

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

Tuesday, September 13, 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
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 Kirkwood, to approve the Regular Township Board Meeting minutes of August 9, 2005 with a correction to page 7 Item D in the second motion at the end of the sentence add: see attached documentation, the Special Township Board Meeting minutes of August 16, 2005, and the Special Joint Meeting Township Board and Parks and Recreation Meeting minutes of August 16, 2005, with a correction to page 3, add: not to return to Township Board again; and page 2, Item 3, add to Motion for demolition of a hazardous building, "and collect all keys and board up the building."

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

Lake Area Youth Assistance

COMMUNICATIONS:

Received and filed

DIRECTOR REPORTS:

Joseph Schornack, Fire Chief
Kathleen Bartoluzzi, Planning Director
Jeffrey Bowdell, Building-Zoning Director
Kathleen Pogarch, Assessing Director
Eric Seuss, Library Director
Kelly Knight, Deputy Supervisor
Emily Dubey, Richardson Senior Center Interim Director
Giffels-Webster Engineering Report
Lt. Dennis Davis, Oakland County Sheriff's Department

ITEM 1:9-13 APPROVAL OF AGENDA

MOTION by Abrams, supported by Sovel, to approve the Agenda, with the following additions: Item 11 D Mount Royal Bridge, Item 12 H Site Plan for library, Item 13 Executive Session #1 client privilege information, and Executive Session #2 Union Negotiations; new business: 12 H Photo ID Badges.

MOTION CARRIED UNANIMOUSLY

ITEM 2:9-13 PUBLIC COMMENTS

Marta Lazar 462 Woodhaven Drive - concerned with the lack of materials in the Township Library. Trustee Sovel addressed this issue. She questioned who to contact regarding water charge issues. She was answered.

Susan Averbauch, Campbell Creek Association, 9005 Campbell Creek Drive – concerned with the amount of signs in the township and a flyer she received today in the mail from the DDA. Her concerns were addressed by the Supervisor.

Rusty Rosman 1081 Island Drive praised the Township Library.

ITEM 3:9-13 BOARD APPOINTMENTS

A. Connie Holmes, Planning Commission – 3 year term

MOTION by Abrams, supported by Munro, To re-appoint Connie Holmes to the Planning Commission for a three-year term to expire on September 13, 2008.

MOTION CARRIED UNANIMOUSLY

ITEM 4:9-13 PUBLIC HEARINGS

A. Commerce Crossing Street Lighting S.A.D Roll Resolution – Adjourned August 9, 2005

Christina Michaels, Township Attorney said there is an outstanding contract between Detroit Edison and Mr. Galbriath.

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any comments or objections.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Munro, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated as Commerce Crossing Street Lighting Special Assessment District.

MOTION CARRIED UNANIMOUSLY

ITEM 5:9-13 CONTRACTS AWARDS AND AGREEMENTS

A. Oakland County Radio System Agreement

Joseph Schornack, Fire Chief gave a review and recommends approval.

MOTION by Munro, supported by Abrams, to approve Oakland County Radio System Agreement as recommended by the Township Attorney and Fire Chief and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

B. Richardson Center Landscaping Bids

Kelly Knight, Deputy Supervisor gave a review.

MOTION by Abrams, supported by Munro, to award the landscaping bid for Richardson Center Landscaping project to the low bidder, C & H Landscaping, in the amount of \$19,750.00, funds to come from the CDBG funds and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

ITEM 6:9-13 INTRODUCTIONS

A. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Rezone 2255 Pontiac Trail from R-1D Single Family Residential to B-1 Local Business, to be known as Ordinance 55-05-177

MOTION by Munro, supported by Gross, to Introduce the Charter Township of Commerce an Ordinance to Rezone 2255 Pontiac Trail from R-1D Single Family

ITEM 6:9-13 INTRODUCTIONS Ordinance 55-05-177 (Ordinance 55-05-177 Motion continued)

Residential to B-1 Local Business to be known as Ordinance No. 55-05-177 and to give publication in the manner prescribed by law and bring back for Adoption.

MOTION CARRIED UNANIMOUSLY

B. An Amendment to Ordinance 62, the Charter Township of Commerce Water and Sewage Ordinance, to add Section 3.04A, the Benstein Corridor Sewer Allocation District, to be known as Ordinance 62-05-35

Phillip Adkison, Township Attorney gave a review.

