

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

Tuesday, April 13, 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
Jay James, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Abrams, supported by Sovel, to approve the Regular Township Board Meeting minutes of March 9, 2010, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:4-13 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:4-13 PUBLIC COMMENTS

None

ITEM 3:4-13 CASE EVALUATION AWARD

Ron Reynolds, Attorney gave an update of the Case Evaluation. He recommends the Township accept the settlement.

MOTION by Abrams, supported by Gross, to approve the recommendation of Ron Reynolds, Attorney, to settle the Case Evaluation in the amount of \$60,000.00 including costs and attorney fees and in addition to monies previously paid. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:4-13 FIRE FIGHTER I.A.F.F. LOCAL 2154

A. Grievance #10-001 (Tabled 2-9-10 and 3-9-10)

Supervisor Thomas Zoner recommends approval.

MOTION by Munro, supported by Abrams, to approve the Letter of Agreement to amend the Collective Bargaining Agreement (C.B.A.) between the Charter Township of Commerce and the International Association of Fire Fighters, Local 2154 dated February 20, 2008. **MOTION CARRIED UNANIMOUSLY**

B. Appoint Negotiation Team

Dan Munro stated he would not participate in the negotiations.

MOTION by Gross, supported by Munro, to approve Thomas Zoner, Rick Sovel and Sandra Abrams to the Negotiation Team. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:4-13 PUBLIC HEARINGS

A. Williams International – Industrial Facilities Exemption Certificate (Tabled 1-12-10, 2-9-10, 3-9-10)

MOTION by Zoner, supported by Sovel, to remove Williams International – Industrial Facilities Exemption Certificate from the Table. **MOTION CARRIED UNANIMOUSLY**

Kathleen Jackson, Township Planner, gave an overview.

Kenneth Thom, Williams International, was present to explain the reason for the tax abatement is to test engines, purchase computer equipment and retain 72 positions.

PUBLIC HEARINGS (Williams International continued)

Irene Spanos Oakland County, supports the project.

David Curtis, State of Michigan Economic Development Corporation (MECD), supports the project.

Ken Larose, Director Williams International, was present.

MOTION by Munro, supported by Abrams, to approve the Resolution Approving an IFT Application of Williams International for Industrial Facilities Exemption Certificate for New Personal Property. This is subject to execution of the development agreement between the developer and the Township.

MOTION CARRIED UNANIMOUSLY

B. Lake Sherwood Paving Special Assessment District

Jay James, Giffels-Webster Engineers explained the project.

Debra Kirkwood, Trustee, requests the Township Board of Trustees excuse her from discussion and vote on the project because she lives in the district.

MOTION by Munro, supported by Sovel, to allow Debra Kirkwood to abstain from discussion and vote on the project. **MOTION CARRIED UNANIMOUSLY**

Supervisor Thomas Zoner opened the Public Hearing.

Andy Sarkisian 3398 Tiquewood Circle was present to thank the Township for their support with the project.

John Dickson 5072 Winewood Lane was present. He stated he did not get a copy of the outcome of the survey and he never saw the bid process. He asked how much of the contributions will be paid for by the association. Jay James, Giffels-Webster Engineers said the association went to the Road commission to begin the process, not the Township. The association did the interest survey. The bid process went out for public bid and 10-12 bids came in from asphalt companies. Summit Transport was the low bidder.

Tom Firman 3310 Luanne Drive questioned how this would affect him because he lives in Sherwood Acres. Jay James said he is listed in the Lake Sherwood District.

Patricia Borders 2847 Ravinewood Drive East questioned the storm sewers. She has two storm sewers in front of her property that are filled with asphalt run off. Jay James said all of the sewers would be adjusted and cleaned. She is in support of the SAD.

PUBLIC HEARINGS (Lake Sherwood Paving SAD continued)

Susan Goers 3256 Ledgewood Court East stated this is a vacant parcel. Are there any special arrangements for vacant parcels? Jay James said the cost is based on the benefit it will bring the property. Phillip Adkison, Township Attorney said the law states the cost shall be assessed based on the benefit it brings to the property.

David and Terri Bandy 5198 Ledgewood does not see this as a benefit to them because they live at the entrance of the subdivision and do not use the majority of the road. They would like to see speed bumps installed because of people speeding in the neighborhood. Jay James said all homeowners in the district are assessed the same cost. He stated the Road Commission for Oakland County would not allow speed bumps.

