

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
October 8, 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
Vanessa Magner, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Absent: Robert Berkheiser, Trustee (excused)

Also Present: Hans Rentrop, Township Attorney
Jim Dundas, Fire Chief
Emily England, Parks and Rec/Senior Director
Alyson Lobert, Library Director
Jason Mayer, Giffels Webster Engineers

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the September 10, 2024 Regular Township Board Meeting minutes, the September 10, 2024 Special Township Board Meeting minutes, and the September 24, 2024 Special Township Board Meeting minutes as submitted. **MOTION CARRIED UNANIMOUSLY**

ITEM 1:10-8 APPROVAL OF AGENDA

MOTION by Phillips, supported by Magner, to approve the Agenda, as submitted. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:10-8 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.

Annette Lebaron, 9060 Huron Bluffs Drive, White Lake, MI was present on behalf of Senator Jim Runestad. She wanted to bring attention to legislative issues coming into his office.

ITEM 2:10-8 PUBLIC COMMENTS (continued)

One is the minimum wage increase and the other is the earned sick time leave act. There is concern on how this will impact businesses and restaurants.

Monique Gillis, 8696 Golf Lane Drive, Commerce Township, MI was present and advised the Board that the neighbor across from her started cutting down trees on Commerce Township Park Land and now her front yard has been flooded multiple times. She is asking for assistance from the Township.

Jeff Gillis, 8696 Golf Lane Drive, Commerce Township, MI was present to ask for Township assistance with the same problems as indicated by Ms. Gillis.

Supervisor Gray said he is aware of what is going on and has been in contact with multiple residents and he is waiting for an answer from the Road Commission for Oakland County before moving forward on the property.

Supervisor Gray closed Public Comments.

ITEM 3:10-8 PUBLIC HEARINGS

A. Roll Resolution – Special Projects No. 52 SAD

Supervisor Gray opened the Public Hearing.

There were no public comments

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Creech, to approve the Resolution Confirming Special Assessment Roll for The Special Assessment District Designated Special Projects No. 52.

ROLL CALL VOTE

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

NAYS:

ABSENT: Berkheiser

MOTION CARRIED UNANIMOUSLY

B. Establishment Resolution – Cooley Lake Aquatic Weed Control SAD

Supervisor Gray opened the Public Hearing.

There were no public comments

Supervisor Gray closed the Public Hearing.

ITEM 3:10-8 PUBLIC HEARINGS (Establishment Resolution – Cooley Lake Aquatic Weed Control 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 Cooley Lake Aquatic Weed Control Special Assessment District.

MOTION CARRIED UNANIMOUSLY

ITEM 4:10-8 Contract Awards and Agreements

A. Victory Park Dog Park Fencing Contract Award

Director Emily England reviewed the project with the Board. She said an anonymous person would like to donate a \$50,000 check to the township to go towards this project.

Jason Mayer, Giffels Webster, said bids for the Victory Park Dog Park Fencing project were received on August 27, 2024 at 4:00 pm. and were opened publicly and read aloud. A total of two (2) bids were received. The low bid was submitted by American Fence & Supply Co, Inc. based in Warren, MI at \$144,220.00. The second lowest bid was submitted by RMD Holdings, Ltd. at \$156,434.00. Based on experience, qualifications, our review of references, and their submittal of the lowest responsive bid, we recommend that the Victory Park Dog Park Fencing Project construction contract be awarded to American Fence & Supply Co, Inc. in the amount of \$144,220.00.

MOTION by Sovel, supported by Creech, to accept the monetary donation for the Victory Park Dog Park Fencing and to allow naming rights.

MOTION CARRIED UNANIMOUSLY

Trustee Weber will abstain from the vote because he knows the person donating the money for the project.

MOTION by Magner, supported by Creech, to award the Victory Park Dog Park Fencing Contract to American Fence & Supply Co, Inc. in an amount not to exceed \$145,000.00.

