

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

Tuesday, March 9, 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

Absent: Rick Sovel, Trustee (excused)

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 February 10, 2004, as written.

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS:

Received and filed

PRESENTATIONS:

None

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

Supervisor Thomas Zoner welcomed students from Lakeland High School.

ITEM 1:2-10 APPROVAL OF AGENDA

MOTION by Munro, supported by Magalski, to approve the Agenda with the following changes: move item 12B to Item 4 and in the Consent Agenda, add Item B - Fire Station Number 1 – Amendment of Purchase Agreement and add Item C - Resolution Authorizing Deed Restrictions and the Amendment of Purchase Agreement for Sale of Property to Fire Station No. 1 LLC.

MOTION CARRIED UNANIMOUSLY

ITEM 2:2-10 PUBLIC COMMENTS

Glen Short –

- Passed out a brochure explaining the new Fertilizer Ordinance. There will be a public information meeting on April 1, 2004, 7:00 p.m. at the Richardson Center.
- Working with Kelly Knight on an educational program for township residents.

Susan Auerbach 9005 Campbell Creek Drive – Does the Township have a blight ordinance? She stated there are a lot of signs posted in the township. She asked for the status of D.D.A. Taubmans and of the Walled Lake Schools.

Richard Walter 864 Dunreath, Wolverine Lake, Michigan was present to discuss signs installed at businesses within the Township. He is opposed to Rusty Rosman being re-appointed to the Zoning Board of Appeals.

Library issue - Supervisor Thomas Zoner asked for any comments regarding library services. No comments were made.

ITEM 3:2-10 BOARD APPOINTMENTS

A. Barbara Rosman, Re-appointment to the Zoning Board of Appeals for a 3-Year Term ending March 9, 2007.

MOTION by Munro, to appoint Barbara Rosman to the Zoning Board of appeals for a 1-Year Term ending March 9, 2005.

FAILED DUE TO LACK OF SUPPORT

MOTION by Munro, to table Barbara Rosman, Re-appointment to the Zoning Board of Appeals until Rick Sovel is present.

FAILED DUE TO LACK OF SUPPORT

MOTION by Abrams, supported by Long, to appoint Barbara Rosman to the Zoning Board of appeals for a 3-Year Term ending March 9, 2007.

ROLL CALL VOTE

AYES: Magalski, Gross, Abrams, Long, Zoner

NAYS: Munro

ABSENT: Sovel

MOTION CARRIED

ITEM 12:2-10 NEW BUSINESS (moved)

B. Dodge Park #5 Purchase Agreement and Resolution

MOTION by Gross, supported by Magalski, to approve the Charter Township of Commerce, Michigan Installment Purchase Agreement (Dodge Park #5 Acquisition Project).

ROLL CALL VOTE

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-10 PUBLIC HEARINGS

A. Gypsy Moth 2004 Special Assessment District Roll Resolution

Supervisor Thomas Zoner opened the Public Hearing

Opposed:

- Steven Sechelar 2096 Golfcrest. He said that he never saw any gypsy moths in the area and is also concerned how the areas were selected.
- Eller Pizarek 3875 Balmony. He does not believe this is an effective way of treatment because the spray cannot get to hidden moths and egg masses.

Gypsy Moth 2004 (continued)

In support:

- Chris Darrin, Cheryl Drive
- Marie Schroader 4140 Mallard Court
- Harold Fox 5435 Inverarry
- Kelly Staron 388 Cheryl Drive. Will spot spraying cause the moths to migrate to other areas?
- William Gulf 2087 Kartage Ct. said he put burlap on his trees and this gets rid of the gypsy moths.

Michael Derum 3724 Cheryl Drive. He was concerned if Longs Family Farm and Orchard would be sprayed.

Linda Baldwin 1948 Oakside Court asked what type of trees gypsy moths attack. She lost three (3) trees to gypsy moths and said the program does not work.

Letters received in opposition:

Joseph Deinek 2101 Jason Drive
Anthony Jordan 4180 E. Commerce Road
John and Sarah Kanowski 3932 Lakes Edge Drive
Danny Callahan 2140 Glen Iris Drive
Arlene Wrask 2240 Glen Iris Drive
Jay Herdman 2100 Glen Iris Court

Letters received in support:

Keith and Kathy Attar 2200 Glen Iris

Supervisor Thomas Zoner closed the Public Hearing

MOTION by Gross, supported by Magalski, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Gypsy Moth 2004 Special Assessment District.

ROLL CALL VOTE

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

B. Mimosa Estates Sanitary Sewer Special Assessment District Roll Resolution

Supervisor Thomas Zoner opened the Public Hearing

No one was present.

Supervisor Thomas Zoner closed the Public Hearing

Mimosa Estates (continued)

MOTION by Gross, second by Magalski, to approve the Resolution Confirming the Special Assessment Roll for the Special Assessment District to be Known as Mimosa Estates Sewer Special Assessment District.

