

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

*Tuesday, March 8, 2005*

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  
Debra Kirkwood, Trustee  
Robert Long, Trustee  
Rick Sovel, Trustee

Absent: Daniel Munro, Trustee

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

**APPROVAL OF MINUTES**

**MOTION** by Abrams, supported by Gross, to approve the Regular Township Board Meeting minutes of February 8, 2005 with a correction to page 1 remove the word "excused" and the Special Township Board Meeting minutes of February 23, 2005, with a correction to page 2, second Motion, change "and Assistant" to "***an Assistant***" and change "and/or" to "***or***".

**MOTION CARRIED UNANIMOUSLY**

**COMMUNICATIONS:**

Received and filed

**PRESENTATIONS:**

None

**DIRECTOR REPORTS:**

Joseph Schornack, Fire Chief  
Todd Martin, Fire Marshall  
Lt. Dennis Davis, Oakland County Sheriff's Department  
Kathleen Bartoluzzi, Interim Planning Director (absent)  
Jeffrey Bowdell, Building-Zoning Director  
Kathleen Pogarch, Assessing Director  
Eric Seuss, Library Director  
Jay James, Giffels-Webster Engineering Report  
Kelly Knight, Senior and Community Services Director

**ITEM 1:3-8 APPROVAL OF AGENDA**

**MOTION** by Abrams, supported by Kirkwood, to approve the Agenda with the following additions: remove Item B from the Consent Agenda to be heard separately.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:3-8 PUBLIC COMMENTS**

Glen Short, 5140 Driftwood Drive, on behalf of Lake Sherwood Association. Regarding residents requesting a turn signal added to the Bogie Lake Commerce Road light due to heavy traffic caused by the school. Mr. Short will contact Supervisor Thomas Zoner for further update.

Ragine Uehilni 323 Newton regarding Byers home - black mold testing.

Bob Donahue 4875 Comstock request the Friends of Byers be allowed to undertake the black mold testing and the Board hold off on demolition until such testing is completed.

Janice Leonhardt would like to speak to Item #12

Dan Newell would like the issue of Byers home moved up on the agenda.

**ITEM 3:3-8 BOARD APPOINTMENTS**

**Jorge Pacheco, Zoning Board of Appeals for a 3 Year Term Ending March 8, 2008**

**MOTION** by Sovel, supported by Long, to reappoint Jorge Pacheco to the Zoning Board of Appeals for a 3 Year Term Ending March 8, 2008.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:3-8 PUBLIC HEARINGS**

None

**ITEM 5:3-8 CONTRACTS AWARDS AND AGREEMENTS**

**A. Log Cabin Home on Glengary Road**

Jeffrey Bowdell, recommends McGowan's Construction in the amount of \$11,245.00 to perform the repairs at the Log Cabin Home.

**MOTION** by Gross, supported by Abrams, to approve the recommendation of Jeffrey Bowdell, Building-Zoning Director, to accept the quote from McGowan's Construction in the amount of \$11,245.00 to perform the repairs at the Log Cabin Home. Funds to come from the Improvement Revolving Fund.

**MOTION CARRIED UNANIMOUSLY**

**B. Sanitary Sewer Construction Agreement**

Loren Crandell, Gifflels Webster Engineering gave a review.

**MOTION** by Abrams, supported by Sovel, to approve the Agreement to Construct Sanitary Sewer between Athenian Lounge Acquisition, L.L.C. d/b/a The Draft Sports Bar & Grille and the Charter Township of Commerce subject to the approval of an Intergovernmental Agreement between Wolverine Village and Commerce Township.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:3-8 INTRODUCTIONS**

None

**ITEM 7:3-8 ADOPTIONS**

**A. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, a Text Amendment for signage on a Multi-Tenant Building, to be known as Ordinance 55-05-170.**

**MOTION** by Abrams, supported by Sovel, to approve the Adoption of An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, a Text Amendment for signage on a Multi-Tenant Building, to be known as Ordinance 55-05-170 and publish and post in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:3-8 SITE CONDOMINIUMS AND PLATS**

**A. Ladd Industrial Subdivision Final Plat Approval**

Christina Michaels, Township Attorney gave a review.

**MOTION** by Abrams, supported by Long, to approve PR 99-34-03 Final Plat Approval Ladd Industrial Subdivision, Sidwell No.: 17-34-101-009, subject to the approval of the Final Plat from the City of Walled Lake. This is subject to all changes, requirements and conditions of the Planning Commission, Township Board, Engineers and Attorney and subject to final approval by the Township Attorneys and Engineers.

**MOTION CARRIED UNANIMOUSLY**

**B. Claran Industrial Park Final Plat Approval**

**MOTION** by Abrams, supported by Kirkwood, to approve PR 99-27-02 Final Plat Approval Claran Industrial Park, Sidwell No.: 17-34-101-004 and 17-27-301-008. This is subject to all changes, requirements and conditions of the Planning Commission, Township Board, Engineers and Attorney and subject to final approval by the Township Attorneys and Engineers.

