

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
November 15, 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

Absent: Robert Berkheiser, Trustee (excused)

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
Jason Mayer, Giffels Webster Engineers
Mark Schoder, Maintenance Director

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the October 11, 2022 Regular Township Board of Trustees Meeting minutes and the October 25, 2022 Quarterly Township Board of Trustees Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1:11-15 APPROVAL OF AGENDA

MOTION by Phillips, supported by Creech, to approve the November 15, 2022 agenda with the addition of ITEM 8:11-15 NEW BUSINESS, F. S.A.D.'s to be Assessed to 2022 Winter Taxes.

MOTION CARRIED UNANIMOUSLY

ITEM 2:11-15 PUBLIC COMMENTS

Supervisor Gray opened Public Comments.

Robert Long 1342 East Commerce Road, Commerce Township, Michigan. He would like to sell hard cider at Long Family Orchard, Farm & Cider Mill. He previously spoke with Hans Rentrop, Township Attorney, about this request and Mr. Rentrop told him there is no provision in Article 6 of the Township Ordinance that addresses small wine liquor license that allows the manufacture and sale of hard apple cider. He is asking the Township if they would discuss this and advise Dave Campbell, Planning Director and Hans Rentrop, Township Attorney of their decision. He is also very concerned with the Township's Master Plan indicating his property is in an area of special concern. In 1968 his farm was zoned single family residential (low density). Supervisor Gray said they will consider his hard apple cider request and he also advised Mr. Long that they are not looking to push the Long Farm out, they are just looking at what could happen in the future when the Long family decides not to farm anymore.

Christine Long, County Commissioner, 1342 East Commerce Road, Commerce Township, Michigan. There is 5 Million Dollars available for all of the senior centers in Oakland County through the American Rescue Plan. The application to receive a portion of this money is due on December 9, 2022. There was 244 Million Dollars of American Rescue Plan Funds for Oakland County. As of today there is 82 Million Dollars left over in the fund that could lead to additional opportunities for Commerce Township. Oakland County passed a billion-dollar budget. The County Commission went from 21 to 19 members. Twenty years ago, there were 25 Commissioners (19 Republicans and 6 Democrats). Today there are 19 Commissioners (13 Democrats and 6 Republicans).

Noah Arbit, Michigan House of Representatives District 20, 2560 Woodrow Wilson Blvd, West Bloomfield, Michigan introduced himself and said he is honored to represent Commerce Township. He is looking forward to working with the Township. He assumes office on January 1, 2023.

Carrie Hancock, 2552 Wixom Road, Commerce Township, Michigan would like to meet with the Township to discuss keeping Windmill Farms in place until the RFP is complete and to discuss the demolition of the farm house. She had 3 contractors look at the house and all 3 said the house was structurally sound. She plans on submitting a proposal to the Township and does not want to see a gap in the services she provides to the community.

Jennifer Saylor 2068 Alsup Ave., Commerce Township, Michigan is in support of Windmill Farms staying open. She is asking the Board to reconsider the actions they took against the farm.

ITEM 2:11-15 PUBLIC COMMENTS (continued)

Ms. Yeager, 1990 Birch Ct., Waterford, Michigan is in support of keeping Windmill Farms open. She is asking the Board to rescind the termination agreement and keep equestrian activities at status quo under the direction of Carrie Hancock and extend her lease allowing time for her to submit a proposal. She would like to know who is on the subcommittee and how she can obtain minutes of the meetings.

Karen Mitchel, 2425 Archdale Blvd., West Bloomfield, Michigan is in support of keeping Windmill Farms open. She is asking the board to reconsider the termination of Windmill Farm's contract and accept Carrie Hancock's proposal.

Dennis Kaiser, 1990 Birch Court, Waterford Michigan is asking the Board to hold off on the demolition of the house because he would like to present a preliminary proposal to the Township.

Supervisor Gray said any questions about the contract with Carrie Hancock should be directed to her. He also said a sub-committee is not a public body.

Supervisor Gray closed Public Comments.

ITEM 3:11-15 PUBLIC HEARINGS

A. Roll Resolution – Golf Lane Snow Plowing SAD

Supervisor Gray opened the Public Hearing.

Kevin Hurley, 8635 Golf Lane Drive, Commerce Township, Michigan said he is the one that was responsible for securing all of the signatures on the application for the SAD. He wanted the Township to know that since that time, he has talked to residents who said they would have signed the application if they were available to do so.

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 Golf Lane Snow Plowing Special Assessment District.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Berkheiser

MOTION CARRIED UNANIMOUSLY

B. Establishment Resolution – Special Projects No. 49

Supervisor Gray opened the Public Hearing.

There were no comments or questions from the public.

ITEM 3:11-15 PUBLIC HEARINGS Establishment Resolution – Special Projects No. 49 (continued)

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 Special Projects No. 49. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:11-15 BOARD APPOINTMENTS

A. Brian Parel – Reappointment to the Planning Commission for a 3-Year Term to Expire December 31, 2025

MOTION by Gray, supported by Weber, to Reappoint Brian Parel to the Planning Commission for a 3-Year Term to Expire December 31, 2025.