MOTION CARRIED UNANIMOUSLY

C. Special Projects No. 21 Special Assessment District Roll 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 Abrams, supported by Magalski, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 21.

ROLL CALL VOTE

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-10 CONTRACTS AWARDS AND AGREEMENTS

A. Seeley Drain Improvement Contract Award

Jay James, Giffels-Webster Engineers explained the contract.

MOTION by Munro, supported by Gross, to approve the recommendation of Giffels-Webster Engineers to award the Seeley Drain Improvement Contract to Michigan Aquatic Control, Inc. at an amount not to exceed \$23,164.00. This is subject to obtaining a license agreement or necessary easements with property owners.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-10 INTRODUCTIONS

None

ITEM 7:2-10 ADOPTIONS

A. 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.

Ordinance 55-04-158 (continued)

MOTION by Munro, supported by Gross, to Adopt 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.

MOTION CARRIED UNANIMOUSLY

B. 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.

MOTION by Munro, supported by Abrams, to Adopt 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.

MOTION CARRIED UNANIMOUSLY

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

MOTION by Abrams, supported by Gross, to Adopt an Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, to Re-zone 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.

MOTION CARRIED UNANIMOUSLY

D. 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 Abrams, supported by Gross, to Adopt 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 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

E. 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.

Ordinance 79-04-23 (continued)

MOTION by Gross, supported by Abrams, to Adopt 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.

MOTION CARRIED UNANIMOUSLY

ITEM 8:2-10 SITE CONDOMINIUMS AND PLATS

A. Claran Industrial Park Final Preliminary Plat Approval Extension

MOTION by Abrams, supported by Gross, to approve Claran Industrial Park Final Preliminary Plat Approval for a one (1) year extension.

MOTION CARRIED UNANIMOUSLY

B. Ladd Industrial Subdivision Final Preliminary Plat Approval Extension

MOTION by Abrams, supported by Gross, to approve Ladd Industrial Subdivision Final Preliminary Plat Approval for a one (1) year extension.

MOTION CARRIED UNANIMOUSLY

ITEM 9:2-10 CONSENT AGENDA

- A. Lake Sherwood Request for Goose Round-up**
- B. Fire Station Number 1 – Amendment of Purchase Agreement**
- C. Resolution Authorizing Deed Restrictions and the Amendment of Purchase Agreement for Sale of Property to Fire Station No. 1.**
- D. Resolution Declaring Bond Reimbursement**

MOTION by Abrams, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of Item A.

ROLL CALL VOTE

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

A. Lake Sherwood Request for Goose Round up

Andrew Sarkisian, President of Lake Sherwood Association was present.

ITEM 9:2-10 CONSENT AGENDA (continued)

MOTION by Gross, supported by Magalski to approve the request of Lake Sherwood for a 2004 Goose Round up.

ROLL CALL VOTE

AYES: Magalski, Gross, Abrams, Zoner

NAYS: Munro, Long

ABSENT: Sovel

MOTION CARRIED

E. Resolution Declaring Bond Reimbursement

MOTION by Gross, supported by Magalski, to approve the Resolution Declaring Bond Reimbursement Expectation (Mimosa Estates Sewer Connection S.A.D.)

ROLL CALL VOTE

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

ITEM 10:2-10 PURCHASES

A. Copy Machine for Police/Fire Department

MOTION by Abrams, supported by Magalski, to approve the recommendation of Dennis Davis, Oakland County Sheriff, and Fire Chief Joseph Schornack to purchase one (1) Canon copy machine at an amount not to exceed \$3,600.00, funds to come from Building Improvement Fund.

ROLL CALL VOTE

AYES: Munro, Magalski, Gross, Abrams, Zoner

NAYS: Long

ABSENT: Sovel

MOTION CARRIED

ITEM 11:2-10 OLD BUSINESS

A. Detroit Water and Sewer – Tabled February 10, 2004

MOTION by Magalski, supported by Gross, to remove Detroit Water and Sewer from the table.

MOTION CARRIED UNANIMOUSLY

Phillip Adkison, Township Attorney gave an update.

Detroit Water and Sewer (continued)

MOTION by Long, supported by Munro, to Table Detroit Water and Sewer Contract.
MOTION CARRIED UNANIMOUSLY

Recess 10:04 p.m.
Reconvene: 10:13 p.m.

ITEM 12:2-10 NEW BUSINESS

A. Bond Authorizing Resolution, Special Assessment (LTGO) Bonds Series 2004-A

MOTION by Gross, supported by Munro to approve the Bond Authorizing Resolution, Special Assessment (LTGO) Bonds Series 2004-A

ROLL CALL VOTE

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

NAYS:

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

C. Hazard Grant Construction Projects

Jay James, Giffels-Webster Engineers explained the projects.

