

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
December 10, 2024
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
Robert Long, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney
Jason Mayer, Giffels Webster Engineers
Dave Campbell, Planning Director
Jim Dundas, Fire Chief
Emily England, Parks and Rec/Senior Director
Jay James, Building Official
Alyson Lobert, Library Director
Katelyn Massey, HR/Finance Director
Mark Schoder, Maintenance Director
Wendy Reyes, Lieutenant OCSD
Matt Leggat, Sgt. OCSD

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the November 12, 2024 Regular Township Board Meeting minutes and the November 18, 2024 Special Township Board Meeting minutes, as submitted. **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS

A. Walled Lake Marching Band Proclamation

Supervisor Gray read aloud the Charter Township of Commerce Proclamation recognizing the Walled Lake Marching Band for their accomplishments and contributions.

ITEM 1:12-10 APPROVAL OF AGENDA

MOTION by Phillips, supported by Berkheiser, to approve the December 10, 2024 agenda. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:12-10 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.

There were no public comments

Supervisor Gray closed Public Comments.

ITEM 3:12-10 PUBLIC HEARINGS

A. Establishment Resolution – Island Club Sanitary Sewer Repair & Improvement SAD

Hans Rentrop, Township Attorney, said at the regular Township Board meeting on January 10, 2024, the Board approved the Intention Resolution for a proposed special assessment district to repair the Island Club Condominium's private sewer system to bring the system to the standards necessary for it to be included as part of the Township's Sewer System.

The master deeds for both phases of the Island Club Condominium Development require that the private sewer system be repaired by the respective condominium associations at the cost of unit owners. Further, the Condo 1 master deed specifically requires unit owners to execute all petitions necessary to establish a special assessment district to pay for repair costs.

Supervisor Gray opened the Public Hearing.

Terrence Harshfield, 3430 Circle Drive, President of Island Club HOA said the SAD was imposed on the residents and they did not approve it. He said when another set of houses were starting to be constructed, the Township did not allow them to connect to the sewer system until repairs were made to the system, therefore they evoked the SAD on the residents. We understand that at this point we have no choice in the matter but are requesting to meet with Jay James and Jason Mayer to discuss the bids in detail, design, cost, and other alternatives that are available. We also need to have roadwork done and would like to discuss the option to roll this into the SAD.

Jeff Levitt, 3406 Circle Drive, reiterates what Mr. Harshfield said. He would like the Township Board to consider allowing the residents extra time to put together possible additional bids and have a greater understanding on how the Township came to the cost estimate.

Deonne Lauer, 3436 Circle Drive, asked why building permits were issued to seven (7) newly constructed houses and allowed them to hook up to their sewer system when they are not even in their subdivision. The sewer system should have been put in first.

Supervisor Gray closed the Public Hearing.

ITEM 3:12-10 PUBLIC HEARINGS (Establishment Resolution – Island Club Sanitary Sewer Repair & Improvement SAD continued)

Jay James, Building Official, said the sewer system was installed during the original development of Island Club. Gravity Sewers were installed throughout the entire subdivision. It was developed in different phases (1, 2, and 3). There was a community system that was put in for the entire development. The septic system was designed for phase 1&2 and the sewer was developed for all the phases. For phase 3 to connect, they had to install a pump station that would eventually pump all the system into the Township sewer system. The community septic system was abandoned. The developer bought phase 3 and paid for the pump station. When they started to build houses, the County indicated that they did some videotaping of the system and found significant sags in the system for phase 3. It still functions today but it does have sags in it that will create an issue in the future. The system will eventually fail and when it does it is up to the residents to repair it. This must be repaired before connection to the Township's sewer system. He recommends this be Tabled so the residents can decide if they want to continue with the SAD.

Jason Mayer, Giffels Webster, said he has some ideas he would like to discuss with the residents on how the cost may be lower.

Hans Rentrop, Township Attorney, advise the Board that the Township cannot accept a damaged sewer system. He read into the record language in the Island Club Condominium Development Master Deed relating to residents' obligations to the master sanitary disposal system.

MOTION by Weber, supported by Sovel, to Table Establishment Resolution – Island Club Sanitary Sewer Repair & Improvement SAD.

Berkheiser – would like to know how many residents voted for or against the SAD when this comes back to the Board.

MOTION CARRIED UNANIMOUSLY

B. Resolution approving the 2025 CDBG Application

Emily England, Parks and Rec/Senior Director, said the CDBG funds will go to senior services and to remove architectural barriers in the restroom at Silo Ranch.

Supervisor Gray opened the Public Hearing.

There were no public comments

Supervisor Gray closed the Public Hearing.

