

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

*Tuesday, November 09, 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 Gross, to approve the Regular Township Board Meeting minutes of October 12, 2004, the Special Township Board Meeting minutes of October 5, 2004, the Special Township Board Meeting minutes of October 19, 2004, and the Special Township Board Meeting minutes of October 26, 2004, as written. **MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

Received and filed

**PRESENTATIONS**

Rick Sovel - recognized by Commerce Township for his services as a Reserve Oakland County Sheriff Lieutenant.

**MOTION** by Gross, supported by Magalski, to approve the Resolution honoring Rick Sovel for his services as a Reserve Oakland County Sheriff Lieutenant.

**MOTION CARRIED UNANIMOUSLY**

Cheryl Magalski – recognized for her services as a Trustee on the Commerce Township Board of Trustees 1996 - 2004.

**MOTION** by Abrams, supported by Gross, to approve the Resolution honoring Cheryl Magalski for her services as a Commerce Township Trustee.

**MOTION CARRIED UNANIMOUSLY**

Thomas Traciak, President, ACI Finance, Inc.

**PETITIONS:**

None

**DIRECTOR REPORTS:**

Joseph Schornack, Fire Chief  
Jeffrey Bowdell, Building-Zoning Director  
Kathleen Bartoluzzi, Interim Planning Director  
Kathleen Pogarch, Assessing Director  
Kelly Knight, Senior and Community Services Director  
Jay James, Giffels-Webster Engineering Report  
Todd Martin, Fire Marshall  
Lt. Dennis Davis, Oakland County Sheriff's Department

**ITEM 1:11-9 APPROVAL OF AGENDA**

**MOTION** by Magalski, supported by Munro, to approve the Agenda.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:11-9 PUBLIC COMMENTS**

Norma Balana 5281 Inverary regarding the road in Wildwood River and Crystal Shores Subdivisions.

Ryan 8393 Richardson Road and 3105 E West Maple Road, Vice President of Super Car Wash did a study regarding water rates and would like to present it to the Township when they approach the Drain Commission and Detroit Water Department.

**ITEM 3:11-9 BOARD APPOINTMENTS**

**A. Appointment to the Board of Review**

**MOTION** by Sovel, supported by Abrams, to accept the resignation of Debra Kirkwood from the Board of Review. **MOTION CARRIED UNANIMOUSLY**

Susan McFarland was present.

**MOTION** by Gross, supported by Abrams, to appoint Susan McFarland to the Board of Review. **MOTION CARRIED UNANIMOUSLY**

**ITEM 4:11-9 PUBLIC HEARINGS**

**A. Special Projects #22 Special Assessment District Establishment Resolution.**

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any comments or objections.

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Gross, supported by Magalski, 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, Special Projects No. 22.

**MOTION CARRIED UNANIMOUSLY**

**B. Fourth Amended Development Plan and Fourth Amended Tax Increment Financing Plan for the Downtown Development Authority.**

Thomas Traciak, President, ACI Finance, Inc.

Supervisor Thomas Zoner opened the Public Hearing.

**ITEM 4:11-9 PUBLIC HEARINGS (continued)**

Susan Averbauch 9005 Campbell Creek Drive has concerns that the DDA is mortgaging the future of Commerce Township through the residents.

John Ivanboard with objections because he feels this will be funded by tax dollars.

Supervisor Thomas Zoner closed the Public Hearing.

Thomas Rauch – DDA Attorney was present.

**MOTION** by Gross, supported by Munro, to Adopt the Fourth Amended Development Plan and Fourth Amended Tax Increment Financing Plan for the Downtown Development Authority. **MOTION CARRIED UNANIMOUSLY**

**ITEM 5:11-9 CONTRACTS AWARDS AND AGREEMENTS**

None

**ITEM 6:11-9 INTRODUCTIONS**

None

**ITEM 7:11-9 ADOPTIONS**

**A. An Amendment to Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, Zoning Text Amendments in Sections 2002, 2005, and 2008, to be known as Ordinance 55-04-168.**

**MOTION** by Munro, supported by Gross, to Adopt an Amendment to Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, Zoning Text Amendments in Sections 2002, 2005, and 2008, to be known as Ordinance 55-04-168 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**B. The Charter Township of Commerce Downtown Development Authority Fourth Amended Development Plan and Fourth Amended Tax Increment Financing Plan, to be known as Ordinance 97-04-0.**

