

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
December 13, 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  
Robert Berkheiser, Trustee  
Vanessa Magner, Trustee  
George Weber, Trustee

Absent: Rick Sovel, 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  
Alyson Lobert, Library Director

**APPROVAL OF MINUTES**

**MOTION** by Phillips, supported by Magner, to approve the November 15, 2022 Regular Township Board of Trustees Meeting minutes and the November 29, 2022 Special Township Board of Trustees Meeting minutes, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 1:12-13 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Creech, to approve the December 13, 2022 agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:12-13 PUBLIC COMMENTS**

Supervisor Gray opened Public Comments.

Supervisor Gray read the following statement regarding the horse farm:

- Many of you are here regarding Windmill Farm, some of you may know both sides of the story, but and most have only heard one side of the story.
- The Current Concessionaire received a letter of default on October 30, 2021, that letter included a 30 day, 60 days and 90-day timeline of items that needed to be addressed.
- The letter of default was discussed at the February 8, 2022 Township Board Meeting where a decision to issue a Request for Proposal for the property was made.
- The current concessionaire's agreement was not terminated at this point and she was welcomed to submit a proposal.
- This decision was made largely based on the fact we had not received a comprehensive programming plan to include more than just equestrian activities, while we love the idea of being accessible to residents from surrounding communities, we must prioritize and value our Commerce twp residents.
- The concessionaire is required to turn in waivers for all riders that come into the facility. The last batch was received at the September 13, 2022 meeting and totaled 33 waivers with only 4 of them being Commerce Township residents.
- The original batch of waivers received earlier in the year spanned from 2017-2022, in only looking at those from 2021/2022 that was a total of approximately 114 with 20 of those being Commerce Twp residents. Even if the concessionaire records were not accurate, if you double these numbers this would only be 40 Commerce Twp residents including all the school equestrian programs.
- The Township Board worked through the RFP Process that included interviews with selected proposals. The Township Board identified a proposal we were willing to move forward with, which involved the current concessioner. However, at the time of selection, the current concessioner withdrew their involvement.

- At the May 10, 2022 Township Board decided to try to identify new alternatives up to, and including, another potential RFP Process.
- The Township spent the next few months speaking to parties that were interested in operating the farm, however none of those parties were ready to commit.
- At the September 13, 2022 Township Board Meeting a motion was made to terminate the current concessionaire contract and continue to explore alternative options to serve the community, especially the residents of Commerce Twp.
- The decision to terminate the agreement has been a long and not one we've enjoyed going through. There is never a perfect time, however we felt that by notifying the concessionaire in September allowed her time to move her business and allowed the 2022 School Equestrian Teams to finish their season. This also allowed enough notice to be given for the 2023 Equestrian season.
- The Township has communicated via email, zoom and an in person meeting on October 4th with Kallie Myers a director for the Michigan Horse Council. The purpose of these communications and meeting was to discuss developing a new RFP for the property. Due to schedule conflicts she has not been able to meet with us as of the October 4<sup>th</sup> meeting, if willing, we still plan to continue to work with her and or the MHC on the next steps.

Bruce Jaquays, 1841 Lerene Dr., Commerce Township, Michigan, read an article in the Spinal Column that the Township collected around 2.2 million dollars from Oakland Transit. Do we have a better idea of the final amount now that the winter taxes are complete? He also asked how much of the taxes will benefit Commerce in the future.

The following were present in support of keeping Windmill Farms open at 2552 Wixom Road, Commerce Township, Michigan.

Brent Siegel, 2761 Duffers Ln., Commerce Township, Michigan, he appreciates the update Supervisor Gray gave on Windmills Farm. He has three daughters that attend Windmill Farms and he would like to see it remain open.

Lauren Willis 1875 Greenmeadow Dr., Walled Lake, Michigan, she would like to see the Board have a discussion meeting with the owner of Windmill Farms.

John Spitzig, 8280 Lake Pine Dr., Commerce Township, Michigan, Windmill Farms impacts many people in a good way. Ms. Hancock is very dedicated to the horse farm.

**ITEM 2:12-13 PUBLIC COMMENTS (continued)**

He asked how many proposals were received on the RFP for a concessionaire. Supervisor Gray said 4 proposals were received.

Barry Robotnick, 4910 Carroll Lake Rd., Commerce Township, Michigan, there is no other horse farm that is comparable to Windmill Farms.

Sienna Spitzig, 8280 Lake Pine Dr., Commerce Township, Michigan, she spoke on behalf of coach Amy Willis who is in support of Windmill Farms

Andy Sarkisian, 3398 Tiquewood Circle, Commerce Township, Michigan, would rather see open land in the Township and not more development. He would like to see Windmill Farms remain open.

