

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
July 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
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

APPROVAL OF MINUTES

MOTION by Magner, supported by Sovel, to approve the June 13, 2023 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:7-11 APPROVAL OF AGENDA

MOTION by Creech, supported by Phillips, to approve the July 11, 2023 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:7-11 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.

ITEM 2:7-11 PUBLIC COMMENTS (continued)

James Coolican, 2000 Ridgemont St., Commerce Township, MI stated a Commerce Twp. resident has been having problems getting repairs done by her landlord. He hopes the Board will continue to follow up on landlords that are not adhering to the rules and regulations for rental properties.

Yvonne Buszek, 3040 Ridgemont St., Commerce Township, MI has been helping Mary, the resident that Mr. Coolican referred to, by contacting her landlord to try and get numerous repairs done on her rental property. Jay James, Building Official, will meet with her and Mary to address their concerns. Supervisor Gray said the Township is working on rental guidelines in the Township.

Supervisor Gray closed Public Comments.

ITEM 3:7-11 PUBLIC HEARINGS

A. Establishment Resolution – Special Projects No. 50 SAD

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefor Special Projects No. 50. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:7-11 BOARD APPOINTMENTS

A. Clarence Mills – Reappointment to the Zoning Board of Appeals for a 3-Year Term Expiring August 31, 2026.

MOTION by Gray, supported by Sovel, to Reappoint Clarence Mills to the Zoning Board of Appeals for a 3-Year Term Expiring August 31, 2026.

MOTION CARRIED UNANIMOUSLY

ITEM 5:7-11 CONTRACT AWARDS AND AGREEMENTS

A. South Commerce Pathway Ramps

Jason Mayer, Giffels Webster, said three (3) bids were submitted ranging from \$45,782.00 to \$55, 816.00. He recommends the construction project be awarded to the low bidder, Best Asphalt, in the amount of \$45,782.00. Project cost will not exceed \$59,000 without prior authorization from the Township Board.

ITEM 5:7-11 CONTRACT AWARDS AND AGREEMENTS (A. South Commerce Pathway Ramps continued)

MOTION by Creech, supported by Phillips, to award the South Commerce Pathway Ramps construction contract to Best Asphalt in the amount of \$45,782.00, not to exceed \$59,000. Funds will come from the Pathway Maintenance Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 6:7-11 INTRODUCTIONS

- A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance 1.064 – To Permit Cost Recovery for Advanced Life Support Services.**

Jim Dundas, Fire Chief, advised the Board the Township Code of Ordinances permits cost recovery for advanced life support services, and a Fee Ordinance Amendment allows for cost recovery for advanced life supported services and changes to the amount collected for basic life support services.

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. 1.064. Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

- B. An Ordinance to Amend Ordinance 2.023 to be Known as Fee Ordinance No. 2.024 – Set Forth Various Fees Charged, Security Required, Fines Assessed, & to Repeal Conflicting Ordinance.**

MOTION by Weber, supported by Creech, to Introduce an Ordinance to Amend Ordinance No. 2.023 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.024. 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 No. 1.065 – Provide Procedure to Abate Ongoing Public Nuisances – Tabled May 9, 2023.**

This will remain on the Table.

ITEM 7:7-11 ADOPTIONS

- A. An Ordinance to Amend Articles 33, Section 33.01 of Zoning Ordinance 3.00 to Be Known as Zoning Amendment Ordinance 3.062 – Large Detached Accessory Structures.**

David Campbell, Planning Director, advised the Board the Ordinance is to amend the procedure for the review and approval of oversized detached accessory structures on residential properties of two acres or greater, granting the authority for administrative approval to the Planning Director and Building Official. This will reduce the time and

ITEM 7:7-11 ADOPTIONS (A. An Ordinance to Amend Articles 33, Section 33.01 of Zoning Ordinance 3.00 to Be Known as Zoning Amendment Ordinance 3.062 – Large Detached Accessory Structures continued)

expense to the applicant of the application process. The Planning Commission recommends approval.