MOTION by Abrams, supported by Gross, to Introduce the Charter Township of Commerce an Ordinance to Amend Ordinance No. 62, Water and Sewage Ordinance to be known as Ordinance No. 62-05-35 and to give publication in the manner prescribed by law and bring back for Adoption.

MOTION CARRIED UNANIMOUSLY

C. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Rezone 2000 and 2012 Sleeth Road from R-1A Single Family to R-1B Single Family, to be known as Ordinance 55-05-178

Rick Ratner 380 North Old Woodward gave a presentation and stated that this amendment is in accordance with the Master Plan.

John Jackson, McKenna Associates gave a review and presentation relative to the requested Zoning Ordinance Amendment.

MOTION by Munro, supported by Gross, to deny Introduction of the Charter Township of Commerce an Ordinance to Rezone 2000 and 2012 Sleeth Road from R-1A Single Family to R-1B Single Family, to be known as Ordinance 55-05-178. This is based on the recommendation of the Planning Commission and the letter dated September 7, 2005 from the Planning Consultant.

ROLL CALL VOTE:

AYES: Munro, Gross, Abrams, Kirkwood, Sovel

NAYS: Long, Zoner

MOTION CARRIED TO DENY

ITEM 7:9-13 ADOPTIONS

A. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Amend Article XXII, to add Section 2208B for Conditional Rezoning, to be known as Ordinance No. 55-05-173

ITEM 7:9-13 ADOPTIONS Ordinance No. 55-05-173 (continued)

MOTION by Munro, supported by Abrams, to Adopt the Charter Township of Commerce an Ordinance to Amend Articles XXII of the Zoning Ordinance of Charter Township of Commerce to be known as Ordinance No. 55-05-173 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

B. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Amend Table of Contents, Sections and Articles, to Consolidate the Existing R-2A and R-2B Zone Districts into one "R-2" Zone District, to be known as Ordinance No. 55-05-174

MOTION by Munro, supported by Gross, to Adopt the Charter Township of Commerce an Ordinance to Amend the Zoning Ordinance of Charter Township of Commerce to be known as Ordinance No. 55-05-174 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

C. An Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to add Article XVIII.V- Public Recreational District, and to Amend Article XIX-Schedule of Regulations, to be known as Ordinance No. 55-05-175

MOTION by Munro, supported by Gross, to Adopt the Charter Township of Commerce an Ordinance to Amend Article XVIII.V-Public Recreation District and to Amend Article XIX Schedule of Regulations to be known as Ordinance No. 55-05-175 and to give publication in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:9-13 SITE CONDOMINIUMS AND PLATS

A. Timber Trace Site Condominium Final Site Plan

MOTION by Munro, supported by Abrams, to approve SP 03-02-19 Timber Trace Final Site Plan subject to final approval by the Township Attorney and Engineers.

MOTION CARRIED UNANIMOUSLY

B. Edgewater Medical Center Commercial Condominium Site Plan

MOTION by Munro, supported by Kirkwood, to approve SP 04-11-24 Edgewater Medical Center Commercial Site Condominium subject to final approval by the Township Attorney and Engineers.

MOTION CARRIED UNANIMOUSLY

ITEM 9:9-13 CONSENT AGENDA

A. Library Schedule of Closure for 2005-06

B. Lakes Area Youth Assistance Board Membership

MOTION by Sovel, supported by Munro, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda.

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

ITEM 10:9-13 PURCHASES

A. Fire Department Vehicle

Todd Martin, Fire Marshal gave a review.

MOTION by Abrams, supported by Kirkwood, to approve the purchase of one Ford Expedition from Hines Park in an amount not to exceed \$30,000.00. Funds to come from the Fire Department Budget.

MOTION CARRIED UNANIMOUSLY

ITEM 11:9-13 OLD BUSINESS

A. Fire Department #4 Training Room Storage – No Action 8-9-05

Joseph Schornack, Fire Chief gave a review.

MOTION by Munro, supported by Kirkwood, to approve the purchase of cupboards at Fire Station #4 from Accurate Woodworking in the amount of \$3,305.00. Funds to come from the Fire Department Budget.

MOTION CARRIED UNANIMOUSLY

B. Fire Station #4 Parking Lot Improvements – No Action 8-9-05

Joseph Schornack, Fire Chief gave a review.

MOTION by Sovel, supported by Kirkwood, to award the contract for Commerce Fire Station #4 Paving Project to Carter Construction for concrete pavement in an amount not to exceed \$65,000.00. Funds to come from the \$30,000.00 Fire Department Budget and the \$35,000.00 from the General Fund and amend the budget accordingly.