Jennifer Saylor, 2068 Alsup Ave., Commerce Township, Michigan, would like to see the horse farm remain open under the direction of Carrie Hancock. It makes no sense to make her leave when there isn't even a RFP drafted yet.

Karen Mitchel, 2425 Archdale Blvd., West Bloomfield, Michigan, said the barn is structurally sound. She said the house is in good shape and just needs some work done to it. Her daughter rides there for a therapeutic reason. Do not padlock the farm on December 31<sup>st</sup>.

Jennifer Alexander, 9526 River Oak Dr, Fenton, Michigan, she worked with Carrie Hancock at the horse farm. Ms. Hancock is open to holding new events at the horse farm. Windmill Farms serves the surrounding communities, not just Commerce Township.

Dennis Kaiser, 1990 Birch Ct., Waterford, Michigan, he met with Supervisor Gray and Emily England and made a verbal proposal asking for a 90 - 120-day extension of the contract with Windmill Farms to allow him time to put together a detailed proposal to the Township. He said it is cruel and inhumane to try to move the horses during this time of the year.

Ken Willis, 1875 Greenmeadow Dr., Walled Lake, Michigan, he would like to see the farm stay open. Ms. Hancock does a great job at the horse farm.

Carrie Hancock, 2552 Wixom Rd., Commerce Township, Michigan, said statements made by Trustee Berkheiser and Supervisor Gray that she has not lived up to the terms of the contract are false. She has attempted to meet multiple times with the Township Board and the Parks and Recreation Committee to discuss this misinformation and no one has met with her. She asked several times for an extension of her contract until a RFP is in place

**ITEM 2:12-13 PUBLIC COMMENTS (continued)**

Denelle Yeager, 1990 Birch Ct., Waterford, Michigan, need more time for Windmill Farms to offer more programming to the public.

Nicole Kantor, 31145 Kingswood Blvd., Novi, Michigan, she rides and works at Windmill Farms. The horse farm accommodates all types of people.

Cheryl Bernisky, South Lyon, Michigan, said her granddaughter rides at Windmill Farms. Horse farms are disappearing. Please keep Windmill Farms open.

Linda Lundstrom, 2791 Wixom Rd., Milford, Michigan, lives across the street from the horse farm. She would like to see Windmill Farms remain open. It would be hard to move the horses in the timeframe the Township has given them, especially this time of the year.

Jesse McDonald 3097 Ravinewood Dr., Commerce Township, Michigan, is a rider at Windmill Farms and said it is a very safe environment with the type of horses Ms. Hancock has.

Krisjan Krafchak, 4824 Triwood Dr., Commerce Township, Michigan, he works at Windmill Farms. The farm is unique for Commerce Township. Don't take this service away from the kids. It is very dangerous to the horses to move them in the winter.

Jeff Lavoy, 1865 Dryman, Commerce Twp, Windmill Farms is very special to Commerce Township.

Reinhold Krueger, 4603 Newcroft Ct., Commerce Township, Michigan, supports the sign for Scarlet's Smile at Dodge Park.

Supervisor Gray closed Public Comments.

**ITEM 3:12-13 PUBLIC HEARINGS**

**A. Roll Resolution – Special Projects No. 49**

Hans Rentrop, Township Attorney, gave an explanation of the project.

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

**ITEM 3:12-13 PUBLIC HEARINGS**

**A. Roll Resolution – Special Projects No. 49 (continued)**

**MOTION** by Berkheiser, supported by Phillips, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 49.

The first installment date is February 14, 2023.

**ROLL CALL VOTE:**

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

**NAYS:**

**ABSENT:** Sovel

**MOTION CARRIED UNANIMOUSLY**

**B. 2023 Program Year Community Development Block Grant Funds**

Emily England, Senior Director explained the block grant funds.

Supervisor Gray opened the Public Hearing at 7:48 p.m.

There were no public comments.

Supervisor Gray closed the Public Hearing at 7:49 p.m.

**MOTION** by Magner, supported by Creech, to approve the Charter Township of Commerce Resolution Approving The 2023 Community Development Block Grant.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:12-13 PUBLIC HEARING FOR 2023 TOWNSHIP BUDGET**

Supervisor Gray opened the Public Hearing.

There were no public comments.

Supervisor Gray closed the Public Hearing.