MOTION CARRIED UNANIMOUSLY

B. Intergovernmental Agreement – Cooley Lake Aquatic Weed Control

Hans Rentrop, Township Attorney, said State law allows two townships to enter into an agreement to treat a lake for aquatic weeds when the lake is in more than one township. The proposed Agreement has been drafted and reviewed by White Lake's and Commerce Township's attorneys and it is substantially the same to that which the Board previously approved when it first established this SAD in 2016. All benefitted properties will be assessed \$118.00 per year which includes the administrative fees. Each township shall retain the administrative fees collected from properties within their own jurisdiction. The agreement will be approved by White Lake Township during their October 2024 meeting.

ITEM 4:10-8 Contract Awards and Agreements (Intergovernmental Agreement-Cooley Lake Aquatic Weed Control)

MOTION by Weber, supported by Sovel, to approve the Intergovernmental Agreement for The Control of Aquatic Weeds in Cooley Lake Between The Charter Townships of White Lake and Commerce, subject to acceptable insurance language and policy in place. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:10-8 INTRODUCTIONS

A. An Ordinance to Amend Ordinance to be Known as Code Amendment Ordinance No. 1.072 – To Codify the Prohibition of Non-Storm Water Discharges into the Township’s Storm Sewer System.

Hans Rentrop, Township Attorney, said this will codify the prohibition of non-stormwater discharges to a storm sewer watercourse in accordance with State law. Additionally, the proposed Ordinance amends Appendix B (Engineering Design Standards) to codify the minimum requirements for engineering plans submitted to the Township, to update and revise the stormwater management regulations to be consistent with new State law requirements, and to update and revise the Township’s paving engineering design standards regarding non-public roads and sidewalks.

Jason Mayer, Giffels Webster Engineers, explained the engineering changes to the Ordinance.

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. 1.072, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:10-8 ADOPTIONS

A. An Ordinance to Amend Ordinance No 2.028 to be Known as Fee Ordinance No. 2.029

Hans Rentrop, Township Attorney, said there were no changes made from the time this was Introduced.

MOTION by Sovel, supported by Creech, to Adopt an Ordinance to Amend Ordinance No. 2.028 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.029, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

B. An Ordinance to Amend Article 2, Section 2.02 and Article 26, Section 26.316 of Zoning Ordinance 3.000 to be Known as Zoning Amendment Ordinance No. 3.066 – OPASO Text Amendment

Hans Rentrop, Township Attorney, said the concept behind the amendment is to reduce the total number of off-premises alcohol sales outlets.

ITEM 6:10-8 ADOPTIONS (An Ordinance to Amend Article 2, Section 2.02 and Article 26, Section 26.316 of Zoning Ordinance 3.000 to be Known as Zoning Amendment Ordinance No. 3.066 – OPASO Text Amendment continued)

This amendment includes the following changes:

- A grammatical correction changing reference from “off-premise” to “off premises.”
- Revises the application requirements to (a) require site plan review, a copy of the State-issued liquor license, a floor plan, and a map showing the location of other OPASOs for all applications; and (b) require special land use approval for all applications unless otherwise listed as an exception under the Amendment.
- Clarifies how the distances are measured when an OPASO is within 500 feet of a place of worship, public park, licensed daycare facility, pre- and/or K-12 school.
- Allows for the expansion of an existing OPASO if it results in a reduction in the total number of OPASOs within the Township and (a) the license used to expand the existing use is transferred from another OPASO that is within 1,000 feet of the expanding OPASO; (b) the OPASO from which the license is transferred ceases alcohol sales permanently; (c) there is no physical expansion of the OPASO to which the license is transferred; and (d) the transfer of the license does not adversely impact traffic.

The Planning Commission voted 5-1 to approve the Amendment.

Trustee Weber explained why the Planning Commission approved the Ordinance. This will mainly affect the Union Lake corridor and Commerce Village.

Joseph Shallal, Esq. said the reason the 1,000 feet was chosen was because they wanted to take licenses out of a certain area. If you have two businesses on the same street, one license will be eliminated. This is good because the density of the number of licenses servicing that area is reduced.

