

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

Tuesday, December 9, 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
Cheryl Magalski, Trustee
Daniel Munro, Trustee (arrived at 7:15 p.m.)
Rick Sovel, Trustee

Absent: Robert J. Long, Trustee (excused)

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

APPROVAL OF MINUTES

MOTION by Abrams, supported by Sovel, to approve the Regular Township Board Meeting minutes of November 12, 2003 with a correction to page 8, add "***Returned from Executive Session at 11:55 p.m.***", and the Special Meeting minutes of November 20, 2003 with a correction to page 1, under Item 1, change "Mile" to "***Mike***".

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS:

Received and filed

PRESENTATIONS:

Historical District Study Committee Report given by Kathleen Bartoluzzi, Planning Consultant.

PETITIONS

Central West Water Main Special Assessment District

Central West Water Main Capital Charges Special Assessment District

(withdrawn)

DIRECTOR REPORTS

Joseph Schornack, Fire Chief

Lt. Dennis Davis, Oakland County Sheriff's Department

Todd Martin, Fire Marshall

Kelly Knight, Senior Center Director

Kathleen Pogarch, Assessing

Constance Guest, Planning Director

Jeffrey Bowdell, Building-Zoning Director

ITEM 1:12-9 APPROVAL OF AGENDA

MOTION by Abrams, supported by Sovel, to approve the Agenda with the following additions: New Business, add: Proposed and Recommended 2004 Fee Schedule; Other Matters, add: Resolution Authorizing Sale of Property to Fire Station No. 1, LLC; Introductions, add: Text Amendment for Parking 55-03-155; and add additions to the Orders. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:12-9 PUBLIC COMMENTS

Earl Whitlock 1835 Union Lake Road, had questions regarding an environmental impact study on the El Dorado property.

ITEM 3:12-9 BOARD APPOINTMENTS

None

ITEM 4:12-9 PUBLIC HEARINGS

None

ITEM 5:12-9 CONTRACTS AWARD AND AGREEMENTS

None

ITEM 6:12-10 INTRODUCTIONS

A. An Amendment to Ordinance No. 57, the Charter Township of Commerce Appearance Tickets Ordinance, to be known as Ordinance 57-03-4.

Christina Michaels, Township Attorney reviewed the Amendment.

MOTION by Abrams, supported by Gross, to Introduce Charter Township of Commerce an Ordinance to Amend Ordinance No. 57-02-03 Appearance Tickets Ordinance to be known as Ordinance 57-03-04 and to give publication in the manner prescribed by law and bring back in January 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

B. An Amendment to Ordinance No. 79, the Charter Township of Commerce Fee Ordinance, to Amend Section 16 Fire Prevention Code, to add Burning Permit Fees; Section 30 Municipal Civil Infractions, to add Ordinance 94, Lawn Fertilizer Ordinance Section 8.2; to add Section 33 Lawn Fertilizer Ordinances Fees, to set forth Annual Fees for Commercial – Industrial Fertilizer Applicator’s License, to Ordinance No. 79, to be known as Ordinance 79-03-20.

MOTION by Munro, supported by Gross, to Introduce Charter Township of Commerce an Ordinance to Amend Ordinance No. 79, Fee Ordinance, to be known as Ordinance 79-03-20 and to give publication in the manner prescribed by law and bring back in January 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

C. An Amendment to Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, to rezone the NE Corner of Carroll Lake and Commerce Roads from B-5 Highway Service to B-2 Community Business, to be known as Ordinance 55-03-154.

Constance Guest, Planning Director reviewed the Amendment.

MOTION by Munro, supported by Sovel, to Introduce An Amendment to Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, to rezone the NE Corner of Carroll Lake and Commerce Roads from B-5 Highway Service to B-2 Community Business, to be known as Ordinance 55-03-154 and to give publication in the manner prescribed by law and bring back in January 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

ITEM 6:12-10 INTRODUCTIONS (continued)

D. An Ordinance to Amend Article XX of the Zoning Ordinance of Charter Township of Commerce to be known as Ordinance No. 55-03-155.

MOTION by Munro, supported by Gross, to Introduce An Ordinance to Amend Article XX of the Zoning Ordinance of Charter Township of Commerce to be known as Ordinance No. 55-03-155, and to give publication in the manner prescribed by law and bring back in January 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

ITEM 7:12-9 ADOPTIONS

A. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Re-zone parcels of land east of Benstein Road, between Maple and McCoy Roads from L-1 Light Industrial to R-2B Duplex Residential, to be to be known as Ordinance 55-03-153.

MOTION by Munro, supported by Abrams, to Adopt An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Re-zone parcels of land east of Benstein Road, between Maple and McCoy Roads from L-1 Light Industrial to R-2B Duplex Residential, to be 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, Sovel, Zoner

NAYS: Sovel

ABSENT: Long

MOTION CARRIED

ITEM 8:12-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:12-9 CONSENT AGENDA

- A. Boards and Commissions – Meeting Schedules for 2004**
- B. Oakland County Permit Application**
- C. Maintenance Contract for Election Equipment**
- D. Bank Depositories**
- E. Local Approval Notice for Liquor License**
- F. Budget Amendments**

ITEM 9:12-9 CONSENT AGENDA (continued)

MOTION by Munro, supported by Abrams, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of "F".

