jason Mayer, Giffels Webster, said this proposal from Utility Financial Solutions is for an annual review of the water and wastewater rates. We recently updated the Ordinance to have no rate increase in 2025. This proposal will analyze the next rate increase in 2026 and the annual lateral benefit charges. The total cost is \$19,400 for the water and \$19,400 for the wastewater.

MOTION by Berkheiser, supported by Phillips, to approve the Water and Wastewater Financial Projection by Utility Financial Solutions, LLC (UFS), including an onsite presentation, if needed, in an amount of \$19,400 for water and \$19,400 for wastewater.

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-11 SITE CONDOMINIUMS AND PLATS

A. Townes at 42 North Master Deed

David Campbell, Planning Director, said this is a 39-unit attached townhome condominium proposed by Schafer Development upon a 5.3-acre undeveloped property on the north side of Crumb Road, between Haggerty and Meijer Drive. The Planning Commission recommends approval.

The Planning Commission took three actions toward approving the project:

- 1) Unanimous (7-0) approval of the special land use for attached residential in the Haggerty Road Corridor overlay district;
- 2) Unanimous conditional approval of the condominium site plan. Conditions included standard conditions such as approvals of the Twp. Engineer and Fire Marshal and agencies of the County and State, upgrades to the front facades of the approved buildings, an in lieu-of contribution to the Township's sidewalk fund, etc.; and
- 3) Unanimous recommendation that the Township Board approve the condominium and master deed.

ITEM 5:2-11 SITE CONDOMINIUMS AND PLATS (Townes at 42 North Master Deed continued)

Spencer Shafer, Schafer Development, was present.

Hans Rentrop, Township Attorney, recommends approval of the Master Deed and Bylaws for Townes at 42 North with contingencies:

- 1) The approval of Exhibit B to the Master Deed by the Township Engineer once the Exhibit B plans are prepared and provided.
- 2) Approval by the Township Engineer of the legal description set forth in Article II of the Master Deed to make sure it is consistent with the Exhibit "B" drawings.
- 3) The Developer providing evidence satisfactory to this office, preferably in the form of a recent title insurance commitment, confirming that it has the ability to execute the condominium documents and that there are no other individuals or entities with an interest in the property that would also be required to execute the documents or consent to recording the documents. This item should be provided before building permits are issued.
- 4) Before building permits are issued or site development done, the Master Deed and any Amendments must be recorded at the office of the Oakland County Register of Deeds and proof of recording provided to the Township.

Trustee Weber said 4-5 years ago a developer came to the Planning Commission to discuss a development with roughly 100 apartments on that site. The Planning Commission advised them that they were not interested because of the density and intensity of the project. This project before us tonight is probably the least intense and the lowest density that we could imagine going on that piece of property. If it were to be large retail, there would be thousands of traffic trips per day versus potentially a couple hundred trips per day arising from the Townes at 42 North development that was presented to the Planning Commission. Residents were mostly concerned about the traffic impacts.

Discussion ensued on resident's concerns regarding traffic impacts and if the Road Commission for Oakland County (RCOC) could install stop signs, roundabouts, or traffic signals. As of now, RCOC's warrants do not justify the installation of these items due to the present traffic volume.

MOTION by Weber, supported by Creech, to approve the revised Master Deed and Bylaws for Townes at 42 North subject to the Planning Commission and Township Attorney's conditions and contingencies along with final approval by the Township Attorney.

Trustee Sovel opposed

MOTION CARRIED

ITEM 6:2-11 OLD BUSINESS

A. Establishment Resolution – Island Club Sanitary Sewer Repair & Improvement SAD – Tabled 2-10-2024

MOTION by Sovel, supported by Berkheiser, to remove Establishment Resolution – Island Club Sanitary Sewer Repair & Improvement SAD from the Table.

MOTION CARRIED UNANIMOUSLY

Hans Rentrop, Township Attorney, said we have two options, we can sever ties on the repair of the sanitary sewer or we can move forward with the SAD.

The cost of repairs came in at \$850,000 for 35 residential homes. The residents would like additional time to verify the cost and to hold further discussion to see if they want to move forward with this or not.

It is anticipated we should have a decision from the residents by March, 2025.

