CHARTER TOWNSHIP OF COMMERCE TOWNSHIP BOARD OF TRUSTEES MEETING July 12, 2022

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 Magner, Trustee

Rick Sovel, Trustee George Weber, Trustee Robert Berkheiser, Trustee

Also Present: Hans Rentrop, Township Attorney

Dave Campbell, Planning Director

James Dundas, Fire Chief

Emily England, Senior/Parks and Recreation Director

Jay James, Building Official

Jason Mayer, Giffels Webster Engineers Mark Schoder, Maintenance Director

Debbie Watson, DDA Director

APPROVAL OF MINUTES

MOTION by Magner supported by Creech, to approve the June 14, 2022 Regular Township Board Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

A. Plante Moran

Beth Bialy, Partner, gave an overview of the Township Audit year ending December 31, 2021.

Kristin Colella Manager, gave an overview of the General Fund (revenue, expenditures, fund balance trends) and DDA advance/financial guarantee.

Keith Szymanski, Senior Manager, discussed the audit report financial statements.

ITEM 1:7-12 APPROVAL OF AGENDA

MOTION by Phillips, supported by Sovel, to approve the July 12, 2022 agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:7-12 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Supervisor Gray advised the public that street lighting SAD's under Public Hearings C. are only a renewal (no changes made) of the current SAD's.

Christine Long, Oakland County Commissioner, 1342 East Commerce Road, Commerce Township MI, advised the Board and the public that SMART gave a presentation to the Oakland County Board of Commissioners a few months ago on the new SMART system. At that time, she asked what they were going to do with the opt out communities and they responded that they had nothing to do with that. She is very concerned they will take away the opt out portion. This may be on the ballot in November 2022. She will keep the Township updated.

Shelley McQuillen, 2995 Chickory Lane, Commerce Township MI, said she attended the Planning Commission Meeting last night along with 30 other residents who live west of the new development, The Reserves of Proud Lake, that was approved by the Planning Commission. She wanted the Township Board to be aware of and address the water problem that she, along with her neighbors are having. She is requesting the Township Board address the water problem because The Reserves of Proud Lake will be on the agenda for the August 16, 2022 Township Board of Trustees Meeting for final approval.

Mike Betts, 7664 Barnsbury, West Bloomfield MI, said he received a notice that there is a development going in at Farrant and Union Lake Road. The notice he received said the developer has not gone through the proper application process and has not presented sufficient evaluation feasibility. What is being proposed is a fairly large restaurant with an outdoor deck and the waterway will be dredged. He walked the property and it is a complete wetland area. He is worried this development will destroy habitat for a number of creatures, including a bald eagle. He is asking the Township Board to hold a public hearing so they can hear the concerns of residents in that area. Supervisor Gray said the developer, at this time, only presented a conceptual plan to the Planning Commssion. As of this date there are no permits or approvals from the Township.

Pam Jackson, 5736 Lancaster Lane, Commerce Township MI, was made aware that the contract for repairs of Byers Farmhouse is null and void. Will this go back out for bid? Supervisor Gray answered they are in discussion with contractors and it will not go back out for an additional bid.

Tiffany Nelson, 8155 Marshalsea Street, Commerce Township MI, asked if she could have a show of hands from the public if they are concerned about the proposed

July 12, 2022

ITEM 2:7-12 PUBLIC COMMENTS (continued)

development at Farrant and Union Lake Road. Supervisor Gray explained the process a developer must follow when proposing a new development within the Township.

Supervisor Gray closed Public Comments.

ITEM 3:7-12 PUBLIC HEARINGS

A. Establishment Resolution – Lyniss Drive Snow Plowing SAD Supervisor Gray opened the Public Hearing.

James Dundas, Oakview Estates Association President, 9106 Lyniss Drive, Commerce Township MI, stated he, along with neighbors that he spoke to or attended Association meetings were in favor of the SAD.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, to approve the Resolution of The Township Board of The Charter Township 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 Lyniss Drive Snow Plowing Special Assessment District, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. Establishment Resolution – To Re-Establish Certain Dust Control SAD's Supervisor Gray opened the Public Hearing.

Paul Francis 3834 Ellisia Rd, Commerce Township MI, asked what the cost will be, if the product is safe if it goes into Bass Lake, how many applications there will be and when will the dust control take place. The estimated cost is \$30.42 per year per home owner. Oakland County oversees the project and they would not use a product if it was not safe. Dust control for this SAD will begin in the year 2023 and consist of 2 applications per year, one in June or July and the other in September or October. Trustee Weber recommends the Township put the information regarding the materials Oakland uses on the Township's website.

