

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

*Tuesday, September 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  
Robert J. Long, Trustee (arrived 7:06 p.m.)  
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 August 12, 2003, as written.

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

Received and filed

**PRESENTATIONS:**

**Mirja Hoeft**

**MOTION** by Sovel, supported by Abrams, to approve the Proclamation thanking Mirja Hoeft for her dedication to Commerce Township by serving on the Planning Commission for 12 years and the Zoning Board of Appeal for 9 years.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS (continued)**

**HAVEN**

Hedy Nuriel was present to request support for HAVEN from the Township.

Supervisor Thomas Zoner said the Township will be placing the same amount of money from CDBG funds for the support of HAVEN.

**Lakes Area Youth Assistance**

Debra Lindsey, caseworker, was present.

Supervisor Thomas Zoner said the Township will be placing the same amount of money from CDBG funds for the support of Lakes Area Youth Assistance and request the same consideration in the 2004 budget as in the past.

Lakeland High School government class students were in attendance.

**PETITIONS**

Special Projects #20 Intention Resolution

**MOTION** by Gross, supported by Magalski, to approve the Resolution of the Township Board of the Charter Township of Commerce, tentatively Declaring its Intention to Establish a Special Assessment District, Special Projects No. 20.

**MOTION CARRIED UNANIMOUSLY**

**DIRECTOR REPORTS**

Joseph Schornack, Fire Chief  
Sergeant Dan Toth, Oakland County Sheriffs Department  
Kathy Pogarch, Assessing Department  
Constance Guest, Planning Director  
Kelly Knight, Senior Director  
Jeffrey Bowdell, Building-Zoning Director

**ITEM 1:9-9 APPROVAL OF AGENDA**

**MOTION** by Abrams, supported by Gross, to approve the Agenda with the following change: move Item 11 (c) to Item 2 (c)

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:9-9 BOARD APPOINTMENTS**

**MOTION** by Munro, supported by Abrams, to re-appoint Douglas Lanni to the Planning Commission for a term ending September 30, 2006 as recommended by Supervisor Thomas Zoner. **MOTION CARRIED UNANIMOUSLY**

**PLANNING COMMISSION**

**TERMS ENDING**

Connie Holmes	9-30-05
Daniel P. Munro	11-2004
Lawrence Haber	8-14-04
Douglas Lanni	9-30-06
Robert McGee	9-30-04
Thomas Jones	10-01-05
William McKeever	6-30-04

**MOTION** by Zoner, supported by Sovel, to appoint Herbert Feinstein to the Downtown Development Authority for a term ending September 30, 2004 (1-year term). **MOTION CARRIED UNANIMOUSLY**

**DOWNTOWN DEVELOPMENT  
AUTHORITY BOARD**

**TERMS ENDING**

E. Wynn Berry	
Thomas K. Zoner	11-2004
Susan L. Gross	11-2004
Sandra S. Abrams	11-2004
Norm Levine	5-09-05
Robert H. Long	5-09-05
James Gotts	5-09-05
Frank Marotta	5-21-07
Sandra Motz	5-21-07
Robert Shimmin	5-21-07
Paul Kirkwood	6-18-06
Daniel Lublin	2-18-05
Douglas Lanni	3-18-07
Herbert Feinstein	9-30-04

**11 (c) Lakes Area Community Foundation Appointments**

**MOTION** by Sovel, supported by Munro, to appoint Janice Leonhardt and Cheryl Flammer to the Lakes Area Community Foundation as recommended by Supervisor Thomas Zoner. **MOTION CARRIED UNANIMOUSLY**

**ITEM 3:9-9 PUBLIC COMMENTS**

Roger McCarville 2675 Massena Street sent in a letter regarding the high levels of E-Coli in the Maynard Drain. He would like to know if the Township Board could assist with this issue. Jeffrey Bowdell, Building-Zoning Director said he would continue to investigate the problem and will be in contact with the Health Department.

**ITEM 4:9-9 PUBLIC HEARINGS**

None

**ITEM 5:9-9 CONTRACTS AWARD AND AGREEMENTS**

**A. Community Emergency Medical Services, Inc.**

Joseph Schornack, Fire Chief, explained the Agreement and recommends the deletion of the last sentence.

