

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

March 14, 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
Emily England, Senior/Parks and Recreation Director
Jay James, Building Official
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers
Wendy Reyes, Lieutenant OCSO
Mark Schoder, Maintenance Director
Ben Sebrowski, IT Director
Debbie Watson, DDA Director

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the February 14, 2023 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. Lower Straits Lake Aquatic Weed Control

Dr. Douglas Pullman, Aquest Corp., gave a presentation and answered questions from Board members on aquatic vegetation monitoring and management guidance. He has been monitoring conditions on Lower Straits Lake for 34 years.

PRESENTATIONS (A. Lower Straits Lake Aquatic Weed Control continued)

Rick Buteyn, Progressive AE, gave a presentation and answered questions from Board members on aquatic vegetation and lake management plans for Lower Straits Lake.

B. Spicer Group – OCSO New Substation

David Boersma, Senior Architect for Spicer Group, said six bids were received for the construction of the new Oakland County Sheriff Office substation. He recommends awarding the project to A R Brouwer Company, LLC based on their experience and how long they have been in business.

ITEM 1:3-14 APPROVAL OF AGENDA

MOTION by Magner, supported by Creech, to approve the March 14, 2023 agenda with the addition of **ITEM 5:3-14 OLD BUSINESS C. OCSO Substation Contract.**

MOTION CARRIED UNANIMOUSLY

ITEM 2:3-14 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. He informed the public that despite what has been circulating on social media, there is no plan to tear down the barn and/or to sell the property for development. The house has no significant historical value other than being old. It was deemed dangerous by a civil engineer in May of 2019. The house has sat empty for many years. We left the house standing while the electrical for the well pump and the pump itself were moved from the house to the barn.

Morrison Borders, Head of School at Oakland County Early College (OEC). This is a public early college/high school that is part of the West Bloomfield School District and is open to all Oakland County students entering grades 9, 10 and 11. OEC students graduate with their high school diplomas and up to 60 transferable college credits towards their undergraduate degree and/or an Associate Degree from Oakland Community College. There is no cost to students or their families. On March 21, 2023 there will be a Webinar at 7:00 pm. Please visit Oaklandearlycollege.org for more information and a link to the Webinar.

Phil Anderlie, 2045 Metzner, Commerce Township, stated they have been overcharged on their water bill since 2017. He said they, along with other residents, never used the amount of water that they were charged for. Supervisor Gray said he will look into this and get back to him by March 27, 2023.

The following were present in support of Windmill Farm and Carrie Hancock:

Jennifer Saylor, 2068 Alsup Ave., Commerce Township.

Amy Willis, 1875 Greenmeadow Dr., Walled Lake.

ITEM 2:3-14 PUBLIC COMMENTS (continued)

The following were present in support of Windmill Farm and Carrie Hancock:
Cathaleen Dennis, 1933 Big Trail Rd., Commerce Township.

Barry Robotnick, 4910 Carroll Lake Rd., Commerce Township.

John Spitzig, 8280 Lake Pine Dr., Commerce Township.

Karen Adams, 4539 Ravinewood Dr., Commerce Township.

Elizabeth Boyatt, 2565 Brisbane, Commerce Township.

Linda Gepper, 4815 Triwood Dr., Commerce Township.

Carrie Hancock, 2552 Wixom Rd., Commerce Township. She said Charlotte Bass sent her a letter today and asked her to read it to the Board. "Hello my name is Charlotte Bass; I previously wrote to you about the community programs that I planned to introduce at Windmill Farm prior to the bid process and subsequent notice to quit. I'm a past certified instructor and have worked in the equine learning space for 13 years. I recently founded a nonprofit based in Oxford, Michigan with successful programs that are with a wait list. I plan to implement a therapeutic riding program using Carrie's horses and the farm at Windmill in addition to a Girl and Boy Scout programs, 4H Club, equine facilitated learning programs for teamwork and leadership and things like summer camp and open houses for the community. My 501c3 nonprofit has been waiting for this to be sorted out so we can move forward immediately with programming at Windmill. I implore the Board to revoke the termination and come to an agreement for long term renewal so that we may have the security to begin these programs and watch them flourish. In the last month I have consulted with 2 prestigious school districts in Oakland County who are looking to establish equine facilitated learning programs during their school day for both able body and special needs children. The only thing stopping them is that they don't have a barn or space of their own to do so. Not only are equine facilities sought after and valuable to the community by having the farmhouse for our local, agricultural and farming lessons have additional benefits. There's school districts and communities looking to establish community gardens, learn canning and preservation and things like science regarding dirt and erosion. All of these farming topics could be held at seminars within the farmhouse. Discontinuing the equine presence at Windmill will be a huge disadvantage for the community. I am anxiously awaiting to put our plan of action for activities in place immediately once this is resolved. I look forward to speaking with the Commerce Township Board and community representatives to elaborate on our programming needs and our expectations to bring this to fruition." Ms. Hancock said all of this was available last year. Here is an extensive amount of community programming that has been available to you that you did allow the opportunity by not securing any kind of bid or concessionaire. I would like you to consider there are exceptional opportunities out there right now.

