

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

*Tuesday, July 8, 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  
Robert J. Long, Trustee  
Cheryl Magalski, Trustee  
Daniel Munro, Trustee  
Rick Sovel, Trustee

Absent: Susan Gross, Treasurer

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

**APPROVAL OF MINUTES**

**MOTION** by Abrams, supported by Magalski, to approve the Regular Township Board Meeting minutes of June 10, 2003 as written, the Special Township Board Meeting minutes of June 17, 2003 with a correction to page 2, there is a duplicate signature line, and the Joint Township Board and Downtown Development Authority Special Meeting minutes of June 26, 2003 as written.

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

**MOTION** by Magalski, supported by Abrams, to receive and file communications.

**MOTION CARRIED UNANIMOUSLY**

Supervisor Thomas Zoner acknowledged Sandra Abrams for receiving "The Michigan Association of Municipal Clerks, Clerk of the Year Award".

**DIRECTOR REPORTS**

Joseph Schornack, Fire Chief  
Lieutenant Denny Davis, Oakland County Sheriffs Department  
Todd Martin, Fire Marshall  
Kathy Pogarch, Assessing Department  
Kelly Knight, Senior Director  
Jeffrey Bowdell, Building-Zoning Director  
Constance Guest, Planning Director

**ITEM 1:7-8 APPROVAL OF AGENDA**

**MOTION** by Zoner, supported by Munro, to approve the Agenda with the following addition: Appointment to the Building Board of Appeals

**MOTION CARRIED UNANIMOUSLY**

**APPOINTMENT TO THE BUILDING BOARD OF APPEALS**

**MOTION** by Abrams, supported by Sovel to remove Appointment to the Building Board of Appeals from the table.

**MOTION CARRIED UNANIMOUSLY**

Ken Moss was present.

**MOTION** by Abrams, supported by Munro, to appoint Ken Moss to the Building Board of Appeals for a term ending June 30, 2008 (5-year term).

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:7-8 BOARD APPOINTMENTS**

**MOTION** by Abrams, supported by Sovel, to appoint Bill McKeever to the Planning Commission and the Zoning Board of Appeals for a term ending June 30, 2004.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Munro, to reappoint Jorge Pacheco to the Zoning Board of Appeals for a term ending March 31, 2005.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:7-8 BOARD APPOINTMENTS (continued)**

**MOTION** by Sovel, supported by Munro, to table reappointment of Louise Parker to the Zoning Board of Appeals for a term ending March 31, 2006.

**ROLL CALL VOTE**

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

**NAYS:** Zoner

**ABSENT:** Gross

**MOTION CARRIED**

**MOTION** by Abrams, supported by Magalski, to reappoint Violet Spencer, William Petsch, Barbara Garbutt, and Janice Leonhardt to the Parks and Recreation Committee for a term ending May 31, 2006.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 3:7-8 PUBLIC COMMENTS**

Robert H. Long 5956 Bogie Lake Road was present. He stated that he has lost his supply of water due to de-watering caused by the sewer extension. Supervisor Thomas Zoner advised Mr. Long that the Township will take care of the problem.

**ITEM 4:7-8 PUBLIC HEARINGS**

**A. Mt. Royal Polvadera/Creedmore Bridge Special Assessment District Establishment Resolution**

Supervisor Thomas Zoner opened the Public Hearing and directed the Township Engineer to explain the Special Assessment District boundaries, the project, expected time for it to begin, the cost and that there were 516 parcels of property in the district.

