

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

*Tuesday, July 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 (arrived 7:06 p.m.)  
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 June 8, 2004 with a correction to page 7, first Motion, change "Maintenance Budget to "**Millage**", and the Special Board Meeting minutes of July 22, 2004, as written.

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

Received and filed

**PRESENTATIONS:**

None

**PETITIONS**

None

**DIRECTOR REPORTS**

Joseph Schornack, Fire Chief

Todd Martin, Fire Marshall

Lt. Dennis Davis, Oakland County Sheriff's Department - absent

Giffels-Webster Engineering Report

Constance Guest, Planning Director - absent

Jeffrey Bowdell, Building-Zoning Director

Kathleen Pogarch, Assessing Director

Kelly Knight, Senior and Community Services Director

**ITEM 1:7-13 APPROVAL OF AGENDA**

**MOTION** by Abrams, supported by Sovel, to approve the Agenda as amended: Move Item 11E under the Consent Agenda to Item 6B under Public Hearings and place Pending Litigation as Item 15B under Executive Session.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:7-13 BOND SALE RESOLUTION**

Thomas Traciak, Financial Advisor was present.

**MOTION** by Gross, supported by Abrams, to approve the Charter Township of Commerce Resolution Awarding Bonds.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 3:7-13 WATER RATE STUDY**

Thomas Traciak, Financial Advisor reviewed the study and recommends Utility Financial Solutions for the Water Rate Study.

**MOTION** by Gross, supported by Abrams, to approve the recommendation of the Financial Advisor to accept the Water and Sanitary Sewer Cost of Service and Rate Study from Utility Financial Solutions in the amount of \$20,550.00. Funds to come from the Water Fund and Sanitary Sewer Fund.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:7-13 PUBLIC COMMENTS**

Cheryl Cox 145 Huntley Commerce Ridge Trailer Park. She stated because of the construction going on behind her property there are several problems: the developer built so high that water lays in their back yard, lights shine in their windows at all hours of the night, sprinkler systems will be installed near their backyard and will spray on their property, there is a dumpster outside their living room and they now have no privacy.

Michael Heflen was present with the same concerns as Ms. Cox.

Supervisor Thomas Zoner said the Planner and Building Inspector will personally review this.

Glen Short, 5148 Driftwood Drive, presented a copy of the Lake Sherwood Residents Guide.

Paul Cartwright, 800 Drakeshire Drive – concerned about Fox Glen subdivision connecting to Foxcroft Estates. He feels this will increase traffic, be detrimental to the safety and security of the neighborhood and lower property values. He would like the township to review other options.

Supervisor Thomas Zoner asked Mr. Cartwright to make an appointment with him to review this. Additionally, Jeffrey Bowdell will personally visit the site.

Jennifer Davis, 785 Drakeshire Drive was present with the same concerns as Mr. Cartwright.

Susan Averbuch, Campbell Creek – encourages residents to support the police millage.

**ITEM 5:7-13 BOARD APPOINTMENTS**

None

**ITEM 6:7-13 PUBLIC HEARINGS**

**A. Union Lake Subdivision Water Special Assessment District Resolution**

Jay James, Giffels-Webster Engineers explained the project.

Supervisor Thomas Zoner opened the Public Hearing.

**Union Lake Subdivision Water Special Assessment District Resolution  
(continued)**

Heather Mitchell 2460 Greenlawn – questioned why there is a cost increase 2 ½ years after they already paid for the water and hook up? Supervisor Thomas Zoner referred to Act 188 of 1954. Jay James, Giffels-Webster Engineers explained the reassessment costs.

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Sovel, supported by Long to approve the Resolution to Reassess Costs for the Union Lake Subdivision Water Special Assessment District.

**ROLL CALL VOTE**

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

**NAYS:** Zoner

**MOTION CARRIED**

**B. (Item 11E. from Consent Agenda) Resolution to Reprogram CDBG for 2003**

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any objections.

Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Gross, supported by Abrams, to approve the Resolution to Reprogram 2003 Community Development Block Grant Money by the Charter Township of Commerce.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:7-13 CONTRACTS AWARDS AND AGREEMENTS**

**A. Oakland County Tower Lease Agreement**

Phillip Adkison, Township Attorney reviewed the agreement.

**MOTION** by Gross, supported by Abrams, to approve the Oakland County Tower Lease Agreement (between The County of Oakland, Department of Information Technology and the Charter Township of Commerce) and direct the Township Attorney to negotiate additional concerns with the County of Oakland.

