

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

Wednesday November 12, 2003

2840 Fisher Avenue

Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Thomas 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
Robert J. Long, Trustee
Cheryl Magalski, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Abrams, supported by Gross, to approve the Regular Township Board Meeting minutes of October 14, 2003, the Special Meeting minutes of October 21, 2003 and the Quarterly Discussion Meeting minutes of October 28, 2003, as written. **MOTION CARRIED UNANIMOUSLY**

COMMUNICATIONS:

Received and filed

PRESENTATIONS:

None

PETITIONS

Mimosa Estates Sanitary Sewer Special Assessment District Resolution

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 Mimosa Estates Sanitary Sewer Special Assessment District, Resolution attached.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

DIRECTOR REPORTS

Joseph Schornack, Fire Chief
Todd Martin, Fire Marshall
Lt. Dennis Davis, Oakland County Sheriff's Department
Kathleen Pogarch, Assessing Department
Constance Guest, Planning Director
Kelly Knight, Senior Director
Jeffrey Bowdell, Building-Zoning Director

ITEM 1:11-12 APPROVAL OF AGENDA

MOTION by Magalski, supported by Munro, to approve the Agenda with the following changes: add "**Emergency Procedures**" as Item F under New Business.

MOTION CARRIED UNANIMOUSLY

ITEM 2:11-12 BOARD APPOINTMENTS

None

ITEM 3:11-12 PUBLIC COMMENTS

None

ITEM 4:11-12 PUBLIC HEARINGS

A. Special Projects #20 Roll Resolution

Supervisor Thomas Zoner opened the Public Hearing

No one present had any objections.

Supervisor Thomas Zoner closed the Public Hearing

MOTION by Gross, supported by Abrams, to approve the Resolution Confirming Special Assessment District Designated Special Projects No. 20.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 5:10-14 CONTRACTS AWARD AND AGREEMENTS

A. Intergovernmental Water Agreement

Christina Michaels, Township Attorney reviewed the Agreement.

Loren Crandell, Giffels-Webster Engineers, was present.

MOTION by Gross, supported by Abrams, to approve the Intergovernmental Agreement to Supply Water Between The Charter Township of Commerce, The Village of Wolverine Lake and Ramiz Sheena.

MOTION CARRIED UNANIMOUSLY

B. Maple Road Force Main and Pump Station Contract Award

Jay James, Giffels-Webster Engineers recommends the contract be awarded to the low bidder - Statewide Excavating.

MOTION by Munro, supported by Magalski, to approve the Maple Road Force Main and Pump Station Contract Award to Statewide Excavating in the amount of \$364,870.00.

MOTION CARRIED UNANIMOUSLY

C. Nutrition Space Committal Contract – Paragon Management Company

MOTION by Sovel, supported by Munro, to approve the Nutrition Space Committal Contract with the correction as follows: add “Commerce Township” on line #1.

MOTION CARRIED UNANIMOUSLY

ITEM 5:10-14 CONTRACTS AWARD AND AGREEMENTS (continued)

D. Storm Sewer Repair

Loren Crandell, Giffels-Webster Engineers, was present.

MOTION by Sovel, supported by Abrams, to approve payment to Milford Excavating in the amount of \$2,900.00 for the Storm Sewer Repair.

MOTION CARRIED UNANIMOUSLY

ITEM 6:11-12 INTRODUCTIONS

A. An Ordinance to amend Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, to Rezone Parcels of Land East of Benstein Road, between Maple & McCoy Roads from L1-Light Industrial to R-2B Duplex Residential, to be known as Ordinance 55-03-153.

MOTION by Munro, supported by Gross, to Introduce The Charter Township of Commerce, an Ordinance to amend Ordinance No. 55, to Rezone Parcels of Land East of Benstein Road, between Maple & McCoy Roads from L1-Light Industrial to R-2B Duplex Residential to be known as Ordinance 55-03-153 and to give publication in the manner prescribed by law.

ROLL CALL VOTE

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

MOTION CARRIED

ITEM 7:11-12 ADOPTIONS

A. An Ordinance to amend Ordinance 46, the Charter Township of Commerce Liquor Control Ordinance, to be known as Ordinance 46-03-04.

MOTION by Munro, supported by Abrams, to Adopt Charter Township of Commerce, an Ordinance to amend Ordinance No. 46-2, Liquor Control Ordinance to be known as Ordinance No. 46-03-04 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:11-12 ADOPTIONS

B. An Ordinance to amend Ordinance 79, the Charter Township of Commerce Fee Ordinance, Section 18 Establishing Policies, Procedures and Standards for Liquor Licenses and Permits; to be known as Ordinance 79-03-19.

MOTION by Munro, supported by Abrams, to Adopt Charter Township of Commerce, an Ordinance to amend Ordinance No. 79, Fee Ordinance to be known as Ordinance No. 79-03-19 and to give publication in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

C. An Ordinance to amend Ordinance 62, the Charter Township of Commerce Water and Sewage Ordinance to be known as Ordinance 62-03-34.

