

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

Tuesday, February 9, 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 January 12, 2010, the Quarterly Township Board Discussion Meeting minutes of January 26, 2010 and the Special Township Board Meeting minutes of February 2, 2010, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Certificate of Appreciation for Firefighter Fred Trott – 30 Years of Service

Joseph Schornack, Fire Chief, commended and presented a Certificate of Appreciation to firefighter Fred Trott for thirty years of service with the Commerce Township Fire Department.

PETITIONS:

A. Special Project No. 30

MOTION by Gross, supported by Abrams, 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. 30, post and publish according to law. Resolution Attached

MOTION CARRIED UNANIMOUSLY

ITEM 1:2-9 APPROVAL OF AGENDA

MOTION by Sovel, supported by Abrams, to approve the Agenda with the addition of Item 1 a. D.D.A. request to consider January warrants and Item 17 Closed Session with the Township Attorney.

MOTION CARRIED UNANIMOUSLY

A. D.D.A. WARRANTS

Wynn Berry, D.D.A. Director was present to request payment of \$100,000.00 to Detroit Edison for planning and design expenses incurred for construction of the project.

MOTION by Sovel, supported by Kirkwood, to approve payment of \$100,000.00 to Detroit Edison for planning and design expenses incurred for construction of the project. Funds to come from the bond proceeds.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

Wynn Berry, D.D.A. Director requested payment of invoices for the following:

- Detroit Edison for \$30.82.
- Wyandotte Electric Supply for \$32,684.44.
- Giffels-Webster Engineers for \$41,546.48, \$266.00 and \$399.00.
- Brooks Williams and Associates for \$545.04 and \$421.98.
- Metropolitan Lighting and Power for \$29,928.60.
- Kemp Klein for \$19,744.45.
- Adkison, Need & Allen for \$2,633.00.
- Wynn Berry wages \$7,520.83.
- Fuller Appraisal \$7,500.00.

D.D.A. WARRANTS (continued)

Trustee Munro – During the January Township Board meeting the D.D.A. was given a directive not to incur any additional charges.

MOTION by Munro, supported by Long, to deny the request of Wynn Berry, D.D.A. Director to pay invoices submitted for cost incurred January 2010.

ROLL CALL VOTE

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

NAYS: Kirkwood

MOTION (TO DENY) CARRIED

Trustee Sovel requested Wynn Berry present a list of all properties owned by the D.D.A. Mr. Berry said he will provide the list to the Township Board on February 10, 2010.

ITEM 2:2-9 PUBLIC COMMENTS

Vicki Yost, Commerce resident, stated opposition to the lawsuit Commerce Township vs Aggressive Marine regarding outdoor boat storage. She presented a letter to the Board stating her reasons for opposing the lawsuit.

Tom Thomasma 1480 Scotland Drive, Commerce resident, is opposed to the lawsuit Commerce Township vs Aggressive Marine.

A resident was present to object to the lawsuit Commerce vs Aggressive Marine.

Judy Unick 2719 Welch Road, agrees that a lawsuit should not have been filed against Aggressive Marine. She also stated that billboards are not allowed in the Township although a truck with advertisement on it, is still sitting on a parcel within the Township.

Lawrence Levy 1602 Wandrei Court, requested an explanation on why a lawsuit was filed against Aggressive Marine without first attempting a resolution.

Phillip Adkison, Township Attorney stated the litigation against Aggressive Marine involves a number of violations including violations to the approved site plan. He stated an attempt with representatives of Aggressive Marine to resolve the violations was unsuccessful.

ITEM 3:2-9 CAPITAL IMPROVEMENT BONDS

A. Resolution Awarding Bonds

Tom Traciak, ACI Finance was present to discuss the bond sale results with the Board. He recommends Fifth Third Securities.

MOTION by Gross, supported by Abrams, to approve the Charter Township of Commerce Resolution Awarding Bonds (\$16,750.00 Capital Improvement Bonds Series 2010-A) to Fifth Third Securities, Resolution attached.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-9 PUBLIC HEARINGS

**A. Williams International – Industrial Facilities Exemption Certificate
(Tabled 1-12-10)**

This will remain on the Table.