Supervisor Gray closed the Public Hearing.

MOTION by Magner, supported by Creech, to approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Re-Establish and Maintain Certain Dust Control Special Assessment Districts, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 3:7-12 PUBLIC HEARINGS (continued)

C. Establishment Resolution – To Re-Establish Certain Street Lighting SAD's Supervisor Gray opened the Public Hearing.

Kevin Hurley, 8635 Golf Lane Drive, Commerce Township MI asked if there was any consideration to changing the lights to LED and he asked if the monument area in front of the subdivision is included. Trustee Berkheiser said this is just a renewal of the current SAD and no changes were made.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Berkheiser, to approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Re-Establish and Maintain Certain Street Lighting Special Assessment Districts, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

D. Establishment Resolution – To Re-Establish Certain Snow Plowing SAD's Supervisor Gray opened the Public Hearing.

Lisa Girard, 4651 Sundew Street, Commerce Township MI, said she is upset that she is included in the SAD because the County does not maintain her road. She does the maintenance of her road and advised the Board that when she purchased her house she had to sign a private road maintenance agreement. Hans Rentrop, Township Attorney will look into this and advise the Township of his findings.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Magner, to approve the Resolution of The Township Board of The Charter Township of Commerce Determining to Re-Establish and Maintain Certain Snow Plowing Special Assessment Districts, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

E. Establishment Resolution – Fox Lake Aquatic Weed Control SAD 2023-2032 Supervisor Gray opened the Public Hearing.

Lee Burdine, 421 Anaconda Street, Commerce Township MI, is here to promote the establishment of the new SAD for next year. The rates on the current SAD never changed. He would like to see language written in the new SAD showing all cost increases. Supervisor Gray said there is language in the SAD that speaks to cost increase.

Pam Jackson 5736 Lancaster Ln., Commerce Township MI, asked if the people living on the lake and river benefit from this SAD. Supervisor Gray answered, yes. She said she has lived on her deeded lakefront home for 20 years and has only had one treatment for weed control done on her lakefront. She would like to see the weed control

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ITEM 3:7-12 PUBLIC HEARINGS (Establishment Resolution – Fox Lake Aquatic Weed Control SAD 2023-2032 continued)

treatment expanded to the shoreline of lakefront owners instead of just in the middle of the lake.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Magner, 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 Fox Lake Aquatic Weed Control Special Assessment District (2023 – 2032), post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

F. Establishment Resolution – Lower Straits Lake Aquatic Weed Control SAD 2023-2032

Sharon Demattia, 9219 Tanbay Street, Commerce Township MI, asked how the SAD is administered, who makes the decisions and who controls the SAD. She wanted to know if bids are received before a company is chosen and why are the lily pads never addressed when treating the lake. Supervisor Gray said the lily pads cannot be touched or removed by contractors. The homeowner can treat or remove the lily pads on their own lake frontage. She said the lake was treated approximately one month ago and now the Milfoil is growing and is out of control. She said this was a failed application. Supervisor Gray said each HOA has a Preservation Committee member that oversees the SAD for lake harvesting and aquatic control. He recommends she contact them to answer any questions or concerns she may have.

John Levinson, Chairperson Lower Straits Lake Preservation Committee, 8770 Oak Beach Drive, Commerce Township MI, supports the SAD and said he will speak to Ms. Demattia, if she would like, and answer any questions she may have.

Kathy Butler 8397 Dickert Street, Commerce Township MI, asked if weed harvesting will continue. Trustee Berkheiser advised her to contact her HOA President or the Preservation Committee and let them know of your requests or concerns. Trustee Weber said each HOA president is the representative for the Preservation Committee.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Creech, 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 Lower Straits lake Aquatic Weed Control Special Assessment District (2023 – 2032), post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 3:7-12 PUBLIC HEARINGS (continued)

G. Establishment Resolution – Reed Lake Aquatic Weed Control SAD 2023-2032

Supervisor Gray opened the Public Hearing.

Laurie Martinak 3580 Flannery Court, Commerce Township,MI, said she is not a part of the HOA because of where she lives on the lake and she also does not receive any feedback from the HOA. The weeds are becoming more and more invasive and the treatment has become less effective. She watched how they spray chemicals in the lake and noticed that the company sprays for a very brief time. Supervisor Gray will look into this.

