

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

Tuesday, May 11, 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 (arrived at 7:07 p.m.)
Cheryl Magalski, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Abrams, supported by Magalski, to approve the Regular Township Board Meeting minutes of April 13, 2004 with a correction to page 1 Under the Roll Call Vote - remove "Sovel" from "Absent" and add "**Sovel**;" under "**Ayes**" and remove the words "excused" in the Approval of Minutes, the Special Board Meeting minutes of April 15, 2004 with a correction to page 1, Approval of Minutes, first sentence remove the word "**Excused**" and the Quarterly Discussion Meeting minutes of April 27, 2004 as written.

MOTION CARRIED UNANIMOUSLY

Abrams announced that the Clerks Office would be open on Township Board Meeting nights until 7:30 p.m. to allow for voter's registration and applications for absentee ballot.

COMMUNICATIONS:

Received and filed

PRESENTATIONS:

McKenna & Associates Proposal

PETITIONS

Central West Water Special Assessment District

Jay James, Giffels-Webster Engineers explained the project.

MOTION by Gross, supported by Abrams to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be Known as Central West Water Main Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Greenlawn-Commerce Gravity Sewer Special Assessment District

Jay James, Giffels-Webster Engineers explained the project.

MOTION by Gross, supported by Abrams to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be Known as Greenlawn-Commerce Gravity Sewer Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Central West Water main Capital Charges Special Assessment District

MOTION by Abrams, supported by Sovel, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be Known as Central West Water main Capital Charges Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

DIRECTOR REPORTS

Lt. Dennis Davis, Oakland County Sheriff's Department
Todd Martin, Fire Marshall
Joseph Schornack, Fire Chief
Jeffrey Bowdell, Building-Zoning Director
Constance Guest, Planning Director
Kathleen Pogarch, Assessing
Kelly Knight, Senior Center Director
Giffels-Webster Engineering Report

ITEM 1:5-11 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:5-11 PUBLIC COMMENTS

None

ITEM 3:5-11 BOARD APPOINTMENTS

A. Michelle Holmes, Re-Appointment to Parks and Recreation Committee for a 4-Year Term

MOTION by Abrams, supported by Magalski, to re-appoint Michelle Holmes to the Parks and Recreation Committee for a 4-Year Term, ending May 11, 2008.

MOTION CARRIED UNANIMOUSLY

B. Appointment of Theodore Kress to Parks and Recreation Committee for a 1-Year Term

MOTION by Magalski, supported by Abrams, to table appointment of Theodore Kress to the Parks and Recreation Committee for a 1-Year Term.

MOTION CARRIED UNANIMOUSLY

C. Appointment of Mary Ston to Parks and Recreation Committee for a 1-Year Term

MOTION by Abrams, supported by Gross, to appoint Mary Ston to the Parks and Recreation Committee for a 1-Year Term, ending May 11, 2005.

MOTION CARRIED UNANIMOUSLY

ITEM 4:5-11 PUBLIC HEARINGS

A. Lower Mt. Royal Dredging Special Assessment District Roll Resolution

Jay James, Giffels-Webster Engineers explained the project.

Supervisor Thomas Zoner opened the Public Hearing.

Mike Nichols, Lots 4, 5, 6, 7, & 8, no objections.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Magalski, to approve the Resolution Confirming Revised Special Assessment Roll for the Special Assessment District Designated Lower Mount Royal West Dredging Special Assessment District.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 5:5-11 CONTRACTS AWARDS AND AGREEMENTS

A. McKenna Agreement for Professional and Technical Planning Advisory Services

MOTION by Munro, supported by Sovel, to direct the Township Supervisor to enter into an agreement and obtain the appropriate signatures for professional and technical planning advisory services with McKenna Associates Inc., subject to the approval of the Township Attorney.

MOTION CARRIED UNANIMOUSLY

B. Republic Services Refuse Contract

Kevin Kindall was present.

MOTION by Sovel, supported by Abrams, to approve the Contract for Residential Refuse, Yard Waste & Recycling Removal Charter Township of Commerce and Republic Services of Michigan Hauling. L.L.C.

MOTION CARRIED UNANIMOUSLY

C. Villa Palena Off Site Sewer Agreement – Tabled April 13, 2004

Jay James, Giffels-Webster Engineers explained the agreement.

MOTION by Abrams, supported by Magalski, to remove Villa Palena Off Site Sewer Agreement from the table. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:5-11 CONTRACTS AWARDS AND AGREEMENTS

Villa Palena (continued)

MOTION by Munro, supported by Magalski, to approve the Villa Palena Off-Site Sanitary Sewer Improvement Agreement and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

D. Construction License and Lease Agreement

MOTION by Zoner, supported by Sovel, to approve the Construction License and Lease Agreement between the County of Oakland (Department of Information Technology) and the Charter Township of Commerce.

