

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

*Tuesday, January 13, 2004*

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  
Cheryl Magalski, Trustee  
Daniel Munro, Trustee  
Rick Sovel, Trustee

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

**APPROVAL OF MINUTES**

**MOTION** by Abrams, supported by Sovel, to approve the Regular Township Board Meeting minutes of December 9, 2003 with a correction to page 8, Other Matters, first sentence change to: ***“Sale of Property, Fire Station No. 1 and Adjoining Lot”*** and change the Motion to: ***“MOTION by Munro, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce Authorizing Sale of Property, Fire Station No. 1 and adjoining lot to R.R. Josephson, Inc.”***

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

Received and filed

**PRESENTATIONS:**

Janice Leonhardt

**MOTION** by Gross, supported by Sovel, to approve the Proclamation thanking Janice Leonhardt for her dedication to the Charter Township of Commerce by serving on the Parks & Recreation Committee.

**MOTION CARRIED UNANIMOUSLY**

Jeff O'Donnell, Eagle Scout

**MOTION** by Sovel, supported by Magalski, to approve the Resolution thanking Jeff O'Donnell for his dedication, effort and skills as an Eagle Scout to the Charter Township of Commerce.

**MOTION CARRIED UNANIMOUSLY**

Firefighters Presentation

Joseph Schornack, Fire Chief presented Life Saving Awards to: Christopher Chase, Mark Gall, Randy Hall, James Liker and James Shemanski

**PETITIONS**

**Gypsy Moth Spraying Special Assessment District**

**MOTION** by Abrams, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring it's Intention to Establish a Special Assessment District to be known as Gypsy Moth 2004.

**MOTION CARRIED UNANIMOUSLY**

**Special Projects #21 Special Assessment District**

Christina Michaels, Township Attorney explained the Assessment

**MOTION** by Gross, supported by Magalski, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring it's Intention to Establish a Special Assessment District to be known as Special Projects No. 21.

**MOTION CARRIED UNANIMOUSLY**

**DIRECTOR REPORTS**

Lt. Dennis Davis, Oakland County Sheriff's Department

Joseph Schornack, Fire Chief

Jeffrey Bowdell, Building-Zoning Director

Constance Guest, Planning Director

Kathleen Pogarch, Assessing

Kelly Knight, Senior Center Director

Jay James, Giffels-Webster Engineers

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

**MOTION** by Abrams, supported by Gross to approve the Agenda with the addition of the add ons. **MOTION CARRIED UNANIMOUSLY**

**ITEM 2:1-13 PUBLIC COMMENTS**

Susan Averbauch – Asked for an update on DDA and Walled Lake Public Schools. Supervisor Thomas Zoner advised her to attend the DDA meeting.

**ITEM 3:1-13 BOARD APPOINTMENTS**

**A. Kelly Knight, Parks and Recreation, 4 year term**

**MOTION** by Munro, supported by Abrams, to reappoint Kelly Knight to the Parks and Recreation Committee for a four- (4) year term, ending January 13, 2008. **MOTION CARRIED UNANIMOUSLY**

**ITEM 4:1-13 PUBLIC HEARINGS**

None

**ITEM 5:1-13 CONTRACTS AWARD AND AGREEMENTS**

**A. Oakland County NO HAZ 2004 Agreement**  
(bring back under Other Matters)

**B. Oxidation Ditch Agreement**

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

**MOTION** by Munro, supported by Sovel, to approve the Oxidation Ditch Agreement (release agreement) and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

**ITEM 6:1-13 INTRODUCTIONS**

**A. An Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to Rezone a Parcel near the SE Corner of Sleeth & Benstein from R-1A Single Residential to R-1B Single Residential, to be known as Ordinance 55-04-156.**

David Endreszl, Endreszl & Associates Engineering, Inc. requests this is tabled per his letter dated January 8, 2004.

**Amendment to Ordinance No. 55 (continued)**

**MOTION** by Abrams, supported by Munro, to table An Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to Rezone a Parcel near the SE Corner of Sleeth & Benstein from R-1A Single Residential to R-1B Single Residential, to be known as Ordinance 55-04-156.

**MOTION CARRIED UNANIMOUSLY**

**B. An Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, a Text Amendment for a Schedule of Regulations for Commercial & Industrial Building Heights, to be known as Ordinance 55-04-157.**

Constance Guest, Planning Director, explained the Amendment.

**MOTION** by Munro, supported by Abrams, to Introduce Charter Township of Commerce an Ordinance to Amend Ordinance No. 55, a Text Amendment for a Schedule of Regulations for Commercial & Industrial Building Heights, to be known as Ordinance 55-04-157 and to give publication in the manner prescribed by law and bring back in February 2004 for Adoption.