Supervisor Gray closed the Public Hearing.

MOTION by Sovel, supported by Creech, 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 Reed lake Aquatic Weed Control Special Assessment District (2023 – 2032), post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

H. Establishment Resolution – Chickory Lane Maintenance SAD 2023-2032 Supervisor Gray opened the Public Hearing.

Jay James, Building Official, said the SAD is to grade the roads, provide dust control and to plow the streets. A resident asked for an additional dust control so the street will be graded and dust control twice a year and they also asked if we could include paving the approach. We are currently out for bid on the dust control, grading and paving the approach. The bids come back on July 14, 2022. Hans Rentrop, Township Attorney, recommends we hold the Public Hearing and adjourn it until the next meeting. A letter was sent out to all residents advising them the Public Hearing will stay open until the July 26, 2022 meeting.

Shelley McQuillen, 2995 Chickory Lane, Commerce Township MI, said the numbers Jay James is talking about were put in our mailbox yesterday. Residents came to this meeting tonight to discuss the SAD, they do not care about numbers. They do not want the SAD because there is a "Y" at the end of the road and to the left of the "Y" it is personal property. The section of the road that goes straight is a private driveway. Everyone was maintaining the road and paying for it, but the residents on the south side decided they wanted more so they put together the SAD with the help of Mr. James (conflict of interest). The language in the new SAD was changed to add another dust control and the cost is now a minimum of \$15,000 to \$20,000. She is against the SAD. Paving the approach is a "want" of one resident and not a "need". She said the Township owns the entire west portion of the road but does not pay any maintenance costs.

ITEM 3:7-12 PUBLIC HEARINGS (Establishment Resolution – Chickory Lane Maintenance SAD 2023-2032 continued)

Tony Lynch, 2985 Chickory Lane, Commerce Township MI, does not trust the Township with his money. This SAD should be agreed upon by everyone on the road, not just for one property owner for her own personal gain. He objects to the SAD.

Dawn Ray, 2990 Chickory Lane, Commerce Township MI, said the approach is not necessary. We were against the original SAD from the start and now a 2nd dust control is added. There is a water problem with the road and every time it is graded, it washes away. It was just graded the other day and is already washed away. Why add another dust control when the water problem is not fixed. Only one person dictates what happens on the road. This is a private road and it is not fair that she has to be in the SAD. She objects to the SAD.

Ashley Lynch, 2985 Chickory Lane, Commerce Township MI, objects to the SAD. The approach is ridiculous and is a financial burden to all but one person who is requesting it.

James McQuillen, 2995 Chickory Lane, Commerce Township MI, objects to SAD. This is not necessary and is too much money to spend.

A letter of objection was received from Ryan Harris and Betsy Rademacher.

Cynthia Sheptack, 2862 Wixom Road, Commerce Township MI, She is not a part of the SAD but she said she is indirectly affected by it. Putting in the approach will cause the water to flow much faster down the road eventually going to and into her home and 2 other homes.

MOTION by Sovel, supported by Magner to adjourn the Public Hearing for Establishment Resolution – Chickory Lane Maintenance SAD 2023-2032 until July 26, 2022. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:7-12 ADOPTIONS

A. An Ordinance to Amend Ordinance No. 2.021 to be Known as Fee Ordinance No. 2.022

Hans Rentrop, Township Attorney, addressed questions that were raised during the June 2022 Township Board Meeting.

MOTION by Magner, supported by Creech, to Adopt the Charter Township of Commerce an Ordinance to Amend Ordinance No. 2.021 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.022, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

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ITEM 4:7-12 ADOPTIONS (continued)

B. An Ordinance to Amend Article 19, Section 19.04 of Zoning Ordinance 3.000 to be known as Zoning Amendment Ordinance No. 3.056 – Town Center Overlay District.

David Campbell, Planning Director, said the Planning Commission recommends approval of the amendment to Article 19, Section 19.04.C.1 - Uses Not Permitted, of the Commerce Township Zoning Ordinance. The Planning Commission's recommendation is based on a finding that the proposed amendment provides reasonable standards to the Towne Center Overlay requirements to allow for automobile dealerships with the outdoor display of vehicles when approved by the Township as a Planned Unit Development.

MOTION by Weber, supported by Phillips, to Adopt the Charter Township of Commerce an Ordinance to Amend Article 19, Section 19.04, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.056, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

C. An Ordinance to Amend Article 33, Sections 33.01 and 33.04 of Zoning Ordinance 3.000 to be known as Zoning Amendment Ordinance No. 3.057 – Storage Pods and Utility Trailers.

