

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

**February 9, 2021**

2009 Township Drive

Commerce Township, Michigan 48390

Due to the Michigan Department of Health and Human Services order, this meeting was held via video conferencing technology.

**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: Phillip Adkison, Township Attorney  
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  
Ben Sebrowski, Director of Technology

Jacob Batlemente, MERGE LIVE, Multimedia Group, is the host for the meeting.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Berkheiser, to approve the January 12, 2020 Regular Township Board Meeting minutes and the January 26, 2021 Quarterly Township Board Meeting minutes, as submitted.

**APPROVAL OF MINUTES (Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS**

**A. Resolution Mark Stacey**

Trustee Weber read a Resolution commending Mark Stacey for his remarkable achievements over the course of his distinguished career at Commerce Township.

**CHARTER TOWNSHIP OF COMMERCE  
RESOLUTION 2021-01  
COMMENDING MARK STACEY  
FOR SERVICE TO THE COMMUNITY**

**WHEREAS:** Mark Stacey was a resident in the Charter Township of Commerce, Oakland County, Michigan for more than 20 years, and:

**WHEREAS:** Mark Stacey was appointed to the Downtown Development Authority Board, Commerce Township, Oakland County, Michigan on the 4th day of January, 2011, and:

**WHEREAS:** Mark Stacey was hired as the full-time Director of the Downtown Development Authority, Commerce Township, Oakland County, Michigan on the 26th day of May, 2015, and:

**WHEREAS:** Mark Stacey's service and devotion to the Township and its Downtown Development Authority was proven to be an enormous benefit to the Township, its business partners and its residents in numerous ways, all of which contributed to Commerce Township having the finest Downtown Development Authority in the area, and:

**WHEREAS:** Mark Stacey is recognized with many accolades from colleagues and staff for offering historical context, business impact and attention to the potential impacts from development and policy decisions, and;

**WHEREAS:** He brought consistency, reliability, and dedication in the face of many changes over the last 10 years, benefitting Commerce Township and the thousands of residents and business associates he has served in our community, and;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF COMMERCE, COUNTY OF OAKLAND, STATE OF MICHIGAN, AS FOLLOWS:**

**PRESENTATIONS (Resolution Mark Stacey continued)**

**Section 1.** That the Commerce Township Board of Trustees proclaims the appreciation of all Commerce residents for Mark Stacey's meritorious service to the community;

**Section 2.** That the Commerce Township Board of Trustees thanks Mark Stacey for maintaining the Downtown Development Authority's long-standing commitment to quality services toward maintaining the vitality and prosperity of all Commerce Township residents and business partners; and,

**Section 3.** That this Resolution, signed by the members of the Charter Township of Commerce Board of Trustees, be presented to the family of Mark Stacey as a token of deep appreciation.

This Resolution passed and adopted by the Charter Township of Commerce Board of Trustees on the 9th day of February, 2021.

**MOTION** by Weber, supported by Berkheiser, to approve the Resolution honoring Mark Stacey for his dedication to the community of Commerce Township.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Fire Station 3 Update – Kevin Donnelly, Plante Moran CRESA**

Jim Dundas, Fire Chief, said the construction of the fire station is progressing very well.

Kevin Donnelly, Plant Moran CRESA, gave a presentation on the project updates and the construction schedule for the next three months for the Commerce Fire Station #3.

**ITEM 1:2-9 APPROVAL OF AGENDA**

**MOTION** by Phillips, supported by Magner, to approve the February 9, 2021 Regular Township Board of Trustees Meeting Agenda.

**ROLL CALL VOTE**

**AYES:** Philips, Magner, Creech, Weber, Berkheiser, Sovel, Gray

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:2-9 PUBLIC COMMENTS**

Supervisor Gray opened Public Comments.

**ITEM 2:2-9 PUBLIC COMMENTS (continued)**

Supervisor Gray asked Jacob Batlemente if there was anyone who wanted to speak under Public Comments.

Anthony Joseph Deptula, 2736 Gary Ave., Brighton Michigan, spoke with Jim Dundas, Fire Chief, today regarding his son's passing after his snowmobile fell through the ice on Wolverine Lake on January 24, 2021. He thanked everyone involved and praised the first responders for their assistance. He will meet with the Jim Dundas, Fire Chief, this Friday to discuss ideas on promoting public awareness and the use of a life vest or other life saving device while out on a lake.

Supervisor Gray closed Public Comments.

**ITEM 3:2-9 PUBLIC HEARINGS**

**A. 2021 CDBG Application Resolution**

Emily England, Parks and Recreation Director, said the CDBG 2021 money the Township will receive is estimated to be \$62,495.00. Out of the money, 30% can be used for public services. She will turn in an application for \$4,000 going to Haven, \$4,000 for Youth Services, and \$10,748.50 for Senior Services. The remaining \$43,749.50 will go towards removal of architectural barriers at the newly relocated play equipment at Dodge Park.