MOTION CARRIED UNANIMOUSLY

B. Keith Mayer – Reappointment to Board of Review for a 2-Year Term to Expire December 31, 2024

MOTION by Gray, supported by Creech, to Reappoint Keith Mayer to the Board of Review for a 2-Year Term to Expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY

C. Barbara Rosman – Reappointment to Board of Review for a 2-Year Term to Expire December 31, 2024

MOTION by Gray, supported by Sovel, to Reappoint Barbara Rosman to the Board of Review for a 2-Year Term to Expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY

D. Patricia Rusnell – Reappointment to Board of Review for a 2-Year Term to Expire December 31, 2024

MOTION by Gray, supported by Phillips, to Reappoint Patricia Rusnell to the Board of Review for a 2-Year Term to Expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY

E. Keith Reynolds – Reappointment to Board of Review for a 2-Year Term to Expire December 31, 2024

MOTION by Gray, supported by Magner, to Reappoint Keith Reynolds to the Board of Review for a 2-Year Term to Expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY

ITEM 4:11-15 BOARD APPOINTMENTS (continued)

F. Maria Coffin – Reappointment to Board of Review for a 2-Year Term to Expire December 31, 2024

MOTION by Gray, supported by Magner, to Reappoint Maria Coffin to the Board of Review for a 2-Year Term to Expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY

G. Robert Sackleh – Reappointment to Board of Review for a 2-Year Term to Expire December 31, 2024

MOTION by Gray, supported by Creech, to Reappoint Robert Sackleh to the Board of Review for a 2-Year Term to Expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY

ITEM 5:11-15 CONTRACT AWARDS AND AGREEMENTS

A. Horse Farm House Demolition

Jay James, Building Official, advised the Board that two bids (Milford Salvage Iron and Metal in the amount of \$16,200 and RJ Hoffman Management in the amount of \$15,695) were received for the demolition of the residential house located at 2552 Wixom Road. The bid included the abatement of the asbestos material. He recommends the Township Board award the contract to the low bidder, RJ Hoffman Management Inc. in the amount not to exceed \$17,000.00 (Bid price of \$15,695.00 plus \$1,305.00 in contingency, if needed).

Trustee Weber – Ms. Hancock said she had contractors tell her that the house is structurally sound. Jay disagrees with what her contractors said. He said the ceiling has had a roof leak for decades which caused it to collapse and is falling down onto the main floor which is causing that to decay also.

Trustee Sovel asked if both contractors have the proper insurance. Jay answered yes.

Trustee Weber asked if both contractors included the asbestos abatement. Jay answered yes.

Trustee Magner asked if there was anything in the house that Ms. Hancock would need to remove. Jay answered not that he is aware of, however he will contact Ms. Hancock prior to demolition and ask her.

MOTION by Weber, supported by Phillips, to award the contract for the demolition of the residential house located at 2552 Wixom Road to the low bidder, RJ Hoffman Management in the amount not to exceed \$17,000.00 (Bid price of \$15,695.00 plus \$1,305.00 in contingency). A meeting will be held to discuss the demolition. Supervisor Gray shall have the option to pause demolition and revisit it based on the outcome of the meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 6:11-15 ADOPTIONS

- A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.060 – Allow Variances from the Restriction of Sec. 34-20(1) and Reduce the Performance Guarantee for construction of Sidewalks and Recreational Pathways.**

Hans Rentrop, Township Attorney, explained the Amendment.

MOTION by Magner, supported by Phillips, to Adopt an Ordinance to Amend The Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 1.060, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:11-15 OLD BUSINESS

- A. Property Sub Committee – RFP for Realtor Services**

Dave Campbell, Planning Director, would like to post the RFP tomorrow and send it to brokers within the Township. Randy Thomas will provide the Township with a list of all of the brokers within Commerce Township.

MOTION by Weber, supported by Magner, to approve The Charter Township of Commerce – Request for Proposals (RFP) Real Estate Services with the noted change to the Carroll Lake Heights West Property lots 7 thru 15.

MOTION CARRIED UNANIMOUSLY

ITEM 8:11-15 NEW BUSINESS

- A. Haggerty Pump Station Abandonment Design**

Jason Mayer, Giffels Webster Engineers, discussed the preliminary project budget and requests approval to move forward with the Design Engineering in order to present construction bids for approval at a future meeting.

MOTION by Weber, supported by Phillips, to approve the request of Giffels Webster Engineers to move forward with the Design Engineering portion of the Haggerty Pump Station Abandonment project at a cost up to \$61,230.00. Funds to come from the Sewer Fund.

