

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

*Tuesday, November 10, 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  
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 Sovel, to approve the Regular Township Board Meeting Minutes of October 13, 2009 with the following change on Page 10, Item 19 Other Matters, should change the word "Sale" to "Sell", and the Township Board Discussion Meeting Minutes of October 27, 2009, as submitted.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

**A. Jay James, Lake Area Rotary Club**

Jay James advised the Board that the Lakes Area Rotary Club are donating six benches and one bike rack to the Township from proceeds of their annual golf event.

**B. Kathleen Cassidy, Rails and Trails**

Kathleen Cassidy gave an update on Rails and Trails including Commerce Township's collaborates with Walled Lake and the City of Wixom with regards to the grant applications.

**PRESENTATIONS (continued):**

**C. Chief Schnorack, Update on Station Closing**

Chief Schnorack was present to discuss the hours station #1 was closed in an effort to save money. Included in the monthly reports will be specific dates that stations are closed and the impact it has on calls received. To date, 465 overtime hours were saved for an approximate total of \$15,000 in savings.

**PETITIONS:**

None

**ITEM 1:11-10 APPROVAL OF AGENDA**

**MOTION** by Sovel, supported by Gross, to approve the Agenda with the following changes: Add "Commerce Township Community Library" under Item 15, New Business and "Township Officials Wages" under Item 7, Township Budget.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:11-10 PUBLIC COMMENTS**

Kirk Werner, President of Commerce Township Fire Fighters Association, read a statement regarding overtime costs and layoff issues.

One resident was present to ask the Township Board to deny the request of Trilogy and send it back to the Planning Commission for further review. He would like to see an additional 15 feet of buffer area.

Hale Hamilton, Huron Hills Subdivision, is concerned about the lack of buffer area for the Trilogy request. In addition, he is concerned with rezoning this parcel to accommodate Trilogy when there are other parcels available for them to build on.

Lee Hamilton opposed to Trilogy constructing a building in this location.

Mary Shaftcan opposed to Trilogy; she does not believe a buffer area will help the situation.

Tracy Johnson, Huron Hills Subdivision, opposed to Trilogy. Does not believe this parcel should be rezoned.

**ITEM 3:11-10 PUBLIC HEARINGS**

None

**ITEM 4:11-10 BOARD APPOINTMENTS**

**A. Lakes Area Community Foundation – David Flammer**

**MOTION** by Abrams, supported by Gross, to approve the recommendation of Supervisor Thomas Zoner to appoint David Flammer to the Lakes Area Community Foundation. **MOTION CARRIED UNANIMOUSLY**

**B. Property Maintenance Board of Appeals, Alternate Hearing Officer – Ed Boryn**

Hans Rentrop, Township Attorney, advised the Board this is a “Dangerous Building” Board of Appeals, not a Property Maintenance Board of Appeals.

**MOTION** by Abrams, supported by Gross, to approve the recommendation of Supervisor Thomas Zoner to appoint Ed Boryn as an Alternate Hearing Officer to the Dangerous Building Board of Appeals. **MOTION CARRIED UNANIMOUSLY**

**C. SEMCOG General Assembly Alternate**

**MOTION** by Abrams, supported by Gross, to approve the recommendation of Supervisor Thomas Zoner to appoint Kathleen Cassidy to serve as the alternate to SEMCOG’s General Assembly. **MOTION CARRIED UNANIMOUSLY**

**ITEM 5:11-10 CONTRACT AWARDS AND AGREEMENT**

None

**ITEM 6:11-10 RECONVENE 2010 TOWNSHIP BUDGET PUBLIC HEARING**

Supervisor Thomas Zoner reconvened the Public Hearing.

No one present had any questions or comments. Supervisor Zoner explained the Millage Resolution that was passed last month.

Supervisor Thomas Zoner closed the Public Hearing.

**ITEM 7:11-10 RECONVENE CONSIDERATION OF 2010 TOWNSHIP BUDGET**

Supervisor Thomas Zoner reconvened consideration of 2010 Township Budget.

**2010 TOWNSHIP BUDGET (continued)**

Janet Bushing read the changes made to the Township Budget.

Supervisor Thomas Zoner proposed a balanced budget to the Board of Trustees

**MOTION** by Sovel, supported by Munro, to approve the 2010 Township Budget, as proposed.

Discussion – Long – does not believe we should be charging the Sewer and Water Fund.

Kirkwood does not believe the Township should eliminate staff in the Assessing Department.

Gross – thanked the employees of the Township for their professionalism during the months of working on a difficult budget.

Sovel – He is hoping the economy will change for the better and employees that are laid off can return to work.

Abrams – thanked Township employees for their understanding and professionalism and stated this was a difficult budget to develop in difficult times.

**ROLL CALL VOTE**

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

**NAYS:** Kirkwood, Long

**MOTION CARRIED**

**TOWNSHIP OFFICIALS WAGES**

**MOTION** by Sovel, supported by Zoner, to set the wages for the 2010 Fiscal Year as follows:

Supervisor	\$79,039.00 annual
Treasurer	74,854.00 annual
Clerk	74,854.00 annual
Trustees	118.00 per meeting
Planning Commission	66.00 per meeting
Zoning Board of Appeals	66.00 per meeting
Library Advisory Board	57.00 per meeting
Parks and Recreation Committee	57.00 per meeting
Assessing Board of Review	95.00 per meeting

**TOWNSHIP OFFICIAL WAGES (Motion continued)**

Supervisor Thomas Zoner advised the Board that in the budget there is a 5% cut in pay for all management staff that will take effect January 1, 2010. The aforementioned wages also show a 5% cut in wages for all elected and appointed officials.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:11-10 2010 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET  
(TABLED 10-13-09)**

This item to remain Tabled.

**ITEM 9:11-10 INTRODUCTIONS**

**A. Conditional Rezoning Agreement – Trilogy (Tabled 9-8-09)**

**MOTION** by Gross, supported by Abrams, to remove Conditional Rezoning Agreement Trilogy from the Table.

**MOTION CARRIED UNANIMOUSLY**

Mike Powell was present to discuss the Trilogy site.

Leo Whitt, Trilogy, was present and gave an overview of the Trilogy site.

Phillip Adkison, Township Attorney spoke to the Ordinance.

**MOTION** by Sovel, to deny Introduction of Conditional Rezoning Agreement between the Charter Township of Commerce and Commerce Healthcare Partners, LLC.

Munro – there is an opportunity for the developer and the Township to come to an agreement that will be more acceptable to the surrounding residents without denying the request. The residents would like to see the buffer increased.

**MOTION FAILED  
DUE TO LACK OF SUPPORT**

**MOTION** by Abrams, supported by Sovel, to send Conditional Rezoning Agreement between the Charter Township of Commerce and Commerce Healthcare Partners, LLC back to the Planning Commission for further review.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:11-10 ADOPTIONS**

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

**MOTION** by Abrams, supported by Sovel, to Adopt 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 and to 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**

**MOTION** by Abrams, supported by Sovel, to Adopt 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 and to post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

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

**MOTION** by Sovel, supported by Abrams, to Adopt an Ordinance to amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.007 and to 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 Abrams, supported by Gross, to Adopt an Ordinance to amend Ordinance No. 2.002 to be known as the Charter Township of Commerce Fee Ordinance, Ordinance No. 2.003 and to post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11:11-10 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 12:11-10 CONSENT AGENDA**

None

**ITEM 13:11-10 PURCHASES**

None

**ITEM 14:11-10 OLD BUSINESS**

**A. Consideration of No Haz Program**

No action taken

**B. Update on Wise Road**

Phillip Adkison, Township Attorney gave an update. He is continuing discussion with the DNR regarding the sale of the property. They are discussing restrictions that will limit the parcel to hunting, fishing and/or outdoor habitat in place of active recreation use.

**C. Aerial Apparatus – Fire Department**

Chief Schnorack was present to ask for direction from the Board to replace or refurbish an aerial apparatus. His recommendation would be to set aside the funds in light of possibly laying off firefighters and review the possibility of refurbishing the apparatus in the future.

No action taken.

**ITEM 15:11-10 NEW BUSINESS**

**A. Resolution Refunding Residual Special Assessment District Funds**

Treasurer, Sue Gross spoke of the residual funds.

