

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

Tuesday, October 14, 2008

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 (arrived at 7:30 p.m.)
Daniel Munro, Trustee
Rick Sovel, Trustee

Also Present: Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Jay James, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Abrams, supported by Gross, to approve the Regular Township Board Meeting Minutes of September 9, 2008 with a correction to page 2, 1st Motion under Petitions change the word "Paving/Road" to "Road" and add "provided the total annual cost shall stay under \$400,000.00", the Special Township Board Meeting Minutes of September 23, 2008 with a correction to page 2, Budget Motion, add: "Motion by Abrams, supported by Zoner" and the Budget Township Board Meeting Minutes of September 30, 2008, page 1 1st paragraph change "Jenson" to Jansen".

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

Lakes Area Youth Assistance

Dan Kolbe, Deputy Clerk introduced Deb Lindsey, Case Worker with Youth Assistance. They were present to thank the Charter Township of Commerce and to ask for continued support for the upcoming year.

PRESENTATIONS (continued)

Mrs. Jeannette Greco Pawlowski, Mrs. Commerce Township, was present to introduce herself and to explain her goals of working within the community. She will volunteer for the Township Library Reading Program and at the Richardson Senior Center.

Directors Reports:

Emily England, Parks and Recreation and Senior Citizen Center
Kathleen Cassidy, Township Planner
Jeff Bowdell, Building Inspector
Joe Shornack, Fire Department
Clay Jansen, Lt. Commander Oakland County Sheriffs Department
Eric Suess, Library Director
Jay James, Giffels-Webster Engineers

PETITIONS:

None

ITEM 1:10-14 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:10-14 PUBLIC COMMENTS

John LeBlanc 1605 Spruce Court was present. He and his wife were the original petitioners to request an amendment to the trailer ordinance. He would like the hours in the trailer ordinance to be consistent with the boat ordinance.

ITEM 3:10-14 PUBLIC HEARINGS

None

ITEM 4:10-14 BOARD APPOINTMENTS

Planning Commission (two positions)

MOTION by Kirkwood, supported by Gross, to re-appoint Brian Winkler to the Commerce Township Planning Commission for a three-year term expiring October 31, 2011. **MOTION CARRIED UNANIMOUSLY**

MOTION by Abrams, supported by Kirkwood, to re-appoint Thomas Jones to the Commerce Township Planning Commission for a three-year term expiring October 31, 2011. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:10-14 CONTRACT AWARDS AND AGREEMENTS

A. Hydrogen Sulfide Structure Contract – Tabled from 8-12-08

This will remain on the table.

B. Snow Plowing Contract – Township Properties, Mount Royal

MOTION by Long supported by Munro, to award the Mt. Royal Subdivision Snow Plowing Contract to Grass Groomers at a cost of \$3,480.00 and award the Township Property Snow Plowing Contract to Your Way at a cost of \$7,451.00 and authorizes the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

ITEM 6:10-14 INTRODUCTIONS

- A. An Ordinance to Amend Ordinance No. 22 – Subdivision Control Ordinance – to be known as Ordinance No. 22-08-13.**
- B. An Ordinance to Amend Ordinance No. 23 – Building Permit Performance Bond Ordinance – to be known as Ordinance No. 23-08-03.**
- D. An Ordinance to Amend Ordinance No. 79 – Fee Ordinance - to be known as Ordinance No. 79-08-37.**
- E. An Ordinance to Amend Ordinance No. 88 – Soil Erosion and Sediment Control Ordinance – to be known as Ordinance No. 88-08-01.**

MOTION by Abrams, supported by Sovel, to Introduce the following Ordinances:

An Ordinance to Amend Ordinance No. 22 Subdivision Control Ordinance to be known as Ordinance No. 22-08-13.

ITEM 6:10-14 INTRODUCTIONS (Motion continued)

An Ordinance to Amend Ordinance No. 23 – Building Permit Performance Bond Ordinance – to be known as Ordinance No. 23-08-03.

An Ordinance to Amend Ordinance No. 79, Fee Ordinance to be known as Ordinance No. 79-08-37.

An Ordinance to Amend Ordinance No. 88 – Soil Erosion and Sediment Control Ordinance - to be known as Ordinance No. 88-08-01.

and publish and post in the manner prescribed by law and bring back to the Township Board for Adoption at the next regular scheduled Township Board Meeting. **MOTION CARRIED UNANIMOUSLY**

C. An Ordinance to Amend Ordinance No. 32F-04-00 – Property Regulation and Maintenance Ordinance - to be known as Ordinance No. 32F-08-01.

MOTION by Abrams, supported by Gross, to Introduce an Ordinance to Amend Ordinance No. 32F-04-00, Property Regulation and Maintenance Ordinance to be known as Ordinance No. 32F-08-01 and publish and post in the manner prescribed by law and bring back to the Township Board for Adoption at the next regular scheduled Township Board Meeting.

MOTION CARRIED UNANIMOUSLY

F. Ordinance No. 104-08-00 – Performance Guarantee Ordinance.

MOTION by Abrams, supported by Sovel, to Introduce Ordinance No. 104-08-00 – Performance Guarantee Ordinance and publish and post in the manner prescribed by law and bring back to the Township Board for Adoption at the next regular scheduled Township Board Meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 7:10-14 ADOPTIONS

A. An Ordinance to Amend Article XV – Section 1501 Light Industrial, of the Charter Township of Commerce Zoning Ordinance Number 85-12-55-00, to add Places of Assembly as a special land use, to be known as Ordinance No. 55-08-203.

