

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

*Tuesday, May 13, 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  
Loren Crandell, Giffels-Webster Engineers  
Jay James, Giffels-Webster Engineers

**APPROVAL OF MINUTES**

**MOTION** by Abrams, supported by Gross, to approve the Regular Township Board Meeting minutes of April 8, 2003, and the Quarterly Discussion Meeting minutes of April 22, 2003, as written. **MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:** Received and filed.

**DIRECTOR REPORTS**

Joseph Schornack, Fire Chief, introduced the following new hires:

Stacy Gross

Shawn Tretinik

Mark Gall

Matt Christensen

Kathy Pogarch, Assessing Department

Constance Guest, Planning Director

**DIRECTOR REPORTS (continued)**

Todd Martin, Fire Marshall  
Lieutenant Denny Davis, Oakland County Sheriffs Department  
Kelly Knight, Senior Director  
Tom Craycraft, Assistant Building Director

**ITEM 1:5-13 APPROVAL OF AGENDA**

**MOTION** by Abrams, supported by Gross, to approve the Agenda with the addition of Board Appointments under Item #13, New Resolution for Carroll Lake under Item 3A, and addition to the Consent Agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:5-13 PUBLIC COMMENTS**

Chris Pagel, 725 Kentbrook, Cross Creek Subdivision, thanked the Township for their ongoing assistance with a flooding problem within their subdivision.

Hanna Donigan, 630 Commerce, voiced her opinion of the importance of the Metropolitan Detroit Area - Water.

**ITEM 3:5-13 PUBLIC HEARINGS**

**A. Carroll Cove Offsite Pressure Sewer Special Assessment District (new) 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 new 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 Carroll Cove Offsite Pressure Sewer Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 3:5-13 PUBLIC HEARINGS (continued)**

**B. Lower Mount Royal (West) Dredging Special Assessment District Roll Resolution.**

Jay James, Giffels-Webster Engineers, explained the project.

Supervisor Thomas Zoner opened the Public Hearing.

*The following were present in support:*

Henry Fillion 500 Creedmore.

Bob Gollinger 585 Sherbrook

Steve Cremears 567 Sherbrook

Dan Beam 453 Creedmore

Don Morse 515 Sherbrook

Mark Haggerty 509 Sherbrook

Tamara Korhonen 555 Sherbrook

Kathleen Dean 533 Sherbrook

Jim Manosky 590 Creedmore

*The following were present with objections:*

Lorraine Hayworth 627 Sherbrook

Erin Wildie 594 Creedmore (her small lot is assessed the same as other larger sized lots)

There was a letter of opposition from Erin Wildie 594 Creedmore.

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Munro, supported by Long, 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 Lower Mount Royal West Dredging Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:5-13 CONTRACTS AND AGREEMENTS**

**A. County of Oakland and Charter Township of Commerce Expansion and Amendment of the Boundary of the Downtown Development District 4A1: Finance Committee Resolution.**

**MOTION** by Gross, supported by Munro, to approve the First Resolution for County of Oakland and Charter Township of Commerce Expansion and Amendment of the Boundary of the Downtown Development District 4A1: Finance Committee Resolution.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Bio-Solid Transfer Pump Contract**

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

**MOTION** by Munro, supported by Sovel, to approve the Bio-Solid Transfer Pump/Agitator Contract as recommended by the Township Engineers. Funds to come from the Improvement Revolving Sewer Fund in the amount not to exceed \$75,974.00.

**MOTION CARRIED UNANIMOUSLY**

**C. Wastewater Treatment Plant Structural Analysis of Oxidation Ditch**

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

**MOTION** by Sovel, supported by Magalski, to approve an agreement with Giffels-Webster Engineers for Engineering Services for Wastewater Treatment Plant Structural Analysis of Oxidation Ditch. Funds to come from the Improvement Revolving Fund Sewer Fund in the amount not to exceed \$15,000.00.

**MOTION CARRIED UNANIMOUSLY**

**D. Nutrient Study Contract Amendment**

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

**MOTION** by Munro, supported by Sovel, to Table the Nutrient Study Contract Amendment.

**MOTION CARRIED UNANIMOUSLY**

**E. Lower Mount Royal West Canal Dredging**

Jay James, Giffels-Webster Engineers, explained the project.

