

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

Tuesday, June 8, 2004 7:00 P.M.

2840 Fisher Avenue

Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Thomas K. 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
Cheryl Magalski, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee
Robert J. Long, Trustee

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

APPROVAL OF MINUTES

MOTION by Abrams, supported by Magalski to approve the Minutes of the May 11, 2004 Regular Township Board Meeting.

MOTION CARRIED UNANIMOUSLY

MOTION by Abrams supported by Magalski to approve the Minutes of the May 18, 2004 Special Township Board Meeting.

MOTION CARRIED UNANIMOUSLY

COMMUNICATIONS: Received and filed.

PRESENTATIONS - None

PETITIONS - None

DIRECTOR REPORTS

Joseph Schornack, Fire Chief -Absent
Todd Martin, Fire Marshall

Lieutenant Denny Davis, Oakland County Sheriff's Department
Constance Guest, Planning Director
Jeffrey Bowdell, Building-Zoning Director
Kathleen Pogarch, Assessing Director
Kelly Knight, Senior and Community Services Director
Giffels-Webster Engineering Report

All written Directors Reports received in E-Packet from Department Directors. Oral Reports waived by Supervisor Zoner.

ITEM 1:6-8 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:6-8 PUBLIC COMMENTS

Susan Averbuch, President of Campbell Creek Homeowners Association, states that she is willing to work with the Board to support the proposed local Millages on the August and November Ballots. Thomas K. Zoner, Supervisor, asks Ms. Averbuch to set up an appointment with him to discuss the Police, Open Space and Library Ballot Proposals.

ITEM 3:6-8 BOARD APPOINTMENTS

- A. William McKeever for reappointment to the Zoning Board of Appeals and Planning Commission for a three year term ending June 8, 2007.

MOTION by Munro, supported by Abrams to reappoint William McKeever to both the Zoning Board of Appeals and Planning Commission for a three year term ending June 8, 2007.

MOTION CARRIED UNANIMOUSLY

- B. Randall Thomas and Marina Bilopolski for appointment to the Downtown Development Authority for a one year term ending June 8, 2005.

Wynn Berry, DDA Director, was present with resignation letters from Robert H. Long and Herbert Feinstein and a DDA recommendation to appoint Randall Thomas and Marina Bilopolski as replacements on the Board. Thomas Zoner, Supervisor, added that several candidates were interviewed by Mr. Berry and himself.

MOTION by Sovel, supported by Munro to accept the resignation of Robert H. Long and Herbert Feinstein from the Downtown Development Authority.

MOTION CARRIED UNANIMOUSLY

MOTION by Gross, supported by Magalski to appoint Randall Thomas and Marina Bilopolski to the Downtown Development Authority for a one year term ending June 8, 2005.

MOTION CARRIED UNANIMOUSLY

C. Joel Sharpe, to the Parks and Recreation Committee for a one year term ending June 8, 2005.

MOTION by Abrams, supported by Gross to appoint Joel Sharpe to the Parks and Recreation Committee for a one year term ending June 8, 2005.

MOTION CARRIED UNANIMOUSLY

Thomas K. Zoner, Supervisor, interviewed several candidates for the Committee position.

ITEM 4: 6-8 PUBLIC HEARINGS - None

ITEM 5: 6-8 CONTRACTS AND AGREEMENTS

A. Renewal of the Assessing Contract with Oakland County Equalization

Sandra S. Abrams, Clerk, referring to the previous contract that expires on June 30, 2004, stated that the contract was a renewable 2 year contract containing the same provisions as the current contract and that the increase in the dollar amount was due to the increase in the number of parcels.

MOTION by Abrams, supported by Gross, to renew the Oakland County Equalization Contract for a period of two years.

MOTION CARRIED UNANIMOUSLY

B. Aquatic Services, Inc.

Letter from Dr. Pullman submitted recommending Jeff Knox of Aquatic Services, Inc. as the applicator to treat Lower Straits Lake, Fox Lake, and Reed Lake for weed control.

MOTION by Abrams, supported by Sovel, to contract with Jeff Knox of Aquatic Services, Inc. for weed control.

MOTION CARRIED UNANIMOUSLY

ITEM 6:6-8 INTRODUCTIONS

A. An Ordinance to Amend Mechanical Code Ordinance No. 32D in it's entirety, to be known as Ordinance No. 32D-04-10.

MOTION by Abrams, supported by Gross, to Introduce an Ordinance to amend Ordinance No. 32D, the Charter Township of Commerce Mechanical Code Ordinance in it's entirety, and to give publication in the manner prescribed by law and bring back to the Township Board for Adoption.

