

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

Tuesday, February 10, 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 January 13, 2004 with a correction to page 6, Purchase of Surge Suppressor, change "sewer" to "**server**", the Special Board Meeting minutes of January 15, 2004 and the Special Board Meeting minutes of January 21, 2004 with a correction to page 1, prior to adjournment, add:
"Request for Proposal for Planning Consultant."

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS:

Received and filed

PRESENTATIONS:

Department of Environmental Quality Award

Ms. Maria Fingas, Department of Environmental Quality presented the Township with the Department of Environmental Quality Award.

PETITIONS

Mt. Royal Polvadera/Creedmore Bridge Special Assessment District Intention

MOTION by Gross, supported by Abrams, 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 Mt. Royal Polvadera/Creedmore Bridge Special Assessment District.

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 1:2-10 APPROVAL OF AGENDA

MOTION by Magalski, supported by Abrams, to approve the Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:2-10 PUBLIC COMMENTS

Susan Averbauch 9005 Campbell Creek Drive – Questioned the Planning Commission Schedule which said "Monday February 9, 2004 moved", what does that mean? The meeting was cancelled due to lack of agenda. Comment – Would like to make sure the DDA continues working with a full board.

ITEM 3:2-10 BOARD APPOINTMENTS

A. Timothy Wichert, Parks and Recreation, 1-year Term Ending February 10, 2005

MOTION by Gross, supported by Abrams, to appoint Timothy Wichert to the Parks and Recreation Committee for a one- (1) year term, ending February 10, 2005.
MOTION CARRIED UNANIMOUSLY

ITEM 4:2-10 PUBLIC HEARINGS

A. Gypsy Moth 2004 Special Assessment District Establishment Resolution

Supervisor Thomas Zoner opened the Public Hearing

Joseph Deinek 2101 Jason Drive with objections to his property being included. He read a letter (submitted) of concern into the record.

Barbara Weisbrod 1822 Portlock with objections to being assessed when there are no trees in her yard.

Julie Nickels 1583 Vanstone questioned the cost.

Jim Starnes questioned what properties were exempt from spraying.

Joan Claiborne 2160 Sunnybrook in support

Scott Blackburn 5365 Inverrary in support and questioned how the success of the program is determined.

Chris Hill 8497 Edgewood Park Drive with general questions and suggests this as a good school or troop project.

Phil Dibenski 3891 Cove Circle, in support.

Paul Colonick, Clark Circle Condos, believes the spray may not reach some breeding grounds such as birdbaths, logs, etc.

Supervisor Thomas Zoner closed the Public Hearing

Letters of opposition were received from:

Marianne Drescosky 1420 Commerce Shores Drive

Robert Vargo 2290 Glen Iris Drive

Arlene Wrask 2240 Glen Iris Drive

Danny Callahan 2140 Glen Iris Drive

Gypsy Moth (Public Hearing continued)

Joseph Deinek 2101 Jason Drive
John and Sarah Kanowski 3932 Lakes Edge Drive
Anthony Jordan 4180 E. Commerce Road

Letter of support was received from Mary and Joe Hill 4238 Benstein

MOTION by Abrams, supported by Gross, 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 be known as Gypsy Moth 2004 Special Assessment District. **MOTION CARRIED UNANIMOUSLY**

B. Mimosa Estates Sanitary Sewer Special Assessment District Establishment Resolution

Supervisor Thomas Zoner opened the Public Hearing

Richard Walker 3240 Mimosa, asked when water would be installed. Jay James, Giffels-Webster Engineers addressed Mr. Walker's question.

Supervisor Thomas Zoner closed the Public Hearing

MOTION by Munro, supported by Gross, 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 be known as Mimosa Estates Sanitary Sewer Special Assessment District. **MOTION CARRIED UNANIMOUSLY**

C. Special Projects No. 21 Special Assessment District Establishment Resolution

Supervisor Thomas Zoner opened the Public Hearing

No one present had any objections or comments

Supervisor Thomas Zoner closed the Public Hearing

MOTION by Sovel, supported by Gross, 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 be known as Special Projects No. 21 **MOTION CARRIED UNANIMOUSLY**

ITEM 5:2-10 CONTRACTS AWARDS AND AGREEMENTS

A. Mimosa Estates Sanitary Sewer Connection Special Assessment District Addition to Grinder Pump Installation Contracts

Jay James, Giffels-Webster Engineers explained the Agreement.

MOTION by Sovel, supported by Munro, to approve a change order for the Mimosa Estates Sanitary Sewer Connection Special Assessment District Addition to Grinder Pump.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-10 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. (Tabled 1-13-04)

MOTION by Long, supported by Magalski, to remove 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 from the table.

MOTION CARRIED UNANIMOUSLY

Constance Guest, Planning Director explained the Amendment.

MOTION by Sovel, supported by Gross, to deny Introduction of 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.