**MOTION** by Munro, supported by Sovel, to approve the Lower Mount Royal West Canal Dredging contract to Michigan Aquatic Control at a cost of \$137,000.00.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:5-13 INTRODUCTIONS**

- A. An Amendment to the Charter Township of Commerce Fee Ordinance No. 79, Section 20, Zoning Ordinance, to be known as Ordinance 79-03-17.**

**MOTION** by Abrams, supported by Magalski, to Introduce An Amendment to the Charter Township of Commerce Fee Ordinance No. 79, Section 20, Zoning Ordinance, to be known as Ordinance 79-03-17 and to give publication in the manner prescribed by law and bring back to the Board for Adoption.

**MOTION CARRIED UNANIMOUSLY**

- B. An Ordinance to Regulate Application of Lawn Fertilizer, to be known as Ordinance 94-03-0.**

Discussion – Trustee Long believes residents will not understand the ordinance; it should be simplified.

**MOTION** by Munro, supported by Magalski, to Table an Ordinance to Regulate Application of Lawn Fertilizer, to be known as Ordinance 94-03-0.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:5-13 ADOPTIONS**

- A. Downtown Development District Boundary Ordinance, to be known as Ordinance 81-03-1.**

**MOTION** by Munro, supported by Long, to Adopt an Ordinance to Amend the Downtown Development District Boundary Ordinance, to be known as Ordinance 81-03-1 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

- B. Metro Act Ordinance, an Ordinance to Regulate Access to and Ongoing Use of Public Rights-of-Way by Telecommunications Providers, to be known as Ordinance 95-03-0**

**MOTION** by Abrams, supported by Gross, to Adopt Metro Act Ordinance, an Ordinance to Regulate Access to and Ongoing Use of Public Rights-of-Way by Telecommunications Providers, to be known as Ordinance 95-03-0 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:5-13 ADOPTIONS (continued)**

**C. An Ordinance to Amend Ordinance No. 62, The Charter Township of Commerce Water and Sewer Ordinance, to be known as Ordinance 62-03-33.**

**MOTION** by Sovel, supported by Abrams, to Adopt an Ordinance to Amend Ordinance No. 62, The Charter Township of Commerce Water and Sewer Ordinance, to be known as Ordinance 62-03-33 and to give publication in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

**ITEM 7:5-13 SITE CONDOMINIUMS AND PLATS**

**A. Foxcroft III Subdivision Tentative Preliminary Approval for Extension**

**MOTION** by Munro, supported by Abrams, to approve PR 00-33-01 Foxcroft III Subdivision Tentative Preliminary Approval for a one year extension as recommended by the Planning Commission.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:5-13 CONSENT AGENDA**

- A. Consider Goose Round-up Application**
- B. Consider Resolution Declaring Bond Reimbursement Expectation Carroll Cove Sewer Special Assessment District.**
- C. Consider Re-Appointment of Members to the Building Board of Appeals**
- D. Consider Ann Arbor Credit Bureau**
- E. Consider Payroll Inquiry**
- F. Consider Amended Adoption Agreement for Equitable**

**MOTION** by Abrams, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce approving Consent Agenda with the removal of A and C.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:5-13 CONSENT AGENDA (continued)**

**Item A. Consider Goose Round-up Application**

Does not agree with the DNR that the Township has to approve a goose round up.

**MOTION** by Munro, supported by Magalski, to approve the Goose Round-up Application by Commerce Lake (Commerce Highlands, Association, Commerce Estates, Mimosa Estates and Island Club).

**MOTION CARRIED UNANIMOUSLY**

**Item C. Consider Re-Appointment of Members to the Building Board of Appeals**

**MOTION** by Munro, supported by Gross, to approve the Re-Appointment of Robert Lowe, and the re-appointment of Rick Jackson, Gary Narsh and Mike Powell to the Building Board of Appeals for a four year term to end May 2007.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:5-13 PURCHASES**

None

**ITEM 10:5-13 OLD BUSINESS**

**A. Recommended Changes by Giffels-Webster for Plot Plan Reviews**

**MOTION** by Sovel, supported by Gross, to direct the Township Attorney to create an ordinance, amend the ordinance accordingly and bring back for Introduction.

**MOTION CARRIED UNANIMOUSLY**

**B. Fire Station #1 Proposals:**

**R.R. Josephson, Inc. Proposal**

**Chuck Pelton Proposal**

Supervisor Thomas Zoner recommends this proposal is rejected.

**Russell Vale Proposal**

Mr. Vale presented his proposals.