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend Plumbing Code Ordinance No. 32E in it's entirety, to be known as Ordinance 32E-04-11.

MOTION by Sovel, supported by Abrams, to Introduce an Ordinance to Amend Ordinance No. 32E in it's entirety, and to give publication in the manner prescribed by law and bring back to the Township Board for Adoption.

MOTION CARRIED UNANIMOUSLY

C. An Amendment to Ordinance 38, the Charter Township of Commerce Fire Code Ordinance, to Amend the Ordinance in it's entirety, to Adopt the 2003 Edition of the International Fire Code, to be known as Ordinance 38-04-10.

MOTION by, Sovel supported by Abrams, to Introduce an Amendment to Ordinance 38, the Charter Township of Commerce Fire Code Ordinance, to Amend the Ordinance in it's entirety, and to give publication in the manner prescribed by law and to bring back to the Township Board for Adoption.

MOTION CARRIED UNANIMOUSLY

Additional information provided by Christine Michaels, Township Attorney, stating that this Ordinance will coincide with the 2003 International Fire Code.

D. An Ordinance to Regulate and Govern the Maintenance of Property, to be known as Ordinance 32F-04-00.

MOTION by Sovel, supported by Munto, to Introduce an Ordinance to Regulate and Govern the Maintenance of Property, to be known as Ordinance 32F-04-00 and to give publication in the manner prescribed by law and to bring back to the Township Board for Adoption.

MOTION CARRIED UNANIMOUSLY

Discussion by Jeffrey Bowdell, Building-Zoning Director, provided information to the Board that this Ordinance enforces the code once the building is built and follows the International Code Council for proper construction. Phillip Adkison, Township Attorney, added that this Ordinance has provisions that give the Building Department more authority and will review the Ordinance to discover any conflicts with other Township Ordinances presently in place.

C. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Rezone the NE Corner of Loon Lake and Wixom Roads from Community Business & RM – Multiple Family Residential to Duplex Two Family Residential, to be known as Ordinance 55-04-164.

MOTION by Munro, supported by Gross, to Introduce an Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Rezone the NE Corner of Loon Lake and Wixom Roads from Community Business & RM – Multiple Family Residential to Duplex Two Family Residential, to be known as Ordinance 55-04-164 and to give publication in the manner prescribed by law and to bring back to the Township Board for Adoption.

Daniel Munro, Trustee, explained that this is actually a “down-zoning” from Commercial Zoning and that the area did not warrant nor was it desirable to have Commercial Zoning in that area.

Roll Call Vote:

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

Nays: Sovel

MOTION CARRIED

ITEM 7: 6-8 ADOPTIONS

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.

Connie Guest, Planning Director, explained that this parcel of land is 2.1 acres and it is located adjacent to Walled Lake Northern High School.

MOTION by Munro, supported by Gross, to Amend 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.

Roll Call Vote:

Ayes: Munro, Gross, Magalski, 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 23.1A, Water Charges, to Set Forth New Water Supply Fees and Related Charges of Ordinance No. 79 to be known as Ordinance 79-04-25.

MOTION by Munro, supported by Gross, to Amend 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 23.1A, Water Charges, to Set Forth New Water Supply Fees and Related Charges of Ordinance No. 79 to be known as Ordinance 79-04-25 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 8: 6-8 SITE CONDINIUMS & PLATS – None

ITEM 9: 6-8 CONSENT AGENDA

- A. Budget Amendment 04-03
- B. Lake Sherwood Fireworks

MOTION by Abrams, supported by Gross, to Approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 10: 6-8 PURCHASES

- A. Fire Department Radio Maintenance

Todd Martin explained the request for purchase and the recommendation not to accept the lowest bidder. Completed bids for the purchase were not included in the Agenda Package.

MOTION by Long, supported by Magalski, to Table the request.

Roll Call Vote:

Ayes: Long, Magalski, Sovel, Munro
Nays: Abrams, Zoner, Gross

MOTION CARRIED

- B. Fire Department Digital Projector

MOTION by Abrams, supported by Sovel to Purchase a Digital Projector for the Fire Department with the stipulation that the amount of the purchase does not exceed \$2000.00. Funds to come from the Millage.

