

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

*Tuesday, April 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 Magalski, to approve the Special Board Meeting minutes of March 4, 2004, the Regular Township Board Meeting minutes of March 9, 2004 with a correction to page 3, last paragraph change spelling of street to "***Balmory***", and page 5 insert "***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.***"; Move the Motion by Gross, second by Magalski, to approve the Resolution Declaring Bond Reimbursement to the Consent Agenda, and Delete the word "excused" after Rick Sovel, Trustee on page one under the Roll Call Vote.

**ROLL CALL VOTE:**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

Received and filed

Pull communication on policies for the Richardson Center and move to the end of the agenda under New Business, Item J.

**PRESENTATIONS:**

Patrick M. Dohany, Oakland County Treasurer – Christmas in April

**DIRECTOR REPORTS**

Lt. Dennis Davis, Oakland County Sheriff's Department

Todd Martin, Fire Marshall

Jeffrey Bowdell, Building-Zoning Director

Constance Guest, Planning Director

Kathleen Pogarch, Assessing

Kelly Knight, Senior Center Director

Jay James, Giffels-Webster Engineers

**ITEM 1:4-13 APPROVAL OF AGENDA**

**MOTION** by Gross, supported by Sovel, to approve the Agenda with the following changes: add "Bids on repair and maintenance for the log cabin home" under Item 12 (K) and add "Emergency Preparedness" under Old Business Item 11 (C) and move Richardson Senior Center Policies to new Business Item 12 (J).

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:4-13 PUBLIC COMMENTS**

Glen Short – advised the public about a watershed questionnaire.

Susan Averbauch 9005 Campbell Creek Drive – noticed an increase of signs and debris in Commerce Township.

**ITEM 3:4-13 BOARD APPOINTMENTS**

**A. Community Center Committee**

**MOTION** by Abrams, supported by Magalski, to table Board Appointments Community Center Committee.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 3:4-13 BOARD APPOINTMENTS (continued)**

**B. Election Commission**

**MOTION** by Abrams, supported by Magalski, to re-appoint Daniel Munro and Robert Long to the Election Commission, with Clerk Abrams as Chair of the Committee.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:3-13 PUBLIC HEARINGS**

None

**ITEM 5:4-13 CONTRACTS AWARDS AND AGREEMENTS**

**A. Villa Polena Agreement for Sanitary Sewer Improvement**

**MOTION** by Magalski, supported by Abrams, to table Villa Polena Agreement for Sanitary Sewer Improvement.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:4-13 INTRODUCTIONS**

**A. An Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, a Rezoning from I1 Light industrial to B-5 Highway Service Commercial, at the NE Corner of Benstein Rd. and Traditional Dr., to be known as Ordinance 55-04-162.**

**MOTION** by Munro, supported by Gross, to deny Z 04-03, an Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, a Rezoning from I1 Light industrial to B-5 Highway Service Commercial, at the NE Corner of Benstein Rd. and Traditional Dr., to be known as Ordinance 55-04-162.  
**MOTION CARRIED UNANIMOUSLY**

**B. An Amendment to the Charter Township of Commerce Ordinance No. 79, the Fee Ordinance, to Amend Section 15, the Plumbing Permit Fees, to be known as Ordinance 79-04-24.**

**MOTION** by Munro, supported by Magalski, to Introduce An Amendment to the Charter Township of Commerce Ordinance No. 79, the Fee Ordinance, to Amend Section 15, the Plumbing Permit Fees, to be known as Ordinance 79-04-24 and to give publication in the manner prescribed by law and bring back for Adoption at the next regular Township Board Meeting.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:4-13 ADOPTIONS**

- A. An Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, a Zoning Text Amendment to Create a Planned Unit Development (PUD) Provision, to be known as Ordinance 55-03-152.**

Megan Masson-Minock, McKenna Associates, Inc. reviewed the PUD provision.