ITEM 7:10-14 ADOPTIONS (continued)

MOTION by Abrams, supported by Kirkwood, to Adopt an Ordinance to Amend Article XV of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-08-203 and publish and post in the manner prescribed by law . **MOTION CARRIED UNANIMOUSLY**

- B. An Ordinance to Amend Article XX – General Provisions, Section 2013 Storage of Vehicles, machinery or like items, of the Charter Township of Commerce Zoning Ordinance Number 85-12-55-00, to revise requirements for the placement of recreational vehicles, travel trailers and like camping oriented vehicles/trailers, to be known as Ordinance No. 55-08-204.**

Dan Munro asked if the Planning Commission reviewed the request of Mr. John LeBlanc (under Public Comments). Debra Kirkwood said the decision between Planning Commission members was split.

MOTION by Munro, supported by Gross, to table An Ordinance to Amend Article XX – General Provisions, Section 2013 Storage of Vehicles, machinery or like items, of the Charter Township of Commerce Zoning Ordinance Number 85-12-55-00, to revise requirements for the placement of recreational vehicles, travel trailers and like camping oriented vehicles/trailers, to be known as Ordinance No. 55-08-204. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:10-14 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:10-14 CONSENT AGENDA

- A. Halloween Hours – Dusk to 8:30 p.m. Friday October 31, 2008.**
B. Charitable Gaming License – Ride for Autism.

MOTION by Gross, supported by Abrams, to approve the Consent Agenda removing item B. **MOTION CARRIED UNANIMOUSLY**

ROLL CALL VOTE: Gross, Abrams, Long, Munro, Kirkwood, Sovel, Zoner
AYES:
NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 9:10-14 CONSENT AGENDA (continued)

B. Charitable Gaming License – Ride for Autism.

Munro - Discussion took place regarding the wording in the Resolution due to the applicant filing the 501C using a Commerce Township address even though the event will be held in Livonia, Michigan.

MOTION by Long supported by Abrams to table Charitable Gaming License – Ride for Autism. **MOTION CARRIED UNANIMOUSLY**

ITEM 10:10-14 PURCHASES

None

ITEM 11:10-14 OLD BUSINESS

A. Library Construction Approval – Tabled from 6-10-08

Remain on the table.

B. Employee Health Care

Need to meet with union representatives and resolve some issues.

MOTION by Abrams, supported by Kirkwood, to move forward with implementing Employee Health Care as presented.

MOTION CARRIED UNANIMOUSLY

ITEM 12:10-14 NEW BUSINESS

A. LCC Liquor License Transfer – Applebee's

MOTION by Abrams, supported by Kirkwood, to approve the Resolution for transfer ownership of 2007 Class C licensed business located at 455 Haggerty, Commerce Township, Michigan 48390, Commerce Township Oakland County from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic, LLC (a Delaware Limited Liability Company). **MOTION CARRIED UNANIMOUSLY**

B. AT&T Metro Act Permit Extension

MOTION by Abrams, supported by Gross, to approve the AT&T Metro Act Right of Way Permit Extension. **MOTION CARRIED**

UNANIMOUSLY

C. Municipal Separate Storm Sewer System Permit and Contested Case

Phillip Adkison, Township Attorney gave a review.

ITEM 12:10-14 NEW BUSINESS (continued)

MOTION by Gross supported by Munro, to authorize the appointment of Charles Dunn as the representative petitioner for the Charter Township of Commerce, in the matter of Contested Case MIS049000 and MIG610000, and to authorize payment of attorney fees in an amount not to exceed \$5,000.00.

MOTION CARRIED UNANIMOUSLY

D. 2009 Oakland County Sheriff Agreement - Draft

Phillip Adkison, Township Attorney reviewed the agreement. Lt. Clay Jansen was present to answer any questions.

MOTION by Sovel, supported by Kirkwood, to approve the Oakland County Sheriff's Department 2009 Law Enforcement Services Agreement.

MOTION CARRIED UNANIMOUSLY

ITEM 13:10-14 ORDERS

Munro – Requested all of the payment applications up to payment #6, the sanitary sewer plant and actual versus budget expenditures for the new township hall.

Sovel – discussion took place regarding the new township hall. Supervisor Thomas Zoner will prepare financial data for the boards review.

MOTION by Abrams, supported by Gross, to approve the orders and add ons.

ROLL CALL VOTE:

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

NAYS: Long

MOTION CARRIED

ITEM 14:10-14 OTHER MATTERS

Sovel – asked for bond update. Sue Gross gave an update.

Long questioned the sale of the sewer bond(s). He would like to see a budget for the new township hall. Additionally, he questioned if the new Township Hall should be on hold because of the outlook of the economy.

ITEM 14:10-14 OTHER MATTERS (continued)

Supervisor Thomas Zoner said that once funds are transferred into a locked fund they could not be taken out. One reason for this is to guarantee that the funds transferred are used for they were intended for. Discussion took place.

Recess at 9:00 p.m.

Returned from recess at 9:07 p.m.

Budget Discussion

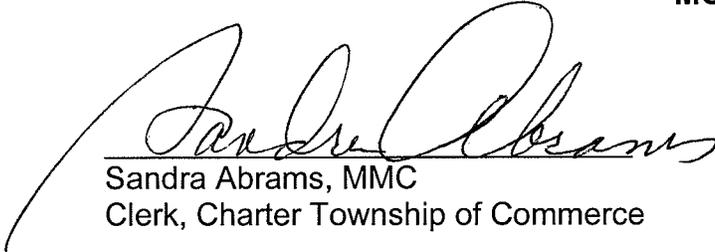
ITEM 15:10-14 EXECUTIVE SESSION

None

ITEM 16:10-14 ADJOURNMENT

MOTION by Munro, supported by Kirkwood, to adjourn the meeting at 10:30 p.m.

MOTION CARRIED UNANIMOUSLY



Sandra Abrams, MMC
Clerk, Charter Township of Commerce