

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
January 12, 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 Wagner, 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  
Ben Sebrowski, Director of Technology  
Lt. Wendy Reyes, Oakland County Sheriffs  
Department

Ken Milburn, MERGE LIVE, Multimedia Group, is the host for the meeting.

Ben Sebrowski, Director of Technology, is co-host for the meeting.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**MOTION** by Phillips, supported by Sovel, to approve the December 8, 2020 Regular Township Board Meeting minutes, as submitted.

**APPROVAL OF MINUTES (Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS**

**A. Lystek System – Waste Water Treatment Plant**

Mike Beswick, Executive Vice President, Lystek System, gave a presentation on the services his company offers for Biosolid Management at the Commerce Township Wastewater Treatment Plant.

**ITEM 1:1-12 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Sovel, to approve the January 12, 2021 Regular Township Board of Trustees Meeting Agenda.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:1-12 PUBLIC COMMENTS**

Supervisor Gray opened Public Comments.

Supervisor Gray asked Ken Milburn if there was anyone who wanted to speak under the Public Comments.

The following called in support of a traffic barrier on Cascade Street:

Christina Orah, 8530 Cascade Street.

Trisha Dunn, 8492 Cascade Street.

Tom Dunn, 8492 Cascade Street.

Katie Roberts, 8548 Cascade Street.

Greg Strzempek, 8298 Cascade Street.

Don Young, 8566 Cascade Street.

Penny Strzempek, 8544 Cascade Street.

The following called in opposed to the traffic barrier on Cascade Street:

Mike Farr, 8291 Cascade Street, proposes speed bumps or a reduced speed limit in place of a traffic barrier.

David Scott, 5545 Paradise, is in support of the Commerce Wastewater Treatment Plant recycling program as presented by Lystek System. He asked the Township to register

**ITEM 2:1-12 PUBLIC COMMENTS (continued)**

with Flag Honors so they can get information out to the public letting them know when the American flag should be flown at half-staff. He does not feel the Township should spend money for a traffic barrier on Cascade Street. Other subdivisions did not use Township money for traffic barriers. The Sheriff Deputies should be addressing this and issuing traffic tickets. If, after 6 months, the problem is not solved then the Township could revisit the traffic problems on Cascade Street.

Supervisor Gray closed Public Comments.

**ITEM 3:1-12 BOARD APPOINTMENTS**

**A. Barbara Rosman – Reappointment to the Zoning Board of Appeals for a 3-Year Term to Expire March 31, 2024**

**MOTION** by Sovel, supported by Magner, to reappoint Barbara Rosman to the Zoning Board of Appeals for a 3-Year Term to Expire March 31, 2024.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Keith Reynolds – Appointment to the Board of Review for a 2-Year Term to Expire December 31, 2022**

**MOTION** by Weber, supported by Phillips, to appoint Keith Reynolds to the Board of Review for a 2-Year Term to Expire December 31, 2022.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4: INTRODUCTIONS**

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

Hans Rentrop, Township Attorney, explained the Ordinance.

Jim Dundas, Fire Chief, recommends the Board Introduce the Ordinance.

**MOTION** by Weber, supported by Berkheiser, 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. 1.051 – 2021 International Fire Code, post and publish according to law.

**ITEM 4: INTRODUCTIONS (An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.051 – 2021 International Fire Code Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:1-12 PURCHASES**

**A. Replacement Nozzles for Attack Lines – Fire Department**

Jim Dundas, Fire Chief, is requesting approval to purchase replacement nozzles for attack lines on the fire engines.

**MOTION** by Sovel, supported by Magner, to approve the purchase of replacement nozzles for attack lines on the fire engines from the low bidder, Apollo Fire Equipment Company, at a cost not to exceed \$9,828.00, funds to come from the Fire Department Fund.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:1-12 OLD BUSINESS**

**A. 8585 PGA Drive Discussion**

Supervisor Gray said he did a walk thru of the building with sub-committee members Rick Sovel and George Weber. They discussed with Plante Moran CRESA about doing a "needs" analysis for the Fire and Police Departments. After discussion with Plante Moran CRESA, the cost was too high so they will look at other options for the Sheriff's Department Sub-Station and the Fire Department.

Trustee Berkheiser suggest we discuss this and other needs of the Township during the January Township Board Discussion Meeting.