MOTION by Munro, supported by Magalski, approval to submit to the Federal Emergency Management Agency the township's approval for construction projects to utilize grant funds in the following order: 1) Golf View Lake Estates, 2) South Commerce Road, south of Commerce Road along the old proposed Patterson Drain, 3) Wixom Road, Section 19 and 4) Lower Mount Royal Subdivision.
MOTION CARRIED UNANIMOUSLY

D. Job Description – Director of Senior and Parks and Recreation Services

MOTION by Gross, supported by Abrams, to approve the job description for Director of Senior and Parks and Recreation Services.

Amended:

MOTION by Gross, supported by Abrams, to approve the job description for Director of Senior and Community Services with a yearly salary of \$43,000.00. Funds to come from the General Fund, Fund Balance.

MOTION CARRIED UNANIMOUSLY

ITEM 14:2-10 ORDERS

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

Consumer Energy	\$ 2,572.35
Delta Dental	2,752.86
Diane Obara	416.00
DTE Energy	3,351.05
Municipal Benefits	42,066.26
Unum Life Ins.	2,391.70

MOTION CARRIED UNANIMOUSLY

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

Munro –

- Disappointed with the Board in their lack of support regarding his motion for re-appointment of Chairperson to the Zoning Board of Appeals. He believes the Zoning Board of Appeals should rotate the position of Chairperson.
- Bond issues – Questioned how this will affect the arrangement for payment to the Township. Phillip Adkison, Township Attorney explained.

Abrams –

- Will set up a Special Meeting of the Township Board to discuss refuse contract proposals
- Asked Munro and Long if they want to continue on the Election Commission? They both answered “Yes”.

Supervisor Zoner –

- Questioned if the Board would like another tornado siren installed this year? The Board answered “No”
- Plumbing and Mechanical Inspector – Scotty resigned 2 weeks ago. Supervisor Zoner will bring back a proposal for the Boards consideration.

MOTION by Magalski, supported by Zoner, to appoint Kelly Knight to the Educational Storm Water Committee.

MOTION CARRIED UNANIMOUSLY

Chief Shornack – update on the paid on-call firefighters concern regarding wages.

ITEM 15:2-10 OTHER MATTERS (continued)

MOTION by Gross, supported by Magalski, to abandon the north/south response districts and pay the paid on-call Firefighters double time for five (5) holidays per year. The holidays they choose will be determined by the Firefighters.

MOTION CARRIED UNANIMOUSLY

ITEM 16:2-10 ADJOURNMENT

MOTION by Munro, supported by Magalski, to adjourn the meeting at 9:37 p.m.

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, Clerk

CALL TO ORDER	1
PLEDGE OF ALLEGIANCE TO FLAG	1
ROLL CALL	1
APPROVAL OF MINUTES.....	1
COMMUNICATIONS	1
PRESENTATIONS	1
DIRECTOR REPORTS.....	2
ITEM 1:2-10 APPROVAL OF AGENDA.....	2
ITEM 2:2-10 PUBLIC COMMENTS.....	2
ITEM 3:2-10 BOARD APPOINTMENTS	3
ITEM 4:2-10 NEW BUSINESS (DODGE PARK #5).....	3
ITEM 5:2-10 PUBLIC HEARINGS.....	3
GYPSY MOTH 2004 S.A.D. ROLL.....	3
MIMOSA ESTATES SANITARY S.A.D. ROLL RESOLUTION.....	4
SPECIAL PROJECTS NO. 21 S.A.D. ROLL RESOLUTION	5
ITEM 5:2-10 CONTRACTS AWARDS AND AGREEMENTS (SEELEY DRAIN).5	5
ITEM 6:2-10 INTROUCTIONS.....	5
ITEM 7:2-10 ADOPTIONS.....	5
WALL SIGNS ORDINANCE 55-04-158	5
CHILD CARE ORGANIZATIONS ORDINANCE 55-04-159.....	6
SOUTHEAST CORNER OF M-5 AND MAPLE ROADS ORDINANCE 55-04-160	6
SOUTHWEST CORNER OF M-5 AND MAPLE ROADS ORDINANCE 55-04-161	6
FEE ORDINANCE ORDINANCE 79-04-23	6
ITEM 8:2-10 SITE CONDOMINIUMS AND PLATS.....	7

CLARAN INDUSTRIAL PARK.....	7
LADD INDUSTRIAL SUBDIVISION.....	7
ITEM 9:2-10 CONSENT AGENDA.....	7
ITEM 10:2-10 PURCHASES (COPY MACHINE FOR POLICE/FIRE DEPART)..	8
ITEM 11;2-10 OLD BUSINESS (DETROIT WATER AND SEWER)	8
ITEM 12:2-10 NEW BUSINESS (LTGO, HAZARD GRANT, JOB DESCRIP PARKS & REC).....	9
ITEM 14:2-10 ORDERS.....	10
ITEM 15:2-10 OTHER MATTERS	10
ITEM 16:2-10 ADJOURNMENT	11