Laura Slenzak 3101 Pikewood in support.

Larry Peterson 2944 Barbwood in support.

Sherri Nowak 5094 Winewood Lane asked if the new subdivision off Winewood is included in the SAD because they have to use the road to get to their subdivision. Jay James said they are not included in the district because their road does not need paving. She is also concerned with people speeding on Winewood. She objects to the SAD.

Paul MacDonald 3097 Ravinewood Drive in support. What is the cut off date for the project? Jay James answered that if this were approved the roll would be finalized next month.

Dan Gitre 4767 Ravinewood Drive inquired if the contractor reduced the cost of project because there are many homes in the SAD and asked what kind of guarantee the contractor is providing. Jay James stated the cost was reduced and the road will have a two-year warranty. He is in support of the SAD.

Denise Devine 3370 Tiquewood asked what the thickness of the asphalt would be. Jay James answered the road will have 4" of new asphalt.

Debra Kirkwood, 3304 Tiquewood asked how much of the curbing will be replaced. Jay James said 15% of curbing would be replaced although this is still in review.

Three letters in opposition were received from:
Marc and Christine Hammond
Paul and Mary Kotnik
James Pennington

PUBLIC HEARINGS (Lake Sherwood Paving SAD continued)

Sandy Abram took this opportunity to advise those in attendance of the upcoming election. They are in need of election inspectors. Anyone interested can fill out an application.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Munro, 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 Associate Therewith and Approving the Plans and Estimates of Costs Therefore known as Lake Sherwood Subdivisions Paving Special Assessment District, post and publish according to law and bring back to the Township Board at the next regular scheduled meeting for Introduction, Resolution attached.

ROLL CALL VOTE:

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

NAYS:

ABSTAIN: Kirkwood

MOTION CARRIED

C. Sherwood Acres Paving Special Assessment District

Jay James, Giffels-Webster Engineers explained the SAD.

Supervisor Thomas Zoner opened the Public Hearing.

Tom Pierce 4457 Lynne Lane asked if re-curbbing and re-draining is part of the project. Jay James said it is part of the project and they will pave up to 5" of driveways that do not have curbs. He is in support of the SAD.

Carol Cervin 4469 Lynne Lane asked why their cost is higher than Lake Sherwood's SAD. Jay James said the cost is determined upon the number of parcels in the district. She is in support of the SAD.

Susan and Mark Balash 3464 Luanne Drive stated the cost is higher than they anticipated. They signed the petition however, after the cost was determined, she objects to the SAD only because this will place a financial burden on them.

PUBLIC HEARINGS (Sherwood Acres Paving SAD continued)

Bruce Houghtaling 4445 Lynne Lane stated he has two drains and standing water in front of his house. He asked if the contractor would have to remove the sprinklers in his yard. Jay James will provide homeowners with flags so they could place the flags where the sprinkler heads are. The contractor will make repairs to the sprinklers if they are damaged during construction.

Craig Woodcock 4413 Lynne Lane asked if the project would start at the same time as the Lake Sherwood project. Jay James said both projects would start at the same time. He objects to the project because of the cost; he has two children in college.

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 Associate Therewith and Approving the Plans and Estimates of Costs Therefore known as Sherwood Acres Paving Special Assessment District, post and publish according to law and bring back to the Township Board at the next regular scheduled meeting for Introduction, Resolution attached.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

D. Special Projects No. 30

Supervisor Thomas Zoner opened the Public Hearing

There was no one present with comments.

Supervisor Thomas Zoner closed the Public Hearing

MOTION by Sovel, 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 Associate Therewith and Approving the Plans and Estimates of Costs Therefore known as Special Projects No. 30, post and publish according to law and bring back to the Township Board at the next regular scheduled meeting for Introduction, Resolution attached.

PUBLIC HEARINGS (Special Projects No. 30 continued)

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 6:4-13 BOARD APPOINTMENTS

None

ITEM 7:4-13 CONTRACT AWARDS AND AGREEMENT

A. Sheriff Contract Marine Division

MOTION by Sovel, supported by Munro, to approve the Oakland County Sheriff's Office 2010 Marine Patrol Services Agreement with the Charter Township of Commerce for Lower Straits Lake Association.

MOTION CARRIED UNANIMOUSLY

ITEM 8:4-13 INTRODUCTIONS

A. Zoning Ordinance No. 3.000

MOTION by Abrams, supported by Kirkwood, to Introduce Zoning Ordinance No. 3.000, post and publish according to law.