Supervisor Gray opened the Public Hearing.

Supervisor Gray asked Jacob Batlemente if there was anyone who wanted to speak under the Public Hearing. There were no raised hands.

Supervisor Gray closed the Public Hearing.

**MOTION** by Berkheiser, supported by Phillips, to approve the Charter Township of Commerce Resolution Approving The 2021 Community Development Block Grant Application. The breakdown is as follows: \$4,000 to Haven, \$4,000 to Lakes Area Youth Assistance Services, and \$10,748.50 to Senior Services. The remaining \$43,746.50 will go towards removal of architectural barriers at the newly relocated play equipment at Dodge Park.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:2-9: INTRODUCTIONS**

**A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.052 – Hardship Tax Exemption**

Hans Rentrop, Township Attorney, explained the Ordinance.

**ITEM 4:2-9 INTRODUCTIONS (An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.052 – Hardship Tax Exemption continued)**

**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. 1.052 – Hardship Tax Exemption, post and publish according to law.

**ROLL CALL VOTE**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:2-9 ADOPTIONS**

**A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.051 – 2021 International Fire code**

**MOTION** by Sovel, supported by Berkheiser, to Adopt an Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.051, post and publish according to law.

**ROLL CALL VOTE**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:2-9 SITE CONDOMINIUMS AND PLATS**

**A. Townes at Merrill Park Condominium**

David Campbell, Planning Director, said the Planning Commission recommends approval of a 103-unit attached residential townhome condominium to be developed on approximately 16 acres on the east side of Martin Road between Township Drive and Oakley Park Road.

William Anderson, Pulte Homes, gave an overview of the development.

**MOTION** by Weber, supported by Magner, to approve PSP#21-01, a condominium site plan by Pulte Homes of Michigan for Townes at Merrill Park 103-unit attached townhome condominiums to be developed on 3134 Martin Road with all of the conditions previously recommended in the Motion by the Planning Commission at their February 1, 2021 meeting.

**ITEM 6:2-9 SITE CONDOMINIUMS AND PLATS (Townes at Merrill Park  
Condominium Motion continued)**

**ROLL CALL VOTE**

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

**MOTION CARRIED**

**ITEM 7:2-9 OLD BUSINESS**

**A. Lystek Information**

Jason Mayer, Giffels Webster Engineers, included in the Board's packet was additional information to address questions that came up at the January 2021 Township Board meeting. The project plan is the next step that needs to be completed in order to keep applying for the SRF loan, if this is going to be a 2022 project. The intent to apply was submitted by the deadline. Dawn Lund, Utility Financial Solutions, said the \$270,000 spent on this would not affect her rate recommendations.

Trustee Sovel asked Hans Rentrop, Township Attorney, if he is comfortable with the outcome of the research that was done. Hans Rentrop, Township Attorney, answered yes, there are Federal and State levels regulating permitting. The liability is equal to or less than what the Township is currently doing. The product that is going to come out of the Lystek system is cleaner and safer than what we are dumping in the landfill right now. There is a push from both the Federal and the State to recycle. The Township should not be held liable if they comply with the permitting requirements. Lystek will haul away and test the biosolids twice a year. Further discussion with the Township's insurance company would be appropriate to discuss any liability due to application of the fertilizer to farmland in the event of an offsite hazard.

Further discussion took place.

Because Lystek has only 2 clients in the United States, the Township is requesting Lystek's financial records for the past 5 years.

**MOTION** by Weber, supported by Sovel, to approve up to \$20,000 to Giffels Webster to complete the project plan for potential purchase of the Lystek system.

**ROLL CALL VOTE**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:2-9 OLD BUSINESS (continued)**

**B. Maintenance Department New Hire, Personnel Budget, On Call System, and Level 1 and Level 2 Compensation**

Mark Schoder is requesting approval to hire a full-time employee for the Maintenance Department.

**MOTION** by Gray, supported by Berkheiser, to approve the request of the Maintenance Director to hire a full-time level 1 Maintenance Assistant.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**Paid on Call Maintenance Department**

Mark Schoder will review a schedule and additional detail for a paid-on call Maintenance System and bring his findings back to the Township Board at the next meeting.

No action taken.

**C. Demolition of Structures at 3400 Union Lake Road**

Jay James, Building Official, recommends awarding the demolition to the low bidder RJ Hoffman Management Inc. in an amount not to exceed \$10,000.

**MOTION** by Sovel, supported by Creech, to award the demolition of structures at 3400 Union Lake Road to the low bidder RJ Hoffman Management Inc. in an amount not to exceed \$10,000. Funds to come from the Building and Improvement Fund.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:2-9 NEW BUSINESS**

**A. Township Hall – Atrium Blinds Installation**

Jay James, Building Official, recommends awarding the purchase and installation of manual blinds to the south side windows in the top of the atrium at the Township Hall to The Sheer Shop.