**MOTION** by Munro, supported by Gross, to reject the proposal by Russell Vale for Fire Station #1.

**MOTION CARRIED UNANIMOUSLY**

**Fire Station #1 Proposals (continued)**

**Planning Team Incorporated Proposal**

Rod Danko gave a brief presentation on their proposal. They will bring back to the Township Board, a proposal including costs in two weeks.

No action taken.

Hanna Donagan, Compac, supports the Josephson proposal.

**C. Tri-Party Funding for Road Paving (No Action Taken 4-9-02)**

**MOTION** by Abrams, supported by Gross, to pursue the use of Tri-Party funding for paving roads in Commerce Township.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:5-13 NEW BUSINESS**

**A. Byers Farm House Inspection**

**MOTION** by Munro, supported by Magalski to authorize the Parks and Recreation Committee to obtain an inspection and a written report of a recommended treatment plan for the Byers Farm House at a cost not to exceed \$275.00. Funds to come from the Parks and Recreation Fund.

**MOTION CARRIED UNANIMOUSLY**

**B. West Nile Virus Resolution**

**MOTION** by Abrams, supported by Gross, to approve Resolution Authorizing West Nile Virus Fund Expense Reimbursement Request.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**C. DDA Attorney Retention**

Phillip Adkison, Township Attorney, recommends the Board accept the recommendation of the DDA to retain Berry & Reynolds, PC in regards to access rights at M-5 and Pontiac Trail.

**MOTION** by Gross, supported by Abrams, to retain Berry & Reynolds, PC to represent Commerce Township (DDA) in regards to access rights at the end of M-5 and Pontiac Trail.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:5-13 NEW BUSINESS (continued)**

**MOTION** by Abrams, supported by Sovel, to direct that all payments be reconfirmed of the Township Board, Planning Commission, Parks and Recreation Committee, Zoning Board of Appeals and the Recording Secretary, whenever a change is made to any one area of the payment structure.

**ON CARRIED UNANIMOUSLY**

**ITEM 12:5-13 ORDERS**

**MOTION** by Sovel, supported by Magalski, to approve the Orders with the following add ons:

May 13, 2003

Accumed Billing, Inc.	\$ 110.18
All-Star Paper, Inc.	218.05
SBC/Ameritech	226.90
Berthiaume & Company	540.00
Blue Cross/Blue Shield	239.58
Damman Hardware	63.17
Diane Obara	456.00
Doug's Mobile Repair	1,033.45
Great Lakes Waste Service	612.06
Home Depot	248.42
Huron-Cemetery Maintenance	1,113.44
I-Deal	1,989.97
Knight's Auto	29.02
Mcleod USA	21.02
Oakland County W&S	122.16
Pitney Bowes, Inc.	283.75
SCN Communications Group	235.50
Staples Credit Plan	223.90
Terminix	103.00
Thesier Equipment Co.	13.16

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:5-13 OTHER MATTERS TO COME BEFORE THE BOARD**

**MOTION** by Sovel, supported by Abrams, to provide to the Township Board a full list of the names and term ending dates of all members of the Township Board, Commissions and Committees whenever an appointment is made.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Abrams, supported by Gross, to reappoint Tom Jones to the Planning Commission, Louise Parker and Jorge Pacheco to the Zoning Board of Appeals, Janice Leonhardt, Violet Spencer and Barb Garbutt to the Parks and Recreation Committee for the term to expire on September 1, 2003 with conditions explained by the Township Supervisor.

**ROLL CALL VOTE**

**AYES:** Zoner, Abrams

**NAYS:** Munro, Magalski, Gross, Sovel, Long

**MOTION FAILED**

**MOTION** by Long, supported by Munro, to reappoint Tom Jones to the Planning Commission until October 1, 2005.

**MOTION CARRIED UNANIMOUSLY**

As of May 13, 2003, the following persons are members of the Planning Commission:

<b><i>Member</i></b>	<b><i>Term ending</i></b>
Connie Holmes	September 30, 2005
Daniel P. Munro	September 30, 2005
Mirja Hoeft	September 31, 2003
Lawrence Haber	August 14, 2004
Douglas Lanni	September 30, 2003
Robert McGee	September 30, 2004

