

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

Tuesday, January 12, 2010

2009 Township Drive

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
Hans Rentrop, Township Attorney
Loren Crandell, Giffels-Webster Engineers
Jay James, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Abrams, supported by Kirkwood, to approve the Regular Township Board Meeting Minutes of December 8, 2009, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Commerce Township Fire Department Life Saving Awards:

Jason Hennessy
Matthew Hester
Robert Hollmeyer
Scott Martin
Mark Peltier
Stacy Gross
William Kabzinski

PRESENTATIONS (continued)

Joseph Schornack, Fire Chief, commended and presented Life Saving Awards to the above firefighters for saving the life of resident Philip Fabien.

PETITIONS:

A. Lake Sherwood Paving Special Assessment District

Debra Kirkwood believes there could be a conflict of interest because she resides in the S.A.D. area and request to abstain.

MOTION by Sovel supported by Munro, to allow Debra Kirkwood to abstain from voting on the S.A.D. **MOTION CARRIED UNANIMOUSLY**

MOTION by Abrams, supported by Sovel, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Lake Sherwood Subdivisions Paving Special Assessment District, post and publish according to law.

ROLL CALL VOTE

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

NAYS:

ABSTAIN: Kirkwood

MOTION CARRIED UNANIMOUSLY

ITEM 1:1-12 APPROVAL OF AGENDA

MOTION by Abrams, supported by Sovel, to approve the Agenda with the addition of Text Amendment to the Massage Ordinance under Item 8 (C).

MOTION CARRIED UNANIMOUSLY

ITEM 2:1-12 PUBLIC COMMENTS

Mark Stacy co-founder of Concerned Citizens of Commerce Township. Mr. Stacy spoke of the Downtown Development Authority Budget. He requests the Township Board approve the budget as submitted and complete the project.

Todd Whiting 328 Annison spoke of the dangerous building hearing regarding 393 Annapolis. He would like to see the Township Board approve the Resolution to demolish the building.

Walt Richardson lives on Annison. He supports the demolition of 393 Annapolis.

ITEM 3:1-12 ACI FINANCIAL

A. Bond Authorizing Resolution

Bowden Brown, Dykema Gossett PLLC was present and stated this is the third and final series of Capital Improvement Bonds for the Sewage Treatment Plant Expansion.

MOTION by Gross, supported by Abrams, to approve the Bond Authorizing Resolution Capital Improvement Bonds (Limited Tax General Obligation), Series 2010-A.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:1-12 PUBLIC HEARINGS

A. Williams International – Industrial Facilities Exemption Certificate

Kathleen Jackson, Township Planner, recommends the Township Board Table this item because verbiage in the Ordinance needs to be changed.

Supervisor Thomas Zoner opened the Public Hearing.

There was no one present with comments or objections.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Munro, supported by Kirkwood, to Table Williams International – Industrial Facilities Exemption Certificate.

MOTION CARRIED UNANIMOUSLY

ITEM 5:1-12 BOARD APPOINTMENTS

None

ITEM 6:1-12 CONTRACT AWARDS AND AGREEMENT

A. Detroit Water Agreement

MOTION by Abrams, supported by Gross, to allow the Township Attorney and Supervisor to negotiate the Detroit Water Agreement.

MOTION CARRIED UNANIMOUSLY

CONTRACT AWARDS AND AGREEMENT (continued)

B. Grievance Resolution Agreement

MOTION by Abrams, supported by Sovel, to approve the Grievance Resolution Agreement for Grievance 09-361. **MOTION CARRIED UNANIMOUSLY**

C. Aquatic Services Contract

Abrams noted that residents called the Township office and requested the Township Board approve the contract to Aquatic Services, Inc.

MOTION by Abrams, supported by Sovel, to approve the Aquatic Plant Management Service Contract for Commerce Township / Lower Straits Lake – Fox Lake – Reed Lake to Aquatic Services, Inc.
MOTION CARRIED UNANIMOUSLY

ITEM 7:1-12 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET (TABLED 12-8-09)

MOTION by Sovel, supported by Munro, to remove Downtown Development Authority Budget from the Table. **MOTION CARRIED UNANIMOUSLY**

Jose Mirkin, Chairperson of the Public Relations Committee for the D.D.A. was present to explain the duties and goals of the Public Relations Committee.

James Gotts was present to introduce members of the D.D.A.

Randy Thomas, representing Dave Smith, Chairperson of the Marketing Committee, was present to explain how they plan to generate public interest in the project.

Patrick Dohany, Finance Committee, was present to explain the budget process.

Discussion followed regarding grants the D.D.A. may receive; decision on approval of the grants will take place tomorrow, January 13, 2010. In addition, they discussed putting the project on hold and set aside the funds to complete the project in the future.

DOWNTOWN DEVELOPMENT AUTHORITY BUDGET (continued)

MOTION by Long, supported by Munro, to Table the Downtown Development Authority Budget for Calendar year 2010.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

MOTION by Long, supported by Gross to appoint Dan Munro and Rick Sovel to the D.D.A. Finance Committee. **MOTION CARRIED UNANIMOUSLY**

MOTION by Munro, supported by Sovel, to authorize the payment of \$283,411.71 for contractual services already expended in 2009 and a portion of 2010, as listed in the attached documentation; and, authorize up to but not exceed \$250,000.00 for design and engineering fees necessary to complete the round a bout, at Pontiac Trail and Martin Parkway, for approval purposes only.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 8:1-10 INTRODUCTIONS

A. Text Amendment to allow for mixed uses in the B-4 District

Kathleen Jackson, Township Planner, explained the Text Amendment.