**MOTION** by Munro, supported by Gross, to Adopt Ordinance 97-04-0, Charter Township of Commerce Downtown Development Authority Fourth Amended Development Plan and Fourth Amended Tax Increment Financing Plan and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:11-9 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:11-9 CONSENT AGENDA**

- A. Resolution Declaring Bond Reimbursement Expectation for Special Projects 322.**
- B. Resolution Certifying Delinquent Special Assessments Placing them on the 2004 Winter Tax Roll for Collection.**
- C. Resolution of Levy for Park Improvements and Creation and Acquisition of Open Space Millage.**
- D. Resolution of Levy for Public Library Services Millage.**
- E. Resolution for Budget Amendment 04-04.**

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

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:11-9 PURCHASES**

**A. Fire Department Monitors (Pager Alerting Systems)**

Joseph Schornack, Fire Chief recommends the purchase of twelve pager monitors from Com-Tech Electronics.

**MOTION** by Munro, supported by Magalski, to approve the recommendation of the Fire Chief to purchase twelve pager monitors from Com-Tech Electronics at a cost not to exceed \$5,000.00, funds to come from the Fire Department Fund.

**MOTION CARRIED UNANIMOUSLY**

**B. Purchase of Digital Cameras**

Jeffrey Bowdell, Building/Zoning Director recommends the purchase of five Kodak Model DX-7590 digital cameras from Circuit City.

**MOTION** by Sovel, supported by Gross, to approve the purchase of five Kodak Model DX-6490 4 megapixel digital cameras from Circuit City at a cost not to exceed \$1,800.00, funds to come from the Building Department Fund.

**MOTION CARRIED UNANIMOUSLY**

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

**A. Richardson Senior Center Policies – Tabled 10-12-04**

This shall remain on the table.

**B. Community Center Appointments – Tabled 10-12-04**

This shall remain on the table.

**C. Emergency Preparedness – No Action Taken 10-12-04**

This shall remain on the table.

**D. Pre-Qualifications for Central West Water – Tabled 10-12-04**

**MOTION** by Sovel, supported by Gross to remove Pre-Qualifications for Central West Water from the table. **MOTION CARRIED UNANIMOUSLY**

Jay James, Giffels-Webster Engineers gave a review.

**MOTION** by Munro, supported by Gross, to approve the recommendation of Jeffrey Bowdell as indicated in a letter from Giffels-Webster Engineers dated November 1, 2004 to allow the contractors with the top six scores to bid on the Central West Water Main S.A.D. (GWE #16356) and Newton Road Force Main (GWE #15822) projects. November 4, 2004

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**E. An Amendment to Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, Rezoning 15 acres adjacent to the City of Novi from R-1B, Single Family Residential to MHP, Mobile Home Park, to be known as Ordinance No. 55-04-167 – Tabled 10-12-04.**

Phillip Adkison, Township Attorney gave an update and recommends that this remains on the table.

**F. Liquor License Class C to include Dance Permit for Grille on Union Lake Restaurant – Tabled 10-12-04.**

**MOTION** by Abrams, supported by Gross, to remove Liquor License Class C to include Dance Entertainment Permit for Grille on Union Lake Restaurant from the table. **MOTION CARRIED UNANIMOUSLY**

**ITEM 11:11-9 OLD BUSINESS (continued)**

Marjie Nelala was present along with a representative from the LCC.

Ms. Nelala would like to withdraw her request.

**MOTION** by Sovel, supported by Magalski, to accept the withdrawal for a Liquor License Class C to include Dance Entertainment Permit for Grille on Union Lake Restaurant. **MOTION CARRIED UNANIMOUSLY**

**ITEM 12:11-9 NEW BUSINESS**

**A. Oppenheimer & Co., Inc. Engagement Letter**

**B. Resolution of Intent to Issue Downtown Development bonds**

Bowden Brown was present.

Thomas Traciak was present.

