

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

Tuesday, May 16, 2006

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

Absent: None

Also Present: Phillip Adkison, Township Attorney
Jay James, Giffels-Webster Engineers
Christina Michaels, Township Attorney
Wynn Berry, DDA Director
Thomas Rauch, DDA Attorney
Robert Shimmin, DDA Chairperson

APPROVAL OF MINUTES

MOTION by Abrams, supported by Gross, to approve the Regular Township Board Meeting Minutes of April 11, 2006 and the Quarterly Discussion Meeting Minutes of April 25, 2006.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

DIRECTOR REPORTS:

Township Directors submitted written and oral reports.

ITEM 1:5-16 APPROVAL OF AGENDA

MOTION by Abrams, supported by Gross, to approve the Agenda as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 2:5-16 PUBLIC COMMENTS

Supervisor Zoner opened the meeting to public comments, two residents were recognized, one for speaking at an association meeting to explain grinder pumps and one for concern of the sale of state land on Wise Road.

ITEM 3:5-16 PUBLIC HEARINGS

A. Downtown Development Authority District Boundary Expansion Public Hearing- adjourned at the April 25, 2006 Township Board Meeting to the May 16, 2006 Township Board Meeting.

Tom Rauch, DDA Attorney, gave a review and introduced Wynn Berry, DDA Director and Robert Shimmin, DDA Chairperson.

Supervisor Thomas Zoner re-opened the Public Hearing- adjourned on April 25, 2006 to May 16, 2006.

Ken Brewer, 1718 Hollingsworth, DDA financial resources.

Dave North, Kingstown Manor, displacement of home owners and update on M-5 progress.

Ethel Schwartz, 342 Shore Brooke Lane, wetlands and taxes.

Dennis Bogue, Welch Road, impact on wetlands and his property.

Carl Seaver, 2038 Meadow Ridge, repairs to infrastructure.

Bonnie Al-Rabban, 2124 Welch Road, affects to her property.

Earl Whitlock, 1835 Union Lake Road, ordinance to protect wetlands and traffic with new construction.

Nancy Sparks, 2739 Mussen Drive, widening of Welch Road, adverse affects being in DDA district.

Dave Smith, 8615 Union Lake Road, Union Lake Road 30mph, thanked DDA.

Michael Kates, performing arts center, widening of Welch Road.

Karl Weborg, 2255 Pontiac Trail, widening of Welch Road and his property.

ITEM 3:5-16 PUBLIC HEARINGS (continued)

Andy Benedict, business owner on Easy Street, explanation of DDA plan.

John Booth, 2026 Meadow Ridge Drive, Hillendale Subdivision tie into sewer?

Columb Harrison, 1910 Alton Circle, concerned with wetlands.

2014 Meadow Ridge, studies on property.

Mary Jo Mensch, 2075 Glencoe Street, any rezoning with current plans?

Joan, Hillendale Subdivision, policy on wetlands, will improve quality?

Wynn Berry, DDA Director, and Thomas Rauch, DDA Attorney, were present to respond to resident's questions and address their concerns.

Supervisor Thomas Zoner closed the Public Hearing.

B. Adoption of the Downtown Development Authority Fifth Amended Development Plan and Tax Increment Financing Plan.

Public Hearing opened.

No additional comments.

Public Hearing closed.

ITEM 4:5-16 BOARD APPOINTMENTS

A. Library Board Members- Betsy Lafond & Jason Pernick- 3-Year Terms

MOTION by Sovel, supported by Abrams, to re-appoint Betsy Lafond and Jason Pernick to the Library Board for a three-year term to expire on May 16, 2009.

MOTION CARRIED UNANIMOUSLY

B. Downtown Development Authority- Paul Kirkwood- 4-Year Term

MOTION by Abrams, supported by Gross, to re-appoint Paul Kirkwood to the Downtown Development Authority for a four-year term to expire on May 16, 2010.