MOTION by Berkheiser, supported by Sovel, for Island Club residents to present a viable plan to the Township Board of Trustees no later than April 8, 2025 or the Township can choose to move forward on the SAD or sever ties for the Sanitary Sewer Repair & Improvement.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-11 NEW BUSINESS

A. Sidewalk Repair Program

Jason Mayer, Giffels Webster, said a Sidewalk Repair Program would include sidewalks in the public right-of-way or along private roadways serving 2 or more property owners. This program would be limited to replacing existing sidewalk infrastructure and can also include replacing non-ADA-compliant crossings. If the Board moves forward with this program, he expects the first section of repairs to be completed by the end of 2025. We have divided the Township into six sections, each containing approximately 10 miles of sidewalks and non-motorized pathways, thus creating a six-year cycle for the program. Setting up the program's first year would cost around \$55,000 to \$75,000. An "administrative" fee of 15-20% would be added to each residential assessment to fund the program costs. The intention is for the program to eventually be self-sufficient. Residents also have the option to do the repairs themselves and avoid the administrative fee, if they take care of it within the timeframe of the ordinance.

Discussion ensued on the criteria and liability for sidewalk repair and replacement.

Trustee Sovel would like an update of the Michigan Sidewalk Liability Act.

MOTION by Sovel, supported by Berkheiser, to move forward with the first draft of the Sidewalk Repair Program by Giffels Webster. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:2-11 NEW BUSINESS (continued)

B. Richardson Center Improvements – Phase 2

Emily England, Parks and Rec/Senior Director, said the improvements will include additional parking, a permanent restroom facility and extension of the non-motorized pathway to Newton Road. The Parks and Recreation Committee recommends approval.

Trustee Weber supports the Richardson Center improvements, except for the pathway extension. He feels this is a pathway to nowhere and the money could be used for pathways in other needed areas. He would prioritize a pathway along Commerce Road before he would prioritize one along Oakley Park, he would prioritize some areas that connect to the Village of Commerce and areas along Benstein Road that would connect to the Michigan Airline Trail.

Treasurer Phillips said if your using open space funds to do this, you cannot use it in areas that are not considered part of a parks process.

Trustee Berkheiser supports the Richardson Center improvements except for the pathway extension. He said all the pathway expansions should be done as a separate entity and our public should be able to vote on it. He is not opposed to going out for bids on a paved or non-paved pathway from Richardson Center to Newton Road.

Trustee Sovel said it would be helpful to see a visual of an overlay on the Parks and Recreation Master Plan of areas that we could spend parks money on. He supports the Richardson Center improvement plans except for the pathway extension.

Supervisor Gray supports a pathway in front of the Richardson Center.

MOTION by Berkheiser, supported by Weber, to move forward on the Richardson Center Improvements Phase 2, parking lot extension, restroom and storage facility, and a pathway extension to Newton Road. All to be bid on separately.

MOTION CARRIED UNANIMOUSLY

C. Late Tax Payment Penalty Waiver for Certain Tax Payers

Treasurer Phillips recommends the Board waive the late penalty charges for those citizens who are eligible pursuant to Section 211.44(3) of the Michigan Compiled Laws. There are currently eight parcels unpaid for 2024 taxes that would qualify for this waiver, and the total penalty interest that would be collected on them is less than \$800.00.

MOTION by Phillips, supported by Berkheiser, to waive the late penalty charges beginning February 14, 2025 for those citizens who are eligible pursuant to Section 21.44(3) of the Michigan Compiled Laws.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-11 NEW BUSINESS (continued)

D. DDA Cash Advance

Treasurer Phillips submitted a revised DDA March 2025 Cash Advance Requirement Calculation.

MOTION by Berkheiser, supported by Weber, to approve the revised DDA March 2025 Cash Advance Requirement Calculation, proposed advance request of \$2,100,000.

MOTION CARRIED UNANIMOUSLY

E. Intention Resolution – Special Projects No. 43 SAD

MOTION by Sovel, supported by Berkheiser, 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. 53.

MOTION CARRIED UNANIMOUSLY

F. Water System Operating Agreement

Hans Rentrop, Township Attorney, said the County's request to be allowed to spend as much of the sewer fund as it wants without repercussions and to have the Township be liable for the gross negligence and intentional misconduct of County employees over whom the Township has no control is unreasonable, unheard of, and likely uninsurable. The Township will have no other choice than to find a new contractor to manage its water and sewer systems if an understanding cannot be reached with the County.

Mr. Rentrop said the Township can accept the agreement (he does not recommend this), try to continue negotiations with the County to see if someone at the County can understand how unreasonable and illogical the County's position is or you can seek another contractor to operate the Township's water and sewer systems.

Trustee Weber said what the County is demanding is not only absurd but would be reckless on our part. He does recognize that the County employees and people that are managing this do an excellent job. We should have a small work group, with no attorneys present, between ourselves, our two County Commissioners and the business owner on this from the County's side to discuss how anyone can enter into an agreement that says there are no checks and balances for cost.

Supervisor Gray said he and Jason Mayer, Giffels Webster, are meeting with vendors on February 13, 2025. He also has a meeting on March 6, 2025 with Jim Nash, Water Resources Commissioner, Melissa Creech, Molly Phillips, Jason Mayer, and Jay James.