ITEM 2:3-14 PUBLIC COMMENTS (continued)

John Levinson, Chairperson Lower Straits Lake Preservation Committee, 8770 Oak Beach Drive, Commerce Township. The committee voted in favor (6-2) for Dr. Pullman to continue the lake management of Lower Straits Lake.

John Spitzig, 8280 Lake Pine Dr., Commerce Township. He supports John Levinson's comments regarding Lower Straits Lake.

Supervisor Gray closed Public Comments.

ITEM 3:3-14 PUBLIC HEARINGS

A. Establishment Resolution – Lagoon & Point Streets Sanitary Sewer SAD

John Kummer, Township Attorney, explained the revised and restated Resolution due to a change in cost. This was a 69% passage rate.

Supervisor Gray opened the Public Hearing.

Two emails were received:

1840 Point St., Commerce Township in support.

8347 Lagoon, Commerce Township in opposition.

Mr. Chapuseaux, 1832 Pointe St., Commerce Township, in support.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Creech, to approve the Revised and Restated 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 Lagoon & Point Streets Sanitary Sewer Special Assessment District. **MOTION CARRIED UNANIMOUSLY**

B. Establishment Resolution – Whitlow Court Paving SAD

John Kummer, Township Attorney, explained the revised and restated Resolution. The cost came back higher than previously proposed. This was a 52% passage rate.

Supervisor Gray opened the Public Hearing.

Fred Weber, 4955 Whitlow Ct., Commerce Township, said the road is deteriorating – in support.

Gerald Fowler, 4962 Whitlow Ct., Commerce Township, in support.

Supervisor Gray closed the Public Hearing.

ITEM 3:3-14 PUBLIC HEARINGS (B. Establishment Resolution – Whitlow Court Paving SAD continued)

MOTION by Sovel, supported by Phillips, 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 Whitlow Court Paving Special Assessment District.

MOTION CARRIED UNANIMOUSLY

C. Establishment Resolution – Dickert Street Water Main SAD

John Kummer, Township Attorney, explained the revised and restated Resolution. This was a 62% passage rate (4 yes, 3 no).

Discussion on why this is not going down to the end of the roadway. Residents included in this SAD are paying \$22,000 to connect to the water main. Residents who do not connect to the water main right now would only have to pay the lateral benefit fee of \$5,000 to connect to water in the future, although they would have to sign an agreement with the Township that indicates any future SAD to extend the water main, that property is an automatic yes.

Supervisor Gray opened the Public Hearing.

Scott Mackey, 8339 Dickert Street, Commerce Township, asked if we can do a requote. He signed the petition but is now in opposition because of the higher cost and because only 4 out of 7 residents voted yes. He was one of the 4 residents that originally signed the petition.

Supervisor Gray closed the Public Hearing.

MOTION by Berkheiser, supported by Sovel, to approve the Revised and Restated 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 Dickert Street Water Main Special Assessment District.

ROLL CALL VOTE:

AYES: Phillips

NAYS: Berkheiser, Sovel, Creech, Weber, Magner, Gray

MOTION FAILED

ITEM 4:3-14 CONTRACT AWARDS AND AGREEMENTS

A. Website Redesign – IT Department

Ben Sebrowski, Director of Technology, said 5 bids were received. He recommends the Board award the website redesign to Muniweb. The Muniweb proposal met and exceeded the requirements put forth in the RFP for our website redesign.

MOTION by Sovel, supported by Magner, to award the website redesign to Muniweb at a cost of \$17,270.00 for the first year and \$4,420.00 for years 2 through 5.

MOTION CARRIED UNANIMOUSLY

Treasurer Phillips exited the Boardroom.