MOTION CARRIED UNANIMOUSLY

ITEM 11: 6-8 OLD BUSINESS

A. Richardson Center Policies- Tabled 5-11-04

Richardson Center Policies to remain on the Table.

B. Community Center Appointments – Tabled 5-11-04

Community Center Appointments to remain on the Table.

C. Emergency Preparedness – No Action Taken 5-11-04

Emergency Preparedness to remain on the Table.

D. Rate Study for Water & Sewer – Tabled 5-11-04

MOTION by Sovel, supported by Gross, to remove the item from the Table.

Phillip Adkison, Township Attorney, addressed the Board informing them that there were two responses received. There were deficiencies and positives contained in each of the proposals. He recommends that the Township Board retain Thomas Traciak from ACI Finance to serve as a consultant for the Rate Study reviewing both proposals. Thomas Traciak is uniquely qualified and has the credentials to serve as an expert witness if he were to monitor the process and observe the methodology for a finished product should the Rate Study ever be challenged.

MOTION by Gross, supported by Abrams, to retain Thomas Traciak from ACI Finance to serve as a consultant for the Rate Study for Water and Sewer. Funds to come from the Sewer and Water Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 12: 6-8 NEW BUSINESS

A. Oakland County Generator Pricing

MOTION by Abrams, supported by Sovel, to Table the Proposal for a Generator.

MOTION CARRIED UNANIMOUSLY

B. 2004-A Bond Resolution

MOTION by Zoner, supported by Abrams, to Table the 2004-A Bond Resolution.

MOTION CARRIED UNANIMOUSLY

C. Assistant to the Director of Senior and Community Services

MOTION by Zoner, supported by Gross, to Table the Assistant to the Director of Senior and Community Services Compensation

MOTION CARRIED UNANIMOUSLY

ITEM 14: 6-8 ORDERS

MOTION by Abrams, supported by Gross, to approve the Orders with the add-on items.

MOTION CARRIED UNANIMOUSLY

ITEM 15: 6-8 OTHER MATTERS (Item Out of Order)

A. Union Lake Water Main Special Assessment District
Presentation by Loren Crandall regarding the Union Lake Water Main Special Assessment District explaining that the project is over budget due to easement acquisitions on properties in that district. Discussion among Board members regarding re-assessing users in the district or taking the overage from the Township Improvement Revolving Fund.

MOTION by Long, supported by Magalski, to re-assess the property owners in the Union Lake Water Main Special Assessment District.

Roll Call Vote:

Ayes: Long, Magalski, Sovel, Munro

Nays: Gross, Abrams, Zoner

MOTION CARRIED

Trustee, Daniel Munro, requested that everyone participate in a moment of silence in honor of the passing of President Ronald Reagan.

B. West Nile Resolution

MOTION by Abrams, supported by Gross, to approve the Resolution authorizing the West Nile Virus Fund expense reimbursement request.

MOTION CARRIED UNANIMOUSLY

C. Waste Water Treatment Plant

Updated information regarding the Waste Water Treatment Plant presented to the Township Board by Loren Crandall, Giffels-Webster Engineers.

D. Coe Railroad

The City of Wixom is requesting that the Charter Township of Commerce be a part of a group of communities to purchase the Coe Railroad through a Trailway Grant.

MOTION by Munro, supported by Magalski, to decline a request to participate in this purchase.

MOTION CARRIED UNANIMOUSLY

E. Dodge Park 5 Demolition of Park Building

Supervisor Zoner reports that there were two bids received regarding the demolition of the building. The Parks and Recreation Committee is directed to review both bids for exact components.

F. Pay analysis for Meetings of Boards and Commissions

Pay analysis to include Pension amount, FICA amount, cost of Recording Secretary for a Special Meeting. To be considered at a future meeting of the Township Board.

ITEM 13: 6-8 EXECUTIVE SESSION 8:24 p.m.

MOTION by Magalski, supported by Munro, to go into Executive Session for the purpose of discussion of the purchase of property and pending litigation.

Roll Call Vote:

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

Nays: None

MOTION CARRIED UNANIMOUSLY

Returned to Regular Session at 9:15 p.m.

MOTION by Munro, supported by Abrams, to authorize the Township Attorney to go into discussion with appraisers.

MOTION CARRIED UNANIMOUSLY

ITEM 16: 6-8 ADJOURNMENT

MOTION by Long, supported by Munro to adjourn.

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned at 9:30 p.m.

Sandra Abrams, CMC
Clerk. Charter Township of Commerce