

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

*Tuesday, March 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.

Supervisor Thomas Zoner requested a moment of silence in remembrance of Ken Campbell, Building and Zoning Director, who passed away on Sunday, March 9, 2003.

**PLEDGE OF ALLEGIANCE TO FLAG**

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

Absent: Cheryl Magalski, Trustee

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

**APPROVAL OF MINUTES**

**MOTION** by Abrams, supported by Long, to approve the Quarterly Discussion Meeting minutes of February 5, 2003, as written, and the Regular Township Board Meeting minutes of February 11, 2003 with a correction on page 1 under Approval of Minutes, change "January 21, 2002" to "**January 21, 2003**", the Joint Township Board and Downtown Development Authority Meeting minutes of February 12, 2003 and the Special Township Board Meeting of February 24, 2003.

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:** Received and filed.

**PRESENTATIONS**

None

**PETITIONS**

**Carroll Cove Sanitary Sewer 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 Carroll Cover Offsite Pressure Sewer Special Assessment District.

**MOTION CARRIED UNANIMOUSLY**

**DIRECTOR REPORTS**

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

**ITEM 1:3-11 APPROVAL OF AGENDA**

**MOTION** by Gross, supported by Abrams, to approve the Agenda with the addition of Budget Amendments and Storm Water Application under New Business.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:3-11 PUBLIC COMMENTS**

Earl Witlock, 1835 Union Lake Road, commended the work ethics of Ken Campbell.

Pete Lesner 1050 Polvadera, President of Lakes Area Hawks, extended condolences to the Township due to the loss of Ken Campbell.

**ITEM 3:3-11 PUBLIC HEARINGS**

**A. Amendment to the Boundary of the Downtown Development Authority District.**

Supervisor Thomas Zoner opened the Public Hearing.

Earl Witlock, 1835 Union Lake Road, with general questions.

**Amendment to the Boundary of the Downtown Development Authority District (continued)**

Carl Seaver, 2038 Meadowridge, questioned the proposed development of a bike path.

Supervisor Thomas Zoner closed the Public Hearing.

Wynn Berry, Director of the Downtown District Authority was present.

No action taken.

**B. High Pointe Road Improvement Special Assessment District Establishment Resolution.**

Supervisor Thomas Zoner opened the Public Hearing. No one was present with objections. 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 High Pointe Condominium Road Improvement Special Assessment District.

**MOTION CARRIED UNANIMOUSLY**

**C. Hills of Bogie Lake Sanitary Sewer Special Assessment District Roll Resolution**

Supervisor Thomas Zoner opened the Public Hearing. No one was present with objections. Supervisor Thomas Zoner closed the Public Hearing.

Jay James, Giffels-Webster Engineers gave an overview of the project.

**MOTION** by Gross, supported by Abrams, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Hills of Bogie Lake Sanitary Sewer Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**D. Shady Pointe Sanitary Sewer Special Assessment District Roll Resolution**

Supervisor Thomas Zoner opened the Public Hearing. No one was present with objections. Supervisor Thomas Zoner closed the Public Hearing.

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

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

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Gross, supported by Munro, to approve The Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Shady Pointe Sanitary Sewer Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**ABSTAIN:** Sovel

**MOTION CARRIED UNANIMOUSLY**

**E. Winewood Water Main Special Assessment District Roll Resolution**

Supervisor Thomas Zoner opened the Public Hearing.

Steve Beaver, 5144 Winewood, in favor.

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Abrams, supported by Sovel, to approve The Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Winewood Water Main Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**F. Special Projects #19 Special Assessment District Roll Resolution**

Supervisor Thomas Zoner opened the Public Hearing. No one was present with objections. Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Munro, supported by Sovel, to approve The Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects #19.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:2-11 CONTRACTS AND AGREEMENTS**

**A. AFLAC – Flexible Benefits Plan**

**MOTION** by Sovel, supported by Munro, to approve the Resolution Adopting a Flexible Benefits Plan.

**MOTION CARRIED UNANIMOUSLY**

**B. McKenna Associates Inc. – Authorization of Additional Services**

**MOTION** by Munro, supported by Sovel, to approve the Authorization of Additional Services Contract with McKenna Associates Inc. in the amount of \$11,500.00, fund to come from the General Fund Fund Balance and amend the budget accordingly.

