

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING**

Tuesday, January 14, 2003

2840 Fisher Avenue

Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Thomas K. Zoner called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE TO FLAG

ROLL CALL: Present: Thomas K. Zoner, Supervisor
Sandra Abrams, Clerk
Susan Gross, Treasurer
Cheryl Magalski, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee
Robert J. Long, Trustee

Also Present: Phillip Adkison, Township Attorney
Loren Crandell, Giffels-Webster Engineers
Jay James, Giffels-Webster Engineers
Christina Michaels, Adkison-Need Attorney

APPROVAL OF MINUTES

MOTION by Abrams, supported by Magalski, to approve the Special Township Board Meeting minutes of December 23, 2002 and the Regular Township Board Meeting minutes of December 10, 2002, with the following corrections: page 3, Item 2:12-10 "Senator" instead of Sandra and "Gray" instead of Graham. Additional spelling errors: Robert Meyers should be corrected to read Robert Myers and Angelo Drive should read Angela Drive.

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS: Received and filed.

PRESENTATIONS

McKenna & Associates/Byers Homestead Park
Megan Masson-Minock, Principal Planner, McKenna Associates, Inc. presented a summary of the visioning session for the Byers Property held at the Richardson Senior Center on December 16, 2002.

PETITIONS

Special Projects #19

Tuesday, January 14, 2003

MOTION by Gross, supported by Abrams, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring it's Intention to Establish a Special Assessment District to be known as Special Projects #19.

MOTION CARRIED UNANIMOUSLY

DIRECTOR REPORTS

Kathy Pogarch, Assessing Director
Todd Martin, Fire Marshall – (Joseph Schornack, Fire Chief - Absent)
Lieutenant Denny Davis, Oakland County Sheriff's Department
Kelly Knight, Senior Director
Ken Campbell, Building/Zoning Director
Constance Guest, Planning Director

ITEM 1:1-14 APPROVAL OF AGENDA

MOTION by Abrams, supported by Magalski, to approve the Agenda with the addition to Item 6C, Resolution of the Township Board to set the date of February 11, 2003 for the Public Hearing Regarding the Franchise Renewal Agreement with Comcast Cablevision.

MOTION CARRIED UNANIMOUSLY

ITEM 2:1-14 PUBLIC COMMENTS

Jack Holden 4293 Creedmore presented questions regarding the future use of libraries for Commerce Township residents.

Ellen Smith was present to comment on the Dodge Park #5 Resolution regarding a request for MNRTF funds to purchase Dodge Park #5 from MDOT for a park. She also commended on commercial development and growth in the Township.

ITEM 3:1-14 PUBLIC HEARINGS

A. Lower Creedmore Snow Plowing Special Assessment District.

Supervisor Thomas Zoner opened the Public Hearing.

Jack and Susan Holden 4293 Creedmore were present to support the Special Assessment District.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Munro, supported by Sovel, to approve the Resolution 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

Regular Township Board Meeting

Therewith and Approving the Plans and Estimates of Costs for Lower Creedmore Snow Plowing Special Assessment District beginning December 2003

MOTION CARRIED UNANIMOUSLY

ITEM 4:1-14 CONTRACTS AND AGREEMENTS

A. Ladd Road Water Main (Tabled 12-10-02 Regular Meeting)

Jay James, Giffels-Webster Engineers, explained the Project and the Contract Award.

MOTION by Zoner, supported by Magalski, to remove the Ladd Road Water Main from the table. - **MOTION CARRIED UNANIMOUSLY**

MOTION by Gross, supported by Munro, to award the Ladd Road Water Main construction Contracts A to: Boddy Construction in the amount of \$1,008,947; Contract B to Roger Ingles Contruction, Inc. in the amount of \$732,141.25; and Contract C to: to Boddy Construction Company, Inc. in the amount of \$354,698.44.

MOTION CARRIED UNANIMOUSLY

B. Commerce Township Wastewater Treatment Plant

Loren Crandall, Giffels-Webster Engineers, explained the Contract Award.

MOTION by Munro, supported by Gross, to award the Commerce Township Wastewater Treatment Plant Nutrient Assessment Study of the Seeley Drain contract to Vitins Engineering in the amount not to exceed \$32,800.00. Funds to come from the Improvement Revolving Fund.