**MOTION** by Abrams, supported by Munro, to approve The Ambulance Agreement between Commerce Fire Department and Community EMS from October 1, 2003 through September 30, 2004 with the deletion of the last sentence referring to renewal. **MOTION CARRIED UNANIMOUSLY**

**B. Municipal Credit Contract for Fiscal year 2004**

Sue Gross, Treasurer, explained the Contract.

**MOTION** by Gross, supported by Sovel, to approve the Municipal Credit Contract for Fiscal Year 2004. **MOTION CARRIED UNANIMOUSLY**

**C. Library Contract**

**MOTION** by Munro, supported by Sovel, to table the Library Contract. **MOTION CARRIED UNANIMOUSLY**

**ITEM 6:9-9 INTRODUCTIONS**

**A. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Re-zone 30334 Greenlawn from R1-D Single Family Residential to P-Parking, to be known as Ordinance 55-03-151.**

Constance Guest, Planning Director, explained the Ordinance.

**MOTION** by Munro, supported by Magalski, to Introduce an Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Re-zone 30334 Greenlawn from R1-D Single Family Residential to P-Parking, to be known as Ordinance 55-03-151 and to give publication in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

**ITEM 6:9-9 INTRODUCTIONS (continued)**

**B. An Amendment to Ordinance 92, the Charter Township of Commerce Michigan Vehicle Code Ordinance, to be known as Ordinance 92-03-1**

**MOTION** by Sovel, supported by Abrams, to Introduce an Amendment to Ordinance 92, the Charter Township of Commerce Michigan Vehicle Code Ordinance, to be known as Ordinance 92-03-1 and to give publication in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

**C. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, a Text Amendment to Create a Planned Unit Development (PUD) Provision, to be known as Ordinance 55-03-152.**

Megan Masson-Minnock, McKenna Associates, Inc. was present to explain changes made to the Draft Planned Unit Development Amendment as recommended by the Township Attorney.

**MOTION** by Munro, supported by Abrams, to Introduce an Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, a Text Amendment to Create a Planned Unit Development (PUD) Provision, to be known as Ordinance 55-03-152 and to give publication in the manner prescribed by law.

Discussion – Changes made prior to final adoption.

**ROLL CALL VOTE**

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

**NAYS:** Sovel, Long

**MOTION CARRIED**

**ITEM 7:9-9 ADOPTIONS**

None

**ITEM 8:9-9 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:9-9 CONSENT AGENDA**

**A. Consider Bond Reimbursement Expectation for Special Projects #20**

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

**ITEM 10:9-9 PURCHASES**

**A. Computer Software Proposal**

Jeffrey Bowdell, Building-Zoning Director explained the computer software and hardware.

**B. Computer Hardware Server**

**MOTION** by Sovel, supported by Gross, to table the purchase of computer software and hardware. **MOTION CARRIED UNANIMOUSLY**

**ITEM 11:9-9 OLD BUSINESS**

**A. Rouge River Watershed – Tabled 7-8-03 and 8-12-03**

**MOTION** by Abrams, supported by Gross, to remove Rouge River Watershed from the table.

**ROLL CALL VOTE**

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

**NAYS:** Munro

**MOTION CARRIED**

**MOTION** by Abrams, supported by Gross, to approve the Rouge River Watershed Local Management Assembly Memorandum of Agreement.

**ROLL CALL VOTE**

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

**NAYS:** Munro, Long

**MOTION CARRIED**

**B. Old Fire Station #1 Property – Tabled 8-12-03**

**MOTION** by Abrams, supported by Gross, to remove Old Fire Station #1 Property from the table. **MOTION CARRIED UNANIMOUSLY**

Phillip Adkison, Township Attorney, explained the potential purchase of the property by Mr. Josephson.

Mr. Josephson was present.

**MOTION** by Munro, supported by Long, to table Old Fire Station #1 Property

**ROLL CALL VOTE**

**AYES:** Munro, Magalski, Long

**NAYS:** Sovel, Gross, Abrams, Zoner

**MOTION FAILED**

**ITEM 11:9-9 OLD BUSINESS (Old fire station #1 property continued)**

Directed Township Attorney to continue with the purchase agreement for the sale of the old fire station property.