**MOTION CARRIED UNANIMOUSLY**

**C. Aquatic Services, Inc. – Lower Straits Lake – Reed Lake – Fox Lake**

**MOTION** by Sovel, supported by Gross, to approve the Aquatic Plant Management Service Contract for Lower Straits Lake, Reed Lake and Fox Lake and authorize the Supervisor's signature.

**MOTION CARRIED UNANIMOUSLY**

**D. Hills of Bogie Lake Sanitary Sewer**

**MOTION** by Munro, supported by Gross, to approve the contract for Hills of Bogie Lake Sanitary Sewer to Stante Excavating in the amount of \$201,646.40 as recommended by Giffels-Webster Engineers.

**MOTION CARRIED UNANIMOUSLY**

**E. Shady Pointe Sanitary Sewer**

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

**MOTION** by Gross, supported by Abrams, to allow Rick Sovel to abstain from the vote due to a possible conflict of interest.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Munro, supported by Abrams, to approve the contract for Shady Pointe Sanitary Sewer to Anderzack-Pitzen Construction, Inc. in the amount of \$234,853.00, as recommended by Giffels-Webster Engineers.

**MOTION CARRIED UNANIMOUSLY**

**F. Winewood Watermain**

**MOTION** by Abrams, supported by Gross, to approve the contract Winewood Watermain to C&E Construction Company, Inc. in the amount of \$168,561.60.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:3-11 INTRODUCTIONS**

**A. An Ordinance to Amend the Downtown District Boundaries Pursuant to Act No. 197, Public Acts of Michigan, 1975, as Amended, for the Charter Township of Commerce, to be known as Ordinance 81-03-01.**

**MOTION** by Sovel, supported by Abrams, to Introduce an Ordinance to amend the Downtown District Boundaries Pursuant to Act No. 197, Public Acts of Michigan, 1975, as Amended and outlined in the ordinance, for the Charter Township of Commerce, to be known as Ordinance 81-03-01 and to give publication in the manner prescribed by law.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**B. An Ordinance to Amend Ordinance No. 87-01-00 the Charter Township of Commerce, to be known as Ordinance 87-03-01.**

**MOTION** by Gross, supported by Abrams, to Introduce an Ordinance to Amend Ordinance No. 87-01-00 the Charter Township of Commerce, to be known as Ordinance 87-03-01. and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:3-11 ADOPTIONS - None**

**ITEM 7:3-11 SITE CONDOMINIUMS AND PLATS**

**A. Claran Industrial Park, PR 99-27-02**

**MOTION** by Munro, supported by Abrams, to approve a one-year extension of the original Claran Industrial Park, PR 99-27-02.

**MOTION CARRIED UNANIMOUSLY**

**B. Ladd Road Industrial Park, PR 99-34-03**

**MOTION** by Munro, supported by Abrams, to approve a one-year extension of the original Ladd Road Industrial Park, PR 99-34-03 based on final recommendation by the Planning Director.

**MOTION CARRIED UNANIMOUSLY**

**C. Kassab Apartment Complex, SP 99-12-28**

**MOTION** by Munro, supported by Gross, to approve Kassab Apartment Complex, SP 99-12-28 with the Planning Commission and Directors recommendations.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:3-11 CONSENT AGENDA**

**A. Consider Waiver of Fee in the amount of \$200.00 for Late Filing of Property Tax Affidavit.**

**MOTION** by Gross, supported by Abrams, to approve the Consent Agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:3-11 PURCHASES**

**A. Discussion of Options Regarding Purchase of fire vehicle**

Joseph Schornack, Fire Chief, advised the Board of the prices and options received.

**MOTION** by Long, supported by Munro, to Table the purchase a fire vehicle for the Fire Department.

**ROLL CALL VOTE**

**AYES:** Munro, Sovel, Long

**NAYS:** Gross, Abrams, Zoner

**ABSENT:** Magalski

**MOTION CARRIED**

**ITEM 10:3-11 OLD BUSINESS**

**A. It's a Matter of Taste Liquor License**

Sandra Abrams, Clerk, recommends approval of "entertainment" for It's a Matter of Taste.

**MOTION** by Abrams, supported by Gross, to approve the Resolution from the State of Michigan, Department of Consumer & Industry Services Liquor Control Commission for "entertainment" for It's a Matter of Taste for the new location at 2323 Union Lake Road.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:3-11 NEW BUSINESS**

**A. Charter Township of Commerce Special Assessment (LTGO) Bonds, Series 2003-A.**

**MOTION** by Gross, supported by Munro, to approve the Bond Authorizing Resolution Special Assessment (LTGO) Bonds, Series 2003-A.