**Oakland County Tower Lease Agreement (Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:** Long

**MOTION CARRIED**

**B. Parks and Recreation Committee Recommendation for Dodge Park V Demolition**

**MOTION** by Munro, supported by Gross, to accept the recommendation of the Parks and Recreation Committee to award the contract to Capital Wrecking in an amount not to exceed \$12,000.00 for demolition of the Dodge Park V home (180 E. Commerce). Money to come from the General Fund Fund Balance.

**MOTION CARRIED UNANIMOUSLY**

**C. Assistant to the Director of Senior and Community Services Employment Contract**

**MOTION** by Gross, supported by Abrams, to table the Charter Township of Commerce Contractual Agreement Assistant to Director of Community Services.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:7-13 INTRODUCTIONS**

**A. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Rezone 1106 Oakley Park Road from B-2 Community Business & R-1D Single Family Residential to RM-Multiple Family Residential, to be known as Ordinance 55-04-165.**

Dan Munro stated the Planning Commission denied this request 6-0 vote (one absent).

Lawrence Ternan, Attorney representing the property owner was present. He stated that this development would be attached single family residential. He believes this parcel is not usable as currently zoned. The property owner would consider a PUD. The townships new Master Plan classifies this area as residential. He would like this tabled in order for the developer to file an application for a PUD.

**MOTION** by Sovel, supported by Munro, to deny an Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to rezone 1106 Oakley Park Road from B-2 Community Business & R-1D Single Family Residential to RM-Multiple Family Residential, to be known as Ordinance 55-04-165.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:7-12 ADOPTIONS**

- A. An Amendment to the Charter Township of Commerce Ordinance No. 55, to Rezone the corner of Loon Lake & Wixom Roads from B-2 Community Business & RM to Multiple Family Residential, to be known as Ordinance 55-04-164.**

**MOTION** by Munro, supported by Magalski, to Adopt Charter Township of Commerce an Ordinance to amend Ordinance No. 55, to Rezone the corner of Loon Lake & Wixom Roads from B-2 Community Business & RM to Multiple Family Residential, to be known as Ordinance 55-04-164 and to give publication in the manner prescribed by law.

**ROLL CALL VOTE**

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

**NAYS:** Sovel

**MOTION CARRIED**

- B. An Ordinance to Amend the Charter Township of Commerce Mechanical Code Ordinance No. 32D in it's entirety, to be known as Ordinance No. 32D-04-10.**

**MOTION** by Munro, supported by Magalski, to Adopt Charter Township of Commerce an Ordinance to Amend Mechanical Code Ordinance No. 32D in it's Entirety, to be known as Ordinance No. 32D-04-10 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

- C. An Ordinance to Amend the Charter Township of Commerce Plumbing Code Ordinance No. 32E in it's entirety, to be known as Ordinance No. 32E-04-11.**

**MOTION** by Munro, supported by Sovel, to Adopt Charter Township of Commerce an Ordinance to Amend Plumbing Code Ordinance No. 32E in it's Entirety, to be known as Ordinance 32E-04-11 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

- D. An Amendment to Ordinance No. 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.**

**Amendment to Ordinance No. 38 (continued)**

**MOTION** by Munro, supported by Sovel, to Adopt Charter Township of Commerce an Ordinance to Amend Ordinance No. 38, to be known as Ordinance 38-04-10 International Fire Code 2003 and to give publication in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:7-13 SITE CONDOMINIUMS AND PLATS**

**A. Hampton Inn Site Plan Special Land Use**

Dan Munro – The Planning Commission approved the site plan.

James Galbraith was present.

**MOTION** by Munro, supported by Magalski, to approve Hampton Inn, SP 04-36-09 & Special Land Use SU 04-07, Sidwell No.: 17-36-400-028,

**MOTION CARRIED UNANIMOUSLY**

**B. Benstein Crossings Final Plat Approval**

**MOTION** by Munro, supported by Magalski, to approve Benstein Crossings, SP 04-28-06, Sidwell No.: 17-28-426-022\023 & 024.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:7-13 CONSENT AGENDA**

**A. Homestead Industrial Park Water Resolution**

**B. Special Projects #3 Resolution**

**C. Lakeside Sub Lots 48-52 Water Resolution**

**D. Orchard Lake Fine Art Show Banner Application**

**MOTION** by Gross, supported by Abrams, 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 12:7-13 PURCHASES**

**MOTION** by Sovel, supported by Abrams, to approve emergency purchase of computer back up hardware and software from Access in the amount not to exceed \$2,750.00. Funds to come from the General Fund Fund Balance.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:7-13 OLD BUSINESS**

**A. Richardson Senior Center Policies – Tabled June 8, 2004**

Remain on the table

**B. Community Center Appointments – Tabled June 8, 2004**

Remain on the table

**C. Emergency Preparedness – No Action Taken June 8, 2004**

No action taken.