Discussion - Bill Brownfield was present. He stated that the properties immediately to the east are 12,000 sq. ft. lots and the properties immediately to the south are 12,250 sq. ft. lots. The maximum square footage of the proposed lots would be larger than 12,000 sq. ft. Mr. Brownfield asked that the Township Board approve this as an Introduction and then send back to the Planning Commission with a revision to possibly include a deed restriction.

David Endreszl, Endreszl & Associates Engineering, Inc. was present.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-10 INTRODUCTIONS (continued)

B. An Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to amend Article XX, Section 2011, to Revise Requirements for Wall Signs, to be known as Ordinance 55-04-158.

Daniel Munro explained the Planning Commission's recommendations.

MOTION by Munro, supported by Magalski, to Introduce an Amendment to the Charter Township of Commerce Ordinance No. 55, to Amend Article XX, Section 2011 to be known as Ordinance 55-04-158 and to give publication in the manner prescribed by law and bring back in March 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

C. An Amendment to the Charter Township of Commerce Ordinance No 55, the Zoning Ordinance, to Amend Articles IV, V, VII, and XX, to Revise Locations and Requirements of Child Care Organizations, to be known as Ordinance 55-04-159.

Daniel Munro explained the Planning Commission's findings.

MOTION by Munro, supported by Magalski, to Introduce an Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to amend Articles IV, V, VII and XX to be known as Ordinance 55-04-159 and to give publication in the manner prescribed by law and bring back in March 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

D. An Amendment to the Charter Township of Commerce Ordinance No 55, the Zoning Ordinance, to Rezone the Southeast Corner of M-5 and Maple Roads, to be known as Ordinance 55-04-160.

MOTION by Munro, supported by Abrams, to Introduce an Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to Rezone the Southeast corner of M-5 and Maple Roads, to be known as Ordinance 55-04-160 and to give publication in the manner prescribed by law and bring back in March 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

E. An Amendment to the Charter Township of Commerce Ordinance No 55, the Zoning Ordinance, to Rezone the Southwest Corner of M-5 and Maple Roads, to be known as Ordinance 55-04-161.

MOTION by Munro, supported by Magalski, to Introduce an Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to Rezone the Southwest corner of M-5 and Maple Roads, to be known as

Ordinance 55-04-161 (Motion continued)

Ordinance 55-04-161 and to give publication in the manner prescribed by law and bring back in March 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

F. An Amendment to the Charter Township of Commerce Ordinance No 79, the Fee Ordinance, to Amend Sections 12, 13, 14 and 15, to Set Forth Revised Fees, to be known as Ordinance 79-04-23.

MOTION by Sovel, supported by Gross, to Introduce an Amendment to the Charter Township of Commerce Ordinance No. 79, the Fee Ordinance, to Amend Sections 12, 13, 14 and 15, to be known as Ordinance 79-04-23 and to give publication in the manner prescribed by law and bring back in March 2004 for Adoption.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-10 ADOPTIONS

A. 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 to be known as Ordinance 55-04-157.

MOTION by Munro, supported by Abrams, to Adopt an Amendment to Ordinance 55, the Charter Township of the Zoning Ordinance, 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.

Sovel – would like this to go back to the Planning Commission to review maximum height restrictions.

MOTION CARRIED UNANIMOUSLY

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

MOTION by Sovel, supported by Gross, to Adopt an Amendment to Ordinance 79, the Charter Township of Commerce the Fee Ordinance, Section 31, Misc. Fees, to Set Forth Additional Fees, to be known as Ordinance 79-04-22 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-10 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:2-10 CONSENT AGENDA

- A. Walled Lake Consolidated Schools Summer Tax Collection**
- B. Huron Valley Schools Summer Tax Collection**

MOTION by Abrams, 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 10:2-10 PURCHASES

A. Extrication Equipment

Joseph Schornack, Fire Chief reviewed the request.

MOTION by Munro, supported by Gross, to approve the recommendation of the Fire Chief to purchase HURST Extrication Equipment from Halt Fire at a cost not to exceed \$28,328.00 and to include a budget amendment of \$328.00

MOTION CARRIED UNANIMOUSLY

B. Thermal Imaging Cameras

Joseph Schornack, Fire Chief reviewed the request.

MOTION by Sovel, supported by Gross, to approve the recommendation of the Fire Chief for the purchase of Thermal Imaging Cameras from Apollo Fire Equipment Company at a cost of \$20,050.00 using \$18,045.00 from grant money, \$750.00 from Wal*Mart, \$100.00 from Bob Saks and \$100.00 from Meijer and to include a budget amendment of \$1,055.00.

Discussion – Long – The Board needs to review all bids received.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

ITEM 10:2-10 PURCHASES (continued)

C. Breathing Apparatus Equipment

Joseph Schornack, Fire Chief reviewed the request.