**MOTION CARRIED UNANIMOUSLY**

**B. Consider Administrative Secretary Job Description**

**MOTION** by Abrams, supported by Gross, to approve the Administrative Secretary (non-union position) Job Description for the Fire Department & Sheriff's Department with a change in the salary to \$30,050.00 annually.

**MOTION CARRIED UNANIMOUSLY**

**C. Discussion of Accumed – Community Service Proposal**

Joseph Schornack, Fire Chief, explained the proposal.

No action taken.

**D. Discussion of Township Website Policies**

Rick Sovel stated that the anticipated date for availability of the website is July 1, 2003. He asked for suggestions on the contents and policies for the site.

**E. Budget Amendments**

**MOTION** by Abrams, supported by Munro, to approve budget amendments 03-02 and 03-03.

**ROLL CALL VOTE**

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

**NAYS:** Long

**ABSENT:** Magalski

**MOTION CARRIED**

**F. Storm Water Application**

**MOTION** by Abrams, supported by Gross, to approve the Resolution authorizing the Application for a Certificate of Coverage under the Watershed-Based Storm Water Permit through the State of Michigan Department of Environmental Quality.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:3-11 ORDERS**

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

Absopure Water Co.	Check # 20651	\$ 75.40
Berthiaume & Company	Check # 20648	540.00
Brendel's Septic Tank Service	Check # 20655	42.88
CDW Government, Inc.	Check # 20649-20650	816.94
Dougs Mobile Repair	Check # 20644	381.38
Emergency Medical Products	Check # 20653	2,526.20
Fire Systems of Michigan	Check # 20642-20654	175.35
Henderson Glass	Check # 20646	729.60
Home Depot	Check # 20652	523.35
Oakland Press	Check # 20647	1,217.91
Pontiac Coffee Break Inc.	Check # 20656	81.00
State of Michigan	Check # 20641	200.00
Uncle Jim's, Inc.	Check # 20629-20640	4,167.00

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:3-11 OTHER MATTERS TO COME BEFORE THE BOARD**

Letter from Senator McCotter, United States Congressman

**MOTION** by Abrams, supported by Gross, to authorize the Township Supervisor to give permission for the use of Maple Glen Park for No Hazard Collection on June 14, 2003.

**MOTION CARRIED UNANIMOUSLY**

Supervisor Thomas Zoner gave an update on the funeral arrangements for Ken Campbell. The Township offices shall be closed on Friday, March 14, 2003 for a day of mourning.

Trustee Long asked for an update on the interviews for paid on call firefighters. Supervisor Thomas Zoner stated the meetings have not been held yet and he will check with the Fire Chief.

**EXECUTIVE SESSION**

**MOTION** by Abrams, supported by Zoner, to enter into Executive Session for the purpose of discussion of pending purchase of property, pending litigation and attorney/client privileged communication.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

Entered into executive session at 9:50 p.m.

Returned to regular session at 10:50 p.m.

**MOTION** by Abrams, supported by Munro, to authorize the Township Supervisor to sign a Land Contract Purchase Agreement with Downtown Development Authority for the sale of land being purchased by the Charter Township of Commerce from the Huron Clinton Metropolitan Authority located east of the center line of Welch Road.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:3-11 OTHER MATTERS (continued)**

**MOTION** by Abrams, supported by Sovel, to authorize settlement of Oakland County Circuit Court Case # 01-035322-CC by payment of \$7,051.00 which is inclusive of statutorily required fees.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Magalski

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Munro, supported by Long, to approve the extension of one year of the final preliminary plats as amended of Claren Ind. Park and Ladd Ind. Park, provided it has been determined by the Township Attorney it is not required the plats be re-submitted for approval of the changed made.

**ROLL CALL VOTE**

**AYES:** Munro, Gross, Abrams, Zoner

**NAYS:** Sovel, Long

**ABSENT:** Magalski

**MOTION CARRIED**

**ITEM 14:3-11 ADJOURNMENT**

**MOTION** by Sovel, supported by Long, to adjourn the meeting at 10:50 p.m.

**MOTION CARRIED UNANIMOUSLY**

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Sandra Abrams, Clerk

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