

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

Tuesday, February 11 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
Robert J. Long, Trustee
Cheryl Magalski, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Abrams, supported by Gross, to approve the Quarterly Discussion Meeting minutes of January 21, 2003, as written, and the Regular Township Board Meeting minutes of January 14, 2003, with a correction to page 2, Item 3:1-14 add: **4293** prior to the street "Creedmore".

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS: Received and filed.

PRESENTATIONS

The 4 Towns Citizens Action Team:

Julie LeBlanc, President of 4 Towns Citizens Action Team, requested a Board Resolution be passed, as presented.

Earl Willock, 1835 Union Lake Road, gave a presentation on the Haggerty Lake Union Lake Corridor.

PRESENTATIONS (continued)

East Michigan Environmental Action Council:

Heather Northway gave a presentation.

PETITIONS

High Pointe Condominium Road Improvements Special Assessment District

MOTION by Gross, supported by Abrams, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be Known as High Pointe Condominium Road Improvements Special Assessment District.

MOTION CARRIED UNANIMOUSLY

DIRECTOR REPORTS

Lieutenant Denny Davis, Oakland County Sheriffs Department
Ken Campbell, Building/Zoning Director
Kathy Pogarch, Assessing Director
Constance Guest, Planning Director
Joseph Schornack, Fire Department
Kelly Knight, Senior Director

ITEM 1:2-11 APPROVAL OF AGENDA

MOTION by Gross, supported by Magalski, to approve the Agenda with the addition of the 2003 Library Contract and the liquor license transfer for It's a Matter of Taste.

MOTION CARRIED UNANIMOUSLY

ITEM 2:2-11 PUBLIC COMMENTS

Chris Hall, Lower Straits Lake, concerned with plans of Union Lake Road turning into a five-lane roadway.

ITEM 3:2-11 PUBLIC HEARINGS

A. Special Projects #19 Special Assessment District Establishment Resolution.

Supervisor Thomas Zoner opened the Public Hearing.

No one was present with objections.

PUBLIC HEARINGS - Special Projects #19 (continued)

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Sovel, supported by Gross, 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 Therefore, known as Special Projects #19.

MOTION CARRIED UNANIMOUSLY

B. Hills of Bogie Lake Sanitary Sewer Special Assessment District Establishment Resolution

Supervisor Thomas Zoner opened the Public Hearing.

Clarence Mills, questioned how an existing subdivision was part of the district.

Jay James, Giffels-Webster Engineers, said he was not part of the S.A.D.

Keith Rogers is in support.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Abrams, 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 Therefore, known as Hills of Bogie Lake Sanitary Sewer Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

C. Lower Creedmore Snow Plowing Special Assessment District Roll Resolution

Supervisor Thomas Zoner opened the Public Hearing.

The following were present in support:

Jack Holden, 4293 Creedmore.

Ron White, 4275 Creedmore.

Supervisor Thomas Zoner closed the Public Hearing.

Lower Creedmore Snow Plowing (continued)

MOTION by Abrams, supported by Munro, to approve The Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Lower Creedmore Snow Plowing Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

D. Winewood Water Main Special Assessment District Establishment Resolution

Supervisor Thomas Zoner opened the Public Hearing.

Jay James, Giffels-Webster Engineers, explained the S.A.D.

The following were present with objections:

John Dixon, 5072 Winewood said there is a discrepancy on the letter from Kathy Pogarth, it lists 32 homes and there are only 27 homes on Winewood.

Betty Dixon 5072 Winewood.

Mr. Kieltyka, Family Trust, 4977 Winewood.

The following letters of objections were received:

William and Dorothy Squires, 4997 Winewood

James Pennington, 4709 Winewood

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Munro, 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 Therefore, known as Winewood Water Main Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

**E. Shady Pointe Sanitary Sewer Special Assessment District
Establishment Resolution**

Rick Sovel asked to abstain because he lives in the district.

MOTION by Munro, supported by Long, to allow Rick Sovel to abstain from discussion and vote due to a possible conflict of interest.

MOTION CARRIED UNANIMOUSLY

Leslie Boisvenu, Giffels-Webster Engineers, explained the S.A.D.

Supervisor Thomas Zoner opened the Public Hearing.

The following were present with objections:

Gerald Matheson, 8657 Oakside.