**D. Richardson Senior Center Policies**

**MOTION** by Abrams, supported by Gross, to amend the Richardson Senior Center Policy as follows: add a Section 5.1 (5) to read: "request for deviation from this policy shall be at the discretion of an administrative committee consisting of the Deputy Clerk, Deputy Treasurer and the Senior Director."

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**E. Oxidation Ditch Repair**

**MOTION** by Zoner, supported by Abrams, to award the Oxidation Ditch Repair contract to Borner Restoration in the amount of \$107,100.00, funds to come from the Oakland County Sewer Fund.

Discussion on whom was responsible to oversee the operation and maintenance of the ditch.

**ROLL CALL VOTE**

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

**NAYS:** Sovel, Long

**MOTION CARRIED**

**ITEM 12:9-9 NEW BUSINESS**

**A. Firefighter Grievance 03-005**

Joseph Schornack, Fire Chief was present to explain his reason for denying the grievance. Randy Hall, Union President was present to explain the reason for the grievance. Kirk Werner, Union Vice President was also present.

**MOTION** by Magalski, supported by Gross, to deny Firefighter Grievance 03-005.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:9-9 ORDERS**

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

Absopure Water Com	\$ 12.00
Access/Interactive Inc.	75.00
AGA Linde Healthcare	40.10
Berthiaume & Co.	540.00
Brendel Septic Tank Serv.	150.00
Clark Fleet Fueling	743.55
Concentra Medical Centers	254.50
DTE Energy	178.26
Emergency Medical Products	167.27
H.R. Direct	526.45
Huron Watershed Council	70.00
Jeanne Clark	270.10
Oakland County Water & Sewer	211.29
Office Express	89.59
Tony Oryszczak EMT License Renewal	100.00
Thomas Zoner	340.77
Balloon's for Fire Dept. Open House	425.05

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:9-9 OTHER MATTERS TO COME BEFORE THE BOARD**

Magalski –

- 7-Eleven in Commerce Village - garbage is laying outside the dumpster and there are vehicles parked behind the building in the fire lane.

Munro –

- Request that Supervisor Thomas Zoner contacts Arkan Jonna regarding the finished parking lot elevation at 7-Eleven is affecting the screening efficiency of headlights shining into surrounding homes.

Munro -

- The developer for Augusta Woods removed all of the trees in the development. This is in violation of the site plan approval (natural preservation). The Planning Commission would like to rescind the site plan approval.

**OTHER MATTERS (Continued)**

**MOTION** by Munro, supported by Sovel, to rescind August Woods Site Plan Approval based upon a determination that one of the conditions of the site plan were violated.

Discussion - Phillip Adkison, Township Attorney suggests that the owner of August Woods be required to appear at the next Township Board meeting to show cause why the Township Board should not rescind the site plan approval.

**ROLL CALL VOTE**

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

**NAYS:** Gross, Abrams, Zoner

**MOTION CARRIED**

Phillip Adkison, Township Attorney –

- Agreement previously approved with White Lake Township.

**MOTION** by Munro, supported by Magalski to approve the Fourth Amendment to the First Amended and restated WasteWater Treatment Agreement (White Lake).

**MOTION CARRIED UNANIMOUSLY**

**Downtown Development Authority Appointment**

**MOTION** by Munro, supported by Abrams, to amend the Motion previously made as follows: “to appoint Herbert Feinstein to the Downtown Development Authority for a term ending September 30, 2004 (1-year term), provided a one-year term is allowed by the Downtown Development Authority statute. In the event a one-year term is not allowed, the term shall be the minimum period allowed by the DDA.

**MOTION CARRIED UNANIMOUSLY**

Sovel –

- Longspur Public Hearing Road Commission for Oakland County.
- Blackout of 2003 – The Township should have natural gas back up generators that would allow the pumps to continue. Jay James said that Oakland County has generators. Giffels-Webster will be making recommendations on where generators should be placed in the event a

Sovel -

blackout happens again. Fire Stations should also have natural gas generators.

McGee –

- Historic District Study Committee has completed their report.