MOTION by Abrams, supported by Kirkwood, to approve for Introduction Z09-04, Zoning Ordinance Text Amendment, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. An Ordinance to Amend the Code of Ordinance, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.008.

Phillip Adkison and Hans Rentrop, Township Attorneys explained the amendment to the Ordinance.

MOTION by Munro, supported by Kirkwood, to approve for Introduction an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment, Ordinance No. 1.008, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

INTRODUCTIONS (Ordinance 1.008 continued)

**C. Text Amendment to the Massage Ordinance Code Amendment
Ordinance No. 1.009**

Phillip Adkison, Township Attorney explained the Text Amendment.

MOTION by Abrams, supported by Gross, to approve for Introduction Text Amendment No.1.009 to the Massage Ordinance, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 9:1-12 ADOPTIONS

None

ITEM 10:1-12 SITE CONDOMINIUMS AND PLATS

None

ITEM 11:1-12 CONSENT AGENDA

None

ITEM 12:1-128 PURCHASES

None

ITEM 13:1-12 OLD BUSINESS

None

ITEM 14:1-12 NEW BUSINESS

A. Dangerous Building Hearing – 393 Annapolis

Hans Rentrop, Township Attorney, asked the public if the owner of 393 Annapolis was present. The owner was not present.

Hans Rentrop recommends the Board pass a Resolution directing their office to obtain a court order authorizing demolition of the structure if the owner fails to make repairs or demolish the building within sixty (60) days of the January 12, 2010 hearing date.

MOTION by Munro, supported by Sovel, to approve a Resolution of the Township Board of the Charter Township of Commerce Authorizing Township Attorneys to file Complaint for Order to Demolish Dangerous Building located at 393 Annapolis, Commerce Township Michigan.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS (continued)

B. Waiver of Late Penalty Charges to Seniors

Sue Gross gave an explanation.

MOTION by Gross, supported by Abrams, to waive the late penalty charges for those citizens who are eligible pursuant to Section 211.44(3) of the Michigan Compiled Laws.
MOTION CARRIED UNANIMOUSLY

C. Amendment to Consent Judgment

MOTION by Abrams, supported by Munro, to direct the Township Attorney to enter into the Agreement to Modify Consent Judgment (Frankenmuth Mutual Insurance Company v. Creative Homes, Inc. et al Case No. 07-084266-CK) and to stipulate to orders providing for those distributions.

MOTION CARRIED UNANIMOUSLY

D. Environmental Insurance Proposals

Kenneth Hale, Hale Stein Murphy Hale, was present to answer questions regarding environmental insurance.

MOTION by Sovel, supported by Munro, to authorize Kenneth Hale from Hale Stein Murphy Hale to obtain a binding quote from Chubb Environmental Solutions and bring back to the Township Board for approval.

MOTION CARRIED UNANIMOUSLY

ITEM 15:1-12 ORDERS

MOTION by Abrams, supported by Gross, to approve the orders, add ons, and remove check # 9517 on page 7.

MOTION CARRIED UNANIMOUSLY

ITEM 16:1-12 OTHER MATTERS

A. Grievance # 09-002 (I.A.F.F. Local 2154)

Kirk Werner, President I.A.F.F. Local 2154, was present to represent James Shemanski. They are asking for back pay for Firefighter James Shemanski.

Supervisor Thomas Zoner explained the reason behind denial of the grievance and stated the Township Labor Attorney recommends this request be denied.

OTHER MATTERS (Grievance # 09-002 continued)

MOTION by Zoner, supported by Sovel, to deny Grievance # 09-002.

Gross questioned why the Township Board did not receive a recommendation letter from the Township Labor Attorney.

ROLL CALL VOTE

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

NAYS: Kirkwood

MOTION CARRIED

Sovel – asked for an update on Trilogy. Supervisor Thomas Zoner said they have an option on another piece of property east of the existing center.

Abrams – She is getting inquiries to obtain the one liquor license the Township holds. The Moratorium is still in place and she is not accepting any new applications unless the Board advises her otherwise. Phillip Adkison, Township Attorney will provide the Board, in the form of a memo, options they have regarding the liquor license.

Long – asked for an update on the bridge located on South Commerce Road. Jay James, Giffels-Webster Engineers said the structural design needs to be completed.

Peter Unick commented on the lights at Dick Morris Chevrolet. He feels the way they shine is a dangerous situation. Clay Jansson, Lieutenant Oakland County Sheriff Department will check on this

ITEM 17:1-12 CLOSED SESSION

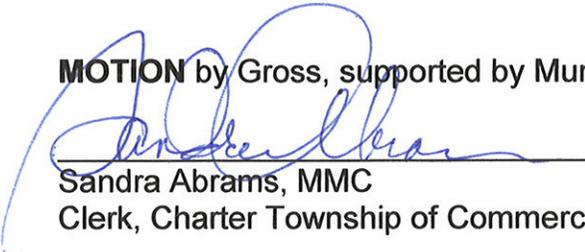
None

ITEM 18:1-12 ADJOURNMENT

As there were no other matters to come before the Board.

MOTION by Gross, supported by Munro, to adjourn at 9:33 p.m.

MOTION CARRIED UNANIMOUSLY



Sandra Abrams, MMC
Clerk, Charter Township of Commerce