Mr. Alfred Olson, 1908 Alsup

The following were present in support:

Mr. Maher Kash, 1874 Canal

Brian Summerhill, 1990 Canal

Dick Sluka, 8298 Golfside Drive

Bob Kress, 8784 Alsup

Vicki Fowler, 8900 Shady Pointe

Three letters received:

Robert Mikonowicz, 8959 Gittens with objections

Laith Kassab, 3281 Govenors Lane in support

Theresa and Steve Kuehn, 8944 Gittens in support

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Munro, supported by Magalski, 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 Therefore, known as Shady Pointe Sanitary Sewer Special Assessment District. Commerce Township shall be included in the S.A.D. and pay for the parcel owned by them.

MOTION CARRIED UNANIMOUSLY

F. Comcast Cable Franchise Renewal

Supervisor Thomas Zoner opened the Public Hearing.

No one was present with objections.

Supervisor Thomas Zoner closed the Public Hearing.

ITEM 4:2-11 CONTRACTS AND AGREEMENTS

A. Comcast Cable Renewal Contract

MOTION by Gross, supported by Abrams, to approve The Resolution of Charter Township of Commerce for Approval of Franchise Renewal Agreement Applicable to each of WOCCCA'S Member Communities and Comcast Cablevision of the South, Inc. with the following corrections: change company address from 3166 Martin, Walled Lake 48390 to 3166 Martin, Commerce Township, 48390.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. Rouge River Watershed Contract

MOTION by Zoner, supported by Abrams, to approve Rouge River Watershed Contract

MOTION CARRIED UNANIMOUSLY

C. White Lake Commerce Township Intergovernmental Agreement

Phillip Adkison, Township Attorney, explained the agreement.

MOTION by Munro, supported by Sovel, to approve the Third Amendment to the First Amended and Restated Waste Water Treatment Agreement between the Charter Township of Commerce and the Charter Township of White Lake.

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-11 INTRODUCTIONS

None

ITEM 6:2-11 ADOPTIONS

A. Adoption of Parks and Recreation Master Plan Amendment

Megan Masson-Minock and Julie Ryszka, McKenna Associates, Inc. were present.

MOTION by Gross, supported by Magalski, to Adopt the 2003 Charter Township of Commerce Parks and Recreation Master Plan.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Carl Sever, 2838 Meadowridge, would like a copy of the Master Plan.

Ellen Smith, 2155 Foxberry, the foundation of the farmhouse needs to be supported.

B. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone vacant property located on Welch Rd, North of Pontiac Trail, from R1-D Single Family Residential to B-1 Commercial, to be known as Ordinance 55-03-150

Constance Guest, Planning Director, explained the Amendment.

MOTION by Munro, supported by Gross, to Adopt Z 02-02, an Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone vacant property located on Welch Rd, North of Pontiac Trail, from R1-D Single Family Residential to B-1 Commercial, to be known as Ordinance 55-03-150 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-11 SITE CONDOMINIUMS AND PLATS

A. Site Plan Trillium Hills

Constance Guest, Planning Director, explained the Site Plan.

Site Plan Trillium Hills (continued)

MOTION by Munro, supported by Zoner, to approve SP 00-20-35 Trillium Hills, contingent upon the seven conditions listed on the Planning Director's recommendations and the Planning Director's review of a similar name used by another subdivision within the Township.

ROLL CALL VOTE

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

NAYS: Sovel

MOTION CARRIED

B. Site Plan Edgewood Professional Center

Constance Guest, Planning Director, explained the Site Plan.

MOTION by Munro, supported by Abrams, to approve SP 01-12-21 Edgewood Professional Center with final verification of the split combination by the Township Attorney.

MOTION CARRIED UNANIMOUSLY

C. Site Plan Kasha Korner

Constance Guest, Planning Director, explained the Site Plan.

MOTION by Munro, supported by Abrams, to approve SP 02-10-24, Kasha's Korner with the following recommendations: all of the Township Engineers, Fire Chief and the Road Commission's requirements, including hydrants; Master Deed to include open space preservation of parks dedicated to remain common open space areas; phasing time table review on outlot area; landscape plan revision: 2 trees per lot with exceptions on parcels 6,7,8 plus, added detail of main road plan with tree types listed and a Deed Restriction.