**MOTION CARRIED UNANIMOUSLY**

**C. Maplebrook Site Plan**

**MOTION** by Gross, supported by Long, to table SP 03-28-17 Maplebrook Condominiums.

**MOTION CARRIED**

**D. Richardson Professional Center**

Christina Michaels, Township Attorney gave a review.

**MOTION** by Sovel, supported by Kirkwood, to table SP 03-13-30 Richardson Professional Center Commercial Site Condominium.

**MOTION CARRIED**

**ITEM 9:3-8 CONSENT AGENDA**

**A. Resolution Suspension of Liquor License Applications**

**C. Resolution to Authorize Fire Department Banner Permit**

**D. Resolution to Authorize St. Patrick's Parish Summer's End Fair Banner Permit**

**E. Resolution The Library Network**

**F. Resolution to Membership Request Form**

**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 B.

**ITEM 9:3-8 CONSENT AGENDA (continued)**

**ROLL CALL VOTE:**

**AYES:** Gross, Abrams, Long, Sovel, Kirkwood, Zoner

**NAYS:**

**ABSENT:** Munro

**MOTION CARRIED UNANIMOUSLY**

**B. Resolution to Authorize the Issuance of Special Assessment Bonds Series 2005-A**

**MOTION** by Gross, supported by Sovel, to approve the Charter Township of Commerce Bond Authorizing Resolution Special Assessment (LTGO) Bonds Series 2005-A.

**ROLL CALL VOTE:**

**AYES:** Gross, Sovel, Abrams, Long, Kirkwood, Zoner

**NAYS:**

**ABSENT:** Munro

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:3-8 PURCHASES**

**A. Purchase Requisition for Mower for Maintenance Department**

**MOTION** by Abrams, supported by Kirkwood, to approve the purchase of a mower for the Maintenance Department from in the amount of \$13,517.69.

**MOTION CARRIED UNANIMOUSLY**

**B. Fire Department Purchases: Floor Buffer for Station 1, Gas Line at Station 4, Back up Generator for Radio Communications.**

Joseph Schornack, Fire Chief will return with three bids for the generator. The floor buffer will follow purchasing policy. In addition, the Board will be advised of cost relative to the proposed gas line at Station 4.

No action taken

**ITEM 11:3-8 OLD BUSINESS**

**A. Richardson Senior Center Policies – Tabled 2-8-05**

This shall remain on the table.

**B. Community Center Appointments – Tabled 2-8-05**

This shall remain on the table.

**ITEM 11:3-8 OLD BUSINESS (continued)**

**C. Emergency Preparedness – No Action Taken 2-8-05**

No action taken

**D. Soave Centers Consent Judgment – Tabled 2-8-05**

This shall remain on the table.

**E. Tuomikoski Second Amended Consent Judgment – Tabled 2-8-05**

This shall remain on the table.

**ITEM 12:3-8 NEW BUSINESS**

**A. Professional Parks and Recreation Planning Consultant Services –  
Recommendation by Parks and Recreation Committee**

**MOTION** by Abrams, supported by Long, to approve the recommendation of the Parks and Recreation Committee to solicit bids to hire a professional park and recreation Planning Consultant to assist with the Dodge Park Conceptual Plan.

**MOTION CARRIED UNANIMOUSLY**

**B. Black Mold Test for Byer's Residential Home – Recommendation by  
Parks and Recreation Committee.**

Kelly Knight reviewed the recommendation by the Parks and Recreation Committee.

Janice Leonhardt was present and passed out handouts regarding the Byers' residential home and urged the Board to delay their decision to solicit bids to demolish the Byer's residential home. She contacted the Michigan Historic Network and supplied the Township with their recommendation.

Dan Newell supports Ms. Leonhardts statements and would be willing to be part of a special board designated for the management of the property.

Bob Donahue stated that the Friends of Byers have put in a lot of time and money into the site and should be involved in the RFP and the study. He is willing to volunteer to head a professional plan to save the house with at least three (3) architects and three (3) engineers.

Mary St. Louis stated they have \$5,000.00 to go towards the white house by the river and they have already installed a new roof on it.

**ITEM 12:3-8 NEW BUSINESS (continued)**

Ragine Uehilni said they had a problem with accurate reports from the past treasurer and are in the process of working on this. She believes the Township should come up with a plan for the use of the residential house.

Debbie Howitt was the last treasurer and she stated that she did submit reports to the Friends of Byers.

Jeff Hansche 9555 Commerce Road has contributed money to the Friends of Byers, but has not attended any meetings. He believes the government should serve the needs of the public (Friends of Byers).

Rob Hayworth stated Byers site is the heart of Commerce Township and would like to see a use of the residential house. He did agree that two years ago when Mrs. Byers left the house he considered the house a health problem but is not sure it is a health problem right now.

Kathleen Burke-Brown is requesting two additional years to save the residential house.

