

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
March 12, 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  
Vanessa Magner, Trustee  
Rick Sovel, Trustee  
George Weber, Trustee

Absent: Molly Phillips, Treasurer (excused)  
Robert Berkheiser, Trustee (excused)

Also Present: Hans Rentrop, Township Attorney  
John Kummer, Township Attorney  
David Campbell, Planning Director  
Jim Dundas, Fire Chief  
Jay James, Building Official  
Jason Mayer, Giffels Webster Engineers  
Mark Schoder, Maintenance Director  
Lt. Wendy Reyes, Oakland County Sheriff's Office  
Katelyn Massey, Finance/HR Director

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Magner, to approve the February 13, 2024 Regular Township Board Meeting minutes, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 1:3-12 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Creech, to approve the March 12, 2024 agenda, as presented.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:3-12 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.

**ITEM 2:3-12 PUBLIC COMMENTS (continued)**

Paul Long, Michigan AFSCME Council 25, 2391 West Coldwater Road, Flint, MI, is requesting ITEM 7:3-12 NEW BUSINESS A. AFSCME Grievance #1162024 Step 3 be discussed in Closed Session.

Supervisor Gray said there is no reason to go into Closed Session because this is a grievance against the Township, not a specific employee and it is not required.

Supervisor Gray closed Public Comments.

**ITEM 3:1-CONTRACTS AWARDS AND AGREEMENTS**

**A. 2024 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement**

Hans Rentrop, Township Attorney, said the agreement outlines the relationship and responsibilities regarding the County's use of Grant funds to reimburse Commerce Township for overtime expenses incurred related to its participation in the Oakland County Narcotic Enforcement Team ("N.E.T.").

**MOTION** by Sovel, supported by Creech, to Approve the Program Year 2024 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement Between the County of Oakland and Township of Commerce Unique Entity Identifier (UEI) #: D1BYG4JR5ME1.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:3-12 INTRODUCTIONS**

**A. An Amendment to the Code of Ordinances to be Known as Code**

**Amendment No. 1.070- Non-Emergency Cost Recovery and Noxious Weeds**

John Kummer, Township Attorney, said the proposed amendments (A and B) would address two ordinance requests: 1) An ordinance to authorize cost recovery for lift assistance and non-emergency services; and 2) An ordinance to replace the Code of Ordinances' current noxious weed destruction ordinances with a more comprehensive ordinance that adopts State law, Public Act 359 of 1941, Noxious Weeds Act.

Jim Dundas, Fire Chief, was present to answer questions.

Discussion took place on the cost of lift assistance for residents vs. senior facilities and, the need for this ordinance when the volume of calls is not having a detrimental effect on calls for emergency services. If the cost is too high, personnel at senior facilities may not place calls for medical emergencies because they are unclear if the facility may be charged a fee.

Discussion took place regarding notice to cut, violations and penalties for noxious weeds, including grass of a height greater than eight inches.

**MOTION** by Sovel, supported by Creech, 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. 1.070 non-emergency cost recovery, post and publish according to law.

**ITEM 4:3-12 INTRODUCTIONS (An Amendment to the Code of Ordinances to be Known as Code Amendment No. 1.070- Non-Emergency Cost Recovery and Noxious Weeds Motion continued)**

Trustees Weber, Sovel and Magner voted no

**MOTION FAILED**

**MOTION** by Weber, supported by Sovel, 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. 1.070 noxious weeds, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**B. An Ordinance to Amend Ordinance No. 2.027 to be known as the Charter Township of Commerce Fee Ordinance No. 2.028**

John Kummer, Township Attorney, said the ordinance is to rename Section 17 on page 21 to "Property Maintenance."

**MOTION** by Sovel, supported by Magner, to Introduce an Ordinance to Amend Ordinance No. 2.027 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.028, renaming Section 17 on page 21 to "Property Maintenance", post and publish According to Law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:3-12 PURCHASES**

**A. Wood Chipper – Maintenance Department**

Mark Schoder, Maintenance Director, presented three (3) quotes for a wood chipper. He is requesting approval to purchase a wood chipper from Bandit.