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-11 CONSENT AGENDA

A. NOHAZ Interlocal Agreement

B. Penalty Waiver for Seniors

C. Resolution Declaring Bond Reimbursement – Hills of Bogie Lake Special Assessment District

D. Resolution Declaring Bond Reimbursement – Shady Pointe Special Assessment District

E. Tax Abatement Policy

F. Hills Of Bogie Lake Resolution – Easement Interests

G. Resolution Declaring Bond Reimbursement – Winewood Special Assessment District

H. Resolution for Purchase of Property from HCMA

CONSENT AGENDA (continued)

MOTION by Gross, supported by Munro, to approve the Consent Agenda.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 9:2-11 PURCHASES

A. Dump Truck for Maintenance Department

Ken Campbell, Building and Zoning Administrator advised the Board of the bids received.

MOTION by Sovel, supported by Gross, to Authorize the purchase of a 3500 1 ton Dump Truck for the Maintenance Department from Red Holman at a cost not to exceed \$32,000.00, funds to come from the Improvement and Building Fund. This shall not be purchased prior to May 2003 and only after the Township Supervisor confirms whether low rates and be obtained.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

ITEM 10:2-11 OLD BUSINESS

None

ITEM 11:2-11 NEW BUSINESS

A. Liquor License Annual Review

It's a Matter of Taste is going from a Tavern License to a Class C License

MOTION by Abrams, supported by Gross, to recommend approval of a location transfer from Commerce Road to Union Lake Road and a Class C License for It's a Matter of Taste.

MOTION CARRIED UNANIMOUSLY

B. Easement for Drainage to Lake Berry

Jim Galbraith was present.

Jay James, Giffels-Webster Engineers, explained the need for an easement.

MOTION by Gross, supported by Abrams, to approve the easement agreement for drainage to Lake Berry. **MOTION CARRIED UNANIMOUSLY**

C. Commerce Township Water Tap Fees

MOTION by Gross, supported by Long, to table Commerce Township Water Tap Fees. **MOTION CARRIED UNANIMOUSLY**

Recess: 9:39 p.m.
Reconvene: 9:47 p.m.

D. Michigan Department of Transportation Resolution

Phillip Adkison, Township Attorney, explained the Resolution.

MOTION by Munro, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce Affirming and Ratifying Purchase of Property from Michigan Department of Transportation and to authorize the appropriate signatures and expenditure of \$563,000.00.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Supplemental Agreement for Library for 2003

MOTION by Munro, supported by Gross, to approve the Supplemental Agreement for the Library for 2003. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:2-11 ORDERS

MOTION by Gross, supported by Abrams, to approve the Orders, with the following add on's:

Check No. 20240 to Craig J. Fuller in the amount of \$11,500.00

Check No. 20245 to De Lage Landen Fin Services in the amount of \$260.80

Check No. 20236 to Lasalle Bank in the amount of \$614.72

ITEM 13:2-11 ORDERS (continued)

Check No. 20243 to Metro Office Plus in the amount of \$356.22
Check No. 20244 to Metro Office Plus in the amount of \$17.30
Check No. 20242 to Now Printing Co., Inc. in the amount of \$24.00
Check No. 20241 to Pontiac Coffee Break, Inc. in the amount of \$186.83
Check No. 20246 to S Plumbing in the amount of \$70.00
Check No. 20247 to Staples Credit Plan in the amount of \$75.78
Check No. 20248 to Weingartz Supply Co. in the amount of \$767.15
Check No. 20239 to State of Michigan in the amount of \$663,000.00
Void Check No. 39663 to Commerce Township Treasurer for \$1,025.39
Reissued Check No. 39764 to Commerce Township Treasurer for \$51.98.

MOTION CARRIED UNANIMOUSLY

ITEM 14:2-11 OTHER MATTERS TO COME BEFORE THE BOARD

MOTION by Munro, supported by Gross, to approve a Resolution of the Township Board of the Charter Township of Commerce Vacating Parts of Tamworth Street, Commercial Street, and Andrews Street.

MOTION CARRIED UNANIMOUSLY

ITEM 15:2-11 ADJOURNMENT

MOTION by Gross, supported by Munro, to adjourn the meeting at 10:25 p.m.

MOTION CARRIED UNANIMOUSLY



Sandra Abrams, Clerk