Christine Long, County Commissioner for District 12, was present. She called Chairman Woodward and he said he knew nothing about this. She offered her assistance, if needed.

ITEM 7:2-11 NEW BUSINESS (Water System Operating Agreement continued)

MOTION by Sovel, supported by Berkheiser, to authorize Giffels Webster to draft an RFP for the water and sewer operating system.

Trustee Berkheiser asked if we can sue the County. Hans Rentrop, Township Attorney said we cannot sue them because they have not breached the contract.

Trustee Weber asked Mr. Rentrop if he is aware of any municipalities that have signed this agreement. Mr. Rentrop is not aware of any.

MOTION CARRIED UNANIMOUSLY

G. Budget Amendment – Building Department Fund

Hans Rentrop, Township Attorney, said in his opinion, the use of funds from the Building Fund may be used to help pay for the purchase of a vehicle for inspections of property.

Supervisor Gray is requesting a budget amendment in the amount of \$50,000.00 from the Building Department Capital Outlay line to be allocated for the purchase of a new vehicle for the Ordinance Department.

MOTION by Weber, supported by Sovel, to amend the Building Department Fund Budget from \$10,000 to \$60,000. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:2-11 PURCHASES

A. New Truck – Ordinance Department

Supervisor Gray is requesting approval to purchase a vehicle for the Ordinance Department. He received three (3) quotes from dealerships.

Trustee Weber advised the Township should not purchase a Spray-In bedliner, but a “drop-in” bedliner for the truck.

MOTION by Berkheiser, supported by Phillips, to approve the purchase of a 2025 1500 Tradesman Quad Cab 4x4 from Szott M-59 Dodge, LLC (Deal # 105665 dated 1-24-2025) at a cost not to exceed \$42,000. **MOTION CARRIED UNANIMOUSLY**

ITEM 9:2-11 ORDERS AND ADD ONS

MOTION by Creech, supported by Sovel, to approve the orders and the add ons. **MOTION CARRIED UNANIMOUSLY**

ITEM 10:2-11 OTHER MATTERS

Trustee Weber –

- Asked for an update on what caused the sewer issue at Five & Main and is it being rectified? Jason Mayer, Giffels Webster, said when they were doing trench work for Continental, a piling pushed through the sewer. Last week they took a

ITEM 10:2-11 OTHER MATTERS (Trustee Weber continued)

piece of concrete that pushed through the sewer and sealed it up. The work was done under the direction of the County. The work should be complete by the end of next week.

- He thanked Treasurer Phillips for her note on the rules and regulations associated with expenditures, specifically as it relates to donations. Historically we have received a request from Lakes Area for a cash donation. If we choose to approve a donation, it must be a documented benefit to the community and the requestor should send something to us in that format and not ask for a donation.

Trustee Berkheiser -

- Asked for an update on the well at Victory Park Dog Park. Jason Mayer, Giffels Webster, said we have a ASTI Environmental consultant doing a hydrogeology study so they can determine where the well can be placed. It will be a couple of months before we receive the results.
- He would like to know what the policy is on using one of the main rooms at the library. He tried to use one this weekend for a Boy Scouts meeting and was denied.
- Does Commerce Lake Market need a special land use for gas pumps? Dave Campbell, Planning Director said they would have to rezone the property and obtain a special land use. They have not formalized plans yet. Rezoning requests would come to the Township Board of Trustees for approval and would have to be conditional rezoning.
- Asked if there were any issues with the County appropriating our money for Peoples Express. Supervisor Gray said he asked the County how much money they are spending towards the transit. He was supposed to receive information on this but never did.
- The M5 billboard by the Shell Station that was offered to us needs to be utilized by the Township.

Trustee Sovel -

- Years ago, we did not want any more gas stations in the Township and now we're getting more requests. What can we do if we do not want to allow any more gas stations? Dave Campbell said the petitioner must show a documented and immediate need for a gas station. If the Planning Commission feels the criteria has not been met, they do not have to approve it. If there is a rezoning request it must come before the Township Board for approval.
- Union Lake Wine Shop - Supervisor Gray said the liquor license has not been transferred to the Shell Station yet.

Supervisor Gray-

- During the last Township Quarterly Meeting we discussed Township fund balance guidelines. He received Orion Township's guidelines and forwarded them to Treasurer Phillips.

ITEM 10:2-11 OTHER MATTERS (Supervisor Gray continued)


- Bids for Assessing Services went out last week. Assessing companies have until April 1, 2025 to submit their bid.

ITEM 11:2-11 ADJOURNMENT

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

MOTION by Creech, supported by Phillips, to adjourn at 9:04 p.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce