

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
November 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  
Vanessa Wagner, Trustee  
Rick Sovel, Trustee  
George Weber, Trustee

Absent: Robert Berkheiser, Trustee (excused)

Also Present: Hans Rentrop, Township Attorney  
John Kummer, Township Attorney  
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 Sovel, supported by Creech, to approve the October 10, 2023 Special Township Board Meeting minutes, the October 10, 2023 Regular Township Board Meeting minutes, the October 24, 2023 Special Township Board Meeting minutes, and the October 24, 2023 Quarterly Township Board Meeting minutes, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 1:11-14 APPROVAL OF AGENDA**

**MOTION** by Creech, supported by Phillips, to approve the November 12, 2023 agenda with the removal of **ITEM 11:11-14 NEW BUSINESS I. Muni News Customized Communications for Municipalities and K. 2024 Township Budget Discussion.**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:11-14 PUBLIC COMMENTS**

Supervisor Gray opened Public Comments and advised the public that speaking time is limited to 3 minutes. This is for public comments only.

Rusty Rosman (Chairperson of the Zoning Board of Appeals - ZBA), 1081 Island Drive, Commerce Township, MI, gave an overview of the role and responsibilities of the ZBA. She explained the steps taken for someone who is in violation of a zoning ordinance and is issued a ticket(s). The Township tickets are not enforceable so why are residents spending their tax dollars on Ordinance Officers and Zoning Boards if the violations are not enforceable? She would like to see the Township Board pay attention to how tax dollars are being spent on ordinances and enforcement and address the issue of residents who ignore tickets. Additionally, when it comes to a landlord using a bailiff to evict tenants, she would like it included in the ordinance that a roll off dumpster must be used to place tenant's personal items in it instead of leaving them outside of the rental unit.

Supervisor Gray read an email from Ms. Leigh Ann Koloski regarding the sale of Township property referenced in **ITEM 10:11-14 OLD BUSINESS A. Sale of Township Property.**

Supervisor Gray closed Public Comments.

**ITEM 3:11-14 PUBLIC HEARINGS**

**A. Roll Resolution – Chickory Lane maintenance SAD**

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

**MOTION** by Sovel, supported by Magner, to approve the Resolution Confirming Special Assessment Roll for The Special Assessment District Designated Chickory Lane Maintenance Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Berkheiser

**MOTION CARRIED UNANIMOUSLY**

**B. Resolution Approving the 2024 CDBG Block Grant Application**

Supervisor Gray opened the Public Hearing at 7:14 p.m.

There were no public comments.

**ITEM 3:11-14 PUBLIC HEARINGS (Resolution Approving the 2024 CDBG Block Grant Application)**

Supervisor Gray closed the Public Hearing at 7:15 p.m.

Emily England, Senior/Parks and Recreation Director, explained how the funds will be allocated.

**MOTION** by Magner, supported by Phillips, to approve the Charter Township of Commerce Resolution Approving the 2024 Community Development Block Grant Application.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Berkheiser

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:11-14 PUBLIC HEARING FOR PROPOSED 2024 TOWNSHIP BUDGET**

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

**ITEM 5:11-14 BOARD APPOINTMENTS**

**A. Barbara Garbutt – Resignation from the Parks and Recreation Committee**

**MOTION** by Sovel, supported by Magner, to accept the Resignation letter from Barbara Garbutt from the Parks and Recreation Committee.

**MOTION CARRIED UNANIMOUSLY**

**B. Denise Vecellio – Appointment to the Parks and Recreation Committee for a Partial Term Expiring May 31, 2025.**

Denise Vecellio was present.

**MOTION** by Magner, supported by Phillips, to Appoint Denise Vecellio to the Parks and Recreation Committee for a partial term to expire May 31, 2025.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:11-14 CONTRACT AWARDS AND AGREEMENTS**

**A. Oakland County Parks Community Park and Trail Capital Grant Program Agreement-Bicentennial Park**

Emily England, Senior/Parks and Recreation Director, said this is a \$100,000 grant from Oakland County Parks Community Park and Trail Capital Grant Program.