MOTION by Berkheiser, supported by Creech, to approve The Charter Township of Commerce Resolution Approving The 2025 Community Development Block Grant Application.

MOTION CARRIED UNANIMOUSLY

ITEM 4:12-10 CONTRACT AWARDS AND AGREEMENTS

A. Island Club Sanitary Rehabilitation Contract Award

No action taken

ITEM 5:12-10 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 2.029 to Be Known as Fee Ordinance No. 2.030 Clarification of Water Rates for 2025

Hans Rentrop, Township Attorney, said the Fee Ordinance Amendment clarifies that the 2024 water service rates will be extended into 2025.

MOTION by Sovel, supported by Phillips, to approve The Charter Township of Commerce an Ordinance to Amend Ordinance No. 2.029 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.030, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 6:12-10 PURCHASES

A. Library Furniture

Alyson Lobert, Library Director, is requesting approval to purchase shelving for the reimagined book sale room, upgraded booths for the teen room and study pods to be installed in the teen room.

MOTION by Gray, supported by Creech, to approve the purchase of shelving for the reimagined book sale room, upgraded booths for the teen room and study pods to be installed in the teen room from Library Design Associates, Inc. (P-39324 1 & 2, P-34925 1, 2 & 3, dated 11-15-2024) in an amount not to exceed \$136,000.00, funds to come from the Library's 2025 budget.

MOTION CARRIED UNANIMOUSLY

B. Library Building Signage

Alyson Lobert, Library Director, is requesting approval to purchase the library building logo signage from SignGraphix.

Trustee Weber does not see any value by adding a logo near the signage that is already on the front of the building. He feels a better location would be on the west side of the building off South Commerce Rd. where there is no signage.

Trustee Long feels the Township's logo design should be the same throughout the Township. We may want to consider updating to one logo design Township wide.

Trustee Sovel said when the original library was built there were two contests held, one to name the library and another to design a library logo. The public voted on what they wanted for the library name and the design of the logo.

MOTION by Phillips, supported by Creech, to approve the purchase of the library signage for the outside wall of the library from SignGraphix (quote 27044 dated 8-8-2024) in an amount not to exceed \$9,800, funds to come from the Library's 2025 budget.

ITEM 6:12-10 PURCHASES (Library Building Signage Motion continued)

ROLL CALL VOTE:

AYES: Phillips, Creech, Sovel, Gray

NAYS: Weber, Berkheiser, Long

MOTION CARRIED

ITEM 7:12-10 OLD BUSINESS

A. Library Youth Mural Concepts

Alyson Lobert, Library Director, submitted two (2) concepts for the youth room mural. She is asking for the Board's input on which concept to choose.

MOTION by Weber, supported by Berkheiser, to approve Option #2 (Calming early autumn scene) as the mural for the youth room at the library.

MOTION CARRIED UNANIMOUSLY

B. Oakland County Sheriff Contract

Hans Rentrop, Township Attorney, reviewed the contract with the Board.

Lt. Wendy Reyes and Sgt. Matt Leggat, OCSD, were present to answer questions.

Hans Rentrop, Township Attorney, recommends an addition to the Addendum: When school is closed for the summer, the school officer will return to the OCSD substation.

MOTION by Sovel, supported by Berkheiser, to approve The Oakland County Sheriff's Office 2025-2027 Law Enforcement Services Agreement with The Charter Township of Commerce for 39 sheriff deputies/County Agents contracted for the year 2025.

MOTION CARRIED UNANIMOUSLY

ITEM 8:12-10 NEW BUSINESS

**A. Class C Liquor License Transfer Application – Aurora On The Lake, LLC,
2323 Union Lake Road**

Joe Barbat, Principal of Aurora On The Lake, was present to answer questions

Jessica Parker, Attorney representing Joe Barat, was present.

MOTION by Weber, supported by Berkheiser, to approve the Class C Liquor License Transfer Application – Aurora On The Lake, LLC, 2323 Union Lake Road, Commerce Twp. MI.

MOTION CARRIED UNANIMOUSLY

B. 2024 Budget Amendments

Katelyn Massey, HR/Finance Director, submitted a budget amendment spreadsheet for the Board's review.

MOTION by Weber, supported by Creech, to approve the 2024 Budget Amendments.

MOTION CARRIED UNANIMOUSLY

ITEM 8:12-10 NEW BUSINESS (continued)

C. Dog Park Rules

Emily England, Parks and Rec/Senior Director, said the Parks and Recreation Committee recommends approval of the Dog Park Rules.

MOTION by Berkheiser, supported by Creech, to approve the Dog Park Rules for 9491 Wise Rd, Commerce Township, MI with changes as discussed.