***The following were present in support:***

Tom Clark 701 Sherbrooke

Ron White 4275 Creedmore

Bob Husack 4690 Catalina

Steve Rosman 1085 Island Drive – only in favor if it is a 2 lane bridge with a sidewalk

Mark Mandrin 910 Sherbrooke

Kim Roemer 505 Sherbrooke

Craig Mathiesen 4630 Sundew

George Marks 4524 Oakestia – in favor of repairing the bridge on Polvadera

Keith Kirn 4525 Oakestia

John Zavislak 774 Polvadera

**Mt. Royal Polvadera/Creedmore Bridge (continued)**

***The following were present in support:***

Charles Lodge 4920 Whitlow Ct.  
Sansom 265 Polvadera  
George Maitland 876 Ridgemont  
Dale and Lori Cozart 901 Ridgemont  
Scott Raunch 4950 Whitlow Court  
Jack 4293 Creedmore  
Glen & Cynthia Cutty 5050 Whitlow Court  
David Kolin 898 Ridgemont

***The following were present with objections:***

Tom Alder lot owner parcel #17-10-410-011  
Jeff Hearing 4828 Halbert  
Frank Fagan 4810 Halbert  
Duncan and Susan Galbraith 4865 Sundew  
Dennis Borland 4793 Halbert  
Gary Hooverson 3161 Ridgemont  
Nadine Love 205 Tamworth  
Mile Macshara 5130 Whitlow Court  
Richard Roback 160 Polvadera – until a study is done by the Fire and Police  
Departments  
Jim Austin 215 Tamworth Court

Bill Shumaker 4866 Sundew

***The following sent in letters of opposition:***

Joan Cook 877 Commerce  
Roseanne & Carmel Attard 321 Creedmore  
Joseph Pace & Joseph Pace Jr. 4381 S Commerce  
Francis Wright 801 W. Commerce  
Barbara Gaul 4708 Whitlow  
Lisa & Steve Girard 4651 Sundew  
Ronald & Sharron Laing 3145 Ridgemont  
Douglas & Anne Bond 4847 Halberd  
Gary Hooverson 3163 Ridgemont  
Sidwell #17-10-407-003 A.M. Kowal  
James P. Fyn, Sr.  
Sidwell #17-10-451-017 James P Fyn, Sr.  
Miles A. Macshara 5130 Whitlow Ct.  
Dan & Holli McGee 1005 N. Commerce  
Fred Jr, Mary & Jeff Hering 4828 Halberd

**Mt. Royal Polvadera/Creedmore Bridge(continued)**

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Zoner, 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 Therefor to Known as the Mt. Royal Polvadera/Creedmore Bridge Special Assessment District.

Discussion – Munro

- Believes that there is a problem when the Township Board creates Special Assessment Districts. These are private roads. In favor of the bridge being repaired but strongly disagrees with the Township creating a Special Assessment District for the repairs.

Sovel

- Asked the Fire Chief if the bridge is being used by the Fire Department in its current condition. Joseph Schornack, Fire Chief stated that prior to the closing of the bridge, large trucks were not transported over the bridge. Now that the bridge is closed, no emergency vehicles can use this route.
- If this were to be approved next month, what is the time frame for construction? Jay James, Giffel-Webster Engineers stated that construction would be spring 2004.
- If the Township stopped this resolution and the residents created their own Special Assessment District, would the timeframe for construction be the same? Jay James, Giffel-Webster Engineers stated “yes”.

Long

- How much was spent on engineering fees? Jay James, Giffel-Webster Engineers stated under \$1,000.00.

**ROLL CALL VOTE**

**AYES:** Magalski, Long, Abrams, Zoner

**NAYS:** Sovel, Munro

**ABSENT:** Gross

**MOTION CARRIED**

**ITEM 5:7-8 CONTRACTS AND AGREEMENTS**

None

Recess: 8:06 p.m.  
Reconvene: 8:10 p.m.

**ITEM 6:7-8 INTRODUCTIONS**

**A. An Ordinance to Amend Section 23.1A, Water Charges of Ordinance Number 79, the Fee Ordinance, to Set Forth New Water Supply Fees and Related Charges, to be known as Ordinance 79-03-18.**

**MOTION** by Abrams, supported by Munro, to Introduce An Ordinance to Amend Section 23.1A, Water Charges of Ordinance Number 79, the Fee Ordinance, to Set Forth New Water Supply Fees and Related Charges, to be known as Ordinance 79-03-18 and to give publication in the manner prescribed by law and bring back to the Board for Adoption.