**MOTION** by Sovel, supported by Gross, to have the Township Supervisor request three RFP's from certified environmental mold testing companies and come back to the Township Board with their findings. No additional action on Byers Residential house will be taken at this time. The Byers residential house shall remain locked.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Sovel, supported by Gross, to direct the Parks and Recreation Committee to develop a mission statement, business plan and a budget for the Byers property.

Motion and support withdrawn

**MOTION** by Sovel, supported by Gross, to direct the Parks and Recreation Committee to develop a business plan and a budget for the Byers property.

**ROLL CALL VOTE:**

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

**NAYS:** Kirkwood, Long

**ABSENT:** Munro

**MOTION CARRIED**

Recess: 9:52 p.m.

Reconvene: 10:04 p.m.

**ITEM 12:3-8 NEW BUSINESS (continued)**

**C. Full Time Clerk Typist Position – Richardson Center**

Kelly Knight Senior and Community Services Director reviewed the request.

**MOTION** by Sovel, supported by Gross, to table the Full Time Clerk Typist Position for the Richardson Center. **MOTION CARRIED UNANIMOUSLY**

**ITEM 13:3:8 ORDERS**

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

**ROLL CALL VOTE:**

**AYES:** Abrams, Gross, Zoner  
**NAYS:** Long, Sovel, Kirkwood  
**ABSENT:** Munro

**MOTION FAILED**

Discussion: Sovel – concerned with the safety of employees (inspectors) who carry a badge because they could be mistaken as a police officer.

**MOTION** by Long, supported by Sovel, to direct the Township Supervisor to recall the 16 metallic law enforcement style building department badges that were recently purchased and deposit them in the treasurers safe until further Township Board action is taken.

**ROLL CALL VOTE:**

**AYES:** Long, Sovel, Abrams, Kirkwood  
**NAYS:** Gross, Zoner  
**ABSENT:** Munro

**MOTION CARRIED**

**MOTION** by Long, supported by Abrams, to approve the orders with additions.

**ROLL CALL VOTE:**

**AYES:** Long, Abrams, Gross, Zoner  
**NAYS:** Kirkwood, Sovel  
**ABSENT:** Munro

**MOTION CARRIED**

**ITEM 14:3-8 OTHER MATTERS TO COME BEFORE THE BOARD**

Sovel – would like to discuss, in the future, the pros and cons of the rezoning of the state land, Wise Road property.

Long – the motion for the Parks Committee to come up with a plan is not a clear message and singles out one individual park.

**ITEM 15:3-8 EXECUTIVE SESSION**

**MOTION** by Gross, supported by Kirkwood to enter into Executive Session for the purchase of real property.

**ROLL CALL VOTE:**

**AYES:** Gross, Kirkwood, Abrams, Long, Sovel, Kirkwood, Zoner

**NAYS:**

**ABSENT:** Munro

**MOTION CARRIED UNANIMOUSLY**

Entered into Executive Session at 11:00 p.m.

Returned from Executive Session at 11:25 p.m.

**ITEM 16:3-8 ADJOURNMENT**

**MOTION** by Long, supported by Sovel, to adjourn the meeting at 11:40 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>PRESENTATIONS .....</b>	<b>1</b>
<b>DIRECTOR REPORTS.....</b>	<b>2</b>
<b>ITEM 1:3-8 APPROVAL OF AGENDA.....</b>	<b>2</b>
<b>ITEM 2:3-8 PUBLIC COMMENTS.....</b>	<b>2</b>
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<b>ITEM 4:3-8 PUBLIC HEARINGS .....</b>	<b>3</b>
<b>ITEM 5:3-8 CONTRACT AWARDS AND AGREEMENTS (LOG CABIN HOM ON GLENGARY ROAD, SANITARY SEWER CONSTRUCTION AGREEMENT).....</b>	<b>3</b>
<b>ITEM 6:3-8 INTRODUCTIONS .....</b>	<b>3</b>
<b>ITEM 7:3-8 ADOPTIONS (ORDINANCE 55-05-170).....</b>	<b>3</b>
<b>ITEM 8:3-8 SITE CONDOMINIUMS AND PLATS (LADD INDUSTRIAL SUBDIVISION FINAL PLAT APPROVAL, CLARAN INDUSTRIAL PARK FINAL PLAT APPROVAL, MAPLEBROOK SITE PLAN, RICHARDSON PROFESSIONAL CENTER).....</b>	<b>4</b>
<b>ITEM 9:3-8 CONSENT AGENDA .....</b>	<b>4</b>
<b>ITEM 10:3-8 PURCHASES (MOWER FOR MAINTENANCE DEPARTMENT, FIRE DEPARTMENT FLOOR BUFFEST, GAS LINE BACK UP GENERATOR).....</b>	<b>5</b>
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<b>ITEM 14:3-8 OTHER MATTERS .....</b>	<b>9</b>
<b>ITEM 15:3-8 EXECUTIVE SESSION .....</b>	<b>9</b>
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