ROLL CALL VOTE:

AYES: Abrams, Gross, Munro, Kirkwood, Zoner

NAYS: Sovel, Long

ABSENT: None

MOTION CARRIED

ITEM 5:5-16 CONTRACTS AWARDS AND AGREEMENTS

A. Renewal of Assessing Contract

MOTION by Munro, supported by Gross, to approve the renewal of Assessing Contract subject to final approval by the Township Attorney.

ROLL CALL VOTE:

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

NAYS: Kirkwood

ABSENT: None

MOTION CARRIED

ITEM 6:5-16 INTRODUCTIONS

A. An Amendment to the Charter Township of Commerce Fee Ordinance No. 79, to Amend Section 23.1A, Water Charges, and Section 23.4D, Sewer Charges, to Set Forth New Water and Sewer Supply Fees and Related Charges of Ordinance No. 79, to be known as Ordinance No. 79-06-28.

MOTION by Gross, supported by Munro, to Introduce an Amendment to Ordinance No. 79, the Charter Township of Commerce Fee Ordinance, to Amend Section 23.1A, Water Charges, and Section 23.4D, Sewer Charges, to Set Forth New Water and Sewer Supply Fees and Related Charges of Ordinance No. 79, to be known as Ordinance No. 79-06-28 and publish and post in the manner prescribed by law and bring back for Adoption at the next regular scheduled Township Board of Trustees Meeting.

MOTION CARRIED UNANIMOUSLY

B. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Amend Article II- Definitions, and Article XX- General Provisions, Section 2003, to Address the Requirements for Residential Accessory Buildings, to be known as Ordinance No. 55-06-188.

MOTION by Munro, supported by Sovel, to Introduce and Amendment to Ordinance No. 55, the Charter Township of Commerce Zoning Ordinance, to Amend Article II- Definitions, and Article XX- General Provisions, Section 2003, to Address the Requirements for Residential Accessory Buildings, to be known as Ordinance No. 55-06-188 and publish and post in the manner prescribed by law and bring back for Adoption at the next regular scheduled Township Board of Trustees Meeting.

MOTION CARRIED UNANIMOUSLY

C. An Ordinance Approving the Fifth Amended Development Plan and Fifth Amended Tax Increment Financing Plan for Development Area No. 1 for the Charter Township of Commerce Downtown Development Authority, to be known as Ordinance No. 100-06-0.

MOTION by Munro, supported by Gross, to Introduce an Ordinance Approving the Fifth Amended Development Plan and Fifth Amended Tax Increment Financing Plan for Development Area No. 1 for the Charter Township of Commerce Downtown Development Authority, to be known as Ordinance No. 100-06-0 and publish and post in the manner prescribed by law and bring back for Adoption at the next regular scheduled Township Board of Trustees Meeting.

ROLL CALL VOTE:

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

NAYS: Sovel

ABSENT: None

MOTION CARRIED

ITEM 7:5-16 ADOPTIONS

A. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Amend Article II, Definitions, Article XI- B-2 Community Business Districts, Section 1100- Principal Uses Permitted, and Article XIII- B-4 Restricted General Business District, Section 1300- Principal Uses Permitted, and to Add Article XX, Section 2039 to Add Provisions for Outdoor Dining, to be known as Ordinance No. 55-06-185.

MOTION by Munro, supported by Kirkwood, to Adopt an Ordinance to Amend Article II, Article XI and Article XIII and to Add Article XX of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-06-185 and publish and post according to law.

MOTION CARRIED UNANIMOUSLY

B. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, to Rezone 1115, 1015, 1007, 1005 and 1001 Oakley Park Road from B-1 Local Business & B-2 Community Business to R-1D Single Family Residential, to be known as Ordinance No. 55-06-186.

MOTION by Munro, supported by Gross, to Adopt an Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, to Rezone 1115, 1015, 1007, 1005 and 1001 Oakley Park Road from B-1 Local Business & B-2 Community Business to R-1D Single Family Residential, to be known as Ordinance NO. 55-06-186 and publish and post according to law.