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

F. Budget Amendments

MOTION by Abrams, supported by Gross, to approve Budget Amendments Fiscal Year 2003.

MOTION CARRIED UNANIMOUSLY

ITEM 10:12-9 PURCHASES

A. Township Hall AED

MOTION by Zoner, supported by Magalski, to Table Township Hall AED.

ROLL CALL VOTE

AYES: Munro, Magalski, Gross, Zoner

NAYS: Sovel, Abrams

ABSENT: Long

MOTION CARRIED TO TABLE

B. Front Page Software for Web Page

MOTION by Gross, supported by Abrams, to approve the purchase of one full version and one upgrade version of Front Page Software for the use by the Township and Trustee Sovel to maintain the Township Web Page in the amount of \$300.00.

MOTION CARRIED UNANIMOUSLY

ITEM 11:12-9 OLD BUSINESS

Township ER Preparedness

No action

ITEM 12:12-9 NEW BUSINESS

A. Tri-Party Traffic Improvement

MOTION by Gross, supported by Abrams, to approve the Fiscal Year 2004 Tri-Party Program with the recommendation to The Road Commission for Oakland County to improve South Commerce and Oakley Park Road and Welch Road and Pontiac Trail. The 2004 allotment is \$177,128.00, Township share is \$59,043.00.

MOTION CARRIED UNANIMOUSLY

B. Proposed Traffic Signal

MOTION by Munro, supported by Abrams, to deny the Proposed Traffic Signal.

MOTION CARRIED UNANIMOUSLY

C. Rate Study for Sewer and Water

Loren Crandell, Giffels-Webster Engineers, reviewed the request for a rate study for sewer and water.

MOTION by Sovel, supported by Abrams, to direct the Township Engineers to write an RFP to obtain bids for a study of the water and sewer system charge rates.

MOTION CARRIED UNANIMOUSLY

D. Township Compensation

MOTION by Sovel, supported by Gross, to approve no increase in wages for the Township Supervisor for the year 2004. The wage shall remain at \$74,800.00 .

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Gross, to approve no increase in wages for the Township Treasurer for the year 2004. The wage shall remain at \$69,680.00.

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

D. Township Compensation (continued)

MOTION by Sovel, supported by Gross, to approve no increase in wages for the Township Clerk for the year 2004. The wage shall remain at \$69,680.00.

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Gross, to approve no increase in wages for the Township Trustees for the year 2004. The wage shall remain at \$150.00 per meeting.

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

E. Proposed and Recommended 2004 Fee Schedule

Jeffrey Bowdell, Building-Zoning Director reviewed the 2004 Fee Schedule

MOTION by Sovel, supported by Abrams, to approve for Introduction 2004 Fee Schedule, and to give publication in the manner prescribed by law and bring back in January 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

ITEM 14:12-9 ORDERS

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

Absopure Water	\$ 63.80
Accumed Billing	375.01
SBC/Ameritech	121.34
Berthiaume & Co.	540.00
Diane Obara	336.00
Great Lakes Waste	613.01
Mich Treas Institute	35.00

MOTION CARRIED UNANIMOUSLY

ITEM 15:12-9 OTHER MATTERS TO COME BEFORE THE BOARD

Sale of Property, Fire Station No. 1 and Adjoining Lot

MOTION by Munro, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce Authorizing Sale of Property, Fire Station No. 1 and adjoining lot to R.R. Josephson, Inc.

MOTION CARRIED UNANIMOUSLY

The Township Fire Chief will review BLS and ALS transport further and bring back a recommendation to the Township Board, if needed.

Joseph Schornack, Fire Chief reviewed the paid on call wage increase that was passed in the 2004 budget.

Janice Leonhardt resigned from the Parks and Recreation Committee.

The Parks and Recreation made a recommendation to place a radio tower for emergency police and fire services at the edge or at a corner of the Township Hall property. Supervisor Thomas Zoner and Jeffrey Bowdell recommend the tower be placed in the rear of the old garage of the Township Hall property.

Loren Crandell, Giffels-Webster Engineers gave an update on the oxidation ditch.

Recess: 9:20 p.m.

Reconvene: 9:25 p.m.

(moved to end of the meeting)

ITEM 13:12-9 EXECUTIVE SESSION

MOTION by Abrams, supported by Sovel, to enter into Executive Session for the purpose of discussing pending litigation and return back to regular session.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 9:30 p.m.

Returned from Executive Session at 9:50 p.m.

Regular Township Board Meeting

MOTION by Sovel, supported by Munro, to allow a Default to be entered against the Township in Oakland County Circuit Court Case No. 03-048381 CH, Bernard Little, et al, vs. Charter Township of Commerce, provided the Road Commission for Oakland County adopts a Resolution to abandon that portion of Longspur Lane that is the subject of the Circuit Court litigation.

MOTION CARRIED UNANIMOUSLY

ITEM 16:12-9 ADJOURNMENT

MOTION by Sovel, supported by Munro, to adjourn the meeting at 10:00 p.m.

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, Clerk

CALL TO ORDER	1
PLEDGE OF ALLEGIANCE TO FLAG.....	1
ROLL CALL	1
APPROVAL OF MINUTES	1
COMMUNICATIONS	1
PRESENTATIONS.....	1
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