

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

Tuesday, October 13, 2009

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 (arrived at 7:07 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 Gross, supported by Sovel, to approve the Regular Township Board Meeting Minutes of September 8, 2009, and the Special Township Board Meeting Minutes of September 15, 2009 and September 29, 2009, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:10-13 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:10-13 PUBLIC COMMENTS

Eric Andrzejak, Attorney and resident of Commerce Township was present to address a situation involving his client Michael Flynn. Mr. Andrzejak stated that the Township is tagging boats in the area, particularly his client's boats that interferes with his business. He questioned why the Township is resorting to this type of harassment with his client. Supervisor Thomas Zoner suggested Mr. Andrzejak meet with him, the Township Attorney and Jeff Bowdell next week to discuss this further.

ITEM 3:10-13 PUBLIC HEARINGS

A. Wise Court S.A.D. Street Lighting Roll Resolution

Hans Rentrop, Township Attorney, gave an overview of the S.A.D.

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any comments or questions.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Kirkwood, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Wise Court Street Light Special Assessment District.

ROLL CALL VOTE

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

NAYS:

ABSENT: Long

MOTION CARRIED UNANIMOUSLY

Long arrived at 7:07 p.m.

ITEM 4:10-13 BOARD APPOINTMENTS

A. Planning Commission – Dave Spencer: 3 year term

MOTION by Gross, supported by Kirkwood, to approve the Recommendation of Supervisor Thomas Zoner to re-appoint Dave Spencer to the Planning Commission for a three-year term expiring October 31, 2012,

MOTION CARRIED UNANIMOUSLY

ITEM 5:10-13 CONTRACT AWARDS AND AGREEMENT

A. Snow Plowing Contract 2009 – 2010 – Township Properties

MOTION by Munro, supported by Kirkwood, to award the 2009-2010 year Snow Plowing Contract to Rousseaux's Excavating for Fire Station #1, Fire Station #2, Fire Station #3, Fire Station #4 and the Richardson Center for a total amount unlimited per season of \$3,489.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, supported by Gross, to award the 2009-2010 year Snow Plowing Contract to Your Way Property for the Township Hall, Old Fire station, Township Library and Cemeteries (Mascord, Curtis, Memorial & Richardson) for a total amount unlimited per season of \$2,850.0000 for the 2009-2010 year.

MOTION CARRIED UNANIMOUSLY

B. Snow Plowing Contract 2009 – 2010 – Mt. Royal Subdivision

MOTION by Kirkwood, supported by Munro, to award the 2009-2010 year Snow Plowing Contract to Rousseaux's Excavating for Mount Royal Subdivision for a total amount for unlimited per season of \$3,250.00.

MOTION CARRIED UNANIMOUSLY

C. Oakland County Sheriff's Contract

Phillip Adkison, Township Attorney spoke of the contract.

MOTION by Sovel, supported by Gross, to approve the Oakland County Sheriff's Office 2010 Law Enforcement Services Agreement for the 2009-2010 year subject to the Township Attorneys review of the segregation and indemnification language in the contract.

MOTION CARRIED UNANIMOUSLY

ITEM 6:10-13 PUBLIC HEARING 2010 MILLAGE

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

Supervisor Thomas Zoner closed the Public Hearing.

ITEM 7:10-13 APPROVAL OF 2009 MILLAGE RATES

A. Charter Township of Commerce Resolution of Levy of Operating Millage for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy of Operating Millage at a rate of 1.4100 Mills for the 2009 Tax Year.