MOTION by Weber, supported by Berkheiser, to Adopt an Ordinance to Amend Article 33, Section 33.01, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 3.062. Post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:7-11 SITE CONDOMINIUMS AND PLATS

A. Sixth Amendment to the Commerce Towne Place Condominium Master Deed

David Campbell, Planning Director, said the intent of the Amendment is to split Unit 11 into two new condominium units, such that the three Barrington buildings will be within their own new unit (Unit 15) with the pond, wing wall, and commercial pad upon their own new unit (Unit 16). The Planning Commission recommends approval.

James Galbraith, Petitioner, was present.

MOTION by Weber, supported by Phillips to approve the Sixth Amendment to Master Deed of Commerce Towne Place. **MOTION CARRIED UNANIMOUSLY**

ITEM 9:7-11 OLD BUSINESS

A. Resolution Authorizing Township Supervisor to Sign Documents Relating to the Sale of Township Owned Properties.

Hans Rentrop, Township Attorney, said the title company handling the Township's property sales has indicated its desire for a record of Supervisor Gray's authority to sign purchase agreements and closing documents relating to the Township's sale of its properties.

MOTION by Berkheiser, supported by Weber, to Approve the Resolution of The Township Board of The Charter Township of Commerce Authorizing Township Supervisor to Sign Documents Relating to Sale of Township Owned Properties.

MOTION CARRIED UNANIMOUSLY

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

Hans Rentrop, Township Attorney, provided the Board with answers from the Petitioner on the Board's concerns that were discussed at the June 2023 Township Board meeting as follows:

ITEM 9:7-11 OLD BUSINESS (B. Proposed Electric Vehicle Charging Station Agreement – Charge EV, LLC continued)

- 1) Petitioner accepted our mandatory insurance rider.
- 2) They want a 10-year contract as an exclusive provider at the rates they set and if breached by the Township, then the Township will pay for all costs incurred by them plus 50% of loss profits.
- 3) They rejected removal of the arbitration clause.
- 4) They will not change the repair time of the charging stations from 30 days to 15 days because there is no guarantee of supply issues.

MOTION by Sovel, supported by Berkheiser, to deny Proposed Electric Vehicle Charging Station Agreement – Charge EV, LLC.

Supervisor Gray voted No.

MOTION CARRIED

C. Township Property Sales

Supervisor Gray said two (2) offers to purchase for Township owned property were received.

MOTION by Berkheiser, supported by Weber, to accept the Offer to Purchase from Kurt Darrow, the sum of \$15,000 cash for Vacant Carroll Lake Road Sidwell No. E-17-02-151-089.

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Berkheiser, to accept the Offer to Purchase from Scott Tuggle, the sum of \$4,000 cash for Vacant Tuscola Street, T2N, R8E, SEC 3 Carroll Lake Height's Sub No 1 Lots 10, 11 & 12 BLK 38.

MOTION CARRIED UNANIMOUSLY

ITEM 10:7-11 NEW BUSINESS

A. Application for Alcoholic Liquors Special Permit – Kickstand Brewery Oktoberfest.

Brendan Rogers, Kickstand Brewery, was present.

MOTION by Creech, supported by Weber, to approve the application for Alcoholic Liquors Special Permit – Kickstand Brewery Oktoberfest for September 16, 2023 from 12:00 pm to 10:00 pm at 3050 Union Lake Road, Commerce Township, Michigan.

MOTION CARRIED UNANIMOUSLY

B. Agreement with Lakes Area Youth Assistance

Lakes Area Youth Assistance is requesting the Township renew their funding of \$4,200 for the 2023 – 2024 budget year.

ITEM 10:7-11 NEW BUSINESS (B. Agreement with Lakes Area Youth Assistance continued)

MOTION by Magner, supported by Berkheiser, to approve the Contract for Services by Lakes Area Youth Assistance for the Charter Township of Commerce from July 1, 2023 – June 30, 2024 for \$4,200 and approve the appropriate signatures.