**MOTION** by Sovel, supported by Weber, to award purchase and installation of manual blinds to the south side windows in the top of the atrium at the Township Hall to The Sheer Shop in the amount of \$6,674. Funds to come from the Building and Improvement Fund.

**ITEM 8:2-9 NEW BUSINESS (Township Hall – Atrium Blinds Installation Motion continued)**

**ROLL CALL VOTE**

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

**MOTION CARRIED UNANIMOUSLY**

**B. The Reserve at Crystal Lake PUD**

David Campbell, Planning Director, said the Planning Commission recommends approval of a 203-unit single family site condominiums on the north side of Sleeth Road.

Andrew Milia and Gary Jonna, Commerce Investment Company LLC, were present and gave a presentation of the development.

**MOTION** by Weber, supported by Berkheiser, to approve PPU#20-01, The Reserve at Crystal Lake Planned Unit Development with conditions set forth by the Planning Commission in their Motion at the February 1, 2021 meeting and including a new condition regarding Exhibit G where all homes on the lakefront will not have vinyl siding, homes with lots between 105' and 83' not on the lake will be reviewed by the Planning Commission to determine the architectural design guidelines and homes on lots of 60' or less would be allowed premium vinyl siding.

**ROLL CALL VOTE**

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

**MOTION CARRIED**

**ITEM 9:2-9 ORDERS**

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

Discussion:

Trustee Weber questioned an invoice we paid to Comcast (phone services) for the Welch Road Fire Department that was disconnected a long time ago. Ben Sebrovski, Director of Technology, said the Township is still in a contract with Comcast. He was able to get a reduced rate but could not cancel the services because if we did then we would lose our phone numbers for that location.

Trustee Weber noticed a fee for Tammy's Tastings that looked like a cocktail class. Alyson Lobert, Library Director said that is for an online cocktail making program that will be held in March 2021.



**ITEM 9:2-9 ORDERS (Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:2-9 OTHER MATTERS**

Trustee Weber –

- On the contract calendar supplied by Ben Sebrowski, Director of Technology, it shows the Richardson Center liquor license and the parks grass cutting contracts are all due to expire in less than 60 days. Emily England, Parks and Recreation Director said grass cutting bids are due back by February 17, 2021 and she will contact Hans Rentrop, Township Attorney, regarding the liquor license.
- Lower Straits Lake Weed Control – will there be a meeting in the spring? Supervisor Gray proposed a meeting to take place on March 25, 2021. He is waiting for confirmation.
- Did the fencing for the Benstein Cemetery come in yet? Dave Campbell, Planning Director, said the fence came in today and will be stored at the sewer treatment plant garage until it can be installed.
- While viewing what is happening in other municipalities in the State and surrounding areas, he noticed our Township's fiscal policy is working well. The Townships and the Cities that are in trouble and are begging for more money from the State and/or the Federal government are those that do not manage their Townships within their property tax base. They not only utilize those funds but they also rely heavily on other State and/or Federal funds to fund personnel and everything else.

Trustee Magner –

- Because of the comment made under Public Comments regarding the danger of thin ice on the lakes, she questioned if we should post some type of warning signs at the lakes. What is the next step? Treasurer Phillips said Lake Sherwood publishes a map showing the areas where water does not freeze on the lake. Trustee Weber said maybe during the start of winter we could put some type of warning on the Township's website and mention "no ice is safe ice".
- Merge Live – she is concerned with zoom bombing from callers during meetings. Per Dave Campbell, Planning Director, the moderator from Merge Live is the only person who can unmute a person giving them access to speak and the ability to mute or disconnect the caller.

Trustee Berkheiser –

- The snowplow contract expires in October 2021. This seems like a short window to receive bids back before the winter season. Can this be moved to an earlier month?

**ITEM 10:2-9 OTHER MATTERS (Trustee Berkheiser continued)**

- There was discussion between the Parks and Recreation Committee and the Library Advisory Board regarding placing the music box in the library building.

Trustee Sovel –

- Asked for an update on Cascade Street and White Lake. Supervisor Gray said White Lake Township Board voted to approve the barrier.

**MOTION** by Sovel, supported by Magner, to authorize up to \$7,500 to hire Dawn Lund of Utility Financial Solutions to perform a water study in the near future. Funds to come from the Water and Sewer Fund.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Magner, to request Dawn Lund of Utility Financial Solutions perform a sewer study to include information with the Lystek program. Funds to come from the Water and Sewer Fund.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Supervisor Gray –

- Working with Ben Sebrowski, Director of Technology, to obtain a quote for one access card system for all of the Township buildings.
- Working on the 8585 PGA Drive. A meeting was held to discuss the wants and needs. He will have more information to share with the Board at the next Township Board meeting.

**ITEM 11:2-9 ADJOURNMENT**

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


**MOTION** by Magner, supported by Creech, to adjourn the meeting at 10:44 p.m.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

  
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Melissa Creech, Clerk  
Charter Township of Commerce