MOTION CARRIED UNANIMOUSLY

D. Byers Historical Marker

Emily England, Parks and Rec/Senior Director, said the Parks and Recreation Committee recommends approval of the Byers Historical Marker Application with a marker title "Abram Walrod Settlement."

MOTION by Long, supported by Berkheiser, to approve the Michigan Historical Marker Application - Byers Park changing the marker title to "Commerce Settlement."

MOTION CARRIED UNANIMOUSLY

E. Banking Services RFI

Treasurer Phillips reviewed the RFI for banking services with the Board.

MOTION by Gray, supported by Berkheiser, to approve The Charter Township of Commerce RFI for banking services and pricing beginning April 1, 2025.

MOTION CARRIED UNANIMOUSLY

F. MALT Budget

Supervisor Gray reviewed the MALT budget with the Board.

MOTION by Berkheiser, supported by Phillips, to approve the Michigan Air Line Trailway Management Council (MALT) 2025 Proposed Operating Budget.

MOTION CARRIED UNANIMOUSLY

G. Resolution - 2023 Oakland County Multi-Jurisdictional Hazard Mitigation Plan

Jim Dundas, Fire Chief, said Oakland County updated the Plan in 2023, has adopted it as an official document of the County, has received approval from FEMA, and recommends that Commerce Township adopt the applicable sections of the 2023 Plan. Adoption of the Plan is required to ensure eligibility for federal funding.

Hans Rentrop, Township Attorney, said Federal law requires this Plan to be updated every five years and the Township last approved a version in 2018.

MOTION by Phillips, supported by Berkheiser, to approve the Resolution of The Township Board of The Charter Township of Commerce adopting the Oakland County Multi-Jurisdictional Hazard Mitigation Plan. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:12-10 NEW BUSINESS (continued)

H. Environmental Legal Liability Policy

Trustee Sovel said several years ago, we had a liability insurance policy in case of breakage in the sewer lines. The policy was never renewed. We need to have a liability policy.

MOTION by Sovel, supported by Gray, to approve a 3-year \$10 million-dollar Environmental Legal Liability Policy from Aspen Specialty Insurance Company not to exceed \$134,000.00. Funds to come from the Sewer Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 9:12-10 ORDERS AND ADD ONS

MOTION by Phillips, supported by Creech, to approve the orders and the add ons.

MOTION CARRIED UNANIMOUSLY

ITEM 10:12-10 OTHER MATTERS

Trustee Weber

- Asked for the status of the Pete Lesner resolution. Emily England said she is anticipating an update in January 2025.
- During the next Quarterly Discussion Meeting, he recommends we hold discussion for an agreement on how many months of fund balance (safety related: fire, police, water, and sewer) we should have.
- The Township should conduct a disaster recovery test. For example, if the Township Hall gets hit by a tornado, personnel would go to the library building to set up computers, etc. to see whether we can recover data and restore critical operations in case of an interruption of services. We need to test and verify whether an adopted Disaster Recovery Plan will work if and when it is actually needed.

Treasurer Phillips –

- Do you want me to pull all our money out of the Oakland County Investment Pool? There is approximately 2.5 million dollars held by Oakland County. It was the consensus of the Board to pull the money out.

Trustee Long –

- It is an honor to serve Commerce Township again.
- During the next Quarterly Discussion Meeting, we should discuss if there is anything we need to update, i.e. stationary, logos, etc.

Supervisor Gray-

- There were 288 photos submitted for the Commerce Township Photo Contest 2024. Voting closes at 12 pm on Sunday, December 22, 2024.

ITEM 10:12-10 OTHER MATTERS (Supervisor Gray continued)

- Outrun Hunger raised \$34,383.00. There were approximately 400 runners/walkers signed up for the race. They will provide 687 families with holiday meals. They recruited 68 volunteers from our community. They received contributions from 86 donors and had 24 sponsors.
- Department of Energy – we are looking to improve windows, EV chargers, transportation, environmental improvements, etc. from a \$76,000.00 grant that was given to us in 2023.

ITEM 11:12-10 CLOSED SESSION

A. To Consider Attorney-Client Privileged Communications – Legal Opinion Log Cabin Cell Tower

MOTION by Phillips, supported by Creech, to enter into Closed Session for the purpose of discussing Attorney-Client Privileged Communications – Legal Opinion Log Cabin Cell Tower.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 9:42 p.m.
Returned from Closed Session: 9:58 p.m.

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

MOTION CARRIED UNANIMOUSLY

MOTION by Creech, supported by Phillips, to direct the Township Attorney to proceed as discussed in Closed Session.

MOTION CARRIED UNANIMOUSLY

ITEM 12:12-10 ADJOURNMENT

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

MOTION by Phillips, supported by Creech, to adjourn at 10:00 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce