

Final
CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING

Tuesday, February 8, 2011

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
Daniel Munro, Clerk
Susan Gross, Treasurer
Robert Long, Trustee
Rick Sovel, Trustee

Absent: Debra Kirkwood, Trustee (excused)

Also Present: Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Loren Crandell, Giffels-Webster Engineers
Jason Mayer, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Sovel, supported by Gross, to approve the Regular Township Board meeting minutes of January 11, 2011 and the Discussion Township Board meeting minutes of January 25, 2011, as submitted, and the Special Township Board meeting minutes of February 1, 2011 with a change to page one, change the heading to "**Township Board of Trustees Special Meeting**".

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:2-8 APPROVAL OF AGENDA

MOTION by Sovel, supported by Gross, to approve the Agenda with the addition of Fire Fighter Union Local 2154, I.A.F.F. Contract as Item B under Other Matters. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:2-8 PUBLIC COMMENTS

None

ITEM 3:2-8 PUBLIC HEARINGS

A. Burnet Road Dust Control Special Assessment District Establishment Resolution

Supervisor Thomas Zoner opened the Public Hearing.

A resident asked what the cost would be. Supervisor Thomas Zoner replied the cost for the first year will be \$26.88 and thereafter it will be \$13.44 per year.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Sovel, 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, to be known as Burnet Road Dust Control Special Assessment District, Resolution Attached.

MOTION CARRIED UNANIMOUSLY

B. Intention Resolution for Special Projects No. 32

MOTION by Gross, 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 Special Projects No. 32, Resolution Attached. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:2-8 BOARD APPOINTMENTS

A. Township Board of Trustees – Term ending November 2012

Supervisor Thomas Zoner explained the process used to appoint a trustee.

- Advertised the position
- Solicited interested candidates

BOARD

APPOINTMENTS - Township Board of Trustees (continued)

- Ten candidates were chosen to interview
- The Township Board of Trustees conducted interviews on February 1, 2011 that lasted 20 minutes per candidate. Each candidate was presented with ten identical questions.
- Discussion followed
- Trustee was selected

MOTION by Munro, supported by Long, to appoint David Law to the Charter Township of Commerce Board of Trustees for a term ending November 2012.

ROLL CALL VOTE:

AYES: Munro, Long, Sovel, Gross, Zoner

NAYS:

ABSENT: Kirkwood

MOTION CARRIED UNANIMOUSLY

ITEM 5:2-8 CONTRACT AWARDS AND AGREEMENT

A. Wade Trim – Hickory Glen Park

Supervisor Thomas Zoner explained the contract.

MOTION by Munro, supported by Gross, to move forward with Wade Trim Associates, Inc. to develop a Concept Master Plan for Hickory Glen Park.

MOTION CARRIED UNANIMOUSLY

B. Engagement Letter – Utility Financial Solutions

Mark Beauchamp, President of Utility Financial Solutions was present to give an overview of his company and credentials. In addition, he explained the Engagement Letter.

MOTION by Gross, supported by Sovel, to approve the Engagement Letter from Mark Beauchamp of Utility Financial Solutions dated December 23, 2010 to complete a financial projection and rate design for the water and wastewater departments to include a scenario matrix allowing for future adjustments to be performed by the Township and authorize the appropriate signatures.

ROLL CALL VOTE:

AYES: Gross, Sovel, Long, Munro, Zoner

NAYS:

ABSENT: Kirkwood

MOTION CARRIED UNANIMOUSLY

CONTRACT AWARDS AND AGREEMENT (continued)

C. Resolution to Acquire Property – Town and County

MOTION by Gross, supported by Munro, to approve the Resolution of the Township Board of the Charter Township of Commerce Authorizing Proceedings to Acquire Property, Resolution Attached.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-8 INTRODUCTIONS

A. An Ordinance to Amend ARTICLE 10, SECTION 10.02, of the Zoning Ordinance 3.000, Charter Township of Commerce, to be known as Zoning Amendment Ordinance No. 3.002.

MOTION by Gross, supported by Munro, to Introduce an Ordinance to Amend Article 10, Section 10.02, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be known as Zoning Amendment Ordinance No. 3.002 and to post and publish according to law, Ordinance Attached.

Sovel – asked for an explanation of the Ordinance. Kathleen Jackson stated Comcast Cable Media would like to expand their building; however, their building as zoned is considered non-conforming which would not allow the addition. This Ordinance will allow Comcast to do their expansion.