**MOTION** by Gross, supported by Abrams, to approve the Resolution of Intent to Issue Bonds 2004 Taxable Adjustable Rate Downtown Development Bonds (Limited Tax General Obligation) and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**Recess: 9:00 p.m.**

**Reconvene: 9:13 p.m.**

**C. Charter Township of Commerce Purchasing Policy**

**MOTION** by Munro, supported by Gross, to table Charter Township of Commerce Purchasing Policy. **MOTION CARRIED UNANIMOUSLY**

**D. Job Description for Township Planner**

**MOTION** by Abrams, supported by Sovel, to table the Job Description for Township Planner. **MOTION CARRIED UNANIMOUSLY**

**ITEM 12:11-9 NEW BUSINESS (continued)**

**E. Consider Union Negotiator**

No action taken.

**ITEM 13:11:9 ORDERS**

**MOTION** by Abrams, supported by Gross, to approve the Orders with the following additions and changes: (see attached)

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:11-9 OTHER MATTERS TO COME BEFORE THE BOARD**

Supervisor Thomas Zoner –

- Library Services – Will bring back for further discussion.
- Township Hall – Update
- Requesting recommendations from the Parks and Recreation Committee on enhancements to township parks and purchase of open space.

Jeffrey Bowdell -

- Building, Plumbing, & Heating personnel – will bring back a proposal

Loren Crandell –

- DDA has initiated an environmental assessment to look at impact of Haggerty Road and Section 24 Development Study.
- Update on the treatment plant.
- Engineering Services

Sovel –

- Blue Cross Blue Shield - Historical Rate Changes by Area – 1<sup>st</sup> Quarter Summary of 1<sup>st</sup> Quarter 2005 Rate Changes

**ITEM 14:10-12 EXECUTIVE SESSION**

**MOTION** by Abrams, supported by Gross, to enter into Executive Session for the purpose of discussing attorney client privilege information and potential purchase of property.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:10-12 EXECUTIVE SESSION (continued)**

Entered into Executive Session at 10:55 p.m.

**ITEM 15:11-9 ADJOURNMENT**

**MOTION** by Munro, supported by Long, to adjourn the meeting at 11:35 p.m.  
**MOTION CARRIED UNANIMOUSLY**

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Sandra Abrams, CMC  
Clerk, Charter Township of Commerce

<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.....</b>	<b>2</b>
<b>DIRECTORS REPORTS .....</b>	<b>2</b>
<b>APPROVAL OF AGENDA.....</b>	<b>2</b>
<b>PUBLIC COMMENTS.....</b>	<b>3</b>
<b>BOARD APPOINTMENTS (BOARD OF REVIEW).....</b>	<b>3</b>
<b>PUBLIC HEARINGS (SPECIAL PROJECTS #22, FOURTH AMENDED DEVELOPMENT PLAN AND FOURTH AMENDED TAX INCREMENT FINANCING PLAN) .....</b>	<b>3</b>
<b>CONTRACTS AWARDS AND AGREEMENTS .....</b>	<b>4</b>
<b>INTRODUCTIONS.....</b>	<b>4</b>
<b>ADOPTIONS (ORDINANCE 55-04-168, 97-04-0) .....</b>	<b>4</b>
<b>SITE CONDOMINIUMS AND PLATS .....</b>	<b>5</b>
<b>CONSENT AGENDA (SPECIAL PROJECTS #22, DELINQUENT SPECIAL ASSESSMENTS, PARK IMPROVEMENT AND CREATION AND ACQUISITION OF OPEN SPACE, PUBLIC LIBRARY, BUDGET AMENDMENT 04-04).....</b>	<b>5</b>
<b>PURCHASES (FIRE DEPARTMENT MONITORS, DIGITAL CAMERAS .....</b>	<b>5</b>
<b>OLD BUSINESS (ORDINANCE 55-04-167, GRILLE ON UNION LAKE) .....</b>	<b>6</b>
<b>NEW BUSINESS (OPPENHEIMER &amp; CO., D.D.A. BONDS, PURCHASING POLICY, TOWNSHIP PLANNER, UNION NEGOTIATOR) .....</b>	<b>7</b>
<b>ORDERS.....</b>	<b>8</b>
<b>OTHER MATTERS.....</b>	<b>8</b>
<b>EXECUTIVE SESSION.....</b>	<b>8</b>
<b>ADJOURNMENT .....</b>	<b>9</b>