**MOTION** by Gross, supported by Munro, to Adopt an Amendment to the Charter Township of Commerce Ordinance No. 55, the Zoning Ordinance, a Zoning 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.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:4-13 SITE CONDOMINIUMS AND PLATS**

- A. Final Preliminary Plat – Fox Glenn Subdivision**

Constance Guest, Planning Director reviewed the request.

**MOTION** by Munro, supported by Abrams, to approve PR 00-33-01, Final Preliminary Plat – Fox Glenn Subdivision, Section 33, to be located at Sidwell No.: 17-33-206-001, 17-33-101-013, 014, 015 & 016.

**ROLL CALL VOTE**

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

**NAYS:** Sovel

**MOTION CARRIED**

**ITEM 9:4-13 CONSENT AGENDA**

- A. Goose Round-Up (Capture) for Commerce Lake**  
**B. National Child Abuse Month**  
**C. Oakland Schools 2004 Collection of Taxes**

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

**ITEM 9:4-13 CONSENT AGENDA (Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**CONSENT AGENDA ITEM A**

**Goose Round-Up (Capture) for Commerce Lake**

Kathy Schneider was present.

**MOTION** by Gross, supported by Abrams, to approve the request of Lake Sherwood for a 2004 Goose Round up (Capture) for Commerce Lake.

Discussion: Long – The Township Board should not have to authorize a Goose Round up. If the word “enable” is used in place of the words authorize or approve; he would be in favor of the motion.

Motion withdrawn by Gross, support withdrawn by Abrams.

**MOTION** by Long, supported by Sovel, to enable the residents of Commerce to apply for an application from the DNR for a 2004 Goose Round up (Capture) for Commerce Lake.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:3-13 PURCHASES**

**A. Fire Department – Equipment – Appliances – new Rescue #1**

**MOTION** by Munro, supported by Magalski, to approve the recommendation of Fire Chief Joseph Schornack to purchase Fire Department equipment/appliances from West Shore Fire, Inc. (\$4,697.40) and Apollo Fire Equipment (\$12,021.00).

**MOTION CARRIED UNANIMOUSLY**

**B. Fire Department – Bid Discussion – New Tanker Truck**

Thomas Moore reviewed the tanker truck.

**MOTION** by Sovel, supported by Abrams, to direct the Fire Chief to pursue a contract from U.S. Tanker Fire Apparatus, Inc. to purchase a new 3,500-gallon tanker/pumper. The Township Board shall approve a final proposal within thirty (30) days from April 13, 2004. **MOTION CARRIED UNANIMOUSLY**

**ITEM 11:2-10 OLD BUSINESS**

**A. Metro Act – Verizon Application**

**MOTION** by Munro, supported by Abrams, to deny the Metro Act Permit Unilateral Form Right-of-Way Telecommunications Permit.

**MOTION CARRIED UNANIMOUSLY**

**B. Change Order Stream Morphology**

**MOTION** by Gross, supported by Abrams, to approve an additional \$1,200.00 for the DCA Stream Morphology Evaluation.

Discussion: Munro – The methods used by Vitins Engineering were not adequate for Steve Gough’s use for the evaluation.

**ROLL CALL VOTE**

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

**NAYS:** Sovel, Long, Magalski

**MOTION CARRIED**

**C. Emergency Preparedness**

No action taken

**ITEM 12:4-13 NEW BUSINESS**

**A. Request for Consent Judgment**

Phillip Adkison, Township Attorney reviewed the request.

Richard Zoner was present. He stated another car wash was recently built in the area. Because of this, he now feels a shopping complex would be more suitable for this site. Mr. Zoner gave a brief presentation. He stated the property for the storage units were sold. This request is only for the area designated for the car wash.

Munro asked Mr. Zoner that if the Consent Judgment were changed, would they be willing to pay all legal expenses incurred by the Township. Mr. Zoner stated “yes”.