MOTION by Sovel, supported by Abrams, to Adopt Charter Township of Commerce, an Ordinance to amend Ordinance No. 62, Water and Sewage Ordinance, to be known as Ordinance No. 62-03-34 and to give publication in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:11-12 SITE CONDOMINIUMS AND PLATS

A. Deer Run Site Condominium SP 00-21-02

Constance Guest, Planning Director, reviewed the request.

Robert Brock 1934 Glengary was present. He stated his driveway would be off of Glengary.

MOTION by Munro, supported by Abrams, to approve SP 00-21-02, Deer Run Site Condominium as presented with the exception of the stubbing as designated by the Planning Director on the site plan. If a Special Assessment District is created for water, the petitioner shall enter into an agreement (this shall be noted in the Master Deed). This is subject to conditions recommended by the Planning Commission.

ROLL CALL VOTE

AYES: Munro, Abrams, Zoner

NAYS: Gross, Magalski, Sovel, Long

MOTION FAILED

ITEM 9:11-12 CONSENT AGENDA

- A. Delinquent Multi-Year Special Assessment District Installments**
- B. Single-Year Special Assessment Districts**
- C. Delinquent Special Assessment Installments for County Road Improvements**
- D. Resignation of Susan L. Gross from Lakes Area Youth Assistance**
- E. Appointment of Sandra S. Abrams to Lakes Area youth Assistance**

MOTION by Sovel, supported by Magalski, to approve the Consent Agenda with a change to the first page – change the year to 2003.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 10:11-12 PURCHASES

None

ITEM 11:11-12 OLD BUSINESS

None

ITEM 12:11-12 NEW BUSINESS

A. Lights for Maple Glen Park

MOTION by Sovel, supported by Abrams, to approve lights at Tiger Field located in Maple Glen Park as presented by Commerce Little League. Additionally, direct the Parks and Recreation Committee to recommend a change of park hours.

MOTION CARRIED UNANIMOUSLY

B. Radio Tower for Emergency Police and Fire Services

Joseph Schornack, Fire Chief, introduced Pat Coates, Clemis Administrator who explained the Public Safety Radio System.

Dan Phifer, Radian, was present.

MOTION by Sovel, supported by Long, to accept the request from Clemis to install a radio tower for emergency police and fire services on Township property and authorize the necessary signatures. Additionally direct the Parks and Recreation Committee to work with the Township Supervisor to determine the location and type of tower.

MOTION CARRIED UNANIMOUSLY

ITEM 12:11-12 NEW BUSINESS (continued)

C. District Compliance Agreement

Loren Crandell, Giffels-Webster Engineers, explained the agreement.

MOTION by Magalski, supported by Sovel, to approve the proposal by Little River Research and Design at a cost of \$17,598.00 to complete an analysis, as requested by MDEQ, of the Seeley Creek. Funds to come from the Sewer Fund. And to direct the Township Engineers to send a letter to the MDEQ outlining our intentions on how we will complete their request and to request written correspondence from the MDEQ of their requirements.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

D. Metro Act Application – Verizon

MOTION by Munro, supported by Abrams, to deny the Metro Act Permit Application by Verizon North Inc. and Contel of the South, Inc. d.b.a. Verizon North.

MOTION CARRIED UNANIMOUSLY

E. Metro Act Application – SBC

MOTION by Munro, supported by Sovel, to approve Metro Act Permit Application by Michigan Bell Telephone, d.b.a. SBC.

MOTION CARRIED UNANIMOUSLY

F. Emergency Procedures

Discussion

MOTION by Sovel, supported by Abrams, to direct the Fire Chief, Building Director, the Township Clerk and Rick Sovel to evaluate emergency procedures for the Township.

MOTION CARRIED UNANIMOUSLY

ITEM 13:1112 ORDERS

MOTION by Sovel, supported by Abrams, to approve the Orders with the following additions:

Accumed Billing, Inc.	\$ 394.67
AGA Linde Healthcare	40.10

ITEM 13:1112 ORDERS (continued)

SBC/Ameritech	157.93
Berthiaume & Co.	540.00
Business Forms Service	1,134.10
Diane Obara	440.00
Done Right Engraving	323.00
Home Depot	326.35
John Deere Landscapes	289.10
Oakland County Water & Sewer	257.50
SCN Communications	306.18
SEMCOG	4,580.00
State of Michigan	1,450.00

MOTION CARRIED UNANIMOUSLY

ITEM 14:11-12 OTHER MATTERS TO COME BEFORE THE BOARD

Joseph Schornack, Fire Chief would like to charge for burning permits (\$5.00 per permit).

MOTION by Sovel, supported by Gross, to approve a \$5.00 fee for a burning permit and to direct the Fire Chief to meet with the Township Attorney to add this in the fee schedule. This shall be effective January 1, 2004.

ROLL CALL VOTE

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

MOTION CARRIED

Recess: 10:02 p.m.
Reconvene: 10:11 p.m.

ITEM 15:11-12 EXECUTIVE SESSION

MOTION by Magalski, supported by Abrams, to enter into Executive Session for the purpose of discussing attorney privilege client communication and to return back to the meeting for a possible decision.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 10:13 p.m.
Returned from Executive Session at 11:55 p.m.

ITEM 16:11-12 ADJOURNMENT

MOTION by Munro, supported by Gross, to adjourn the meeting at 12:00 p.m.

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, Clerk

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