Trustee Weber said they would like to discuss the overall property strategy sub-committee meeting, all of the lots the Township owns and offer their recommendations at the Township Board Discussion Meeting.

Trustee Sovel said they will meet in the next few months and then will present their recommendations to the Township Board.

**B. Resolution – Revised Procedures for Electronic Meetings and Attendance**

Hans Rentrop, Township Attorney, advised the Board the State amended the Open Meetings act to extend the time during which a public body may meet remotely for any

**ITEM 6:1-12 OLD BUSINESS (Resolution – Revised Procedures for Electronic Meetings and Attendance continued)**

reason from December 31, 2020 to March 31, 2021. The Resolution reflects this change.

**MOTION** by Magner, supported by Sovel, to approve the Resolution of The Township Board of The Charter Township of Commerce Adopting Revised Procedures for Electronic Meetings and Attendance.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:1-12 NEW BUSINESS**

**A. Lystek System SRF Loan Application and Design**

Jason Mayer, Giffels Webster Engineers, said the main point of the project is to not be at the mercy of the landfill and hauling costs. The project would qualify for some percentage of green project forgiveness if we did apply for the SRF loan. He estimates that to be around 5%. Payback period is estimated to be anywhere from 8.5 to 19.5 years and that is mainly dependent upon future landfill costs. We need to submit an intent to apply for the SRF Loan by the end of January 2021 and submit an approved project plan by June 1, 2021.

Trustee Weber said Lystek System is not a long term established company and they only have a handful of clients. Because of that, he has a concern with trying to rush a \$5 million approval by the end of this month. Is this the only company that is turning human waste into fertilizer? Jason Mayer, Giffels Webster Engineers, answered no. He said the only other proprietary solutions would involve adding more construction to the project such as adding a building to store actual material. The tankers can come in and load the material. There are other ways of turning waste into fertilizer but it would involve a high construction cost.

Discussion ensued on available options and the possibility of partnering with surrounding communities.

Trustee Sovel asked if we need to contact Dawn Lund at UFS and ask her if this would have any impact on our rate setting studies she has done. He would like her input.

Jason Mayer, Giffels Webster Engineers, said Ms. Lund included this as a bonded project for the year 2021. She also looked at the payback calculations.

Jason Mayer, Giffels Webster Engineers, can do additional research, including alternatives surrounding communities are reviewing and report back to the Board.

**ITEM 7:1-12 NEW BUSINESS (Lystek System SRF Loan Application and Design continued)**

**MOTION** by Berkheiser, supported by Phillips, to move forward with the intent to apply for the SRF Loan Application and Design for the Commerce Township Wastewater Treatment Plant. Jason Mayer, Giffels Webster Engineers, will research this further and report back to the Board with his findings.

**ROLL CALL VOTE**

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

**NAYS:** Weber, Gray

**MOTION CARRIED**

**B. Cascade Street Traffic Barrier**

Collin Fabian, President of Russel Beach Association, and Michael Drew, Cascade Street Committee Chair, are requesting the Township approve the expenditure of \$5,000 from Tri-Party Funds toward installation of a traffic barrier on the east end of Cascade Street due to unsafe traffic conditions.

Trustee Berkheiser asked if White Lake Township made a decision yet. Supervisor Gray said this will be on White Lake Township Board agenda this month.

Discussion ensued on the type and design of a barrier and the need for it. In addition, who should pay for this. Emergency vehicles will need to have access to the area.

The Township previously approved a Resolution to allow a traffic barrier at no cost to the Township including not using Tri-Party Funds.

**MOTION** by Gray, supported by Weber, to approve up to \$5,000 of Tri-Party Funds toward the installation of a traffic barrier on the east end of Cascade Street due to unsafe traffic conditions. This is contingent upon using Commerce Township Tri-Party Funds and financial approval/support by White Lake Township.

**ROLL CALL VOTE**

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

**NAYS:** Phillips, Berkheiser

**MOTION CARRIED**

**C. Township Hall Sewer Connection**

Jay James, KER Engineering, Inc., recommends awarding the project to Al Swisher Excavating at a cost not to exceed \$27,000.

**MOTION** by Berkheiser, supported by Sovel, to award the Township Hall Sewer Connection project to Al Swisher Excavating at a cost not to exceed \$27,000. Funds to come from the Building Improvement Fund.