David Campbell, Planning Director, said this amendment was initiated by the Township's Code Enforcement Division. This will create standards for portable moving containers (aka "storage pods") and clarify standards relative to storage of trailers on residential properties. The Planning Commission recommends approval.

MOTION by Weber, supported by Phillips, to Adopt the Charter Township of Commerce an Ordinance to Amend Article 33, Section 33.01 and 33.04, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be Known as Zoning Amendment Ordinance No. 3.057 and approve the addition of "shipping containers", on page 4, 2. (a), post and publish according to law.

Opposed: Berkheiser Magner

MOTION CARRIED

Out of order

ITEM 7:7-12 NEW BUSINESS

A. Beacon Hill Mgmt., LLC Conditional Liquor License

Hans Rentrop, Township Attorney explained approval would be of the conditional license until such time that Beacon Hill Mgmt., LLC's liquor license application can be processed and submitted to the Board at the August 16, 2022 meeting

Nick Shkreli, 41800 Schoenherr Rd, Sterling Heights, MI, was present asking for approval and stated he is in the process of purchasing the entity.

ITEM 7:7-12 NEW BUSINESS (Beacon Hill Mgmt., LLC Conditional Liquor License continued)

MOTION by Weber, supported by Berkheiser, to approve the conditional liquor license for Beacon Hill Mgmt. LLC.

MOTION CARRIED UNANIMOUSLY

ITEM 5:7-12 PURCHASES

A. Cardiac Monitor – Fire Department

Fire Chief Jim Dundas said the Fire Department was awarded a \$15,000 grant towards the purchase of a cardiac monitor. The total cost for the monitor is \$29,311.57. He is asking for approval of \$14,311.57.

Chief Dundas introduced John Buzynski, Firefighter and congratulated him for completing his paramedic training. John is the firefighter who applied for a grant from AAA Auto Insurance for the Fire Department and \$15,000 was awarded toward the cost of a cardiac monitor.

MOTION by Sovel, supported by Creech, to approve an amount not to exceed \$14,311.57 of Township funds and \$15,000 grant money from AAA towards the purchase of a Lifepack 15 monitor for the Fire Department. Total cost of the monitor is \$29,311.57 from Stryker Medical (quote dated 6-27-2022). Funds to come from the Fire Department Medical Supply Account in the 2022 budget.

MOTION CARRIED UNANIMOUSLY

B. Park Memorial Benches – Parks and Recreation

Emily England, Senior/Parks and Recreation Director, is requesting the purchase of memorial benches for Township parks.

MOTION by Berkheiser, supported by Weber, to approve the purchase of ten (10) benches including shipping from Penchura in the amount not to exceed \$14,000.00.

C. Plow & Salter – Maintenance Department

Mark Schoder, Maintenance Director, explained the need for a plow and salter.

MOTION by Weber, supported by Magner, to approve the purchase of a plow and salter from Angelo's Supplies for an amount not to exceed \$9,100.00.

MOTION CARRIED UNANIMOUSLY

MOTION CARRIED UNANIMOUSLY

D. Truck with Plow & Salter – Maintenance Department

Mark Schoder, Maintenance Director, said the truck will replace the Fire Department's Ford Explorer.

MOTION by Weber, supported by Berkheiser, to authorize the purchase of a GMC 2500 pick up truck in an amount not to exceed \$48,000.00.

MOTION CARRIED UNANIMOUSLY

ITEM 5:7-12 PURCHASES (continued)

E. 2 Mowers - Maintenance Department

Mark Schoder, Maintenance Director, is requesting the purchase of two mowers.

Mr. Schoder will obtain an updated quote from Harrington's Lawn and Power and report back to the Board. The quote from Harrington's was from 2021.

ITEM 6:7-12 OLD BUSINESS

A. Township Hall Carpet

Supervisor Larry Gray submitted a quote from Winton Design Center.

MOTION by Sovel, supported by Berkheiser to approve the purchase of Township Hall carpet from Winton Design Center LLC (Estimate #2254 dated 6-29-2022) in the amount of \$38,453.81.

MOTION CARRIED UNANIMOUSLY

ITEM 7:7-12 NEW BUSINESS

- A. Beacon Hill Mgmt., LLC Conditional Liquor License (this was moved after ITEM 4:7-12 ADOPTIONS)
- **B. Fifth Amendment to the Master Deed Commerce Towne Place**Debbie Watson, DDA Director, was present and explained the Fifth Amendment to the Master Deed. She recommends approval.

