

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

*Tuesday, January 13, 2009*

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  
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 December 9, 2008 with a correction to page 5 – Purchases change the motion to **MOTION CARRIED** removing the word unanimously.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

**A. Connie Holmes**

No action. Connie Holmes was not in attendance due to inclement weather.

**B. Fred Eaton, Comcast up-date on events**

No action.

**PETITIONS**

None

**ITEM 1:1-13 APPROVAL OF AGENDA**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:1-13 PUBLIC COMMENTS**

Mr. Peter Unick was present and inquired how much money was allocated to the D.D.A. Supervisor Thomas Zoner said he does not have the paperwork in his possession to tell him the exact figure but stated it may be around \$70,000,000.00.

**ITEM 3:1-13 PUBLIC HEARINGS**

**A. Resolution to Establish and Maintain an SAD – Special Projects No. 28**

Supervisor Thomas Zoner opened the Public Hearing. There were no questions asked by those in attendance. Supervisor Thomas Zoner closed the Public Hearing.

**MOTION** by Gross, supported by Abrams, to approve the Resolution of the Township Board of the Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefore Special Projects No. 28.

Discussion – Gross advised the Board that she learned today, through the Water and Sewer Department, that there might be an error in calculations for one sidwell. She would like to proceed with the Resolution and research this tomorrow with the Water and Sewer Department. If there is a problem, she will contact the petitioner.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Resolution Confirming Roll for SAD – Special Projects No. 28**

Supervisor Thomas Zoner opened the Public Hearing. No one was present with questions. Supervisor Thomas Zoner closed the Public Hearing.

**Resolution Confirming Roll for SAD – Special Projects No. 28 (continued)**

**MOTION** by Abrams, supported by Gross, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 28.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:1-13 BOARD APPOINTMENTS**

**A. Parks & Recreation**

**MOTION** by Abrams, supported by Gross, to accept the recommendation of the Township Supervisor to Re-appoint Timothy Wichert to the Commerce Township Parks and Recreation Committee for a four-year term expiring January 31, 2013.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:1-13 CONTRACT AWARDS AND AGREEMENTS**

**A. Commerce Township Engagement Letter – Unity Financial Solutions, LLC**

**MOTION** by Gross, supported by Munro, to approve the Engagement Letter from Utility Financial Solutions, LLC dated December 15, 2008 and authorize the appropriate signatures.

**MOTION CARRIED UNANIMOUSLY**

**B. Third Amendment to Contract for Construction Manager – WWTP**  
Phillip Adkison, Township Attorney gave an update on the contract.

**MOTION** by Abrams, supported by Munro, to approve the Third Amendment to Contract for Construction Management Services and authorize the appropriate signatures.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:1-13 INTRODUCTIONS**

**A. An Ordinance to Amend Ordinance No. 79-98-00 to be known as the Charter Township of Commerce Fee Ordinance**

**MOTION** by Munro, supported by Abrams, to Introduce An Ordinance to Amend Ordinance No. 79-98-00 to be known as the Charter Township of Commerce Fee Ordinance, publish, post in the manner prescribed by law and bring back to the Township Board for Adoption at the next regular scheduled Township Board Meeting.

Sovel – inquired if this will be on Township web site and will there be a fee charged. There will be a link on the web site.

**MOTION CARRIED UNANIMOUSLY**

**B. Municipal Code of Ordinances – Codification of the General and Permanent Ordinance of the Charter Township of Commerce**

**MOTION** by Abrams, supported by Sovel, to Introduce Municipal Code of Ordinances – Codification of the General and Permanent Ordinance of the Charter Township of Commerce, publish, 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. Amendment to Ordinance 38 – International Fire Code 2006**

**MOTION** by Gross, supported by Kirkwood, to Introduce Amendment to Ordinance 38 – International Fire Code 2006, publish, 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 7:1-13 ADOPTIONS**

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

**An Ordinance Governing Specialty Sales - to be known as Ordinance No. 105-08-00 (continued)**

**MOTION** by Gross, supported by Munro, to Adopt An Ordinance Governing Specialty Sales - to be known as Ordinance No. 105-08-00 to be known as Ordinance No. 55-08-204, publish, 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 31 – Specialty Sales – to be known as Ordinance No. 79-08-39.**

**MOTION** by Sovel, supported by Kirkwood, to Adopt 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 to be known as Ordinance No. 55-08-204, publish, post in the manner prescribed by law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:1-13 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:1-13 CONSENT AGENDA**

- A. Waiver for Late Penalty Charges for those citizens who are eligible.**
- B. Temporary Moratorium on Off –Premises**

**MOTION** by Gross, supported by Abrams, to approve Item A, Waiver for Late Penalty Charges for those citizens who are eligible, of the Consent Agenda.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Temporary Moratorium on Off –Premises**

Phillip Adkison, Township Attorney explained the need for a temporary moratorium.