**MOTION** by Weber, supported by Creech, to approve the purchase of a wood chipper, model 15XP, from Bandit (quote no.165757 dated 2-22-2024) at a cost not to exceed \$62,000.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:3-12 OLD BUSINESS**

**A. Oakland County Sheriff's Office 2022 – 2024 Law Enforcement Services Agreement Amendment 2**

Lt. Wendy Reyes, Oakland County Sheriff's Office, was present to answer questions.

**MOTION** by Sovel, supported by Gray, to approve the Oakland County Sheriff's Office 2022-2024 Law Enforcement Services Agreement with Charter Township of Commerce – Amendment #2.

**MOTION CARRIED UNANIMOUSLY**

**B. Road Intersection Study – Richardson Road/Martin Parkway**

Supervisor Gray said the study will be paid for by Tri-party funds and 1/3 of the cost by Commerce Township.

**ITEM 6:3-12 OLD BUSINESS (Road Intersection Study – Richardson Road/Martin Parkway continued)**

**MOTION** by Magner, supported by Sovel, to approve The Charter Township of Commerce – Richardson/Martin Intersection Study by OHM Advisors, as presented.

**MOTION CARRIED UNANIMOUSLY**

**B. Resolution Authorizing Revised Ballot Language for Open Space Millage Renewal**

Hans Rentrop, Township Attorney, presented a Resolution which approves revised ballot language meeting the requirements of Oakland County Elections. The proposed ballot language was rejected by Oakland County Elections when it was submitted because the title exceeded 100 characters. The title has been changed from “Renewal of Charter Township of Commerce Millage for Park Improvements and Creation and Acquisition of Open Space” to “Renewal of Charter Township of Commerce Millage for Park Improvements & Establishment of Open Space.”

Discussion took place on changing the word “Establishment” to “Acquisition.”

**MOTION** by Sovel, supported by Weber, to approve the Resolution of The Township Board of The Charter Township of Commerce Authorizing Revised Ballot Language for the Open Space Millage Renewal and revise the heading of the proposed ballot to read: Renewal of Charter Township of Commerce Millage for Park Improvements and Acquisition of Open Space.

**MOTION CARRIED UNANIMOUSLY**

**C. Rental Inspection Program**

Jay James, KER Engineering, Inc., presented recommendations from the Work Group. There are three (3) different alternatives to the Rental Properties Inspection Checklists for the Board to review.

Discussion followed regarding inspection fees.

**MOTION** by Gray, supported by Magner, to continue to evaluate the Rental Inspection Program.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:3-12 NEW BUSINESS**

**A. AFSCME Grievance #1162024 Step 3**

Supervisor Gray gave an update on the grievance. A representative from AFSCME contacted Dave Campbell on January 16, 2024 in reference to an employee that had been covering part time for lunch breaks, personal/vacation/sick time. The part time employee has been under contract with Commerce Township since 2018 at a salary rate of \$3,000 per month for an average of 12 hours per week worked. The Township entered into an agreement with KER Engineering prior to the Township negotiating the AFSCME Union Contract. When contract negotiations took place in 2023, the reason stated behind the grievance was never brought up. For these reasons, the grievance was denied.

**ITEM 7:3-12 NEW BUSINESS (AFSCME Grievance #1162024 Step 3 continued)**

Paul Long, Michigan AFSCME Council 25, cited Article 43 Labor Costs, and Article 44 the entire agreement, that says prior practices are no longer in effect for both parties. The Township has a non-union employee performing work of the bargaining unit. When we became aware of what was taking place, under the new agreement, we do have the right to discuss and question it and move it through the process of a grievance because the Township is in violation of the CBA.

Supervisor Gray stated again that the Township entered into an agreement with KER Engineering prior to the Township negotiating the AFSCME Union Contract. An agreement between a third party does not have anything to do with an agreement/contract between AFSCME Union and the Township.