**ITEM 6:11-14 CONTRACT AWARDS AND AGREEMENTS (Oakland County Parks Community Park and Trail Capital Grant Program Agreement-Bicentennial Park Motion continued)**

**MOTION** by Sovel, supported by Creech, to approve the Oakland County Parks Community Park and Trail Capital Grant Program Agreement for Bicentennial Park renovations and authorize the appropriate signatures. The total project amount is \$324,602 (\$100,000 from the grant and \$224,602 paid by the Charter Township of Commerce).  
**MOTION CARRIED UNANIMOUSLY**

**B. Oakland County Equalization Contract**

Supervisor Gray reviewed the term and payment schedule (Section 10 of the contract) with the Board.

**MOTION** by Sovel, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce Authorizing Entry into the Contract for Oakland County Equalization Division Assistance for Real and Personal Property Assessment Administration Services with the Charter Township of Commerce.  
**MOTION CARRIED UNANIMOUSLY**

**C. Intergovernmental Temporary Sanitary Services Agreement – 2045 Meadow Ridge Drive**

John Kummer, Township Attorney, said this agreement is to facilitate the connection of the Eichelberger's residence located in Commerce Township to Walled Lake's sanitary sewer system.

**MOTION** by Sovel, supported by Creech, to approve the Intergovernmental Temporary Sanitary Services Agreement between the City of Walled Lake, the Charter Township of Commerce and Christopher and Colleen Eichelberger.  
**MOTION CARRIED UNANIMOUSLY**

**D. LysteGro Marketing and Application Coordination Agreement**

Hans Rentrop, Township Attorney, this Agreement sets forth the terms for Lystek's handling of the biosolids to be produced at the Wastewater Treatment Plant. Additionally, enclosed is a Confidentiality Agreement, which Lystek has requested be executed to protect their proprietary interests.

Trustee Weber would like to have clarity on what "financials" we are signing up for (Article 3 of the Agreement). The agreement also states farm land that they sell to needs to be a reasonable distance but it does not state what a reasonable distance is (Article 3 (3.6) of the agreement).

No action taken

**ITEM 7:11-14 ADOPTIONS**

**A. An Ordinance to Amend Ordinance No. 2.024 to be Known as Fee Ordinance No. 2.025**

Hans Rentrop, Township Attorney, said there have been no changes since this was introduced during October's Township Board meeting.

**MOTION** by Sovel, supported by Creech, to Adopt Charter Township of Commerce Ordinance to Amend Ordinance No. 2.024 to be known as the Charter Township of Commerce Fee Ordinance No. 2.025, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:11-14 INTRODUCTIONS**

**A. An Ordinance to Amend Ordinance No. 2.025 to be Known as Fee Ordinance No 2.026**

John Kummer, Township Attorney, said this is a Fee Ordinance Amendment updating the cemetery fees to reflect the price changes contained in the Huron Valley Cemetery Maintenance Contract for Maintenance, Sexton, and Bookkeeping Services for 2024 through 2026.

**MOTION** by Sovel, supported by Creech, to Introduce Charter Township of Commerce Ordinance to Amend Ordinance No. 2.025 to be known as The Charter Township of Commerce Fee Ordinance No. 2.026, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**B. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.066 – To Create an Exemption from Transfer Fee Requirements**

John Kummer, Township Attorney, said this is a Code of Ordinances Amendment that would create a transfer fee exemption whenever interment rights are transferred due to the registered grave owner's death.

**MOTION** by Sovel, supported by Creech, to Introduce Charter Township of Commerce Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.066, 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. 1.067 – To Amend Chapter 36, "Telecommunications," and to Repeal Article II, "Cable Communications"**

John Kummer, Township Attorney, said the attached ordinance would repeal Article II, Chapter 36, in its entirety as its provisions are no longer enforceable since they conflict with the Act. An amendment was not initially proposed since regulatory uncertainty existed due to lawsuits challenging the Act. However, considering the new cable franchise application from WOW!, the first in many years, and the fact that litigation

**ITEM 8:11-14 INTRODUCTIONS (An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.067 – To Amend Chapter 36, “Telecommunications,” and to Repeal Article II, “Cable Communications” continued)**

regarding the Act has since resolved, our office concluded that now was an appropriate time for an amendment.