**MOTION CARRIED UNANIMOUSLY**

**C. An Amendment to the Charter Township of Commerce Ordinance No 79, the Fee Ordinance, Section 31, Miscellaneous Fees, to Set Forth Additional Fees, to be known as Ordinance 79-04-22.**

**MOTION** by Abrams, supported by Magalski, to Introduce An Amendment to Ordinance No. 79, the Charter Township of Commerce Fee Ordinance, to set forth additional fees, to be known as Ordinance 79-04-22 and to give publication in the manner prescribed by law and bring back in February 2004 for Adoption.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:1-13 ADOPTIONS**

**A. An Amendment to Ordinance 57, the Charter Township of Commerce Appearance Tickets Ordinance, to be to be known as Ordinance 57-03-4.**

Christina Michaels, Township Attorney, explained the Amendment.

**MOTION** by Abrams, supported by Sovel, to Adopt an Amendment to Ordinance 57, the Charter Township of Commerce Appearance Tickets Ordinance, to be known as Ordinance 57-03-4 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**B. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to rezone the NE Corner of Carroll Lake and Commerce Roads from B-5 Highway Service to B-2 Community Business, to be to be known as Ordinance 55-03-154.**

**MOTION** by Munro, supported by Gross, to Adopt an Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to rezone the NE Corner of Carroll Lake and Commerce Roads from B-5 Highway Service to B-2 Community Business, to be to be known as Ordinance 55-03-154 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**C. An Ordinance to Amend Section 2004 Relating to Parking of Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to be known as Ordinance 55-03-155.**

**MOTION** by Abrams, supported by Munro, to Adopt an Ordinance to Amend Section 2004 Relating to Parking of Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to be known as Ordinance 55-03-155 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**D. An Amendment to Ordinance No. 79, the Charter Township of Commerce Fee Ordinance, to Amend Section 16 Fire Prevention Code, to add Burning Permit Fees; Section 30 Municipal Civil Infractions, to Add Ordinance 94, Lawn Fertilizer Ordinance Section 8.2; to add Section 33 Lawn Fertilizer Ordinance Fees, to set forth Annual Fees for Commercial-Industrial Fertilizer Applicator's License, to Ordinance No. 79, to be known as Ordinance 79-03-20.**

**MOTION** by Munro, supported by Sovel, to Adopt an Amendment to Ordinance 79, the Charter Township of Commerce Fee Ordinance, to Amend Section 16 Fire Prevention Code, to add Burning Permit Fees; Section 30 Municipal Civil Infractions, to Add Ordinance 94, Lawn Fertilizer Ordinance Section 8.2; to add Section 33 Lawn Fertilizer Ordinance Fees, to set forth Annual Fees for Commercial-Industrial Fertilizer Applicator's License, to Ordinance No. 79, to be known as Ordinance 79-03-20 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

- E. An Ordinance to Amend Ordinance No. 79, the Charter Township of Commerce Fee Ordinance; to Amend Section 12, Building Permit Fees; Section 13, Electrical Permit Fees; Section 14, Mechanical Permit Fees; and Section 15, Plumbing Permit Fees; to be known as Ordinance 79-03-21.**

**MOTION** by Sovel, supported by Munro, to Adopt an Ordinance to amend Ordinance No. 79, the Charter Township of Commerce Fee Ordinance, Amend Section 12, Building Permit Fees; Section 13, Electrical Permit Fees; Section 14, Mechanical Permit Fees; and Section 15, Plumbing Permit Fees; to be known as Ordinance 79-03-21 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:1-13 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:1-13 CONSENT AGENDA**

- A. Waiver of Late Penalty Charges**  
**B. Resolution Declaring Bond Reimbursement Expectation for Special Projects #21**

**MOTION** by Magalski, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:1-13 PURCHASES**

- A. Purchase of Surge Suppressor**

**MOTION** by Gross, supported by Abrams, to approve the purchase of one (1) 1500VA unit (surge suppressor and smart battery backup for new server) from CDW-G Computer Supply in the amount of \$479.69 and to amend the budget accordingly. Funds to come from the General Fund Fund Balance.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:1-13 OLD BUSINESS**

**A. Township Hall AED (Tabled December 9, 2003)**

**MOTION** by Magalski, supported by Munro, to remove Township Hall AED from the table. **MOTION CARRIED UNANIMOUSLY**

No action taken

**B. Emergency Preparedness**

No action taken

**ITEM 12:1-13 NEW BUSINESS**

**A. Mt. Royal Bridges Special Assessment District**

**MOTION** by Munro, supported by Sovel, to approve the township's participation in the Mt. Royal Bridges Special Assessment District for parcels owned by the township at the time of the roll. **MOTION CARRIED UNANIMOUSLY**

**B. 2004 Budget Items**

Discussion only

**C. Detention Retention Maintenance Ordinance**

Phillip Adkison, Township Attorney, reviewed the Ordinance.