Phillips voted No

MOTION CARRIED

C. Oakley Park Sidewalk Design

Jason Mayer, Giffels Webster, is requesting approval to move forward with the design engineering portion of the Oakley Park Pathway project to prepare plans and publicly bid the project for an amount not to exceed \$17,880. The estimated project cost is \$193,700.

Discussion took place. If approved, where will the pathway continue to? Emily England, Senior/Parks and Recreation Director will provide the Board, at the next Township Board meeting, with documentation from the Pathway Master Plan and where the pathway will connect to.

No action taken.

D. FY 2023 Community Project Funding – Library

Alyson Lobert, Library Director, advised the Board that the Community Project Funding has been approved for the library's self-service library kiosk. She will finalize the locations of the kiosks and ordering the units provided the Township is still interested in continuing with this federal grant project.

MOTION by Magner, supported by Sovel, to move forward with the Novel Branch library kiosks (up to five kiosks) Community Project in the Township.

Berkheiser voted No

MOTION CARRIED

E. Opioid Settlement

Treasurer Phillips recommends we evenly divide the funds we receive from the Distributor and Janssen settlements between Lakes Area Youth Assistance and Huron Valley Youth Assistance to be used at schools physically located in Commerce Township.

Trustee Berkheiser suggests we find out what percentage of Commerce Township residents attend the schools.

ITEM 10:7-11 NEW BUSINESS (E. Opioid Settlement continued)

MOTION by Phillips, supported by Weber, to divide evenly the funds we receive from the Distributor and Janssen settlements to Lakes Area Youth Assistance and Huron Valley Youth Assistance to be used at schools physically located in Commerce Township for the 2024 year. Treasurer Phillips to bring this to Board each year for review.

Berkheiser voted No

MOTION CARRIED

ITEM 11:7-11 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 12:7-11 OTHER MATTERS

Trustee Berkheiser –

- Update on water meter replacements in the Township. Jason Mayer, Giffels Webster, said WRC replaced meters for irrigation with updated meters.

Supervisor Gray –

- Asked if we could add anything to our Ordinances regarding repeat offenders for grass cutting? Hans Rentrop, Township Attorney answered no we cannot, although he will check into other options, if any.
- Oakland County Board of Commissioners will vote on the agreement with People's Express.
- Would like to discuss preferred vendors.
- Updated the Board regarding encroachments on Township property at Wise Rd and Victory Park.
- SEMCOG held a meeting at Commerce township on July 11, 2023 regarding the 2050 transportation plan.
- Need to look at short term rental properties in the Township. As of now, 10 show on Airbnb.

ITEM 13:7-11 CLOSED SESSION

- A. Purchase of Property / Pending Litigation: Village of Wolverine Lake v. Richard and Jody Haifleigh; Case No. 2021-191676-CC.**
- B. Purchase of Property**
- C. Contract Negotiations**

MOTION by Magner, supported by Creech, to enter into Closed Session for the purpose of discussing Purchase of Property / Pending Litigation: Village of Wolverine Lake v. Richard and Jody Haifleigh; Case No. 2021-191676-CC, Purchase of Property, and Contract Negotiations.

ITEM 13:7-11 CLOSED SESSION (motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 8:23 p.m.
Returned from Closed Session: 9:27 p.m.

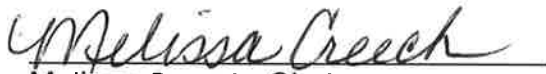
MOTION by Phillips, supported by Berkheiser, to adjourn from Closed Session and approve the Closed Session minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Creech, supported by Phillips, for Closed Session Item A, to direct the Township Attorney to proceed as discussed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

MOTION by Creech, supported by Berkheiser, for Closed Session Item B, to direct the Township Supervisor to move forward as discussed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

ITEM 14:7-11 ADJOURNMENT

MOTION by Creech, supported by Berkheiser, to adjourn the meeting at 9:28 p.m. **MOTION CARRIED UNANIMOUSLY**



Melissa Creech, Clerk
Charter Township of Commerce