ITEM 5:2-9 BOARD APPOINTMENTS

A. Zoning Board of Appeals –Barbara Rosman: 3 Year Term

MOTION by Sovel, supported by Abrams, to approve the recommendation of Supervisor Thomas Zoner to re-appoint Barbara Rosman to the Zoning Board of Appeals for a three-year term expiring March 31, 2013.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-9 CONTRACT AWARDS AND AGREEMENT

A. Sleeth Road Force Main Replacement

Jay James, Giffels-Webster Engineers gave an overview of the contract.

MOTION by Kirkwood, supported by Gross, to accept the recommendation of Giffels-Webster Engineers to award the Sleeth Road Sanitary Force Main Replacement Contract to the low bidder Lawrence M. Clarke, Inc. at a cost of \$64,781.01.

MOTION CARRIED UNANIMOUSLY

**ITEM 7:2-9 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET (TABLED
1-12-10)**

This will remain on the Table

ITEM 8:2-9 INTRODUCTIONS

None

ITEM 9:2-9 ADOPTIONS

- A. An Ordinance to Amend Article XIII Section 1301 of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-10-208.**

MOTION by Abrams, supported by Kirkwood, to Adopt an Ordinance to Amend Article XIII Section 1301 of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-10-208, 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 – Tax Abatement.**

MOTION by Abrams, supported by Kirkwood, 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. 1.008, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 10:2-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 11:2-9 CONSENT AGENDA

None

ITEM 12:2-9 PURCHASES

None

ITEM 13:2-9 OLD BUSINESS

- A. Municipal Separate Storm System Permits**

Phillip Adkison, Township Attorney gave an overview. His recommendation would be to remain in the class action lawsuit and allow the cases to proceed through the circuit court without further action by the Township.

Municipal Separate Storm System Permits (continued)

MOTION by Gross, supported Abrams, to approve the Township Attorney's recommendation to remain in the class action lawsuit and allow the cases to proceed through the circuit court without further action by the Township.

MOTION CARRIED UNANIMOUSLY

ITEM 14:2-9 NEW BUSINESS

A. Capital Charges for Township Park Properties

MOTION by Munro, supported by Abrams, to pay from the General Fund Fund Balance and amend the budget accordingly to pay to the Water fund \$7,330.00 and the Sewer fund \$14,792.00 for Capital and Lateral fees for buildings built on township land built by leagues at their expense and recommended by the Parks & Recreation.

MOTION CARRIED UNANIMOUSLY

B. Grievance #10-001 I.A.F.F. Local 2154

MOTION by Munro, supported by Gross, to Table Grievance #10-001 I.A.F.F. Local 2154.

MOTION CARRIED UNANIMOUSLY

ITEM 15:2-9 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 16:2-9 OTHER MATTERS

Long – The Township should create a Resolution to show our appreciation to City of Novi for allowing Commerce to utilize space on their sign located on M-5

Sovel – passed out a copy of millage that a nearby community has placed on the February 2010 ballot.

ITEM 17:2-9 CLOSED SESSION

MOTION by Abrams supported by Gross, to enter into Closed Session to discuss pending litigation and attorney client privileged information

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

8:02 p.m. recess

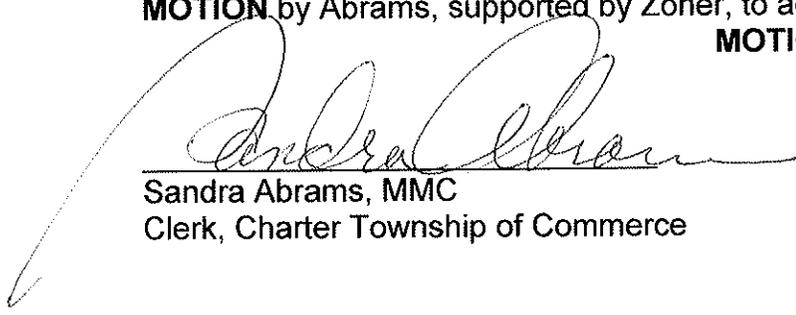
Entered into Closed Session at 8:10 p.m.
Retuned Closed Session at 8:50 p.m.

MOTION by Abrams supported by Kirkwood, to approve the Closed Session Minutes. **MOTION CARRIED UNANIMOUSLY**

ITEM 18:2-9 ADJOURNMENT

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

MOTION by Abrams, supported by Zoner, to adjourn at 8:50 p.m. **MOTION CARRIED UNANIMOUSLY**



Sandra Abrams, MMC
Clerk, Charter Township of Commerce