**MOTION** by Sovel, supported by Magalski, to direct the Township Attorney to pursue a Detention Retention Maintenance Ordinance.

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**ITEM 14:1-13 ORDERS**

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

Comcast	\$ 66.80
Concentra Medical Centers	509.00
County of Oakland, Info Tech	7,253.95
Ewers Septic	180.00
Inter-Tel Bus Info Systems	742.00
McLeod USA	18.77

**ORDERS (Motion continued)**

Mega Print	1.198.00
Melvins Hardware	12.73
Metro Sewer Cleaners	503.75
National Notary Assoc.	20.00
Pontiac Coffee Break	39.70
Printing Systems	380.86
SBC/Ameritech	11.50
SCN Communications	212.40
Terminix	103.00
Volk Corporation	212.66

**MOTION CARRIED UNANIMOUSLY**

**ITEM 15:1-13 OTHER MATTERS TO COME BEFORE THE BOARD**

Loren Crandell, Giffels-Webster Engineers, provided a summary of services they will provide to the township.

There will be an arbitration meeting in the near future in regards to the Fire Firefighters grievance.

**MOTION** by Abrams, supported by Munro, to direct the Township Attorney to grant a ninety- (90) extension for the fire station purchase contract.

**MOTION CARRIED UNANIMOUSLY**

Sovel – Would like approval to work with the Township Attorney and Giffels-Webster Engineers regarding liability limits with contractors and bring back the findings to the Board.

Abrams - Crossroads Presbyterian Church has agreed to the use of their facility for election polling precinct #3, to be used instead of Fire Station #3 which is no longer adequate for the number of voters and parking required.

Long – Suggests a review of service requirements for the amount of residential sites (increased density) that is being developed.

**ITEM 13:1-13 EXECUTIVE SESSION**

**MOTION** by Magalski, supported by Munro, to enter into Executive Session for the purpose of discussing potential purchase of property and to adjourn thereafter.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Entered into Executive Session at 10:12 p.m.  
Returned from Executive Session at 10:55 p.m.

**ITEM 16:1-13 ADJOURNMENT**

**MOTION** by Munro, supported by Abrams, 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>2</b>
<b>PETITIONS - GYPSY MOTH SPRAYING, SPECIAL PROJECTS #21.....</b>	<b>2</b>
<b>DIRECTOR REPORTS.....</b>	<b>2</b>
<b>ITEM 1:2-13 APPROVAL OF AGENDA.....</b>	<b>3</b>
<b>ITEM 2:2-13 PUBLIC COMMENTS.....</b>	<b>3</b>
<b>ITEM 3:2-13 BOARD APPOINTMENTS (KELLY KNIGHT).....</b>	<b>3</b>
<b>ITEM 4:2-13 PUBLIC HEARINGS (NONE).....</b>	<b>3</b>
<b>ITEM 5:2-13 CONTRACT AND AGREEMENTS (NO HAZ, OXIDATION DITCH) .....</b>	<b>3</b>
<b>ITEM 6:2-13 INTRODUCTIONS (55-04-156, 55-04-157, 79-04-22) .....</b>	<b>3&amp;4</b>
<b>ITEM 7:1-13 ADOPTIONS (57-03-4, 55-03-154, 55-03-155, 79-03-20, 79-03-21) .....</b>	<b>4-6</b>
<b>ITEM 8:1-13 SITE CONDOMINIUMS AND PLATS.....</b>	<b>6</b>
<b>ITEM 9:1-13 CONSENT AGENDA.....</b>	<b>6</b>
<b>ITEM 10:1-13 PURCHASES (SURGE SUPPRESSOR).....</b>	<b>6</b>
<b>ITEM 11:1-13 OLD BUSINESS (AED, EMERGENCY PREPAREDNESS).....</b>	<b>7</b>
<b>ITEM 12:1-13 NEW BUSINESS (MR.ROYAL BRIDGES, 2004 BUDGET, DETENTION RETENTION MAINTENANCE ORDINANCE) .....</b>	<b>7</b>
<b>ITEM 14:1-13 ORDERS.....</b>	<b>7</b>
<b>ITEM 15:1-13 OTHER MATTERS .....</b>	<b>8</b>
<b>ITEM 13:1-13 EXECUTIVE SESSION.....</b>	<b>9</b>

**ITEM 16:1-13 ADJOURNMENT .....9**