MOTION by Sovel, supported by Abrams, to approve the purchase of Breathing Apparatus Equipment from Interspiro, Inc. c/o Air Source One, Inc. at a cost of \$19,999.38. **MOTION CARRIED UNANIMOUSLY**

D. Computer Stand – Building Department

MOTION by Munro, supported by Sovel, to approve the purchase of a printer stand for the Building Department in an amount not to exceed \$42.00. **MOTION CARRIED UNANIMOUSLY**

ITEM 11:2-10 OLD BUSINESS

A. Township Hall AED – No Action 1-13-04

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

MOTION by Magalski, supported by Long, to deny the purchase of a Township Hall AED.

ROLL CALL VOTE

AYES: Munro, Magalski, Sovel, Long, Zoner

NAYS: Gross, Abrams

MOTION CARRIED

B. Emergency Preparedness – No Action 1-13-04

No action

C. Oakland County NO HAZ Program – No Action 1-13-04

MOTION by Abrams, supported by Zoner, to approve a budgeted amount not to exceed \$20,000.00 to retain the NO HAZ Program for 2004.

ROLL CALL VOTE

AYES: Sovel, Zoner, Gross, Abrams

NAYS: Munro, Magalski, Long

MOTION CARRIED

ITEM 11:2-10 OLD BUSINESS (continued)

D. Department of Natural Resources Grant

Christina Michaels, Township Attorney explained the conditions that come with accepting the grant money in the amount of \$255,000.00.

MOTION by Gross, supported by Zoner, to direct the Township to decline the Department of Natural Resources Grant money in the amount of \$255,000.00 and direct the Township Supervisor, Treasurer and Clerk to review alternative financing for the purchase of Dodge Park property.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Recess 10:04 p.m.

Reconvene: 10: 13 p.m.

Richard Walter 865 Dunreath, owner of a sign business was present to discuss the sign ordinance. He believes the change in the sign ordinance was approved without regards to freedom of speech. Supervisor Thomas Zoner asked that Mr. Walter makes an appointment with him to discuss this further.

ITEM 12:2-10 NEW BUSINESS

A. Liquor License Annual Review

No action

B. Byers Homestead Discussion

Heater damage – discussion only

C. Dodge Park 5 Rental Agreement Discussion

The Building and Zoning Administrator will do evaluation of the house to see if it is feasible to rent.

D. Budget Amendments

E. Budget Discussion

MOTION by Sovel, supported by Zoner, to restore the professional services fees for the Township Attorney, Township Engineers, and Professional Services (including Planning Consultant) for Fiscal Year 2004, effective February 11, 2004.

MOTION CARRIED UNANIMOUSLY

ITEM 12:2-10 NEW BUSINESS (Budget Amendments/Discussion continued)

MOTION by Zoner, supported by Munro, to amend the budget to increase the wages of management personnel and overtime for police and fire by 4% effective February 11, 2004.

ROLL CALL VOTE

AYES: Zoner, Gross, Abrams, Munro

NAYS: Long, Sovel, Magalski

MOTION CARRIED

F. Detroit Water and Sewer

Jay James, Giffels-Webster Engineers requests this be tabled.

MOTION by Long, supported by Sovel to Table Detroit Water and Sewer.

MOTION CARRIED UNANIMOUSLY

ITEM 14:2-10 ORDERS

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

Absopure	\$ 12.00
Business Forms Service, Inc.	967.88
Health Retirement Fund	11,000.00
Janan Asmar	4,534.63
Layton & Richardson, P.C.	3,000.00
Lifegas LLC	57.75
Mpelra	25.00
Oakland County Waste & Sewer	49.54
Pontiac Coffee Break, Inc.	207.32
SBX/Ameritech	11.50

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 15:2-10 OTHER MATTERS TO COME BEFORE THE BOARD

Long – Would like to revisit an RFP for Planning.

MOTION by Long, to draft an RFP for Planning Consultant services.

DIED LACK OF SUPPORT

MOTION by Sovel, Munro, to direct the Township Supervisor to discuss with McKenna & Associates planning services they could provide to the Township and request they make a presentation to the Township Board of Trustees.

MOTION CARRIED UNANIMOUSLY

Sovel –

- Gypsy Moth – recommends this be added to the Township website.
- Asked for an update on Paycheck's services.

Abrams – computer consultant discussed computer services for the township with her. Does the board want him to do a presentation? Yes

Zoner – Discussion – paid on call firefighters fee schedule and response calls

ITEM 13:2-10 EXECUTIVE SESSION

A. Pending Litigation and Attorney Opinion

MOTION by Munro, supported by Abrams, to enter into Executive Session for the purpose of discussion pending litigation and to adjourn thereafter.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 11:37 p.m.

Returned from Executive Session at 11:55 p.m..

MOTION by Munro, supported by Abrams, to execute a Settlement Agreement and Release of Claims in an amount not to exceed \$12,500.00.

MOTION CARRIED UNANIMOUSLY

ITEM 16:2-10 ADJOURNMENT

MOTION by Munro, supported by Sovel, to adjourn the meeting at 11:56 p.m.

MOTION CARRIED UNANIMOUSLY

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