**ITEM 5:12-13 2023 TOWNSHIP BUDGET**

**A. 2023 Elected Official Wages and Boards and Commissions' Pay**

**MOTION** by Weber, supported by Berkheiser, to approve an annual salary of \$105,393.00 for the Township Supervisor for the 2023 year.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Weber, supported by Magner, to approve an annual salary of \$101,556.00 for the Township Clerk for the 2023 year.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:12-13 2023 TOWNSHIP BUDGET**

**A. 2023 Elected Official Wages and Boards and Commissions' Pay**

**MOTION** by Weber, supported by Magner, to approve an annual salary of \$78,198.00 for the Township Deputy Clerk for the 2023 year.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Weber, supported by Magner, to approve an annual salary of \$101,556.00 for the Township Treasurer and \$78,198.00 for the Township Deputy Treasurer for the 2023 year.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Weber, supported by Berkheiser, no pay change for Township Board Commissioners from the 2022 amount.

**MOTION CARRIED UNANIMOUSLY**

**B. 2023 Recording Secretary Wages**

Deborah Watson presented the Board with a written pay increase proposal for Recording Secretary.

**MOTION** by Berkheiser, supported by Phillips, to approve the 2023 – 2026 pay rate for Recording Secretary.

**MOTION CARRIED UNANIMOUSLY**

**C. Approval of 2023 Budget**

**MOTION** by Magner, supported by Creech, to approve The Commerce Township 2023 Budget, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:12-13 BOARD APPOINTMENTS**

**A. Brian Winkler – Reappointment to the Downtown Development Authority for a 4-Year Term to Expire January 31, 2027**

**MOTION** by Gray, supported by Weber, to Reappoint Brian Winkler to the Downtown Development Authority for a 4-Year Term to Expire January 31, 2027

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:12-13 CONTRACT AWARDS AND AGREEMENTS**

**A. Interlocal Agreement for Oakland County to Approve the Designated Assessor for the Period January 1, 2023 through December 31, 2027**

**MOTION** by Magner, supported by Phillips, to approve the Interlocal Agreement for Oakland County to approve the designator Assessor for the period January 1, 2023 through December 31, 2027.

**MOTION CARRIED UNANIMOUSLY**

**B. Part-Time Building Official Agreement 2023 – 2026**

Hans Rentrop, Township Attorney, reviewed the agreement with the Board.

**MOTION** by Creech, supported by Magner, to approve the Charter Township of Commerce Part-Time Building Official Agreement effective January 1, 2023 through December 31, 2026. **MOTION CARRIED UNANIMOUSLY**

**ITEM 8:12-13 INTRODUCTIONS**

**A. An Ordinance to Amend the Code of Ordinances to be Known as Code Amendment Ordinance No. 1.061 – Small Wine Maker**

Hans Rentrop, Township Attorney, explained the Ordinance.

**MOTION** by Weber, supported by Creech, to Introduce the Charter Township of Commerce Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be Known as Code Amendment Ordinance No. 1.061, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**B. An Ordinance to Amend Ordinance No. 2.022 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.023 - SAD Petitions**

Hans Rentrop, Township Attorney, explained there are two parts to the Fee Ordinance Amendment.

The first part is would require fee deposits on all new special assessment districts for those public improvements for which the Township requires a petition.

The second part is a proposed amendment to the Township Fee Ordinance, with the most recent WRC requested changes.

Hans Rentrop, Township Attorney – recommends approval of the WRC requested changes as submitted (page 27 Fire Line Charge 1 ½" \$82.50 and page 31 Industrial Pretreatment Program \$3.50 per REU per quarter).

**MOTION** by Weber, supported by Berkheiser, to Introduce The Charter Township of Commerce an Ordinance to Amend Ordinance No. 2.022 to be Known as The Charter Township of Commerce Fee Ordinance No. 2.023 and not include any additions for SAD Petitions, post and publish according to law.

Supervisor Gray opposed

**MOTION CARRIED**



**ITEM 9:12-13 CONSENT AGENDA**

- A. 2023 Meeting Schedules**
- B. 2023 Holiday Closures**
- C. 2022 Budget Amendments**
- D. 2022 DDA Budget Amendments**

**MOTION** by Creech, supported by Magner, to approve The Resolution of The Township Board of The Charter Township of Commerce Approving Consent Agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:12-13 PURCHASES**

**A. Plow for Truck – Maintenance**

Mark Schoder, Maintenance Director, is asking for approval to purchase a plow for the Maintenance truck.

**MOTION** by Berkheiser, supported by Phillips, to approve the purchase a plow for the Maintenance truck from Angelo's Supplies in an amount not to exceed \$6,500.00 (Quote HD8011 dated 12/07/2022), funds to come from the Maintenance Fund.