B. Mowing Contract – Parks and Recreation

Emily England, Senior Director, said 9 bids were received for mowing and lawn care services at Dodge Park, Richardson Center, Hickory Glen and Maple Glen Parks. She recommends the Board award the contract to the low bidder MWG in the amount of \$42,000 for the season.

MOTION by Berkheiser, supported by Weber, to award the Mowing and Lawn Care Services for Dodge Park, Richardson Center, Hickory Glen and Maple Glen Parks to MWG in the amount of \$42,000 for the season.

MOTION CARRIED

Treasurer Phillips entered the Boardroom.

C. Wastewater Rate Study Proposal – UFS

Hans Rentrop, Township Attorney, said a rate study is needed to determine the proper allocation of rates and charges. He recommends the Board approve the proposal submitted by Dawn Lund of Utility Financial Solutions, LLC (UFS).

MOTION by Weber, supported by Berkheiser, to approve the proposal from Utility Financial Solutions, LLC (UFS) for the waste water study in an amount not to exceed \$15,000.

MOTION CARRIED UNANIMOUSLY

D. Program Year 2023 HIDTA Subrecipient Agreement and Resolution

Hans Rentrop, Township Attorney, explained the Agreement and Resolution.

MOTION by Sovel, supported by Creech, to approve the Resolution of The Township Board of The Charter Township of Commerce Declaring its Approval of the Program Year 2023 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement between The County of Oakland and Township of Commerce.

MOTION CARRIED UNANIMOUSLY

ITEM 5:3-14 OLD BUSINESS

A. Lower Straits Lake Aquatic Weed Control Bid Selection

Trustee Weber noted that while the services and experience of Aquest and Progressive were comparable, Aquest's quote was 25% less.

ITEM 5:3-14 OLD BUSINESS (A. Lower Straits Lake Aquatic Weed Control Bid Selection continued)

MOTION by Weber, supported by Sovel, to approve the 3-year contract with Dr. Douglas Pullman, Aquest Corp. for Lower Straits Lake Aquatic Control Lake Weed Management Contract in an amount not to exceed \$7,600.

MOTION CARRIED UNANIMOUSLY

B. Tri-Party Funds

Supervisor Gray said since the last Township Board meeting two meetings that were scheduled with the Road Commission for Oakland County (RCOC) were cancelled. He will schedule another meeting prior to the next Township Board meeting. He submitted a letter for the Board's review from the RCOC regarding Tri-Party Funds.

Today, he met with the Superintendent and the Supervisor of the RCOC Milford garage. They discussed the following projects that will take place in 2023 as follows: Martin Road from Richardson to Pontiac Trail will be repaved, 14 Mile from Decker Road to M5 will be repaved, Pontiac Trail from Welch Road to M5 will be spot resurfaced, Commerce Road from Union Lake Road to Carroll Lake Road will be overlay, and Welch Road will be overlay. The Superintendent and Supervisor asked if the Township would consider using Tri-Party funds for the Welch Road overlay.

C. OCSO Substation Contract

MOTION by Berkheiser, supported by Sovel, to award the bid to A R Brouwer Company, LLC, for construction of the new Oakland County Sheriff Office (OCSO) Substation at a cost not to exceed \$1,740,000. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:3-14 NEW BUSINESS

A. LaFontaine Automotive Group PUD

David Campbell, Planning Director, updated the Board on the LaFontaine Hyundai Genesis Planned Unit Development (PUD). The Planning Commission recommends approval of the PUD.

Gary Laundroche, LAG Development, 9990 East Highland Road was present and gave an overview of the project and answered questions from Board members.

MOTION by Weber supported by Berkheiser, to approve PPU #22-01 Lafontaine Hyundai-Genesis Dealership PUD LAG Development Unit 3 of Commerce Towne Place on the Northwest corner of Pontiac Trail and Haggerty Roads as submitted, including one vehicle per display pad is allowed. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:3-14 NEW BUSINESS (continued)

B. 1420 Benstein Road Conditional Rezoning Agreement – The Cove at Benstein Crossing

David Campbell, Planning Director, updated the Board on a conditional rezoning petition for The Cove at Benstein Crossing. The Planning Commission recommends approval.

MOTION by Weber, supported by Phillips, to approve PCZ#23-01 The Cove at Benstein Crossing Conditional Rezoning Agreement between The Charter Township of Commerce, MJC Land Investments LLC, and the Gobel Turner Trust.

Magner voted no

MOTION CARRIED

C. DDA Cash Advance

Debbie Watson, DDA Director, is requesting a cash advance of \$1.5 million for bond payments due by April 1, 2023.

