

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

Tuesday, December 9, 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
Daniel Munro, Trustee
Rick Sovel, Trustee

Absent: Robert Long, Trustee (excused)

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 November 18, 2008 as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS

None

ITEM 1:12-9 APPROVAL OF AGENDA

MOTION by Abrams, supported by Gross, to approve the Agenda with the following changes:

Add Layton and Richardson 2008 Audit Agreement as Item D under New Business and move Item 12B to after Item 3 under Public Hearings.

MOTION CARRIED UNANIMOUSLY

ITEM 2:12-9 PUBLIC COMMENTS

William Cheek was present to express his objections to the proposed increase in the DDA Director's compensation package.

Mark Stacy was present to express his concern regarding the DDA project. He believes this project will be a major drain for the Township.

ITEM 3:12-9 PUBLIC HEARINGS

None

ITEM 3.5:12-9 NEW BUSINESS

B. Bond Authorizing Resolution for \$12,000,000 Sewer Treatment Plant Capital Improvement Bond Issue.

Tom Traciak, ACI Finance, Inc. and Bowen Brown were present.

MOTION by Gross, supported by Abrams to approve the Charter Township of Commerce Bond Authorizing Resolution Capital Improvement Bonds (Limited Tax General Obligation), Series 2009-A.

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

ITEM 4:12-9 BOARD APPOINTMENTS

A. Board of Review – All Positions

MOTION by Munro, supported by Kirkwood, to Re-appoint Arlene DiPaola, Robert D. McGee, Barbara McNutt, Lawrence Pawlovich, Barbara Rosman and Pat Rusnell to the Commerce Township Board of Review for a two-year term expiring December 31, 2010. **MOTION CARRIED UNANIMOUSLY**

B. Commerce Township DDA Board (Tabled from 11-18-08)

This will remain on the table.

ITEM 5:12-9 CONTRACT AWARDS AND AGREEMENTS

None

ITEM 6:12-9 INTRODUCTIONS

A. An Ordinance Governing Specialty Sales – to be known as Ordinance No. 105-08-00.

Hans Rentrop, Township Attorney explained the Ordinance.

MOTION by Abrams, supported by Gross, to Introduce an Ordinance Governing Specialty Sales – to be known as Ordinance No. 105-08-00 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

B. An Ordinance to Amend Ordinance No. 79 – The Charter Township of Commerce Fee Ordinance Section 31 – Specialty Sales – to be known as Ordinance No. 79-08-39.

MOTION by Abrams, supported by Sovel, to Introduce an Ordinance to Amend Ordinance No. 79 – The Charter Township of Commerce Fee Ordinance Section 31 – Specialty Sales – to be known as Ordinance No. 79-08-39 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 7:12-9 ADOPTIONS

A. 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 by Munro, supported by Kirkwood, to Adopt An Ordinance to Amend Article XX of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-08-204 and publish and post in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

B. An Ordinance to Amend Ordinance No. 79 – The Charter Township of Commerce Fee Ordinance Section 32 – Life Support Services – to be known as Ordinance No. 79-08-38.

MOTION by Munro, supported by Abrams, to Adopt an Ordinance to Amend Ordinance No. 79 The Charter Township of Commerce Fee Ordinance to be known as Ordinance No. 79-08-38 and publish and post in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:12-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:12-9 CONSENT AGENDA

A. Approve the 2009 Meeting Schedules for the following Boards and Commission: Township Board of Trustees, Planning Commission, Zoning Board of Appeals, Parks and Recreation Committee, Library Board and the Downtown Development Authority.

B. Approve the 2009 Holiday Closings for the Township Offices and Township Library.

C. Approve the 2009 Bank Depositories.

D. Resolution Declaring Bond Reimbursement Expectation – Special Projects No. 28.

Consent Agenda (continued)

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

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

ITEM 10:12-9 PURCHASES

PC, Printing & Copier Management Solutions for the Library.

Ben Sebrowski and Eric Suess were present to answer questions. They explained how the system would work for the Library.

MOTION by Munro, supported by Kirkwood, to approve the purchase, as recommended, of EnvisionWare Computer and Financial Management System in the amount of \$13,475.00 and the purchase of a 2nd and 3rd year maintenance contract from EnvisionWare Computer and Financial Management System in the amount of \$3,164.57.