**MOTION** by Abrams, supported by Gross, to approve the Resolution of the Township Board of the Charter Township of Commerce Wise Water Supplemental Charges Special Assessment District (97057) as per the submitted spreadsheet proposal.

**MOTION CARRIED UNANIMOUSLY**

**B. Special Assessment District Lien Policy**

Treasurer, Sue Gross – spoke to the policy.

**MOTION** by Munro, supported by Kirkwood, to establish a minimum SAD debt threshold of \$3,000.00 before filing a property's SAD lien with the Oakland County Register of Deeds.

**MOTION CARRIED UNANIMOUSLY**

**C. Resolution to establish Stabilization Fund**

**NEW BUSINESS (continued)**

**MOTION** by Abrams, supported by Munro, to approve the Resolution to Establish Budget Stabilization Fund Act 30 of 1978.

**MOTION CARRIED UNANIMOUSLY**

**D. Budget Amendment 09-003**

**MOTION** by Abrams, supported by Munro, to approve the Budget Amendment 09-03.

**MOTION CARRIED UNANIMOUSLY**

**E. Federal Poverty Guidelines**

**MOTION** by Kirkwood, supported by Gross, to adopt the Federal Poverty Guidelines, as presented.

**MOTION CARRIED UNANIMOUSLY**

**F. AFSCME Communications**

Sovel nominated Dan Munro. Abrams nominated Rick Sovel.

**MOTION** by Supervisor Thomas Zoner, supported by Gross, to approve two trustees (Rick Sovel and Dan Munro) and the Supervisor (Thomas Zoner) to be the negotiating team between Commerce Township and Michigan AFSCME Council 25, Local #2720 for Commerce Township employees.

**MOTION CARRIED UNANIMOUSLY**

**G. Commerce Township Community Library**

Sovel – request for ADA doors for the library

**MOTION** by Gross, supported by Kirkwood, to request the Library Director obtain three estimates for ADA doors for the library.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 16:11-10 ORDERS**

**MOTION** by Abrams, supported by Kirkwood, to approve the orders and add ons. Void check #317689 Lakeshore; This invoice will be paid by Friends of the Library.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 17:11-10 OTHER MATTERS**

**A. Administrative Leave Grievance #09-002 (IAFF Local #2154)**

James Shemanski was present. James Shemanski was given direction to return to work on November 12, 2009.

**MOTION** by Zoner, supported by Abrams, to acknowledge James Shemanski's return to work and deny Grievance #09-002.

**ROLL CALL VOTE**

**AYES:** Zoner, Abrams, Gross, Munro

**NAYS:** Kirkwood, Long, Sovel

**MOTION CARRIED**

**ITEM 18:11-10 EXECUTIVE SESSION**

**A. Legal Opinion**

**MOTION** by Abrams, supported by Sovel to enter into Executive Session for the purpose of discussing attorney/client privileged information.

**ROLL CALL VOTE**

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

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Recess: 9:57 pm

Return: 10:00 pm

**Entered into Executive Session at 10:00 p.m.**

**Returned from Executive Session at 10:55 p.m.**

**MOTION** by Munro, supported by Zoner to approve the Executive Session Meeting Minutes.

**MOTION CARRIED UNANIMOUSLY**

**Other Matters Discussed**

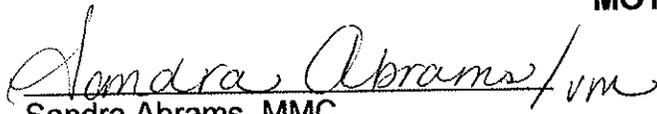
- Hiring Freeze is still in effect
- Ladder Truck
- Ordinance limiting height of buildings
- K-Mart and Big Lots Shopping Complex

**ITEM 19:11-10 ADJOURNMENT**

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

**MOTION** by Zoner, supported by Abrams, to adjourn at 11:03 p.m.

**MOTION CARRIED UNANIMOUSLY**

A handwritten signature in cursive script that reads "Sandra Abrams/vm". The signature is written in black ink and is positioned above the printed name and title.

Sandra Abrams, MMC  
Clerk, Charter Township of Commerce