**OTHER MATTERS (Continued)**

Jay James, Giffels-Webster Engineers –

- Gave an update on the water line on Wixom Road.

Phillip Adkison, Township Attorney -

- Update on pending litigation in Executive Session.

**MOTION** by Munro, supported by Magalski to enter into Executive Session for the purpose of discussing pending litigation and to adjourn afterward.

**MOTION CARRIED UNANIMOUSLY**

Entered into Executive Session at 10:48 p.m.

Returned to Regular Session at 11:00 p.m.

**ITEM 15:9-9 ADJOURNMENT**

**MOTION** by Munro, supported by Long, to adjourn the meeting at 11:00 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>PRESENTATIONS .....</b>	<b>1</b>
<b>PETITIONS.....</b>	<b>2</b>
<b>DIRECTOR REPORTS.....</b>	<b>2</b>
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<b>ITEM 2:9-9 BOARD APPOINTMENTS .....</b>	<b>3</b>
<b>ITEM 3:9-9 PUBLIC COMMENTS.....</b>	<b>4</b>
<b>ITEM 4:9-9 PUBLIC HEARINGS.....</b>	<b>4</b>
<b>ITEM 5:9-9 CONTRACTS AWARD AND AGREEMENTS.....</b>	<b>4</b>
<b>A. COMMUNITY EMERGENCY MEDICAL SERVICES, INC.....</b>	<b>4</b>
<b>B. MUNICIPAL CREDIT CONTRACT FOR FISCAL YEAR 2004.....</b>	<b>4</b>
<b>C. LIBRARY CONTRACT .....</b>	<b>4</b>
<b>ITEM 6:9-9 INTRODUCTIONS .....</b>	<b>4</b>
<b>A. AN AMENDMENT TO ORDINANCE 55, THE CHARTER TOWNSHIP OF COMMERCE ZONING ORDINANCE, TO RE-ZONE 30334 GREENLAWN FROM R1-D SINGLE FAMILY RESIDENTIAL TO P-PARKING, TO BE KNOWN AS ORDINANCE 55-03-151.....</b>	<b>4</b>
<b>B. AN AMENDMENT TO ORDINANCE 92, THE CHARTER TOWNSHIP OF COMMERCE MICHIGAN VEHICLE CODE ORDINANCE, TO BE KNOWN AS ORDINANCE 92-03-1 .....</b>	<b>5</b>
<b>C. AN AMENDMENT TO ORDINANCE 55, THE CHARTER TOWNSHIP OF COMMERCE ZONING ORDINANCE, A TEXT AMENDMENT TO CREATE A PLANNED UNIT DEVELOPMENT (PUD) PROVISION, TO BE KNOWN AS ORDINANCE 55-03-152.....</b>	<b>5</b>
<b>ITEM 7:9-9 ADOPTIONS.....</b>	<b>5</b>

<b>ITEM 8:9-9 SITE CONDOMINIUMS AND PLATS.....</b>	<b>5</b>
<b>ITEM 9:9-9 CONSENT AGENDA.....</b>	<b>5</b>
<b>A. CONSIDER BOND REIMBURSEMENT EXPECTATION FOR SPECIAL PROJECTS #20.....</b>	<b>5</b>
<b>ITEM 10:9-9 PURCHASES .....</b>	<b>6</b>
<b>A. COMPUTER SOFTWARE PROPOSAL .....</b>	<b>6</b>
<b>B. COMPUTER HARDWARE SERVER.....</b>	<b>6</b>
<b>ITEM 11:9-9 OLD BUSINESS .....</b>	<b>6</b>
<b>A. ROUGE RIVER WATERSHED .....</b>	<b>6</b>
<b>B. OLD FIRE STATION #1 PROPERTY .....</b>	<b>6</b>
<b>D. RICHARDSON SENIOR CENTER POLICIES.....</b>	<b>7</b>
<b>E. OXIDATION DITCH REPAIR .....</b>	<b>7</b>
<b>ITEM 12:9-9 NEW BUSINESS .....</b>	<b>7</b>
<b>A. FIREFIGHTER GRIEVANCE 03-005.....</b>	<b>7</b>
<b>ITEM 13:9-9 ORDERS.....</b>	<b>8</b>
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