**MOTION CARRIED UNANIMOUSLY**

**B. Furniture Purchase Request – Library**

Alyson Lobert, Library Director, is requesting approval to purchase shelving for the library's teen room and a task chair for the teen reference desk.

**MOTION** by Magner, supported by Creech, to approve the purchase of shelving for the library's teen room and a task chair for the teen reference desk from Library Design Associates, Inc. in an amount not to exceed \$8,050.00 (Proposal No. P-34925.1 dated 12/07/2022), funds to come from the 2023 Library Fund.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:12-13 OLD BUSINESS**

**A. KER Engineering Professional Services Agreement 2023 - 2026**

Hans Rentrop, Township Attorney, explained the changes made to the Agreement.

**MOTION** by Weber, supported by Berkheiser, to approve The Charter Township of Commerce and KER Engineering, Inc. Professional Services Agreement Effective: January 1, 2023 to 2026.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:12-13 NEW BUSINESS**

**A. Part-Time Librarian Job Description**

Alyson Lobert, Library Director, submitted a job description for a part-time Librarian for Board approval.

**MOTION** by Magner, supported by Creech, to approve The Commerce Township Community Library Job Description, post the job description and fill the position.

**MOTION CARRIED UNANIMOUSLY**

**B. Spark Grant – Victory Park Improvements**

Emily England, Senior/Parks and Recreation Director, is requesting approval to apply for Spark Grants for park improvements.

**MOTION** by Berkheiser, supported by Magner, to approve the Resolution of the Township Board of The Charter Township of Commerce Authorizing Spark Grant Application for Victory Park Improvements.

**MOTION CARRIED UNANIMOUSLY**

**C. Spark Grant – Bicentennial Park Improvements**

**MOTION** by Berkheiser, supported by Creech, to approve the Resolution of the Township Board of The Charter Township of Commerce Authorizing Spark Grant Application for Bicentennial Park Improvements. The Township will match \$75,000.

**MOTION CARRIED UNANIMOUSLY**

**D. Spark Grant – Inclusive Playground Equipment at Ralph C. Richardson Park**

**MOTION** by Berkheiser, supported by Creech, to approve the Resolution of the Township Board of The Charter Township of Commerce Authorizing Spark Grant Application for Inclusive Playground Equipment at Ralph C. Richardson Park.

**MOTION CARRIED UNANIMOUSLY**

**E. Entrance Sign – Scarlet’s Smile**

Emily England, Senior/Parks and Recreation Director, advised the Board that Scarlet’s Smile has requested a permanent sign be put at the entrance of Dodge Park (S. Commerce Rd entrance). The Parks and Recreation recommends approval. Scarlet’s Smile will pay for the cost of the sign panel.

**ITEM 12:12-13 NEW BUSINESS (continued)**

**MOTION** by Weber, supported by Creech, to approve a double-sided sign panel for the existing Dodge Park V sign located at 180 S. Commerce Road to read: Scarlet's Playground.

Trustee Berkheiser and Treasurer Phillips voted no.

**MOTION CARRIED**

**F. Michigan Airline Trail Proposed 2023 Budget**

Supervisor Gray reviewed the Michigan Airline budget with the Board. He recommends the Township's contribution of \$10,000.

**MOTION** by Gray, supported by Phillips, to approve CW2 Trailway Management Council 2023 Proposed Operating Budget. Funds to come from the General Fund.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:12-13 ORDERS**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:12-13 OTHER MATTERS**

Trustee Weber –

- Asked if there were any updates from Christine Long on the County money. Supervisor Gray said he sent Ms. Long two messages but has not heard back from her.
- There was a meeting yesterday with Peoples Express to go over the transit and what they have to offer. There will be a meeting next Tuesday with Oakland County to discuss the Township opting out. We should have an idea after the meeting on money the Township will receive.

Supervisor Gray –

- We are able to use ARP money without paying Davis Bacon wages for the Oakland County Sheriff's substation project.
- A resident approached him asking if the Township would consider donating the well site property at Clifford Smart School to their subdivision association. They will pay the taxes and maintain the property. He said children use that property to cross over to the school. Hans Rentrop, Township Attorney, said the Township cannot gift away a Township asset. Trustee Berkheiser recommends we put out a RFP on the property.
- Discussion took place on land encroachments on Township property and adverse possession.

**ITEM 15:12-13 ADJOURNMENT**

**MOTION** by Creech, supported by Berkheiser, to adjourn the meeting at 9:07 p.m.

**MOTION CARRIED UNANIMOUSLY**



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Melissa Creech, Clerk  
Charter Township of Commerce