Discussion ensued on how the amendment will benefit the township.

MOTION by Weber, supported by Phillips, to Adopt an Ordinance to Amend Article 2, Section 2.02 and Article 26, Section 26.316, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.066, post and publish according to law.

ROLL CALL VOTE

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

MOTION CARRIED

ITEM 7:10-8 PURCHASES

A. Youth Room Mural – Library

Alyson Lobert, Library Director, is requesting approval, as recommended by the Library Advisory Board, to engage with artist Rhiannan Sibbald to paint a mural in the youth

ITEM 7:10-8 PURCHASES (Youth Room Mural – continued)

department. The mural will have a woodlands theme, as we want to highlight our library's unique location within beautiful Dodge Park. It will be prominently located on the west wall of the youth room. The total cost of the mural is \$5,400. The first payment, \$2,700, will come from the library's 2024 budget. The second payment, \$2,700, will come from the library's 2025 budget.

MOTION by Magner, supported by Creech, to approve the recommendation of the Library Advisory Board to allow artist Rhiannan Sibbald to paint a mural in the youth department in an amount not to exceed \$5,400. The first payment, \$2,700, will come from the library's 2024 budget. The second payment, \$2,700, will come from the library's 2025 budget.

MOTION CARRIED UNANIMOUSLY

B. Benches – Parks and Recreation Department

Emily England, Parks and Rec/Senior Director, is requesting approval to purchase 11 park benches at a cost of \$14,900. The benches will be used in Victory Park near the new dog park.

MOTION by Weber, supported by Creech, to approve the purchase of 11 park benches at an amount not to exceed \$15,000 from Penchura L.L.C. (Project # 24-1418 dated 9-10-2024).

MOTION CARRIED UNANIMOUSLY

ITEM 8:10-8 NEW BUSINESS

A. DDA Interest Agreement

Treasurer Phillips is asking for approval to adjust the interest charged in error and have the Township Attorney draft a new resolution changing the interest rate parameter.

MOTION by Phillips, supported by Weber, to authorize the Township Treasurer (Molly Phillips) to adjust last year's DDA interest to the Oakland County Investment Pool rate for the last four (4) months and for this year until a new agreement is signed and presented to the Township Board at the end of the month.

MOTION CARRIED UNANIMOUSLY

B. 2025 Township Budget Discussion

No action

C. Halloween Trick or Treat Hours

MOTION by Sovel, supported by Creech, to approve the Halloween Trick or Treat hours for Commerce Township from 6:00 p.m. to 8:30 p.m. on October 31, 2024.

MOTION CARRIED UNANIMOUSLY

ITEM 9:10-8 ORDERS AND ADD ONS

MOTION by Magner, supported by Sovel, to approve the orders and the add ons.

MOTION CARRIED UNANIMOUSLY

ITEM 10:10-8 OTHER MATTERS

Trustee Weber –

- He would like an update, during the next Township Board Quarterly Discussion Meeting, on residents encroaching on township property. Supervisor Gray said this has been taken care of.

Treasurer Phillips –

- FYI – Walled Lake Consolidated Schools is having a millage on the ballot after they just had a millage in May 2024. They are trying to increase their supplemental millage, by voter approval, to 18 mills when the Headlee rollbacks over the last years have reduced the millage to 16.7461 mills. The difference between 18 mills and 16.7461 mills will go on the winter bill.

Trustee Sovel –

- If we were to install a fence, to stop residents from encroaching on township properties, would the resident have to pay for half the cost of the fence? Hans Rentrop, Township Attorney said no, we would have to put the fence on township property only. Trustee Sovel would like the Township Attorney to research archives to see if there is anything that speaks to this.

Supervisor Gray-

- We should put money aside for marketing materials for the welcoming committee that we talked about.
- He is getting quotes on removal of a large rotted tree on Golf Lane Drive.

ITEM 11:10-8 ADJOURNMENT

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

MOTION by Magner, supported by Creech, to adjourn at 8:26 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce