

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

Tuesday, August 10, 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
Rick Sovel, Trustee

Absent: Daniel Munro, 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 Sovel, to approve the Regular Township Board Meeting minutes of July 13, 2004 and the Special Board Meeting minutes of July 27, 2004, as written. **MOTION CARRIED UNANIMOUSLY**

COMMUNICATIONS:

Received and filed

PRESENTATIONS:

Joseph Schornack, Fire Chief presented the Life Saving Award to Firefighters Mark Gall, Debbie Stuart, Rick Keske, William Kasavage, Andy Hykal, Jason Laughren, and.

A plaque was presented to former Commerce Township Firefighter, Steve Kolbasa for 8 years of service as a Commerce Township Firefighter.

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 1:8-10 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:8-10 PUBLIC COMMENTS

Susan Averbuch 9005 Campbell Creek Drive – Would like to see the time schedule for the Downtown Development Authority changed for those who work during the day.

Glen Short, 5148 Driftwood Drive thanked Jeff Bowdell for making a site inspection located in Lake Sherwood on a Sunday. Also he recommends a review of erosion control measures in Commerce Township.

ITEM 3:8-10 BOARD APPOINTMENTS

A. Lawrence Haber, Reappointment to the Planning Commission, for a 3-year term.

MOTION by Abrams, supported by Sovel, to reappoint Lawrence Haber to the Planning Commission for a 3-year term ending August 10, 2007.

MOTION CARRIED UNANIMOUSLY

B. Clarence Mills, Reappointment to the Zoning Board of Appeals for a 3-year term.

MOTION by Sovel, supported by Magalski, to reappoint Clarence Mills, to the Zoning Board of Appeals for a 3-year term ending August 10, 2007.

MOTION CARRIED UNANIMOUSLY

ITEM 4:8-10 PUBLIC HEARINGS

A. Union Lake Subdivision Water Special Assessment District Roll Resolution

Supervisor Thomas Zoner opened the Public Hearing.

Heather Sutton 2470 Messena questioned why there are reassessment costs.

Jay James, Giffels-Webster Engineers explained the project.

Supervisor Thomas Zoner closed the Public Hearing.

A letter of objection signed by Scott Whetter, 8042 Barnsbury was read into the record.

MOTION by Sovel, supported by Magalski, to approve the Resolution Confirming Revised Special Assessment Roll for the Special Assessment District Designated Union Lake Subdivision Water Special Assessment District.

ROLL CALL VOTE

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

NAYS:

ABSENT: Munro

MOTION CARRIED UNANIMOUSLY

ITEM 5:8-10 CONTRACTS AWARDS AND AGREEMENTS

None

ITEM 6:8-10 INTRODUCTIONS

A. An Ordinance to Amend Ordinance No. 57, the Appearance Tickets Ordinance in it's entirety, updating the Ordinance to Include Ordinance 32F, the Property Regulation and maintenance Ordinance, to be known as Ordinance No. 57-04-05.

Christina Michaels, Township Attorney reviewed the Ordinance.

MOTION by Sovel, supported by Magalski, to Introduce Charter Township of Commerce an Ordinance to Amend Ordinance No. 57, Appearance Tickets Ordinance to be known as Ordinance No. 57-04-05 and to give publication in the manner prescribed by law and bring back for Adoption.

MOTION CARRIED UNANIMOUSLY

ITEM 7:8-10 ADOPTIONS

A. An Ordinance to Regulate and Govern the Maintenance of Property, to be known as Ordinance No. 32F-04-00.

Christina Michaels, Township Attorney reviewed the Ordinance.

MOTION by Sovel, supported by Magalski, to Adopt Charter Township of Commerce 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. Section 304.3 shall be the same as it is in the International Property Code.
MOTION CARRIED UNANIMOUSLY

ITEM 8:8-10 SITE CONDOMINIUMS AND PLATS

A. Re-Approval of Fox Glenn Subdivision – Final Plat

MOTION by Abrams, supported by Magalski, to approve Final Plat PR 00-33-01 Fox Glenn Subdivision.
MOTION CARRIED UNANIMOUSLY

ROLL CALL VOTE

AYES: Abrams, Magalski, Gross, Long, Zoner

NAYS: Sovel

ABSENT: Munro

MOTION CARRIED

ITEM 9:8-10 CONSENT AGENDA

A. Michigan Suicide Prevention Coalition Proclamation

B. St. Patrick's Parish, Annual Banner Application

C. Resolution Appointing Project Director for and Authorizing Maintenance of the Greenways Initiative Pathway Project Trail.

D. Resolution Authorizing Proceedings to Acquire Easement Interests

E. Budget Amendment for Building

MOTION by Abrams, supported by Sovel, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of Items D and E.

ROLL CALL VOTE

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

NAYS:

ABSENT: Munro

MOTION CARRIED UNANIMOUSLY

ITEM 9:8-10 CONSENT AGENDA (continued)

D. Resolution Authorizing Proceedings to Acquire Easement Interests

Christina Michaels, Township Attorney reviewed the acquisition of easement interests.

MOTION by Abrams, supported by Gross, to approve Resolution of the Township Board of the Charter Township of Commerce Authorizing Proceedings to Acquire Easement Interests in the Central West Water Main Project.

ROLL CALL VOTE

AYES: Abrams, Gross, Magalski, Sovel, Zoner

NAYS: Long

ABSENT: Munro

MOTION CARRIED

E. Budget Amendment for Building

No action.

ITEM 8:8-10 PURCHASES

A. Dry Erase Board for Fire Department Classroom

MOTION by Abrams, supported by Gross, to approve the purchase of one dry erase board (12' x 4") for the Fire Department Classroom from Whiteboard Depot at a cost not to exceed \$497.00. Funds to come from the Fire Millage.

MOTION CARRIED UNANIMOUSLY

ITEM 9:8-10 OLD BUSINESS

A. Richardson Senior Center Policies – Tabled July 13, 2004

Remain on the table

B. Community Center Appointments – Tabled July 13, 2004

Remain on the table

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

No action taken.

D. Oakland County Generator Pricing – Tabled July 13, 2004

Remain on the table

ITEM 9:8-10 OLD BUSINESS (continued)

E. Walled Lake Consolidated Schools Traffic Light for Northern High School – Tabled July 13, 2004

A letter was received from Dr. James Geisler, Walled Lake Consolidated School Superintendent.

MOTION by Magalski, supported by Sovel, to remove Walled Lake Consolidated Schools Traffic Light for Northern High School from the table.

MOTION CARRIED UNANIMOUSLY

Phillip Adkison, Township Attorney advised the Township Board of his discussion with Dr. Geisler.

MOTION by Long, supported by Magalski, to table the Walled Lake Consolidated Schools Traffic Light for Northern High School.

ROLL CALL VOTE

AYES: Long, Magalski, Gross, Abrams, Sovel

NAYS: Zoner

ABSENT: Munro

MOTION CARRIED

ITEM 12:8-10 NEW BUSINESS

A. Millage Language for November Ballot

Phillip Adkison, Township Attorney reviewed the millage language.

MOTION by Gross, supported by Magalski, to approve the Millage Language for November Ballot for a period of twelve years as follows: (heading) Charter Township of Commerce Proposal for Public Library Services. (Body) Shall the Charter Township of Commerce be authorized to levy .7 of one mill, being \$0.70 cents per \$1000 of taxable property value, above the non-voted tax levy limitation of 5 mills imposed by Section 27 of Public Act 359 of 1947, for a period of 12 years, disbursing the revenue collected from such new additional millage to the township to be used for the provision of public library services? The estimated revenue that will be collected in the first year that the millage is authorized and levied is \$1,229,681.45. Yes _____ No _____

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Zoner, to approve language for the November Ballot for Park Improvements and Creation and Acquisition of Open Space for a period of ten years as follows: (heading) Charter Township of Commerce Proposal for Park Improvements and Creation and Acquisition of Open Space.

ITEM 12:8-10 NEW BUSINESS

B. Millage Language for November Ballot (Motion continued)

(Body) Shall the Charter Township of Commerce be authorized to levy .4 of one mill, being \$0.40 cents per \$1000 of taxable property value, above the non-voted tax levy limitation of 5 mills imposed by Section 27 of Public Act 359 of 1947, for a period of 10 years, disbursing the revenue collected from such new additional millage to the township for the improvement of parks and the acquisition of land and interests in land to create new publicly owned open space within the township? The estimated revenue to be collected in the first year that the millage is authorized and levied is \$702,675.12. Yes _____ No _____

ROLL CALL VOTE

AYES: Sovel, Zoner, Abrams, Gross, Magalski

NAYS: Long

ABSENT: Munro

MOTION CARRIED

C. Benstein Sewer Analysis

Jay James, Giffels-Webster Engineers reviewed the sewer analysis.

No action taken

D. North Oakland Household Hazardous Waste Program

No action taken

MOTION by Zoner, supported by Abrams, to continue participation in the North Oakland Household Hazardous Waste Program.

ROLL CALL VOTE

AYES: Zoner, Abrams, Magalski, Sovel

NAYS: Gross, Long

ABSENT: Munro

MOTION CARRIED

E. Honey Tree Grille of Commerce Liquor License Application

MOTION by Sovel, supported by Abrams, to approve Class C Liquor License Application for A E K Foods, Inc. DBA as Honey Tree Grille of Commerce.

MOTION CARRIED UNANIMOUSLY

F. Hampton Inn Liquor License Application

MOTION by Abrams, supported by Sovel, to approve Class C Liquor License Application for Commerce Hospitality Management DBA as Hampton Inn.

ITEM 12:8-10 NEW BUSINESS

F. Hampton Inn Liquor License Application (Motion continued)

ROLL CALL VOTE

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

MOTION CARRIED

G. Grille on Union Lake Road Liquor License Application

MOTION by Abrams, supported by Zoner, to approve Class C Liquor License Application for Diamatte Enterprises LLC DBA as Grille on Union Lake Road.

MOTION CARRIED UNANIMOUSLY

H. CJ's Brewing Company Liquor License Transfer

MOTION by Abrams, supported by Sovel, to approve CJ's Brewing Company Liquor License Transfer. This is subject to full payment and release of the Jeopardy Tax Lien.

MOTION CARRIED UNANIMOUSLY

ITEM 13:8-10 ORDERS

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

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|--------------------------------------|-----------|
| ACCUMED BILLING, INC. | \$ 368.92 |
| BENSTEIN LIQUOR SHOP, INC. | 29.92 |
| BRENDEL'S SEPTIC TANK SERVICE | 150.00 |
| C & E CONSTRUCTION | 47,474.00 |
| DAMMAN HARDWARE | 26.78 |
| DUBOIS-COOPER ASSOCIATES, INC. | 9,235.41 |
| EWERS SEPTIC SERVICE | 135.00 |
| LASALLE BANK | 570.87 |
| LIFEGAS LLC- GASES | 51.70 |
| LIVINGSTON CTY SNR NUTRITION PROGRAM | 3,206.50 |
| MICHIGAN STATE POLICE | 68.75 |
| MICHIGAN TOWNSHIPS ASSOCIATION | 140.00 |
| MURRAY'S DISCOUNT AUTO STORES | 60.93 |
| NOW PRINTING COMPANY, INC. | 650.00 |
| OAKLAND COUNTY WATER RESOURCE | 10,492.58 |
| OFFICE EXPRESS | 16.45 |

ITEM 13:8-10 ORDERS (continued)

REPUBLIC WASTE SERVICES
SBC/AMERITECH

106,012.68
12.00

MOTION CARRIED UNANIMOUSLY

Recess: 9:54 p.m.
Reconvene: 10:08 p.m.

ITEM 14:8-10 OTHER MATTERS TO COME BEFORE THE BOARD

A. Wastewater Treatment Plant Update

Jay James, Giffels-Webster Engineers gave an update.

Long -

- Gave an update on a meeting he attended at Multi-Lakes.
- Friend of Byers received a grant from Wal-Mart for \$1,000.00.

Sovel –

- Liaison police officer for Walled Lake Consolidated Schools.

MOTION by Sovel, supported by Magalski, to accept the grant and proceed with hiring a liaison police officer for Walled Lake Consolidated Schools and to charge the school district on a monthly basis.

MOTION CARRIED UNANIMOUSLY

- Director and management goals for 2005.
- Would like \$250.00 to hook up Internet connections for the Township Board.

MOTION by Sovel, supported by Abrams, to approve \$250.00 to hook up Internet connections for the Township Board. Funds to come from the Building Improvement Fund.

MOTION CARRIED UNANIMOUSLY

- Would like approval for \$5,000.00 for an informational mailing to Township residents regarding upcoming millages.

MOTION by Sovel, supported by Magalski, to approve up to \$5,000.00 for informational mailing to township residents notifying them of the upcoming November millages. Funds to come from the General Fund Balance.

A. Wastewater Treatment Plant Update (continued)

ROLL CALL VOTE

AYES: Sovel, Magalski, Abrams, Zoner

NAYS: Gross, Long

ABSENT: Munro

MOTION CARRIED

Gross –

- Asked for an update from Jeff Bowdell on the storage site on Pontiac Trail.

Supervisor Zoner –

- Discussion regarding money from the General Fund for water and sewer responsibilities.

MOTION by Gross, supported by Abrams, to have the Sewer and Water Fund reimburse the amount of \$293,877.70 to the General Fund representing attorney fees paid in error, see attached letter dated July 29, 2004 from Adkison, Need & Allen.

MOTION CARRIED UNANIMOUSLY

Supervisor Thomas Zoner -

- Letter from the Village of Wolverine Lake regarding Commerce Township reimbursing money to them for police services.
- Byers house environmental summary.
- Advertise for an Assistant to the Senior and Community Services Director.

ITEM 16:8-10 ADJOURNMENT

MOTION by Gross, supported by Long, to adjourn the meeting at 11:30 p.m.

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, CMC
Clerk, Charter Township of Commerce

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|--|-----------|
| CALL TO ORDER | 1 |
| PLEDGE OF ALLEGIANCE TO FLAG | 1 |
| ROLL CALL | 1 |
| APPROVAL OF MINUTES | 1 |
| COMMUNICATIONS..... | 1 |
| PRESENTATIONS | 1 |
| PETITIONS..... | 2 |
| DIRECTOR REPORTS..... | 2 |
| ITEM 1:8-10 APPROVAL OF AGENDA..... | 2 |
| ITEM 2:8-10 PUBLIC COMMENTS..... | 2 |
| ITEM 3:8-10 BOARD APPOINTMENTS (PLANNING, ZONING) | 2 |
| ITEM 4:8-10 PUBLIC HEARINGS (UNION LAKE SUBDIVISION WATER SAD ROLL..... | 3 |
| ITEM 5:8-10 CONTRACTS AWARDS AND AGREEMENTS (NONE)..... | 3 |
| ITEM 6:8-10 INTRODUCTIONS (ORDINANCE 57-04-05)..... | 3 |
| ITEM 7:8-10 ADOPTIONS (ORDINANCE 32F-04-00)..... | 4 |
| ITEM 8:8-10 SITE CONDOMINIUMS AND PLATS (FOX GLENN) | 4 |
| ITEM 9:8-10 CONSENT AGENDA | 4 |
| ITEM 10:8-10 PURCHASES (DRY ERASE BOARD FIRE DEPARTMENT) | 5 |
| ITEM 11:8-10 OLD BUSINESS (RICHARDSON SENIOR CENTER POLICIES, COMMUNITY CENTER APPOINTMENTS, EMERGENCY PREPAREDNESS, OAKLAND COUNTY GENERATOR PRICING, WALLED LAKE SCHOOLS TRAFFIC LIGHT)..... | 5 |
| ITEM 12:8-10 NEW BUSINESS (MILLAGE LANGUAGE, BENSTEIN SEWER ANALYSIS, NORTH OAKLAND HOUSEHOLD HAZARDOUS WASTE PROGRAM, HONEY TREE FILLE, HAMPTON INN, GRILLE ON UNION LAKE, CJ'S BREWING COMPANY) | 6 |
| ITEM 13:8-10 ORDERS | 8 |
| ITEM 14:8-10 OTHER MATTERS | 9 |
| ITEM 15:8-10 ADJOURNMENT..... | 10 |