ITEM 7:10-13 (Motion Operating Millage continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. Charter Township of Commerce Resolution of Levy of Library Millage for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy of Library Millage at a rate of 0.3000 Mills for the 2009 Tax Year.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

C. Charter Township of Commerce Resolution of Levy of Additional Sheriff Deputies Millage for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy for Additional Sheriff Deputies Millage at a rate of 0.3000 Mills at a rate of 0.3000 Mills for the 2009 Tax Year.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

D. Charter Township of Commerce Resolution of Levy to staff all 4 Fire Stations and Purchase Equipment for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy to Staff all 4 Fire Stations and Purchase Equipment for the 2009 Tax Year at a rate of 0.6639 Mills.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:10-13 APPROVAL OF 2009 MILLAGE RATES (continued)

E. Charter Township of Commerce Resolution of Levy to retain Police Services for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy to Retain Police Services for the 2009 Tax Year at a rate of 0.3794 Mills.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

F. Charter Township of Commerce Resolution of Levy for Additional Police Service Millage for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy for Additional Police Services Millage at a rate of 0.3939 Mills for the 2009 Tax Year.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

G. Charter Township of Commerce Resolution of Levy for Public Library Service Millage for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy for Public Library Services Millage at a rate of 0.6895 Mills for the 2009 Tax Year.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 7:10-13 APPROVAL OF 2009 MILLAGE RATES (continued)

H. Charter Township of Commerce Resolution of Levy for Park Improvements and Creation and Acquisition of Open Space Millage for the 2009 Tax Year.

MOTION by Gross, supported by Kirkwood, to approve the Charter Township of Commerce Resolution of Levy for Park Improvements and Creation and Acquisition of Open Space Millage at a rate of 0.3939 Mills for the 2009 Tax Year.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 8:10-13 PUBLIC HEARING 2010 TOWNSHIP BUDGET

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

Supervisor Thomas Zoner recommends adjourning the Public Hearing 2010 Township Budget until the November 2009 Regular Township Board of Trustees Meeting.

ITEM 9:10-13 APPROVAL OF 2010 TOWNSHIP BUDGET

Supervisor Thomas Zoner recommends adjourning consideration of the 2010 Township Budget until the November 2009 Regular Township Board of Trustees Meeting.

MOTION by Long, supported by Munro, to Table Approval of the 2010 Township Budget to the November 2009 Regular Township Board of Trustees Meeting

MOTION CARRIED UNANIMOUSLY

Long withdrew his Motion. Munro withdrew his support of the Motion.

MOTION by Zoner, supported by Gross, to Adjourn the Public Hearing for the 2010 Township Budget and Consideration of the 2010 Township Budget to the November 2009 Regular Board of Trustees Meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 10:10-13 2010 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET

Wynn Berry, Director of Downtown Development Authority was present to answer questions the Board may have regarding the budget. Mr. Berry gave a breakdown of the budgeted \$25,000.00 under the miscellaneous section.

Supervisor Thomas Zoner recommends tabling Downtown Development Authority Budget until the November 2009 Regular Board of Trustees Meeting.

MOTION by Sovel, supported by Munro, to Table the Downtown Development Authority Budget until the November 2009 Regular Board of Trustees Meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 1110-13 INTRODUCTIONS

- A. An Ordinance to amend the Code of Ordinance, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.005, Precious Metal and Gem Dealers**

Hans Rentrop, Township Attorney spoke of the Ordinance.

MOTION by Munro, supported by Sovel, to Introduce Charter Township of Commerce, an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.005, 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 No. 1.006, Pawnbrokers**

Hans Rentrop, Township Attorney spoke of the Ordinance.

MOTION by Sovel, supported by Munro, to Introduce Charter Township of Commerce, an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.006, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

- C. An Ordinance to amend the Code of Ordinance, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.007, Transient Merchants**

Hans Rentrop, Township Attorney spoke of the Ordinance.

MOTION by Sovel, supported by Munro, to Introduce Charter Township of Commerce, an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.007, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

D. An Ordinance to amend Ordinance No. 2.002 to be known as the Charter Township of Commerce, Fee Ordinance No. 2.003

MOTION by Gross, supported by Munro, to Introduce Charter Township of Commerce, an Ordinance to Amend Ordinance No. 2.002, to be known as the Charter Township of Commerce Fee Ordinance, Ordinance No. 2.003, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 12:10-12 ADOPTIONS

A. An Ordinance to amend the Code of Ordinance, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.004, Tax Abatements.