**ITEM 7:7-8 ADOPTIONS**

**A. An Ordinance to Regulate Application of Lawn Fertilizer on Turf, to be known as Ordinance No. 94-03-0.**

**MOTION** by Munro, supported by Abrams, to Adopt an Ordinance to Regulate Application of a nine- (9) month Lawn Fertilizer on Turf, to be known as Ordinance No. 94-03-00 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:7-8 SITE CONDOMINIUMS AND PLATS**

**A. Scotland Yard - Final Site Plan Approval**

**MOTION** by Munro, supported by Abrams, to approve Scotland Yard final site plan SP 00-27-34 based on the fact that this has not changed and was approved by the Township Engineer and Attorney. **MOTION CARRIED UNANIMOUSLY**

**B. Charlton Estates – Final Plat Approval**

James Galbraith was present.

**MOTION** by Munro, supported by Abrams, to approve Charlton Estates final plat PR 01-01-01. **MOTION CARRIED UNANIMOUSLY**

**ITEM 9:7-8 CONSENT AGENDA**

**A. Consider Property Transfer Affidavit**

**MOTION** by Sovel, supported by Munro, to remove Item A from the Consent Agenda.

**MOTION CARRIED UNANIMOUSLY**

Kathy Pogarch did not receive the Property Transfer Affidavit until 2003. There is no receipt on file.

Kenneth Winkie stated that he did turn in the Property Transfer Affidavit but he does not have a stamped copy.

**MOTION** by Munro, supported by Sovel, to deny the appeal for the property transfer affidavit for Kenneth Winkie for parcels 17-11-326-021 and 17-11-326-006.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:7-8 PURCHASES**

**A. Landscaping Estimates for Fire Station #3**

Joseph Schornack, Fire Chief was present to explain the bids received.

**MOTION** by Munro, supported by Abrams, to approve replacement of a wooden retaining wall at Fire Station #3 to Squeals Landscape at a cost of \$3,870.00 as recommended by Joseph Schornack, Fire Chief.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:7-8 OLD BUSINESS**

**A. Acceptance of Bid of 1993 Truck**

**MOTION** by Munro, supported by Long, to accept the bid for the sale of one 1993 Jimmy GMC Blue Truck from David K. Voss in the amount of \$267.00.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:7-8 NEW BUSINESS**

**A. Differential Ad Valorem Between Commerce Township and Wolverine Lake Village**

Phillip Adkison, Township Attorney advised the Board of his findings in regards to this issue.

Informational only, no action taken.

**ITEM 12:7-8 NEW BUSINESS (continued)**

**B. Resolution for Northwest Township Sewer Refund**

**MOTION** by Munro, supported by Magalski, to approve the Resolution of the Township Board of the Charter Township of Commerce, Northwest Township Sewer refund (93027 & 93028). **MOTION CARRIED UNANIMOUSLY**

**ITEM 13:7-8 ORDERS**

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

Absopure Water Co.	\$	12.00
AGA Linde Healthcare		32.55
All Tire Service Center		809.39
Apollo Fire Equipment		18.22
Blue Care Network SE		4,986.65
Clark Fleet Fueling		568.75
Clarke Mosquito Control		1,121.87
County of Oakland		1,100.00
Deborah Stuart		25.00
OTE Energy		252.30
Detroit Edison		2,690.27
Diane Obara		352.00
Diane Obara		438.00
Dykema Gossett		165.21
Huron-Clinton Metro Authority		21,085.27
John Stilwell		135.00
Lasalle Bank		278.33
Melvin's Hardware		1.92
Metropolitan Uniform Co.		1,179.69
Postmaster		1,100.00
Roger Ingles Construction Inc.		52,904.06
Trust & Agency Fund		112,896.61
All-Star Paper, Inc.		82.32
Angelo's Wholesale Supplies		56.00
Garrett Door Co.		3,115.00
Melvin's Hardware		2.76
Michigan Assessor's Assoc.		220.00
Oakland County		10,956.00
Michael Leo McCarthy - Refund		1,865.49
Gobel & Mildred Turner		1,417.50