Item 7:5-16 ADOPTIONS (Motion continued)

ROLL CALL VOTE:

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

NAYS: Kirkwood

ABSENT: None

MOTION CARRIED

C. An Amendment to the Charter Township of Commerce Zoning Ordinance No. 55, a Conditional Rezoning for Country Hills Phase 2 from R-1A, Single Family Residential to R-1B Single Family Residential, to be known as Ordinance No. 55-06-187.

MOTION by Munro, supported by Abrams, to Adopt an Amendment to Ordinance 55, the Charter Township of Commerce Zoning Ordinance, a Conditional Rezoning for Country Hills Phase 2 from R-1A, Single Family Residential to R-1B Single Family Residential, subject to final approval by the Township Attorney, to be known as Ordinance No. 55-06-187 and publish and post according to law.

ROLL CALL VOTE:

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

NAYS: Sovel

ABSENT: None

ITEM 8:5-16 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:5-16 CONSENT AGENDA

A. Budget Amendment 06-02- Library Fund Gas & Oil

B. Lake Sherwood Annual Fireworks Display

MOTION by Abrams, supported by Kirkwood, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of item A.

ROLL CALL VOTE:

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

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

A. Budget Amendment 06-02- Library Fund Gas & Oil

MOTION by Sovel, supported by Abrams, to approve the Budget Amendment 06-02 Library Fund Gas and Oil.

ITEM 9:5-16 CONSENT AGENDA (Motion Continued)

ROLL CALL VOTE:

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

NAYS: Long

ABSENT: None

MOTION CARRIED

ITEM 10:5-16 PURCHASES

None

ITEM 11:5-16 OLD BUSINESS

A. Purchasing Policy- Tabled 4-25-06

No action taken.

B. Richardson Center Policies- Tabled 4-12-05

MOTION by Abrams, supported by Gross, to remove the Richardson Center Policies from the table. **MOTION CARRIED UNANIMOUSLY**

MOTION by Abrams, supported by Gross, to approve the Richardson Center Policies contingent upon final review by the Township Attorney.

MOTION CARRIED UNANIMOUSLY

ITEM 12:5-16 NEW BUSINESS

A. Richardson Center Graduated Fee Schedule

Rob Long suggested a trial period with a review next year for an update on the progress.

MOTION by Abrams, supported by Munro, to approve the Richardson Center Graduated Fee Schedule. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:5-16 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:5-16 OTHER MATTERS TO COME BEFORE THE BOARD

- Supervisor Zoner allowed two residents from Birkdale Point who were not in attendance during Public Comments to address the Board.

ITEM 14:5-16 OTHER MATTERS TO COME BEFORE THE BOARD (cont'd)

Long-

- Would like copy of DDA Maps regarding land use & conceptual layouts. Jay James, Township Engineer will provide the maps.
- Requested that Eric Sues, Library Director, title documents that are submitted to the Township Board.

Abrams-

- Stated the Accessible Voting Systems Grant Agreement will be signed by the Clerk and submitted to the Department of State to obtain the (16) new accessible voting systems for those with disabilities- required by the Help America Vote Act. There will be no charge to the Township.

Kirkwood

- Suggested to the Township Board- new copier and postage meter. Current machines are old and difficult to operate due to malfunctions.

ITEM 15:5-16 EXECUTIVE SESSION

A. UNION NEGOTIATIONS

MOTION by Abrams, supported by Sovel, to enter into Executive Session for the purpose of discussing purchase of property and Union Negotiations.

ROLL CALL VOTE:

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

NAYS: None

ABSENT: None

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 9:45 p.m.

Returned from Executive Session at 10:30 p.m.

ITEM 16:5-16 ADJOURNMENT

MOTION by Abrams, supported by Gross, to adjourn the meeting at 10:30 p.m.

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, CMC
Clerk, Charter Township of Commerce