MOTION CARRIED

ITEM 11:12-9 OLD BUSINESS

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

This will remain on the table.

B. 2009-2010 Proposed DDA Budget – Tabled from 11-18-08

MOTION by Sovel, supported by Munro, to remove 2009-2010 Proposed DDA Budget from the Table.

MOTION CARRIED UNANIMOUSLY

Wynn Berry, DDA Director, explained the revised proposed DDA Budget. He stated the DDA Board appointed a Finance Committee to review the budget. Mr. Berry advised the Township Board of the changes made by the Finance Committee.

Sovel asked why some line items costs were moved to another year instead of being reduced. Mr. Berry said the Committee was in charge of the budget, not him. Mr. Sovel asked why the Committee did not attend this meeting. Mr. Berry said they were not asked to attend.

Old Business - 2009-2010 Proposed DDA Budget (continued)

MOTION by Sovel to deny the 2009-2010 Proposed DDA Budget.

Motion failed due to lack of support.

Munro stated that \$17,000.00 is not much of a savings in the proposed budget. He is concerned with the negotiations of the project and is concerned of the outcome in the event there is a bailout.

Discussion ensued regarding an alternative plan in the event there is a bailout for the project and the DDA cannot get funding within the next two years.

MOTION by Gross, supported by Zoner, to approve the 2009-2010 Proposed DDA Budget as presented for six (6) months (January through and including June 2009) with the following change:

Change the DDA Director's compensation from \$60,000.00 to \$77,000.00. This is subject to review by the Township Board by July 2009.

ROLL CALL VOTE

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

MOTION FAILED

MOTION by Kirkwood, supported by Gross, to approve the proposed DDA 2009 budget as presented, with a projected 2010 Draft budget attached for reference only, and with the contingency that the 2009 DDA budget will be reviewed in July of 2009 by the Township Board.

ROLL CALL VOTE

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

MOTION CARRIED

ITEM 12:12-9 NEW BUSINESS

A. 2008 Budget Amendment

MOTION by Gross, supported by Abrams, to approve the 2008 Budget Amendment Fiscal Year 2008.

NEW BUSINESS - 2008 Budget Amendment (Motion continued)

ROLL CALL VOTE

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

NAYS: None

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

B. 2008 DDA Budget Amendment

ROLL CALL VOTE

AYES: Gross, Abrams, Munro, Kirkwood, Zoner

NAYS: Sovel

ABSENT: Long

MOTION CARRIED

C. Class C Liquor License Transfer Rights to Renew

MOTION by Abrams, supported by Munro, to approve the Resolution request to transfer rights to renewal of 2008 Class C Licensed Business, located in escrow at 1050 Benstein, Bldgs 4, 5 & 6, Walled Lake, MI 48390, Commerce Township, Oakland County, from Abbo Ventures, L.L.C. to Questventures, LTD and direct the Township Clerk to not forward the paperwork to LLC until all personal property taxed are paid for in full.

MOTION CARRIED UNANIMOUSLY

D. Layton and Richardson 2008 Audit Agreement

MOTION by Munro, supported by Gross, to approve the Layton and Richardson 2008 Audit Agreement in the amount of \$19,750.00.

MOTION CARRIED UNANIMOUSLY

ITEM 13:12-9 ORDERS AND ADD-ONS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:12-9 OTHER MATTERS

None

ITEM 15:12-9 EXECUTIVE SESSION

- A. Attorney/Client Privileged Information**
- B. Acquisition of Property**

MOTION by Abrams, supported by Sovel, to enter into Executive Session for the purpose of discussing Attorney/Client Privileged Information and Acquisition of Property.

EXECUTIVE SESSION (Motion continued)

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 9:30 p.m.
Returned to Regular Meeting at 10:20 p.m.

MOTION by Gross, supported by Abrams, to approve the Resolution of the Charter Township of Commerce Authorizing Proceedings to Acquire Property for the Expansion of the Hayes Creek Sewer Pump Station.

MOTION CARRIED UNANIMOUSLY

ITEM 16:12-9 ADJOURNMENT

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

MOTION CARRIED UNANIMOUSLY

Sandra Abrams, MMC
Clerk, Charter Township of Commerce