MOTION CARRIED UNANIMOUSLY

C. Robert H. Long Park – Michigan Department of Natural Resources

Christina Michaels, Adkison-Need Attorney, explained the Department of Natural Resources Development and Acquisition Project Agreements.

MOTION by Munro, supported by Abrams, to approve the Resolution prepared by the Township Attorney approving Amendments to the Michigan Natural Resources Trust Fund Acquisition and Development Project Agreements.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, supported by Magalski authorizing the Supervisor to sign all documents necessary for acquisition of the mitigation property for Robert H. Long Park.

MOTION CARRIED UNANIMOUSLY.

ITEM 5:1-14 INTRODUCTIONS

- A. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone vacant property located on Welch Road north of Pontiac Trail, from RI-D Single Family Residential to B-1 Commercial, to be known as Ordinance 55-03-150.**

MOTION by Munro, supported by Zoner, to introduce an Ordinance to amend Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, to known as Ordinance No. 55-03-150, to rezone vacant property located on Welch Road, north of Pontiac Trail, from R1-D Single Family Residential to B-1 Commercial and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 6:1-14 ADOPTIONS

- A. Uniform Traffic Code Ordinance Amendment to be known as Ordinance 41-02-5.**

MOTION BY Sovel, supported by Magalski to adopt the Uniform Traffic Code Ordinance Amendment, to be known as Ordinance 41-02-5 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

- B. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone B-4 Restricted General Business (Union Lake Business District, 2261 Union Lake Road) the to Single Family Residential, to be known as Ordinance 55-02-149 (Tabled 12-10-02 Regular Meeting).**

MOTION by Munro, supported by Gross, to remove the item from the Table.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, supported by Gross to adopt the amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone B-4 Restricted General Business (Union Lake Business District, 2261 Union Lake Road) to Single Family Residential, to be known as Ordinance 55-02-149 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

- C. Cable Communications Ordinance to be known as Ordinance 93-02-0.**

MOTION by Abrams, supported by Gross, to adopt the Cable Communications Ordinance, to be known as Ordinance 93-02-0, and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

Addition to the Agenda: Resolution of the Charter Township of Commerce to Set the Date for Public Hearing Regarding Proposed Franchise Renewal Agreement with Comcast Cablevision of the South, Inc.

MOTION by Abrams, supported by Munro to approve the Resolution of the Charter Township of Commerce to set the date for the Public Hearing Regarding the Proposed Franchise Renewal Agreement with Comcast Cablevision of the South, Inc. for February 11, 2003 and to give publication of the Public Hearing Notice as prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:1-14 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:1-14 PURCHASES

A. Maintenance Department Purchase

MOTION by Gross, supported by Abrams, to approve the purchase of an 18 volt-4 pack combo kit that includes a cordless reciprocating saw, hammer drill, circular saw and flashlight from Home Depot at a cost not to exceed \$499.00, funds to come from Capital Outlay Improvement and Building Fund.

MOTION CARRIED UNANIMOUSLY

B. Software Upgrade

Ken Campbell, Building and Zoning Administrator advised the Board of the bids received to purchase 30 copies of Microsoft Office XP.

MOTION by Gross, supported by Munro, to approve the recommendation of Ken Campbell to award the bid to Access for a total cost of \$10,050.00, funds to come from Capital Outlay Improvement and Building Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 8:1-14 CONSENT AGENDA

- A. Approve Corrected Downtown Development Authority 2003 Meeting Schedule**
- B. Approve Property Transfer Affidavit**
- C. Approve Bond Resolution for Welch Extension #1**

- D. Approve Bond Resolution for Special Projects #1
- E. Approve Bond Resolution for Special Projects #2
- F. Approve Bond Resolution for Boulder Water
- G. Approve Bond Resolution for Boulder Sewer
- H. Approve Bond Resolution for Special Projects #4
- I. Approve the Resolution Declaring the Bond Reimbursement Expectations for Special Projects #19.
- J. Approve Resolution for Ladd Road Easements
- K. Approve Resolution for Shady Pointe Easements
- L. Job Description for Assistant Bookkeeper

Rick Sovel requests that Item K be removed from the Consent Agenda and requests that he be allowed to abstain from voting on Item K. Item K removed.

MOTION by Abrams, supported by Gross, to approve the Consent Agenda with the removal of Item K.