MOTION CARRIED UNANIMOUSLY

- B. Resolution Adopting Revised Procedures for Electronic Meetings and Attendance**

Hans Rentrop, Township Attorney, reminded the Board that in December 2020, the state legislature amended Section 3a of the Open Meetings Act (“OMA”) to expand the reasons permitting remote attendance by members of a public body to accommodate members who were absent because of medical reasons or other reasons related to the COVID-19 pandemic. In January 2021, the Township Board adopted “Procedures for Electronic Meetings and Attendance” to reflect the 2020 amendments and procedures. These COVID-19 related accommodations expired under the OMA on December 31, 2021. He recommends the Board update the Township Board’s Procedures to 1.

ITEM 8:11-15 NEW BUSINESS Resolution Adopting Revised Procedures for Electronic Meetings and Attendance (continued)

remove expired content and 2. apply future OMA amendments, if any, allowing more circumstances for remote participation.

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

C. Bankruptcy Attorney Engagement Letter

Hans Rentrop, Township Attorney, advised the Board that Cineworld Group PLC has filed for bankruptcy. Cineworld is the parent company of Regal Entertainment Group, which operates the United Artists Theater at Commerce Crossings. Enclosed for your consideration is an engagement letter from a Texas-based law firm, M.E. Heard, Attorney, PLLC, who has agreed to assist the Township with filing a claim with the Southern District of Texas Bankruptcy Court to secure the Township's interests in unpaid property taxes. He recommends the Board approve the terms of engagement proposed and direct Molly Philips to execute the same.

MOTION by Phillips, supported by Weber, to approve the Terms of Engagement for Legal Services – Bankruptcy matters dated October 27, 2022 from Mary Elizabeth Heard, M.E. Heard, Attorney, PLLC for legal services related to the Cineworld Group PLC bankruptcy case and the Regal Entertainment Group bankruptcy case (Case Nos. 22-90168 (MI) and 22-90181 in an amount not to exceed \$10,000.00

MOTION CARRIED UNANIMOUSLY

D. Resolution for Tax Collection

Treasurer Phillips explained the Resolution.

MOTION by Magner, supported by Creech, to approve the Resolution for Property Tax Payment Designee Appointments. **MOTION CARRIED UNANIMOUSLY**

E. 2023 Township Budget Discussion

No action taken.

F. S.A.D.'s to be Assessed to 2022 Winter Taxes.

Hans Rentrop, Township Attorney, asked that SR001 Sewer Repair Reimbursements be removed because of liens rights on the properties.

MOTION by Sovel, supported by Creech, to approve the S.A.D.'s to be placed on the 2022 Charter Township of Commerce Winter Tax Roll for collection: County Drains and Lake Level Specials, Delinquent Multi-Year Special Assessments, and Single Year Special Assessment Districts, NSF Fees, Grass Cutting and WRC Delinquent Water & Sewer Charges. **MOTION CARRIED UNANIMOUSLY**

ITEM 9:11-15 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 10:11-15 OTHER MATTERS

Trustee Weber –

- The Planning Commission is getting ready to approve the Planning Commission Bylaws for 2023. One topic that was discussed was to require new appointees take a basic training course from the Michigan Association of Planners or the MTA. He would like to see other Boards that are technical in nature have the same requirement. Trustee Sovel said the ZBA is required to look at every property prior to their meeting, is that a requirement of the Planning Commission? Trustee Weber said it is not a requirement, although he believes it should be. He will discuss this with Dave Campbell, Planning Director.

Supervisor Gray –

- The Commerce Township Christmas Tree Lighting will be held on December 3, 2022 from 4 PM – 8 PM at the Richardson Community Center, 1485 E. Oakley Park Rd. Please see the brochure on the Township's website for a list of activities that are scheduled.

Trustee Magner –

- Dickey's Barbecue Pit on Carroll Lake Road has an inflatable advertising product in front of their business. Does the Township allow that? Jay James, Building Official said no. He will investigate this tomorrow.

ITEM 11:11-15 CLOSED SESSION

A. Pending Litigation – Village of Wolverine Lake v. Richard and Jody Haifleigh; Oakland County Circuit Court Case No. 2021-191676-CC.

MOTION by Creech, supported by Magner, to enter into Closed Session for the purpose of discussing Pending Litigation – Village of Wolverine Lake v. Richard and Jody Haifleigh; Oakland County Circuit Court Case No. 2021-191676-CC.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Berkheiser

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at 8:08 p.m.
Returned from Closed Session at 8:29 p.m.

ITEM 11:11-15 CLOSED SESSION Pending Litigation – Village of Wolverine Lake v. Richard and Jody Haifleigh; Oakland County Circuit Court Case No. 2021-191676-CC (continued)


MOTION by Creech, supported by Magner, to adjourn from Closed Session and approve the Closed Session Minutes. **MOTION CARRIED UNANIMOUSLY**

MOTION by Creech, supported by Weber, to direct the Township Attorney to proceed as discussed in Closed Session. **MOTION CARRIED**

Magner voted no.

ITEM 12:11-15 ADJOURNMENT

MOTION by Creech, supported by Weber, to adjourn the meeting at 8:30 p.m. **MOTION CARRIED UNANIMOUSLY**


Melissa Creech, Clerk
Charter Township of Commerce