MOTION by Weber, supported by Phillips, to approve the PSP22-07 the Fifth Amendment to the Commerce Towne Place Condominium Master Deed.

MOTION CARRIED UNANIMOUSLY

C. Liquor License Special Permit – Multi-Lakes Rocking Under the Stars

MOTION by Magner, supported by Creech, to approve the Charter Township of Commerce Application for Alcoholic Liquors Special Permit Code of Ordinance: Chapter 6, Section 6-24 for Rocking Under the Stars event on August 6, 2022 from 4 p.m. to midnight held at Multi-Lakes Conservation Association at 3860 Newton Rd, Commerce, Michigan.

MOTION CARRIED UNANIMOUSLY

D. Liquor License Special Permit – Multi-Lakes 80th year Celebration

MOTION by Magner, supported by Sovel, to approve the Charter Township of Commerce Application for Alcoholic Liquors Special Permit Code of Ordinance: Chapter 6, Section 6-24 for Multi-Lakes 80th year Celebration event on August 27, 2022 from 5-11 p.m. held at Multi-Lakes Conservation Association at 3860 Newton Rd, Commerce, Michigan. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:7-12 NEW BUSINESS (continued) E. Approval of Bank Depository

MOTION by Magner, supported by Phillips, to add First Merchants Bank to Commerce Township's list of approved bank depositories.

MOTION CARRIED UNANIMOUSLY

ITEM 8:7-12 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 9:7-12 OTHER MATTERS

Trustee Weber -

- There are several Township positions that are not filled. We may receive more interest and better applications if we include the salary range when the positions are posted.
- Question for David Campbell We had two residents voicing their concerns regarding the potential EGLE dredging permit. Based on the comments in your Directors Report, are there residents in support of the project, or are they primarily opposed? David Campbell said most, if not all, of the 58 comments submitted to EGLE by residents' object to the project.

Treasurer Phillips-

Last month she talked about going out for a RFP for banking services. PMC
asked if they could give a presentation before the Board for banking services
instead of submitting a RFP. It was agreed upon they need to submit a RFP to
the Township.

MOTION by Weber, supported by Sovel to go out for a RFP for Township banking services.

MOTION CARRIED UNANIMOUSLY

Clerk Creech-

There are 20 days left until the election is held.

Supervisor Gray-

- We will draft a proposal for a crosswalk and beacons at South Commerce Road near Cardinal Street and obtain data from a traffic study.
- Starting discussion on walkability and pathway committee.
- We are close to catching the graffiti vandals.

ITEM 10:7-12 CLOSED SESSION

A. To Discuss Confidential Commercial Information Pursuant to MCL 15.268 and MCL 15.243 (I) (f)

ITEM 10:7-12 CLOSED SESSION (continued)

B. To Discuss Pending Litigation Re: Outdoor One Communications LLC v. Charter Township of Commerce, Case No. 2.22-cv-10737-BAF-KGA

MOTION by Phillips, supported by Creech, to enter into Closed Session to discuss Confidential Commercial Information Pursuant to MCL 15.268 and MCL 15.243 (I) (f).

ROLL CALL VOTE

AYES:

Phillips, Creech, Weber, Berkheiser, Magner, Sovel, Gray

NAYS:

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Berkheiser, to enter into Closed Session to discuss Pending Litigation Re: Outdoor One Communications LLC v. Charter Township of Commerce, Case No. 2.22-cv-10737-BAF-KGA.

ROLL CALL VOTE

AYES:

Phillips, Berkheiser, Weber, Creech, Magner, Sovel, Gray

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered Closed Session at 9:48 p.m. Returned from Closed Session at 11:02 p.m.

MOTION by Phillips, supported by Weber to adjourn from Closed Session and approve the Closed Session Minutes and to direct Township Attorney to proceed as discussed with Outdoor One Communications, LLC. **MOTION CARRIED UNANIMOUSLY**

MOTION by Creech, supported by Weber to extend the option agreement until August 17, 2022.

MOTION CARRIED UNANIMOUSLY

ITEM 11:7-12 ADJOURNMENT

MOTION By Weber supported by Magner, to adjourn the meeting at 11:04 p.m.

MOTION CARRIED UNANIMOUSLY

Melissa Creech, Clerk

Charter Township of Commerce