ROLL CALL VOTE

AYES: Munro, Magalski, Gross, Sovel, Abrams, Zoner, Sovel

NAYS:

MOTION CARRIED UNANIMOUSLY

MOTION by Zoner, supported by Magalski allowing Trustee, Rick Sovel, to abstain from voting on Item K in the Consent Agenda.

ROLL CALL VOTE

AYES: Zoner, Magalski, Gross, Abrams, Munro, Long

NAYS: None

ABSTAINING: Sovel

MOTION CARRIED

MOTION by Abrams, supported by Zoner, to approve Item K, the Resolution for Shady Pointe Easements, on the Consent Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 10:1-14 OLD BUSINESS

A. Refuse Collection/Recycling

Rick Sovel is requesting quarterly reports from Great Lakes Waste on recycling as stated in the Refuse Disposal Contract approved at the December 21, 2000 Special Board Meeting. Cheryl Magalski is requesting addresses of residents who are subscribers to the recycling plan. Thomas Zoner will contact Great Lakes for this information to be provided to the Board at the February 11, 2003 Regular Board Meeting.

ITEM 11:1-15 NEW BUSINESS
A. Fiscal year 2003 Tri-Party

MOTION by Sovel, supported by Munro, to Table the fiscal year 2003 Tri-Party participation for road improvements for the fiscal year October 1, 2002 through September 30, 2003.

MOTION CARRIED UNANIMOUSLY

A. Kodiak Creek Liquor License Transfer

MOTION by Abrams, supported by Magalski, to approve the transfer of the Kodial Creek Liquor License to A. J. Telmos – step 1.

ROLL CALL VOTE:

AYES: Abrams, Magalski, Gross, Munro, Zoner, Long, Sovel

NAYS: None

MOTION CARRIED UNANIMOUSLY

MOTION by Abrams, supported by Magalski, to approve the transfer of the Kodial Creek Liquor License from A. J. Telmos to Opportunities of Michigan, Inc. – step 2.

ROLL CALL VOTE:

AYES: Abrams, Magalski, Zoner, Munro, Gross, Long, Sovel

NAYS: none

MOTION CARRIED UNANIMOUSLY

B. Dodge Park #5 Resolution

MOTION by Munro, supported by Magalski, to approve the Resolution to approve the Application for MNRTF Grant to Purchase MDOT/Dodge Park #5.

ROLL CALL VOTE

AYES: Munro, Magalski, Abrams, Zoner, Long, Gross, Sovel

NAYS: None

MOTION CARRIED UNANIMOUSLY

ITEM 12:1-14 ORDERS

MOTION by Gross, supported by Abrams, to approve the Orders, with the following add ons and deletion:

Miller Consultations & Elections	\$2,020.00
McLeod USA	5.86
McLeod USA	6.02
McLeod USA	20.44
Credit Bureau, Inc.	22.00

Metro Office Supplies	30.16
Metro Office Supplies	23.17
MAMC	90.00
OCCMTA	50.00
Mich Mun. Finance Officers Assoc.	50.00
Tank & Pump of Michigan, Inc.	6,560.00
SBC Ameritech	11.00
SBC Ameritech	20.63
SBC Ameritech	21.07
SBC Ameritech	50.00
Staples	132.98
Lakes Area Youth Assistance	4,200.00
Commerce Park L.L.C.	5,900.00

Delete Check 39540 to Election Systems Software

ITEM 13:1-14 OTHER MATTERS TO COME BEFORE THE BOARD

Items Discussed:

Update on Gitzen Demolition

Library Services provided from West Bloomfield Library, Walled Lake Library, and the Milford Library

MOTION by Sovel, supported by Gross, to direct the Township Attorney to investigate the potential for Library services in Commerce Township.

MOTION CARRIED UNANIMOUSLY

Giffels-Webster approved contractors

MOTION by Sovel, supported by Gross, to modify the pre-approved contractor list maintained by Giffels-Webster Engineering to include sub-contractors.

MOTION CARRIED UNANIMOUSLY

United States Motto, "In God We Trust," to be placed on the wall in the Meeting Room and/or by the clock in the main corridor of the Township offices.

ITEM 14:1-14 ADJOURNMENT

MOTION by Zoner, supported by Abrams, to adjourn the meeting at 9:30 p.m.

MOTION CARRIED UNANIMOUSLY


Sandra Abrams, CMC
Clerk. Charter Township of Commerce