**D. Oakland County Generator Pricing – Tabled June 8, 2004**

Remain on the table

**E. Fire Department Purchase Radio Maintenance – Tabled June 8, 2004**

This item was removed

**Recess: 9:15 p.m.**

**Reconvene: 9:30 p.m.**

**ITEM 14:7-13 NEW BUSINESS**

**A. City of Southfield Lawsuit**

No action taken – informational only

**B. McLeod Metro Act Permit Application**

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

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS (continued)**

**C. Walled Lake Consolidated Schools Traffic Light for Northern High School**

**MOTION** by Sovel, supported by Munro, to table the State of Michigan Board of County Road Commissioners Oakland County Agreement for Traffic Control Device at Bogie lake Road at Walled Lake Northern High School North and South Driveway.

**ROLL CALL VOTE**

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

**NAYS:** Long, Magalski

**MOTION CARRIED**

**D. Environmental Report Service for Byers Residence Assessment**

**MOTION** by Magalski, supported by Gross, to authorize All Service Consumer Contractors to perform an indoors environmental assessment of Byers residence in the amount of \$250.00 and provide a written report to the Township Board.

**MOTION** by Magalski, supported by Sovel, to amend the motion to allocate \$500.00 to perform an indoors environmental assessment and to test the mold.

**Motions rescinded**

**MOTION** by Magalski, supported by Sovel, to authorize All Service Consumer Contractors to perform an indoors environmental assessment and mold assessment of Byers Residence in the amount of \$500.00 and provide a written report to the Township Board. Funds to come from the General Fund Fund Balance.

**MOTION CARRIED UNANIMOUSLY**

**E. Byers Barn Rental**

**MOTION** by Munro, supported by Magalski, to approve the recommendation of the Parks and Recreation Committee to accept the proposal submitted by Debbie Howitt and Mary St. Louis to rent the Byers Barn for \$600.00 per month plus 10% of sales.

**MOTION CARRIED UNANIMOUSLY**

**F. Boards and Commissions - Fees**

No action taken.

**ITEM 16:7-13 ORDERS**

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

Abbo, Ghassan	\$410.97
Abramson, Debra A.	673.94
Absorpure	12.00
Access Interactive	300.00
Accumed Billing, Inc.	199.77
Aggressive Marine	1,347.88
Atram Enterprises, L.L.C.	673.94
Biel, Angelita	673.94
Bishop, H L	714.25
Brendel's Septic Tank Service	150.00
Buckley Sr., Robert & Vickie	714.24
Budnick, Terrance & Timothy	714.24
Cheung Leasing, L.L.C.	673.94
Cheyne Management	673.94
Clark Fleet Fueling	798.28
Comcast, Walled Lake	66.80
County of Oakland, Info. Technology	6,067.06
Damman Hardware	6.36
DPS Inv. Properties	673.94
Great Lakes Waste	124,009.20
Kassab Association	3,801.47
Layton & Richardson, P.C.	6,080.00
Lewis, Norman & Myre, Peggy Jo	616.45
Livingston Cty Senior Nutrition Pro	2,658.10
McCoy, Michael & Nancy	673.94
McCoy, Michael L.	673.94
McLeod USA	7.09
Metropolitan Title Company	765.00
Michael Kunzman Revocable Trust	2,695.76
Murray's Discount Auto Stores	45.54
Nextel Communications	664.98
Oakland County Parks & Recreation	250.00
Pioneer Building Company	673.94
Pioneer Development	673.94
Presbyterian Church USA	821.94
Sandy Investment, LTD.	673.93
SBC/Ameritech	12.00
SCN Communications	542.80
Tall Pine Properties	673.94

**ITEM 16:7-13 ORDERS (continued)**

Tayana Properties, L.L.C.	673.94
Terminix	103.00
The GU-Holding, LLC	673.94
Thesier Equipment Company	60.57
Thomson Media	950.00
Trauben/Goodman, LLC	673.94
Upper Lake Properties	673.94
WMG Investment	673.93
Worden, Carl D.	714.25
Yeokum	4,623.40

**MOTION CARRIED UNANIMOUSLY**

**ITEM 17:7-13 OTHER MATTERS TO COME BEFORE THE BOARD**

**Schedule of Improvements for Waste Water Treatment Plant**

Loren Crandell, Giffels-Webster Engineers reviewed the Schedule of Improvements.

**MOTION** by Sovel supported by Abrams, to authorize the Township Attorney to assemble a team of qualified experts to examine the MDEQ concerns.

**MOTION CARRIED UNANIMOUSLY**

**Commerce Township logo/marketing on Fire Chief's vehicle.**

No action

Robert Long – landscape problems with businesses in the Township (grass not being watered, etc.)