**ITEM 14:5-13 ADJOURNMENT**

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

**MOTION CARRIED UNANIMOUSLY**

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Sandra Abrams, Clerk

<b>CALL TO ORDER .....</b>	<b>1</b>
<b>PLEDGE OF ALLEGIANCE TO FLAG .....</b>	<b>1</b>
<b>ROLL CALL .....</b>	<b>1</b>
<b>APPROVAL OF MINUTES.....</b>	<b>1</b>
<b>COMMUNICATIONS .....</b>	<b>1</b>
<b>DIRECTOR REPORTS.....</b>	<b>1</b>
<b>ITEM 1:5-13 APPROVAL OF AGENDA.....</b>	<b>2</b>
<b>ITEM 2:5-13 PUBLIC HEARINGS.....</b>	<b>2</b>
<b>CARROLL COVER OFFSITE PRESSURE SEWER S.A.D. ....</b>	<b>2</b>
<b>LOWER MOUNT ROYAL (WEST) DREDGING S.A.D. ROLL RESOLUTION ....</b>	<b>3</b>
<b>ITEM 4:12-10 CONTRACTS AND AGREEMENTS.....</b>	<b>4</b>
<b>COUNTY OF OAKLAND AND CHARTER TOWNSHIP OF COMMERCE EXPANSION AND AMENDMENT OF THE BOUNDARY OF THE DOWNTOWN DEVELOPMENT DISTRICT 4A1: FINANCE COMMITTEE RESOLUTION.....</b>	<b>4</b>
<b>BIO-SOLID TRANSFER PUMP CONTRACT .....</b>	<b>4</b>
<b>WASTE WATER TREATMENT PLANT STRUCTURAL ANALYSIS OF OXIDATION DITCH.....</b>	<b>4</b>
<b>NUTRIENT STUDY CONTRACT AMENDMENT .....</b>	<b>4</b>
<b>LOWER MOUNT ROYAL WEST CANAL DREDGING.....</b>	<b>4</b>
<b>ITEM 5:5-13 INTRODUCTIONS .....</b>	<b>4</b>
<b>AN AMENDMENT TO THE CHARTER TOWNSHIP OF COMMERCE FEE ORDINANCE NO. 79, SECTION 20, ZONING ORDINANCE, TO BE KNOWN AS ORDINANCE 79-03-17.....</b>	<b>5</b>
<b>AN ORDINANCE TO REGULATE APPLICATION OF LAWN FERTILIZER, TO BE KNOWN AS ORDINANCE 94-03-0.....</b>	<b>5</b>
<b>ITEM 6:5-13 ADOPTIONS.....</b>	<b>5</b>
<b>DOWNTOWN DEVELOPMENT DISTRICT BOUNDARY ORDINANCE, TO BE KNOWN AS ORDINANCE 81-03-1 .....</b>	<b>5</b>

<b>METRO ACT ORDINANCE, AN ORDINANCE TO REGULATE ACCESS TO AND ONGOING USE OF PUBLIC RIGHTS-OF-WAY BY TELECOMMUNICATIONS PROVIDERS, TO BE KNOWN AS ORDINANCE 95-03-0.....</b>	<b>5</b>
<b>AN ORDINANCE TO AMEND ORDINANCE NO. 62, THE CHARTER TOWNSHIP OF COMMERCE WATER AND SEWER ORDINANCE, TO BE KNOWN AS ORDINANCE 62-03-33. ....</b>	<b>6</b>
<b>ITEM 7:5-13 SITE CONDOMINIUMS AND PLATS (FOXCROFT III SUBDIVISION TENTATIVE PRELIMINARY APPROVAL FOR EXTENSION .....</b>	<b>6</b>
<b>ITEM 8:5-13 CONSENT AGENDA .....</b>	<b>6</b>
<b>ITEM 9:5-13 PURCHASES (NONE).....</b>	<b>6</b>
<b>ITEM 10:5-13 OLD BUSINESS .....</b>	<b>7</b>
<b>RECOMMENDED CHANGES BY GIFFELS-WEBSTER FOR PLOT PLAN REVIEWS .....</b>	<b>7</b>
<b>FIRE STATION #1 PROPOSALS.....</b>	<b>7</b>
<b>TRI-PARTY FUNDING FOR ROAD PAVING.....</b>	<b>8</b>
<b>ITEM 11:5-13 NEW BUSINESS .....</b>	<b>8</b>
<b>BYERS FARM HOUSE INSPECTION.....</b>	<b>8</b>
<b>WEST NILE VIRUS RESOLUTION .....</b>	<b>8</b>
<b>DDA ATTORNEY RETENTION.....</b>	<b>8</b>
<b>ITEM 12:5-13 ORDERS.....</b>	<b>9</b>
<b>ITEM 13:5-13 OTHER MATTERS .....</b>	<b>10</b>
<b>ITEM 14:5-13 ADJOURNMENT .....</b>	<b>10</b>