ROLL CALL VOTE

AYES: Munro, Gross, Abrams, Zoner, Sovel

NAYS: Magalski, Long

MOTION CARRIED

ITEM 6:5-11 INTRODUCTIONS

A. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Rezone the SW Corner of Bogie Lake Road and Cooley lake Road from Single Family Residential to Multiple Family Residential, to be known as Ordinance 55-04-163.

Constance Guest, Planning Director reviewed the request.

MOTION by Munro, supported by Gross, to approve Z 04-02 an Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone the SW Corner of Bogie Lake Road and Cooley Lake Road from Single Family Residential to Multiple Family Residential, to be known as Ordinance 55-04-163 and to give publication in the manner prescribed by law and bring back for Adoption at the next regular Township Board Meeting.

ROLL CALL VOTE

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

NAYS: Sovel, Long

MOTION CARRIED

B. An Amendment to the Charter Township of Commerce Fee Ordinance No. 79, to Amend Section 20, Zoning Ordinance, to Set Forth Fees and Costs for Planned Unit Development Review, and Section 23.1 A, Water Charges, to Set Forth New Water Supply Fees and Related Charges, to be known as Ordinance 79-04-25.

ITEM 6:5-11 INTRODUCTIONS

Fee Ordinance (continued)

MOTION by Munro, supported by Abrams, to Introduce An Amendment to the Charter Township of Commerce Fee Ordinance No. 79, to Amend Section 20, Zoning Ordinance, to Set Forth Fees and Costs for Planned Unit Development Review, and Section 23.1 A, Water Charges, to Set Forth New Water Supply Fees and Related Charges, to be known as Ordinance 79-04-25 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 7:5-11 ADOPTIONS

A. 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 Sovel, supported by Abrams, to Adopt Charter Township of Commerce a Ordinance to amend Ordinance No. 79, Fee Ordinance, to be known as Ordinance 79-04-24 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:5-11 SITE CONDOMINIUMS AND PLATS

A. Final Plat Approval – Fox Glenn Subdivision #3

Constance Guest, Planning Director reviewed the request.

MOTION by Munro, supported by Gross, 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.

Discussion – The Road Commission for Oakland County stated the road name was a duplicate and could not be used. The petitioner submitted to the Road Commission a new name but their Board does not meet until May 13, 2004. Dennis Park said the Road Commission has to sign and date approval for a road name before the township signs and dates their approval.

Munro and Gross rescinded the Motion and Support.

**ITEM 8:5-11 SITE CONDOMINIUMS AND PLATS
Fox Glenn Subdivision #3 (continued)**

MOTION by Abrams, supported by Munro that it is the Township's intent 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, subsequent to the approval of the Road Commission for Oakland County for a road name change, if feasible by law.

ROLL CALL VOTE

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

NAYS: Sovel

MOTION CARRIED

ITEM 9:5-11 CONSENT AGENDA

A. Open Door Banner

B. Fire Department Banner

C. Edgewood Country Club Fire Works

D. Wolverine Lake Resolution

E. Downtown Development Authority Bond Proceeds Resolution

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 10:5-11 PURCHASES

A. Fire Department Tanker Truck

Thomas Moore reviewed the tanker truck.

MOTION by Sovel, supported by Long, to approve the purchase of a Fire Department Tanker Truck from U.S. Tanker Fire Apparatus, Inc. at a cost not to exceed \$247,900.00 and authorize the appropriate signatures. Funds to come from the Fire Millage.

MOTION CARRIED UNANIMOUSLY

ITEM 10:5-11 PURCHASES

B. Safety Roof Ladder for Fire Truck

MOTION by Gross, supported by Abrams, to approve the recommendation of Fire Chief Joseph Schornack to purchase a replacement safety roof ladder (16' Duo-Safety Roof Ladder) for ladder truck from Apollo Fire Equipment at a cost not to exceed \$260.00 + freight. **MOTION CARRIED UNANIMOUSLY**

MOTION by Gross, supported by Abrams, to approve the following purchases: 1) Equipment for Rescue #1 (memo dated 5-11-04) from Home Depot in an amount not to exceed \$800.00; 2) Equipment for Rescue #1 (memo dated 5-11-04) from Knights Auto (Heavy Duty Jumper Cables) in an amount not to exceed \$38.72; 3) one mobile radio and two portable radios with chargers from Elecom Communications in an amount not to exceed \$1,669.50; and two Stihl MS-460-R 20" Bar chain saw from United Mower in an amount not to exceed \$1,649.92. Fund to come from the Fire Millage. **MOTION CARRIED UNANIMOUSLY**

MOTION by Abrams, supported by Sovel, to direct Jeff Bowdell to purchase two (2) laptop computers (one for the Fire Marshall and one for educational presentation meetings) in an amount not to exceed \$3,200.00. Funds to come from the General Fund Fund Balance.

ROLL CALL VOTE

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

MOTION CARRIED

ITEM 11:5-11 OLD BUSINESS

A. Richardson Center Policies – Tabled April 13, 2004

This will remain on the table.