**MOTION** by Sovel, supported by Phillips, to Introduce Charter Township of Commerce Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 1.067, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

**ITEM 9:11-14 PURCHASES**

**A. Replacement Fire Hose – Fire Department**

Jim Dundas, Fire Chief, is asking the Board to approve the purchase of fire hose to replace defective hose.

**MOTION** by Weber, supported by Magner, to approve the purchase of replacement LDH 5” Storz couple supply hose from MES (Quote QT1745458 dated 10-2-2023) up to \$8,800.00. Funds to come from the Fire Department Equipment Maintenance Account.

**MOTION CARRIED UNANIMOUSLY**

**B. Utility Pickup Truck - Fire Department**

Jim Dundas, Fire Chief, is asking the Board to approve the purchase of a new utility truck. The primary function of the new truck will be to tow the water rescue boat trailer.

**MOTION** by Weber, supported by Creech, to approve the purchase of a 2024 GMC Sierra 1500 Dbl (Ext) Cab 4x4 w/6.5’ bed from Todd Wenzel Buick GMC of Westland up to \$46,000.00. Funds to come from the Fire Department Capital Outlay.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:11-14 OLD BUSINESS**

**A. Sale of Township Property**

Supervisor Gray said the Township received three (3) offers to purchase the vacant parcel on Red Arrow.

Discussion on the merits of selling to a developer versus selling to a group of adjacent property owners who will commit to keeping the parcel undeveloped and will remain as a recreational space for the surrounding public. Trustee Weber asked if this could be secured through a Deed Restriction with specific requirements to ensure the property could not be developed in the future. Hans Rentrop, Township Attorney, said we can put a deed restriction in place indicating the parcel is not buildable, must be maintained and the purchasers would be responsible for the costs.

**ITEM 10:11-14 OLD BUSINESS (Sale of Township Property continued)**

**MOTION** by Weber, supported by Creech, to accept the purchase agreement for the Red Arrow parcel at a sale price of \$30,000 subject to a deed restriction brought back to the Township Board. **MOTION CARRIED UNANIMOUSLY**

**ITEM 11:11-14 NEW BUSINESS**

**A. Victory Park Improvements**

Emily England, Senior/Parks and Recreation Director, would like to move forward with the project design portion of this project in an amount not to exceed \$78,000

**MOTION** by Sovel, supported by Magner, to move forward with the Design Engineering portion of Victory Park Improvements at a cost not to exceed \$78,000.

**MOTION CARRIED UNANIMOUSLY**

**B. Library Director Credit Card Limit**

Treasurer Phillips would like to increase the Library Director's (Alyson Lobert) credit card limit to \$25,000 so she can pay with the card when her orders ship. Discussion centered on: the rationale for the \$25,000 requested amount, security concerns with manual checks at a library vendor, and the internal controls / audit process with Township credit card utilization.

**MOTION** by Creech, supported by Magner, to increase the Library Director's (Alyson Lobert) credit card limit to \$25,000 so she can pay with the card when her orders ship.

**MOTION CARRIED UNANIMOUSLY**

**C. Resolution to Enter into an Agreement for a Traffic Control Device with the Oakland County Board of County Road Commissioners**

**MOTION** by Gray, supported by Magner, to approve the Resolution of the Township Board of the Charter Township of Commerce to enter into an agreement for a Traffic Control Device on South Commerce Road at Cardinal St/Dodge Park with the Oakland County Board of County Road Commissioners. **MOTION CARRIED UNANIMOUSLY**

**D. Resolution to Approve WOW! Uniform Video Service Local Franchise Agreement**

John Kummer, Township Attorney, explained the Resolution. Changes in state law removed the Township's ability to negotiate the agreement.

**MOTION** by Sovel, supported by Phillips, to approve the Resolution of the Township Board of the Charter Township of Commerce to Approve Wow! Uniform Video Service Local Franchise Agreement. **MOTION CARRIED UNANIMOUSLY**

**ITEM 11:11-14 NEW BUSINESS (continued)**

**E. Resolution – Everstream METRO Act Right of Way Permit Application**

John Kummer, Township Attorney, Everstream's application submittal contains incomplete and out-of-date information. Specifically, Everstream failed to provide the following: all required insurance certificates, contact information, the most recent annual report filed with the Michigan Department of Licensing and Regulatory Affairs, and a complete list of all officers. It is our recommendation that the Township Board deny this application without prejudice until such a time that all defects in the application have been cured. A separate correspondence will be delivered by our office to Everstream's permit coordinator detailing the defects in its application.