**ITEM 7:1-12 NEW BUSINESS (Township Hall Sewer Connection Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:1-12 ORDERS**

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

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:1-12 OTHER MATTERS**

Trustee Weber –

- David Scott made a good point under Public Comments to have someone in the Township monitor when flags need to be flown at half-staff. Clerk Creech said she has that under control.
- Will there be a Lower Straits Lakes Aquatic Weed Control meeting? Supervisor Gray said there will be a public meeting in the spring.
- He met with Dave Campbell, Jay James, Emily England and Molly Phillips to discuss 145 properties owned by the Township. Their plan is to meet again next week and hope to have a preliminary recommendation to discuss with the Board at the January 26, 2021 Discussion Meeting.
- The Board has a policy on not making resolutions that do not have a direct impact on Commerce Township and he will not ask it to make a resolution now. However, he feels it is necessary to comment on the civil unrest and violence of the last 12 months. He believes the original language in the constitution is sacred and our right of Peaceful Assembly should not be discouraged. However, when it's not peaceful anymore, all of the people causing violence and destruction should be prosecuted to the greatest extent of the law. We must maintain our right of free speech protected in the First Amendment, but when people cross the line as they have in the last 12 months, it is unacceptable.

Trustee Sovel –

- Asked for an update on the lights on the M5 Bridge that keep disappearing. Planning Director Dave Campbell said there are two sets of lights that have been subject to theft. We had a local fabricator come up with a "clam shell" where you put a padlock through it. In order to get to those lights you have to unlock the padlock. They may put in tamper proof screws on the lights that are embedded in the deck of the bridge and shine up at the sails on both ends. When Adams

**ITEM 9:1-12 OTHER MATTERS (continued)**

- Outdoor Advertising puts in their billboard on the west side of M5 and the west side of the bridge, they have agreed to allow the Township to place surveillance cameras on it and also use their power to plug the cameras in.

Trustee Magner –

- Asked for an update on the DDA project for the downtown area. Supervisor Gray said there is nothing new to report. Parcel K was sold to a storage unit company. Planning Director Dave Campbell said Aikens has verbally made a deal with his residential partners on the residential component for a development on the west side of Martin Parkway.
- Is there anything going in at the old Hillers at Union Lake and Commerce Roads? Dave Campbell, Planning Director, said he has not received anything.

Trustee Berkheiser –

- Asked for an update on the Odor control study in the Byers area. Jason Mayer, Giffels Webster, said he had a meeting with the County last week and they are going to start monitoring the first week in February.
- Was there any decision made on apartments by Home Depot? Trustee Weber said no, the developer came before the Planning Commission with some concepts for apartments.
- Asked Senior/Parks and Recreation Director Emily England if she would add a graph/table to her report so we can see what is going on with Peoples Express.

Treasurer Phillips –

- She will go out for request for proposals for banking services and will present it to the Board.
- Updates need to be done on the Public TV Channel for Commerce Township. Director Emily England will take care of this.

Clerk Creech

- Please forward to her any additions to the agenda for the January Discussion Meeting.

Supervisor Gray –

- The building at 3400 Union Lake Road has been locked up and no trespassing signs posted. The power and gas will be shut off. We should receive demolition bids next month.
- Thanked Building Official Jay James for making sure the boats were removed from Lakeside Marina. He will talk to Lt. Reyes about patrolling Lakeside Marina.
- Thanked Lt. Reyes for assisting with patrol of the movie theatre that was abandoned. The parking lot has turned into a parking lot for semi-trucks.



**ITEM 9:1-12 OTHER MATTERS (continued)**

- He is working on the request to hire a Code Enforcement Officer. Last quarter for 2020 we paid out \$10,185 for the last quarter of 2020, and January 2021 we paid \$2,747 for code enforcement.
- Planning Director Dave Campbell did a great job obtaining equipment/supplies for restaurants within the Township through the CVT Rapid Response Program.
- There are two tenants remaining at 8585 PGA Drive.

**ITEM 10:1-12 ADJOURNMENT**

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

**MOTION** by Berkheiser, supported by Magner, to adjourn the meeting at 10:01 p.m.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

  
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Melissa Creech, Clerk  
Charter Township of Commerce