**ITEM 13:7-8 ORDERS (Motion continued)**

Add ons:

Ilona Zimmermann – Refund	3,009.15
Resource Information Assoc.	739.00
Witness Fee	24.20

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:7-8 OTHER MATTERS TO COME BEFORE THE BOARD**

**MOTION** by Munro, supported by Abrams, to approve \$400.00 for an Educational Fertilizer Newsletter to be mailed to residents. Funds to come from the General Fund Fund Balance. **MOTION CARRIED UNANIMOUSLY**

**MOTION** by Munro, supported by Abrams, to table Rouge River Watershed.

**ROLL CALL VOTE**

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

**NAYS:** Long

**ABSENT:** Gross

**MOTION CARRIED**

**MOTION** by Munro, supported by Long, to approve the Resolution of the Township Board of the Charter Township of Commerce Authorizing Proceedings to Acquire Property Interests.

**ROLL CALL VOTE**

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

**NAYS:**

**ABSENT:** Gross

**MOTION CARRIED UNANIMOUSLY**

**ITEM 15:7-8 ADJOURNMENT**

**MOTION** by Long, supported by Munro, to adjourn the meeting at 9:12 p.m.  
**MOTION CARRIED UNANIMOUSLY**

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Sandra Abrams, Clerk

CALL TO ORDER.....	1
PLEDGE OF ALLEGIANCE TO FLAG .....	1
ROLL CALL.....	1
APPROVAL OF MINUTES.....	1
COMMUNICATIONS.....	1
DIRECTOR REPORTS.....	2
ITEM 1:7-8 APPROVAL OF AGENDA .....	2
APPOINTMENT TO THE BUILDING BOARD OF APPEALS .....	2
ITEM 2:7-8 BOARD APPOINTMENTS .....	2
ITEM 3:7-8 PUBLIC COMMENTS.....	3
ITEM 4:7-8 PUBLIC HEARINGS - MT. ROYAL POLVADER/CREEDMORE BRIDGE SPECIAL ASSESSMENT DISTRICT ESTABLISHMENT RESOLUTION.....	3
ITEM 5:7-8 CONTRACTS AND AGREEMENTS .....	5
ITEM 6:7-8 INTRODUCTIONS AN ORDINANCE TO AMEND SECTION 23.1A, WATER CHARGES OF ORDINANCE NUMBER 79, THE FEE ORDINANCE, TO SET FORTH NEW WATER SUPPLY FEES AND RELATED CHARGES, TO BE KNOWN AS ORDINANCE 79-03- 18. ....	6
ITEM 7:7-8 ADOPTIONS AN ORDINANCE TO REGULATE APPLICATION OF LAWN FERTILIZER ON TURF, TO BE KNOWN AS ORDINANCE NO. 94-03- 0.....	6
ITEM 8:7-8 SITE CONDOMINIUMS AND PLATS	
SCOTLAND YARD - FINAL SITE PLAN APPROVAL.....	6
CHARLTON ESTATES – FINAL PLAT APPROVAL.....	6
ITEM 9:7-8 CONSENT AGENDA CONSIDER PROPERTY TRANSFER AFFIDAVIT .....	7
ITEM 10:7-8 PURCHASES LANDSCAPING ESTIMATES FOR FIRE STATION #3 .....	7
ITEM 11:7-8 OLD BUSINESS ACCEPTANCE OF BID OF 1993 TRUCK.....	7
ITEM 12:7-8 NEW BUSINESS DIFFERENTIAL AD VALORUM BETWEEN COMMERCE TOWNSHIP AND WOLVERINE LAKE VILLAGE.....	7
RESOLUTION FOR NORTHWEST TOWNSHIP SEWER REFUND .....	8
ITEM 13:7-8 ORDERS.....	8
ITEM 14:7-8 OTHER MATTERS TO COME BEFORE THE BOARD .....	9
ITEM 15:7-8 ADJOURNMENT.....	9