Discussion – Chris Doozan, was present to explain the Zoning Ordinance, which he put together. He has been working on the Ordinance with the Planning Commission since 2006, Ordinance attached.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 9:4-13 ADOPTIONS

None

ITEM 10:4-13 SITE CONDOMINIUMS AND PLATS

None

ITEM 11:4-13 CONSENT AGENDA

- A. Approval of Fair Housing Resolution**
- B. Approval of Mental Health Month Resolution**
- C. Open Door Outreach Banner**

MOTION by Abrams, supported by Munro, to approve the Consent Agenda.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 12:3-13 PURCHASES

A. Fire Department Radio

Joseph Schornack, Fire Chief, requests the Township Board authorize a budget amendment for the Fire Department in an amount not to exceed \$14,000.00 for the purchase of equipment so that the Fire Department can use/operate and maintain the OAKWIN radio system, implemented throughout Oakland County.

MOTION by Zoner, supported by Gross, to approve the purchase of Auxiliary radio equipment for the new 800 MHz OAKWIN Radio System at a cost not to exceed \$14,000.00 and amend the budget accordingly.

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 13:4-13 OLD BUSINESS

None

ITEM 14:4-13 NEW BUSINESS

B. Job Descriptions – Career and Paid-On-Call Firefighters

Supervisor Thomas Zoner recommends the Township Attorney review the job descriptions and report back to the Township Board with any changes made.

MOTION by Abrams, supported by Gross, to approve the Job Descriptions – Career and Paid-On-Call Firefighters contingent on approval or changes made by the Township Labor Attorney. **MOTION CARRIED UNANIMOUSLY**

C. Library Repair / Landscaping

Eric Suess, Library Director, was present to advise the Township Board of repairs needed at the Township Library.

MOTION by Munro, supported by Abrams, to direct the Township Supervisor to move forward on a long-term plan for the Commerce Township Community Library and go out for bids on work that needs to be made to the building and improvements to the roadway, as outlined by Giffels-Webster Engineers. This is contingent upon execution of the deed naming Commerce Township as owner of the Commerce Township Community Library building.

MOTION CARRIED UNANIMOUSLY

ITEM 15:4-13 ORDERS

MOTION by Abrams, supported by Gross, to approve the orders and add ons with the addition of \$8,400.00 to Hale, Stein and Murphy and Assoc. for insurance for the Waste Water Treatment Plant.

MOTION CARRIED UNANIMOUSLY

ITEM 16:4-13 OTHER MATTERS

Long – inquired if the Township received written verification on the amount of the grant. Kathleen Jackson said the grant would be for \$1.5 million, although this is not in writing. The Township will receive written verification after final cost of the road is complete.

Sovel – upcoming ballot issues need to be complete by next month.

Zoner – Will request MDOT make a presentation to the Township Board to explain the bike path project on M5; phase 1 - 14 mile to Maple Road and phase 2 - Maple Road to Pontiac Trail.

Long – Novi Library is closing. They are liquidating furniture.

ITEM 17:4-13 CLOSED SESSION

MOTION by Abrams, supported by Kirkwood, to enter into Closed Session to discuss attorney client information.

CLOSED SESSION (continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Recess: 9:57 pm

Entered into Closed Session at 10:00 p.m.

Retuned Closed Session at 11:00 p.m.

MOTION by Zoner, supported by Abrams, to approve the Closed Session Minutes.

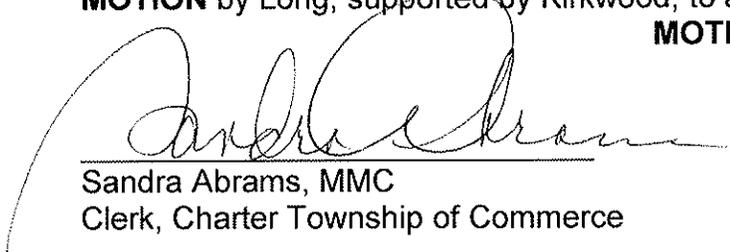
MOTION CARRIED UNANIMOUSLY

ITEM 18:4-13 ADJOURNMENT

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

MOTION by Long, supported by Kirkwood, to adjourn at 11:10 p.m.

MOTION CARRIED UNANIMOUSLY



Sandra Abrams, MMC
Clerk, Charter Township of Commerce