(Moved to the end of the meeting)

**ITEM 15:7-13 EXECUTIVE SESSION**

**A. Property Acquisition**

**B. Pending Litigation**

**MOTION** by Abrams, supported by Gross, to enter into Executive Session for the purpose of discussing property acquisition and pending litigation and to adjourn afterward.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 15:7-13 EXECUTIVE SESSION (continued)**

Entered into Executive Session at 10:45 p.m.

Returned from Executive Session at 11:40 p.m.

**MOTION** by Munro, supported by Magalski, to negotiate for entry of Consent judgement as described in Executive Session relative to Soave property.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Munro, supported by Magalski, to authorize Township Attorney all documents necessary to implement the good faith offer and declaration of taking under the Uniform Condemnation Procedures Act relative to Multi-lakes Conservation Club and take all actions necessary to acquire the property for the use and benefit of the public.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 18:7-13 ADJOURNMENT**

**MOTION** by Munro, supported by Sovel, to adjourn the meeting at 11:55 p.m.

**MOTION CARRIED UNANIMOUSLY**

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Sandra Abrams, CMC  
Clerk, Charter Township of Commerce

<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>1</b>
<b>COMMUNICATIONS.....</b>	<b>2</b>
<b>PETITIONS.....</b>	<b>2</b>
<b>DIRECTOR REPORTS.....</b>	<b>2</b>
<b>ITEM 1:7-13 APPROVAL OF AGENDA.....</b>	<b>2</b>
<b>ITEM 2:7-13 BOND SALE RESOLUTION .....</b>	<b>2</b>
<b>ITEM 3:7-13 WATER RATE STUDY.....</b>	<b>2</b>
<b>ITEM 4:7-13 PUBLIC COMMENTS.....</b>	<b>3</b>
<b>ITEM 5:7-13 BOARD APPOINTMENTS .....</b>	<b>3</b>
<b>ITEM 6:7-13 PUBLIC HEARINGS (UNION LAKE SUBDIVISION WATER S.A.D. RESOLUTION) .....</b>	<b>3</b>
<b>ITEM 11:E CONSENT AGENDA (RESOLUTION TO REPROGRAM CDBG FOR 2003)APPROVAL OF AGENDA.....</b>	<b>4</b>
<b>ITEM 7:7-13 CONTRACT AWARDS AND AGREEMENTS (OAKLAND COUNTY TOWER LEASE AGREEMENT, PARKS AND RECREATION COMMITTEE RECOMMENDATIONF FOR DODGE PARK V DEMOLITION, ASSISTANT TO THE DIRECTOR OF SENIOR AND COMMUNITY SERVICES EMPLOYMENT CONTRACT) .....</b>	<b>4-5</b>
<b>ITEM 8:7-13 INTRODUCTIONS (ORDINANCE 55-04-165).....</b>	<b>5</b>
<b>ITEM 9:7-13 ADOPTIONS (ORDINANCE 55-04-164, 32D-04-10, 32E-04-11, 38-04-10.....</b>	<b>6-7</b>
<b>ITEM 10:7-13 SITE CONDOMINIUMS AND PLATS (HAMPTON INN, BENSTEIN CROSSINGS) .....</b>	<b>7</b>
<b>ITEM 11:7-13 CONSENT AGENDA.....</b>	<b>7</b>
<b>ITEM 12:7-13 PURCHASES.....</b>	<b>8</b>
<b>ITEM 13:7-13 OLD BUSINESS (RICHARDSON SENIOR CENTER POLICIES, COMMUNITY CENTER APPOINTMENTS, EMERGENCY PREPAREDNESS, OAKLAND COUNTY GENERATOR PRICING, FIRE DEPARTMENT PURCAHSE RADIO MAINTENANCE).....</b>	<b>8</b>

**ITEM 14:7-13 NEW BUSINESS (CITY OF SOUTHFIELD LAWSUIT, MCLEOD METRO ACT PERMIT APPLICATION, WALLED LAKE CONSOLIDATED SCHOOLS TRAFFIC LIGHT FOR NORTHERN HIGH SCHOOL, ENVIRONMENTAL REPORT SERVICE FOR BYERS RESIDENCE ASSESSMENT, BYERS BARN RENTAL, BOARDS AND COMMISSIONS - FEES) ..... 8-9**

**ITEM 16:7-13 ORDERS ..... 10-11**

**ITEM 17:7-13 OTHER MATTERS ..... 11**

**ITEM 15:7-13 EXECUTIVE SESSION (PROPERTY ACQUISITION, PENDING LITIGATION)11-12**

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