**Request for Consent Judgment (continued)**

**MOTION** by Munro, supported by Sovel, to direct the Township Attorney to enter into negotiations for the two- (2) acre parcel that was designated "car wash" in the Consent Judgment. This is subject to: 1) Successful negotiations approved by the Township Board; 2) Site Plan shall be reviewed by the Planning Commission and brought back to the Township Board for final approval; and 3) All professional fees incurred shall be paid for by the petitioner. This is located on Pontiac Trail, Sidwell No.: 17-33-400-047. In the event negotiations are not agreed upon, the Consent Judgment shall remain the same.

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**B. Greenways Initiative Land Grant Program**

Phillip Adkison, Township Attorney reviewed the program.

**MOTION** by Munro, supported by Abrams, to accept the Greenways Initiative Land Grant Program in the amount of \$50,000.00

**MOTION CARRIED UNANIMOUSLY**

Recess: 9:50 p.m.

Reconvene: 10:00 p.m.

**C. Kodak American Greenways Awards Program**

Kelly Knight reviewed the program.

**MOTION** by Abrams, supported by Munro, to pursue the Kodak American Greenways Grant.

**MOTION CARRIED UNANIMOUSLY**

**D. Police Grant**

No action taken

**E. Survey for Dodge Park Property**

Phillip Adkison, Township Attorney and Loren Crandell, Giffels-Webster Engineers reviewed the survey.

**MOTION** by Munro, supported by Abrams, to accept Option A (Public Act 132 Boundary Survey on the purchase property only) at an estimated cost of \$9,500.00 for Dodge Park Property.

**Survey for Dodge Park Property (continued)**

Motion withdrawn, support withdrawn.

**MOTION** by Munro, supported by Abrams, to approve Option B (2) (Additional boundary survey to include the property that the Township already owns that is adjacent to the purchase property, further upgrade the boundary survey to a "minimum standard detail ACSM/ALTA Survey" plotting observable utilities and adjacent deeds of record) at a cost not to exceed \$16,500 for Dodge Park Property. Funds to come from the General Fund Fund Balance.

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**F. Waste Water Treatment Plant – Resolution and Documentation**

**MOTION** by Munro, supported by Abrams, to approve the Resolution for the Commerce Township Waste Water Treatment Plant.

**MOTION CARRIED UNANIMOUSLY**

**G. Primary Election Verification of Local Proposals.**

**MOTION** by Abrams, supported by Gross, to direct the Township Attorney to draft language for two proposals, 4/10 of a mill each, for open space preservation (10 years) and police service (10 years) and bring back to the Township Board for approval.

**MOTION CARRIED UNANIMOUSLY**

**H. Budget Amendment – Summer Help – Parks**

**MOTION** by Abrams, supported by Gross, to approve an amendment to the 2004 budget for part-time summer help to maintain the parks in an amount not to exceed \$21,000.00. Funds to come from the General Fund Fund Balance.

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**I. Budget Amendment – Fire Fund**

**MOTION** by Gross, supported by Munro, to approve the Charter Township of Commerce Budget Amendment Fiscal Year 2004, Amendment 04-01.

**J. Richardson Center Policies**

Kelly Knight reviewed the policies.

**MOTION** by Abrams, supported by Sovel, to table Richardson Center Policies.  
**MOTION CARRIED UNANIMOUSLY**

**K. Bids - repair and maintenance for the log cabin home**

**MOTION** by Gross, supported by Sovel, to direct the Building and Zoning Director to go out for bids on the repair and maintenance of the log cabin home.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:4-13 ORDERS**

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

Clark Fleet Fueling	\$ 723.91
Diane Obara	412.00
Executone Business System	51.50
Kiplinger's Personal Finance	19.95
LifeGas, LLC. – Gases	44.95
Mcleod USA	15.20
Melvin's Hardware	28.69
Nextel Communications	661.24
Office Express	52.90
Ragan Communications, Inc.	28.88
SBC/Ameritech	11.50
Staples Credit Plan	32.64
State of Michigan	230.00
Terminix	103.00
Walled Lake City Library	94,438.70
West Bloomfield Township Library	255,334.25

**TOTAL** **\$352,189.31**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:4-13 OTHER MATTERS TO COME BEFORE THE BOARD**

Supervisor Thomas Zoner -

- WOCCA has a new director.
- Violet Spencer resigned from the Museum Committee and the Parks and Recreation Committee.