MOTION by Phillips, supported by Sovel, to approve a cash advance of \$1.5 million for the DDA bond payments due by April 1, 2023. **MOTION CARRIED UNANIMOUSLY**

D. Parks and Recreation 5-Year Master Plan

Emily England, Senior Director, said the Parks and Recreation Committee is recommending approval of the 5-Year Parks and Recreation Master Plan.

MOTION by Creech, supported by Berkheiser, to approve the 5-year Parks and Recreation Master Plan Study (2024-2028) by Leah Groya Consulting in an amount not to exceed \$23,450. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:3-14 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 8:3-14 OTHER MATTERS

Trustee Magner

- Do we need to have a strategic discussion on development (traffic flow, long term vision) as we are talking about the Master Plan?

ITEM 8:3-14 OTHER MATTERS (continued)

Trustee Sovel

- We may want to push for underground utilities, especially with new developments, because of all of the power outages we are experiencing.
- In our landscape plan, we should not allow planting of trees in the utility right of way. Trustee Weber said Dave Campbell, Planning Director, under the suggestion of Supervisor Gray, is working on a tree ordinance. We should contemplate putting something in the ordinance that states where you can plant trees as it relates to power lines or even power lines coming into your home.
- He noticed that the City of Wixom Fire Department does not respond to fire runs in Commerce Township, although we respond to fire runs in the City of Wixom. We should have mutual aid between Fire Departments in Commerce Township and the City of Wixom. Fire Chief Dundas said Wixom has a new Fire Chief and he will discuss this matter with him.

Trustee Berkheiser

- When will we get the next update on Fifth and Main? Supervisor Gray said there will be a meeting on March 27, 2023.
- Asked Fire Chief Dundas if there is an ordinance regarding the distance between structures and fire hydrants. Fire Chief Dundas responded new developments may never have hydrants because there are no water mains. They have added additional hydrants in the Township. He said they have never run out of water and with the new tankers they have enough water to combat a fire. Also, they have mutual aid with neighboring communities.
- Asked Supervisor Gray if he is still working on encroachments at Township parks. Supervisor Gray answered yes.

Trustee Weber

- Should we consider moving our SAD threshold from 51% to 67%? Hans Rentrop, Township Attorney, said the Township can change the percentage if they want.

Supervisor Gray

- The roof is done at 2019 Township Drive.
- 2024 Community Fund Programming Grant applications are in for: \$630,000 to revamp Bicentennial Park, 1.7 million for Victory Park, \$260,000 for a fire training station for the Fire Department, \$70,000 for the boat launch on Union Lake Road and 30 million for round a bout at Martin & Richardson and Richardson and Union Lake.

ITEM 9:3-14 CLOSED SESSION

- A. Discuss Pending Litigation re: Commerce Township v. Carrie Hancock, d/b/A Windmill Farm, Case No. 23-C00072-LT**
- B. Discuss Pending Litigation and Real Estate Appraisal Services re: Rolling Hills Retirement Community LLC v. Commerce Township; MTT Docket No. 22-001741**

MOTION by Berkheiser, supported by Creech, to enter into Closed Session for the purpose of discussing Pending Litigation re: Commerce Township v. Carrie Hancock, d/b/a Windmill Farm, Case No. 23-C00072-LT and Pending Litigation and Real Estate Appraisal Services re: Rolling Hills Retirement Community LLC v. Commerce Township; MTT Docket No. 22-001741.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 10:18 pm
Returned from Closed Session at 11:03 pm


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

MOTION by Berkheiser, supported by Magner, to direct the Township Attorney to proceed as discussed in Closed Session in the matter of Pending Litigation re: Commerce Township v. Carrie Hancock, d/b/a Windmill Farm, Case No. 23-C00072-LT. **MOTION CARRIED UNANIMOUSLY**

MOTION by Berkheiser, supported by Magner, to direct the Township Attorney to proceed as discussed in Closed Session in the matter of Pending Litigation and Real Estate Appraisal Services, re: Rolling Hills Retirement Community, LLC, v. Commerce Township; MTT Docket No. 22-001741 **MOTION CARRIED UNANIMOUSLY**

ITEM 10:3-14 ADJOURNMENT

MOTION by Phillips supported by Creech, to adjourn the meeting at 11:04 p.m. **MOTION CARRIED UNANIMOUSLY**


Melissa Creech, Clerk
Charter Township of Commerce