Trustee Weber said the Labor Attorney reviewed the grievance and advised the Township there is no merit with this grievance. Tammy Cook, Chapter Chair, knew the Township contracted with KER Engineering for part time non-union work in 2018. The union never brought this up for the last 6 years or during contract negotiations prior to signing the agreement between the Township and AFSCME Union in 2023.

Tammy Cook, was present and stated the union wants a bargaining unit employee to perform the job duties of the contracted KER Engineering employee. This position is a step up for some bargaining unit employees and they should have the opportunity to advance in their employment.

Supervisor Gray recommends denial of step 3 of the grievance.

**MOTION** by Gray, supported by Weber, to deny AFSCME Grievance #1162024 Step 3 and contact the union representative within 20 days from today.

**MOTION CARRIED UNANIMOUSLY**

**B. Approval of LAYA Board**

**MOTION** by Creech, supported by Magner, to approve the Lakes Area Youth assistance board membership for 2024, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. Retroactive Variances for Nonconforming Structures Built without a Building Permit**

David Campbell, Planning Director, discussed a potential Zoning Ordinance amendment (Prohibition on seeking a retroactive variance for a nonconforming structure that was not issued a building permit) with the Board.

The Planning and Building Departments request the Township Board and Planning Commission consider an amendment to Article 41 (Zoning Board of Appeals) of the Zoning Ordinance that would prohibit petitioning the ZBA for a retroactive variance for a nonconforming structure that was never issued a building permit.

**ITEM 7:3-12 NEW BUSINESS (Retroactive Variances for Nonconforming Structures Built without a Building Permit continued)**

Trustee Sovel said in the past, the ZBA had a set of criteria that the resident would need to meet, but did not have to meet all the criteria, to receive a variance. The ZBA would have discretion to approve a variance on a case-to-case basis with the least amount of variance necessary. After educational sessions were held with the ZBA, the Chairperson and some board members now feel we should not approve any variances that come before the board. Today, most variances are denied even if the resident did not create the need for a variance. He recommends the ZBA go back to the way they dealt with variance requests in the past by having some leeway. The Township Board should give the ZBA guidance because we are the governing board for the Township and have the Township Attorney draw up modifications for the ZBA to follow.

Trustee Weber suggested the ZBA and the Township Board have a joint meeting at one of the normal Quarterly Discussion sessions.

Discussion took place.

No action taken

**ITEM 8:3-12 ORDERS and ADD ONS**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:3-12 OTHER MATTERS**

Trustee Magner –

- Asked for an update on Island Club Sewer. Jay James said they are working on repairs so they can go out for bid.

Clerk Creech –

- EMS cost recovery – She voted to approve Introduction of this because she does not want to see this go away. She agrees that we need to be prepared in the event this becomes an issue but more discussion needs to happen first. She would like to see numbers from Chief Dundas.
- Trustee Sovel would like to discuss this further before an ordinance is submitted to the Township Board.

Supervisor Gray –

- The Township Board Quarterly Discussion Meeting is moved to April 30, 2024.
- Katelyn Massey, Finance/HR Director, received a call from Michigan Planners advising us there will be a 20-25% increase for health care next year.
- He was in contact with the Oakland County Board of Commissioners regarding the Fire/Dispatch Agreement. The cost will go up from \$35.99 to \$40.19 per call. He will attend a caucus with Oakland County on Thursday, March 14, 2024.
- We received money for the flashing lights at Walled Lake Central.

**ITEM 9:3-12 OTHER MATTERS (Supervisor Gray continued)**

- Fire Chief Dundas received approval for a \$600,000 fire grant for a training ground.
- Update on People's Express – He attended the Quarterly Session with Oakland County last week. People's Express logged 1,686 rides from Commerce Township residents from October to December 2023.
- Trustee Weber said Novi is considering joining our consortium for People's Express.

**ITEM 10:3-12 CLOSED SESSION**

None

**ITEM 11:3-12 ADJOURNMENT**

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

**MOTION** by Gray, supported by Weber, to adjourn at 9:26 p.m.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech, Clerk  
Charter Township of Commerce