**ITEM 15:4-13 ADJOURNMENT**

**MOTION** by Munro, supported by Sovel, to adjourn the meeting at 11:25 p.m.

**MOTION CARRIED UNANIMOUSLY**

---

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>2</b>
<b>PRESENTATIONS .....</b>	<b>2</b>
<b>DIRECTOR REPORTS.....</b>	<b>2</b>
<b>ITEM 1:4-13 APPROVAL OF AGENDA.....</b>	<b>2</b>
<b>ITEM 2:4-13 PUBLIC COMMENTS.....</b>	<b>2</b>
<b>ITEM 3:4-13 BOARD APPOINTMENTS (COMMUNITY CENTER, ELECTION) .</b>	<b>2</b>
<b>ITEM 4:4-13 PUBLIC HEARINGS (NONE) .....</b>	<b>3</b>
<b>ITEM 5:4-13 CONTRACTS AWARDS AND AGREEMENTS (VILLA POLENA).3</b>	
<b>ITEM 6:4-13 INTRODUCTIONS .....</b>	<b>3</b>
<b>ORDINANCE 55-04-162.....</b>	<b>3</b>
<b>ORDINANCE 79-04-24.....</b>	<b>3</b>
<b>ITEM 7:4-13 ADOPTIONS (ORDINANCE 55-03-152) .....</b>	<b>4</b>
<b>ITEM 8:4-13 SITE CONDOMINIUMS AND PLATS (FOX GLENN SUBDIVISION)</b>	
<b>.....</b>	<b>4</b>
<b>ITEM 9:4-13 CONSENT AGENDA.....</b>	<b>4</b>
<b>ITEM 10:4-13 PURCHASES (FIRE DEPARTMENT EQUIPMENT AND TRUCK 5</b>	
<b>ITEM 11:4-13 OLD BUSINESS (METRO ACT - VERIZON APPLICATION,</b>	
<b>CHANGE ORDER STREAM MORPHOLOGY, EMERGENCY</b>	
<b>PREPAREDNESS).....</b>	<b>6</b>
<b>ITEM 12:4-13 NEW BUSINESS .....</b>	<b>6</b>
<b>REQUEST FOR CONSENT JUDGMENT .....</b>	<b>6</b>
<b>GREENWAYS INITIATIVE LAND GRANT PROGRAM.....</b>	<b>7</b>

<b>KODAK AMERICAN GREENWAYS AWARDS PROGRAM .....</b>	<b>7</b>
<b>POLICE GRANT.....</b>	<b>7</b>
<b>SURVEY FOR DODGE PARK PROPERTY.....</b>	<b>7</b>
<b>WASTE WATER TREATMENT PLANT .....</b>	<b>8</b>
<b>PRIMARY ELECTION VERIFICATION OF LOCAL PROPOSALS .....</b>	<b>8</b>
<b>BUDGET AMENDMENT, SUMMER HELP .....</b>	<b>8</b>
<b>BUDGET AMENDMENT - FIRE FUND .....</b>	<b>8</b>
<b>RICHARDSON CENTER POLICIES .....</b>	<b>9</b>
<b>BIDS - REPAIR AND MAINTENANCE FOR THE LOG CABIN.....</b>	<b>9</b>
<b>ITEM 13:4-13 ORDERS.....</b>	<b>9</b>
<b>ITEM 14:4-13 OTHER MATTERS .....</b>	<b>10</b>
<b>ITEM 15:4-13 ADJOURNMENT .....</b>	<b>10</b>