MOTION CARRIED UNANIMOUSLY

ITEM 7:2-8 ADOPTIONS

None

ITEM 8:2-8 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:2-8 CONSENT AGENDA

None

ITEM 10:2-8 PURCHASES

None

ITEM 11:2-8 OLD BUSINESS

A. Engineering Bid Proposals

MOTION by Long, supported by Sovel, to contract with Seiber Engineering of White Lake, Michigan for Township engineer services.

ROLL CALL VOTE:

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

MOTION FAILED

MOTION by Gross, supported by Zoner, to direct the Township Attorney to negotiate a non-exclusive contract with Giffels-Webster Engineers that would allow for specific projects and services be performed by independent engineering firms.

ROLL CALL VOTE:

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

MOTION CARRIED

B. Fire Fighter Union Local 2154, I.A.F.F. Contract (moved to Item B under Other Matters)

ITEM 12:2-8 NEW BUSINESS

A. Wise Road Property Acquisition

Phillip Adkison, Township Attorney recommends the Board consider obtaining a boundary survey and not sign the agreement until receipt of documentation showing a clear title. In addition, he recommends First American provide the title and conduct the survey.

MOTION by Munro, supported by Sovel to approve execution of the proposed Land Transaction Agreement for Michigan Department of Natural Resources file 20050520, for the purchase of 502 acres, more or less, in Proud Lake Recreation Area East Unit (Nike Site Remainder Parcel) T2N, R8E, Sections 1, 2 & 11 Commerce Township, Oakland County, Michigan, in the amount of \$2,805,000.00, subject to receipt of a satisfactory Title Insurance Policy Commitment without standard exceptions being issued by First American Title

Insurance Company and satisfaction with a boundary survey conducted and paid for by Commerce Township and to authorize the appropriate signatures, to the proposed Land Transaction Agreement.

Funds to come from the Parks and Recreation Open Space Millage.

MOTION CARRIED UNANIMOUSLY

B. Grinder Pump Sales

Jason Mayer, Giffels-Webster Engineers recommends adding a \$300.00 mark up fee to the cost of a grinder pump and request any community that needs a grinder pump must put their request in writing.

MOTION by Munro, supported by Gross, to allow communities to purchase grinder pumps from Commerce Township at the actual cost plus a \$300.00 mark up fee. Any community wishing to purchase grinder pumps from Commerce Township shall make a formal request in writing and obtain approval from the Commerce Township Board of Trustees. This shall be subject to an emergency declared by the Oakland County Health Department.

Motion and support withdrawn.

MOTION by Munro, supported by Long, to allow the sale of grinder pumps at the replacement cost plus a \$300.00 mark up, plus a \$50.00 extension fee to any community being served by the Waste Water Treatment Plant in the event of an emergency as declared by the Oakland County Health Department.

Motion and support withdrawn.

MOTION by Long, supported by Sovel to Table Grinder Pump Sales.

MOTION CARRIED UNANIMOUSLY

C. Consider Reduction in DDA Board

MOTION by Munro, supported by Gross, to reduce the Downtown Development Board (DDA) to the statutory amount of eight (8) plus one (1) members.

MOTION CARRIED UNANIMOUSLY

ITEM 13:2-8 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:2-8 OTHER MATTERS

A. Martin Parkway Status Update

Kathleen Jackson gave an update on the project and stated construction on the round a bout shall begin no later than June 15, 2011. She will meet on February 25, 2011 with personnel from the Road Commission for Oakland County to discuss this further.

MOTION by Gross, supported by Sovel, to enter into Closed Session for the purpose of discussing Union negotiations.

ROLL CALL VOTE:

AYES: Gross, Sovel, Munro, Long, Zoner

NAYS:

ABSENT: Kirkwood

MOTION CARRIED UNANIMOUSLY

Recess: 8:40 p.m.

Reconvene: 9:05p.m.

MOTION by Zoner, supported by Gross, to approve the minutes of the Closed Session.

MOTION CARRIED UNANIMOUSLY

B. Fire Fighter Union Local 2154, I.A.F.F. Contract

MOTION by Gross, supported by Sovel, to approve the Collective Bargaining Agreement between the Township Board of The Charter Township of Commerce and the Charter Township of Commerce Professional Fire Fighters Union Local 2154, I.A.F.F and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

ITEM 15:2-8 ADJOURNMENT

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

MOTION by Munro, supported by Gross, to adjourn at 9:15p.m.

MOTION CARRIED UNANIMOUSLY