MOTION CARRIED UNANIMOUSLY

ITEM 11:9-13 OLD BUSINESS (continued)

**C. Revision of Job Description for Secretary, Building/Zoning Department
– Tabled 8-9-05**

MOTION by Munro, supported by Abrams, to remove Job Description for Secretary, Building/Zoning Department from the table.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, supported by Kirkwood, to approve the Job Description for Secretary of the Building Department.

MOTION by Sovel, supported by Munro, to amend the motion to authorize the Building-Zoning Director to hire a secretary for the Building Department.

VOTE ON THE AMENDMENT:

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

VOTE ON THE ORIGINAL MOTION:

ROLL CALL VOTE:

AYES: Munro, Abrams, Kirkwood, Long, Sovel, Zoner

NAYS: Gross

MOTION CARRIED

D. Mount Royal Bridge

Loren Crandell, Giffels-Webster Engineers gave a review.

MOTION by Sovel, supported by Munro, to direct the Township Engineers to proceed with repairing the Mount Royal Bridge at a cost of \$45,000.00 for construction costs from the Improvement Revolving Fund. The total amount shall not exceed \$60,000.00. Authorize the appropriate signatures. Funds to be paid back by way of a special assessment district.

MOTION CARRIED UNANIMOUSLY

Recess: 9:45 p.m.

Reconvene: 9:50 p.m.

ITEM 12:9-13 NEW BUSINESS

A. Bond Authorizing Resolution Special Assessment (LTGO) Bonds, Series 2005-B

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

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

B. Library Internet Policy

C. Library Patron Behavior Policy

D. Library Unattended Children Policy

E. Library Material Selection Policy

MOTION by Munro, supported by Kirkwood, to approve the Library Internet Use Policy, the Library Patron Behavior Policy, the Library Unattended Children Policy and the Library Materials Selection Policy.

MOTION CARRIED UNANIMOUSLY

F. Township Advertisement for Oakland County Magazine

No action taken.

G. Red Robin Liquor License Transfer

MOTION by Gross, supported by Munro, to approve the application for a transfer of ownership and location of a Class C Liquor License for Red Robin.

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

H. Site Plan for library

MOTION by Munro, supported by Gross, to authorize the expenditure of \$1,250.00 from the library millage for the site plan for the Township Library to be done by Hartman.

MOTION CARRIED UNANIMOUSLY

ITEM 12:9-13 NEW BUSINESS (continued)

I. Badges

MOTION by Kirkwood, supported by Munro, to authorize the Building and Zoning Director to provide samples and costs associated with plastic identification badges for all field personnel. **MOTION CARRIED UNANIMOUSLY**

(out of order)

ITEM 14:9-13 ORDERS

MOTION by Abrams, supported by Gross, to approve the Orders with add-ons, including the following change: Void check # 46650, replace with check # 46606 in the amount of \$112.74.

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

ITEM 15:9-13 OTHER MATTERS TO COME BEFORE THE BOARD

Trustee Long asked for the status of the wetland litigation for the bike path. He was answered.

MOTION by Sovel, that no vacant positions shall be filled within the Township without Township Board approval with the exception of deputies for the Clerk's Department, Treasurers Department and the Supervisor's Department and library and Fire Department personnel.

DIED DUE TO LACK OF SUPPORT

MOTION by Sovel, supported by Long, to authorize the Township Board to approve the hiring personnel for all vacant positions within the Township with the exception of elected positions and Fire Department personnel.

MOTION by Zoner, supported by Sovel, to table discussion of hiring personnel for vacant positions within the Township. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:9:13 EXECUTIVE SESSION

A. Purchase of Property

MOTION by Kirkwood, supported by Gross, to enter into Executive Session for the purpose of discussing attorney client privilege communication.

ITEM 13:9:13 EXECUTIVE SESSION (continued)

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 10:30 p.m.
Returned from Executive Session at 10:50 p.m.

MOTION by Abrams, supported by Munro, to Enter into Executive Session #2 for the purpose of discussing Union Negotiations.

ROLL CALL VOTE:

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

NAYS: None

Entered into Executive Session at 10:51 p.m.
Returned from Executive Session at 11:20 p.m.

ITEM 16:9-13 ADJOURNMENT

MOTION by Abrams, supported by Gross, to adjourn the meeting at 11:21 p.m.

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, CMC
Clerk, Charter Township of Commerce

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PLEDGE OF ALLEGIANCE TO FLAG	1
ROLL CALL	1
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