MOTION by Gross, supported by Kirkwood, to Adopt Charter Township of Commerce, an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.004, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 13:10-13 SITE CONDOMINIUMS AND PLATS

None

ITEM 14:10-13 CONSENT AGENDA

- A. Halloween Hours – Dusk to 8:30 p.m. Saturday, October 31, 2009**
- B. Performance Resolution for Governmental Agencies**
- C. Lakes Area Lady Knight Athletics, Inc. Charitable Gaming License**

MOTION by Gross, supported by Sovel, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 15:10-13 PURCHASES

None

ITEM 16:10-13 OLD BUSINESS

None

ITEM 17:10-13 NEW BUSINESS

A. West Oakland Railroad Museum Banner Permit

Paul Gribbell, Director of West Oakland Railroad Museum Inc., was present. Mr. Gribbell stated this is a non-profit educational and historical organization. The Township Board of Trustees denied them placement of a banner in the past because at that time they were not a non-profit organization.

MOTION by Munro, supported by Gross, to approve the request of West Oakland Railroad Museum, Inc. to place a 4'x25' vinyl banner across Union Lake Road north of Cooley Lake Road (going westbound) on November 16, 2009 for thirty days with verbiage on the banner stating it is a Holiday Display.

MOTION CARRIED UNANIMOUSLY

B. Administration Leave Grievance #09-002 (IAFF Local #2154)

Jim Liker, Vice President of Local 2154 was present to request discussion of this item in Executive Session because it is a legal matter.

Phillip Adkison, Township Attorney said the request to enter into Executive Session would be allowed under Section 8 of the Open Meetings Act.

Determination to be made under Other Matters.

ITEM 18:10-13 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 19:10-13 OTHER MATTERS

Long – The Township should hire an independent financial consultant to review the D.D.A. budget report.

Sovel – Commerce Grill has another business name. Mr. Sovel questioned if the liquor license was transferred to the new business name. Jeff Bowdell said it was just a name change of the restaurant and not the business. Sandy Abrams will check with the Liquor Control Commission.

ITEM 19:10-13 OTHER MATTERS (continued)

Phillip Adkison, Township Attorney recommends the Board hire Mr. Ken Hale, Insurance Consultant, to obtain an insurance pollution exclusion clause related to the Waste Water Treatment Plant cost for his services not to exceed \$8,400.00 (24 hours).

MOTION by Sovel, supported by Gross to contract with Mr. Ken Hale at a cost not to exceed \$8,400.00 to review an insurance pollution exclusion clause related to the Waste Water Treatment Plant. Funds to come from the Sewer Fund.

MOTION CARRIED UNANIMOUSLY

Supervisor Thomas Zoner – Advised the Board of the outcome of a professional auctioneer who reviewed items, such as shelves, tables, chairs, etc., left in the old Township Hall. It will cost the Township more money to try to sell the items than what they are worth. Sovel suggested The Friends of the Library sell the items with the proceeds going to the Township Library.

ITEM 20:10-13 EXECUTIVE SESSION

MOTION by Munro, supported by Kirkwood, to enter into closed session, at the request of Jim Liker, Vice President of Local 2154 that is representing Grievant (#09-002) James Shemanski, under Section 8 of the Open Meetings Act.

Mr. Shemanski was not present.

After discussion of the possible ramifications of holding a closed session, Munro withdrew his Motion and Kirkwood withdrew her support.

This shall be discussed at the November 2009 Regular Township Board of Trustees Meeting.

ITEM 21:10-13 ADJOURNMENT

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

MOTION by Munro, supported by Gross, to adjourn at 8:55 p.m.

MOTION CARRIED UNANIMOUSLY