**MOTION** by Abrams, supported by Gross, to approve Item B, Temporary Moratorium on Off-Premises Signs.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:1-13 PURCHASES**

None

**ITEM 11:1-13 OLD BUSINESS**

None

**ITEM 12:1-13 NEW BUSINESS**

**A. 2009 RCOC Tri-Party Program**

**MOTION** by Munro, supported by Abrams, to approve the recommendation of the Township Supervisor to approve the FY 2009 Tri-Party Program for road improvements (See Attached).

**MOTION CARRIED UNANIMOUSLY**

**B. 2009 No-Haz Program Agreement**

**MOTION** by Munro, supported by Sovel, to approve the North Oakland County Household Hazardous Waste Interlocal Agreement between Oakland County and the Charter Township of Commerce.

**MOTION CARRIED UNANIMOUSLY**

**C. Act 198 Tax Abatement Policy**

**MOTION** by Munro, to Table Act 198 Tax Abatement Policy.

**MOTION FAILED DUE TO LACK OF SUPPORT**

**MOTION** by Munro to deny Act 198 Tax Abatement Policy.

**MOTION FAILED DUE TO LACK OF SUPPORT**

Phillip Adkison, Township Attorney explained the Tax Abatement Policy that he was asked to provide for the Boards consideration. The act itself does not require a policy. The current policy could be amended to allow the Township Clerk to accept applications for IFT's.

**MOTION** by Gross, supported by Abrams, to resume acceptance of applications for Tax Abatements under Public Act 198 of 1974, as amended.

**Act 198 Tax Abatement Policy (continued)**

Discussion – whether the Township has to approve Tax Abatements if this Motion is approved.

**Motion withdrawn by Gross and Abrams.**

**MOTION** by Munro, supported by Gross, to allow Homedics to apply to Commerce Township for Tax Abatement under Pubic Act 198 of 1974, as amended, in order to receive the MEGA tax credit from the State of Michigan and to waive the fee for same.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**D. Public Dedication of Walnut Lake Road**

Phillip Adkison, Township Attorney said the public dedication of Walnut Lake Road relates to Homedics.

**MOTION** by Sovel, supported by Kirkwood, to send a letter to the Road Commission for Oakland County to request they proceed with the conversion of the private road known as Walnut Lake Court to a public roadway.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:1-13 ORDERS AND ADD-ONS**

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

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:1-13 OTHER MATTERS**

There will be a Special Discussion Meeting on January 27, 2009.

**ITEM 15:1-13 EXECUTIVE SESSION**  
**Attorney/Client Privileged Information**

Tuesday, January 13, 2009

**MOTION** by Abrams, supported by Sovel, to enter into Executive Session for the purpose of discussing Attorney/Client Privileged Information, pending litigation and purchase of property.

**EXECUTIVE SESSION (Motion continued)**

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

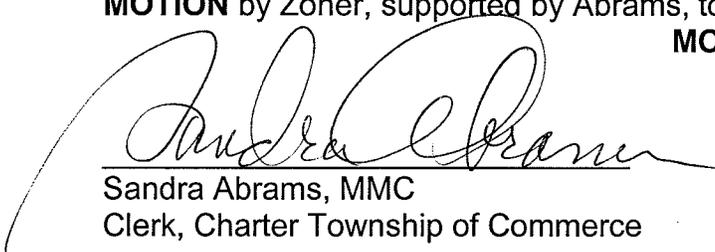
Entered into Executive Session at 8:15 p.m.

Returned to Regular Meeting at 9:20 p.m.

**ITEM 16:1-13 ADJOURNMENT**

**MOTION** by Zoner, supported by Abrams, to adjourn the meeting at 9:21 p.m.

**MOTION CARRIED UNANIMOUSLY**



Sandra Abrams, MMC  
Clerk, Charter Township of Commerce