**MOTION** by Sovel, supported by Phillips, to approve the Resolution of the Township Board of the Charter Township of Commerce to Deny Everstream Metro Act Right of Way Permit Application, without prejudice.

**F. DebtBook – Treasurer**

Treasurer Phillips is requesting approval to contract with DebtBook Premium for our required GASB reporting.

**MOTION** by Magner, supported by Sovel to contract with DebtBook Premium for the required GASB reporting for one year at a cost of \$9,500.

**MOTION CARRIED UNANIMOUSLY**

**G. Opioid Settlement Payments – Treasurer**

Treasurer Phillips said the Township received more Opioid funds from various settlements. We currently have an additional \$2,873,96. She recommends we split the funding evenly between Lakes Area Youth Assistance and Huron Valley Youth Assistance as we have in the past.

**MOTION** by Creech, supported by Weber, to donate \$2,873.96 of Opioid Funds the Township received from various settlements divided equally to Lakes Area Youth Assistance and Huron Valley Youth Assistance (\$1,436.98 each).

**MOTION CARRIED UNANIMOUSLY**

**H. Yearly Certification of Tax Roll – Treasurer**

Treasurer Phillips is requesting approval.

**MOTION** by Sovel, supported by Magner, to approve the S.A.D'S to be assessed to 2023 Winter Taxes.

**MOTION CARRIED UNANIMOUSLY**

**I. Muni News Customized Communications for Municipalities**

(removed under **ITEM 1:11-14 APPROVAL OF AGENDA**)



**ITEM 11:11-14 NEW BUSINESS (continued)**

**J. 2024 Michigan Airline Trail Budget**

Supervisor Gray would like to place \$10,000 into the Michigan Airline Trail Budget to be used for future maintenance.

**MOTION** by Magner, supported by Phillips, to authorize \$10,000 to the Michigan Airline Trail Management Council, to come from the General Fund.

**MOTION CARRIED UNANIMOUSLY**

**K. 2024 Township Budget Discussion**

(removed under **ITEM 1:11-14 APPROVAL OF AGENDA**)

**ITEM 12:11-14 ORDERS**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:11-14 OTHER MATTERS**

Supervisor Gray –

- There were an additional 15 dead pine trees that needed to be removed around the Township Hall. He approved the additional \$4,000 cost to remove the 15 trees. To date there were 31 dead trees removed.
- He will add to next month's Township Board agenda paving for Welch Road. He received the Tri-party dollar amount, from Tom Noechel, RCOC, for paving Welch Road from 14 Mile Road to Oakley Park Road. The total cost to repave that section is \$840,000. It will cost the Township \$280,000 of Tri-Party Funds.

**ITEM 14:11-14 CLOSED SESSION**

**A. Discuss Pending Litigation and Real Estate Appraisal Services re: VHS Huron Valley-Sinai Hospital, Inc. v. Commerce Township; MTT Docket No. 23-001237**

**B. AFSCME Contract Negotiations Pursuant to MCL 15.269(c)**

**MOTION** by Sovel, supported by Phillips, to enter into Closed Session for the purpose of discussing Pending Litigation and Real Estate Appraisal Services re: VHS Huron Valley-Sinai Hospital, Inc. v. Commerce Township; MTT Docket No. 23-001237 and AFSCME Contract Negotiations Pursuant to MCL 15.269(c).

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Berkheiser

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:11-14 CLOSED SESSION (continued)**

Entered into Closed Session: 8:48 p.m.  
Returned from Closed Session: 9:15 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 Magner, to direct the Township Attorney to proceed as discussed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

**ITEM 15:11-14 ADJOURNMENT**

**MOTION** by Phillips supported by Creech to adjourn the meeting at 9:16 p.m. **MOTION CARRIED UNANIMOUSLY**



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Melissa Creech, Clerk  
Charter Township of Commerce