Recess: 9:20 p.m.
Reconvene 9:30 p.m.

B. Community Center Committee Appointments – Tabled April 13, 2004

This will remain on the table.

C. Emergency Preparedness – No Action Taken April 13, 2004

No action taken.

ITEM 11:5-11 OLD BUSINESS

D. Police Grant – No Action Taken April 13, 2003

Lt. Davis said that Walled Lake Schools would pay \$50,000.00 towards a police for the Walled Lake Schools. The township will have to pay the difference from the grant money and the actual cost of the officer.

MOTION by Sovel, supported by Abrams, to direct the Police Chief to accept the police grant between The Charter Township of Commerce and the Federal Government. The Township Attorney shall draft a grant proposal to submit to Walled Lake Schools indicating their three-year commitment to pay \$50,000.00 towards that cost of a police officer. This shall be brought back before the Township Board for final approval. Funds to come from the General Fund Fund Balance.

MOTION CARRIED UNANIMOUSLY

E. Verizon Permit Application

MOTION by Abrams, supported by Magalski, to deny Verizon Permit Application because it does not meet township requirements.

MOTION CARRIED UNANIMOUSLY

F. Ballot Language for Parks

MOTION by Munro, supported by Magalski, to approve the ballot language for Parks (Charter Township of Commerce Proposal for Park Improvements and Creation and Acquisition of Open Space) to be placed on the August 3, 2004 primary ballot.

MOTION CARRIED UNANIMOUSLY

G. Ballot Language for Police

MOTION by Munro, supported by Magalski, to approve the ballot language for Police (Charter Township of Commerce Proposal for Additional Police Services) to be placed on the August 3, 2004 primary ballot.

MOTION CARRIED UNANIMOUSLY

ITEM 12:5-11 NEW BUSINESS

A. Byer's Homestead – Barn – County Store Request for Proposal

MOTION by Sovel, supported by Munro, to go out for proposals for rental of the Byer's Homestead – Barn – Country Store.

MOTION CARRIED UNANIMOUSLY

ITEM 12:5-11 NEW BUSINESS (continued)

B. Rate Study for Water and Sewer

MOTION by Zoner, supported by Sovel to table Rate Study for Water and Sewer.
MOTION CARRIED UNANIMOUSLY

C. Waste Water Treatment Plant Update

Jay James, Giffels-Webster Engineers gave a presentation.

D. Dodge V Ranger House

MOTION by Munro, supported by Sovel, to demolish the Dodge V Ranger House and ask the Fire Chief if he would like to use it for training purposes.
MOTION CARRIED UNANIMOUSLY

E. Undistributed DARE Proceeds

MOTION by Gross, supported by Magalski, to approve the undistributed DARE proceeds in the amount of \$3,089.75 each to Commerce Elementary, Glengary Elementary, Oakley Park Elementary, and Country Oaks Elementary schools.
MOTION CARRIED UNANIMOUSLY

F. Tri-Party Welch Road

Jay James, Giffels-Webster Engineers reviewed the project.

MOTION by Sovel, supported by Magalski, to withdraw the Welch Road project from the Tri-Party Funding.
MOTION CARRIED UNANIMOUSLY

G. Plumbing and Mechanical Inspector Position

MOTION by Munro, supported by Sovel, to advertise for a Plumbing/Mechanical Inspector and an Electrical Inspector and bring back findings to the board. This shall be a full time position with a three year starting salary range of \$48,000.00 - \$55,000.00.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

ITEM 13:5-11 ORDERS

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

Access Interactive	\$	112.50
Accumed Billing		548.48
Alphacopy Systems		48.10
Auto Parts Express		60.83
Damman Hardware		37.69
Diane Obara		456.00
Lifegas LLC		50.25
Melvins Hardware		20.60
Michigan State Police		68.75
Municipal Treas Assoc		200.00
SBC/Ameritech		140.69
SCN Communications		289.10
Stante Excavating		10,500.00
Theisier Equip		175.40

MOTION CARRIED UNANIMOUSLY

ITEM 14:5-11 OTHER MATTERS TO COME BEFORE THE BOARD

Magalski – requested a list of budget amendments.

ITEM 15:5-11 ADJOURNMENT

MOTION by Zoner, supported by Munro, to adjourn the meeting at 11:12 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
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OLD BUSINESS (RICHARDSON CENTER POLICIES, COMMUNITY CENTER COMMITTEE APPOINTMENTS, EMERGENCY PREPAREDNESS, POLICE GRANT, VERIZON PERMIT APPLICATION, BALLOT LANGUAGE FOR PARKS, BALLOT LANGUAGE FOR POLICE)	8-9
NEW BUSINESS (BYER'S HOMESTEAD BARN COUNTY STORE REQUEST FOR PROPOSAL, RATE STUDY FOR WATER AND SEWER, WASTE WATER TREATMENT PLANT UPDATE, DODGE V RANGER HOUSE,	

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