

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

Tuesday, May 12, 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 April 14, 2009, and the Discussion Township Board Meeting Minutes of April 28, 2009, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Wynn Berry – DDA Director

Wynn Berry was present to give the Township Board an update of ongoing projects. He stated that construction on the bridge began today. The DDA Board, by Resolution, passed a Motion to deed the new Township Hall property to the Township. He presented to the Township Board with an aerial photo of the new Township Hall.

B. Parastar – Conrad Kearns of Community Emergency Medical Service

Mr. Kearns was present and donated an automatic external defibrillator for the Township.

PETITIONS

Special Projects 29

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 Special Projects No. 29.

MOTION CARRIED UNANIMOUSLY

ITEM 1:5-12 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:5-12 PUBLIC COMMENTS

Peter Unick advised the Township Board that the sidewalk off the island is too high and should be level with the street to assist those in a wheelchair. Supervisor Thomas Zoner stated this area would be completed to accommodate the handicapped. He is also concerned that three trees planted in the parking area will not survive because they are surrounded with blacktop.

ITEM 3:5-12 ACI FINANCIAL

A. BAB'S – WWTP Project Financing

Tom Traciak, ACI Finance, Inc. was present to discuss and receive input regarding WWTP Project Financing. It was the consensus of the Township Board to go forward with competitive sale of the bonds No action taken.

B. Downtown Development Authority Bonds

Tom Traciak, ACI Finance, Inc. was present to discuss and receive input regarding DDA Bond issues. .

ITEM 4:5-12 PUBLIC HEARINGS

A. HoMedics

Kathleen Cassidy, Township Planner gave an explanation on HoMedics.

Representatives from HoMedics were present to discuss with the Township Board their request for approval of an Industrial Facilities Exemption Certificate for a new facility. They are looking to expand their facility in Commerce Township with a 45,000 square foot three story building.

ITEM 4:5-12 PUBLIC HEARINGS - HoMedics (continued)

Supervisor Thomas Zoner opened the Public Hearing.

Wynn Berry advised the Township Board that HoMedics has the full support of the DDA.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Abrams, to approve the Resolution Approving an IFT Application of HoMedics for Industrial Facilities Exemption Certificate for a New Facility for twelve years.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

B. Golfside Paving and Drainage SAD

Rick Sovel requested a Motion to allow him to abstain from voting on the project because he lives in the SAD area.

MOTION by Munro, supported by Zoner, to allow Rick Sovel to abstain from voting on Golfside Paving and Drainage SAD because he lives in the SAD area.

MOTION CARRIED UNANIMOUSLY

Jay James, Giffels-Webster Engineers spoke of the SAD.

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

There was one letter of opposition received from Crystal Gross and Brian Watkin, 8662 Golfside Drive.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Abrams, supported by Kirkwood, 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, Golfside Paving Special Assessment District.

**MOTION CARRIED UNANIMOUSLY
(Sovel Abstained)**

ITEM 5:5-12 BOARD APPOINTMENTS

A. Re-appointment to the Downtown Development Authority – 2 positions

MOTION by Abrams, supported by Munro, to accept the recommendation of the Township Supervisor to re-appoint James Gotts to the Downtown Development Authority for a four-year term expiring May 31, 2013 and Randy Thomas to the Downtown Development Authority for a four-year term expiring June 30, 2013.

MOTION CARRIED UNANIMOUSLY

B. Appointments to the Downtown Development Authority – 4 positions

MOTION by Abrams, supported by Munro, to approve the recommendation of the Township Supervisor to appoint Elizabeth Skikun to the Downtown Development Authority for a term expiring May 2012.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Abrams, to accept the resignation of Herb Feinstein from the Downtown Development Authority.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, supported by Abrams, to approve the recommendation of the Township Supervisor to appoint Jose Mirkin to the Downtown Development Authority for a term expiring December 2011.

MOTION CARRIED UNANIMOUSLY

MOTION by Abrams, supported by Gross, to approve the recommendation of the Township Supervisor to appoint Wendy Anderson to the Downtown Development Authority for a term expiring January 2011.

MOTION CARRIED UNANIMOUSLY

MOTION by Kirkwood, supported by Munro, to approve the recommendation of the Township Supervisor to appoint David P. Smith to the Downtown Development Authority for a term expiring May 2011.

MOTION CARRIED UNANIMOUSLY

C. Appointments to Parks and Recreation Committee – 2 positions

MOTION by Abrams, supported by Gross, to approve the recommendation of the Township Supervisor to appoint Peter Pace to the Parks and Recreation Committee for a three-year term expiring December 2011.

MOTION CARRIED UNANIMOUSLY

ITEM 5:5-12 BOARD APPOINTMENTS (continued)

Dick Zemmin was not in attendance.

MOTION by Long, supported by Sovel, to Table the recommendation of the Township Supervisor to appoint Dick Zemmin to the Parks and Recreation Committee. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:5-12 CONTRACT AWARDS AND AGREEMENT

Renewal of Billing Agreement with AccuMed Billing, Inc. – Tabled from 04-14-09 (to remain tabled)

ITEM 7:5-12 INTRODUCTIONS

None

ITEM 8:5-12 ADOPTIONS

- A. An Ordinance to Amend Article XX, Section 2027 – Child Care Organization, of the Zoning Ordinance of Charter Township of Commerce to be known as Ordinance No. 55-09-207.**

MOTION by Munro, supported by Kirkwood, to Adopt An Ordinance to Amend Article XX of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-09-207, publish, post in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

- B. An Ordinance to Amend Chapter 12, Article V – Dangerous Buildings, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.002.**

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. 1.002, publish, post in the manner prescribed by law. **MOTION CARRIED UNANIMOUSLY**

ITEM 9:5-12 SITE CONDOMINIUMS AND PLATS

None

ITEM 10:5-12 CONSENT AGENDA

- A. Resolution Recognizing Multi Lakes Association for Civil War Studies as Non-profit.**
- B. Approving Permit for the Edgewood Country Club Fireworks Display.**
- C. Approve Proclaiming May 2009 as Mental Health Month in Commerce Township.**

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

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 11:5-12 PURCHASES

A. 4x4 Pick-up Truck for the Fire Department

Joseph Schornack, Fire Chief, recommends the low bidder, Red Holman for a Crew Cab 4x4 pick up truck.

MOTION by Kirkwood, supported by Abrams, to approve the recommendation of the Township Fire Chief for the purchase of one Crew Cab 4x4 pick up truck for the Fire Department at a cost not to exceed \$25,000.00 from Red Holman and to amend the budget accordingly.

MOTION CARRIED UNANIMOUSLY

ITEM 12:5-12 OLD BUSINESS

None

ITEM 13:5-12 NEW BUSINESS

A. Discussion on Insurance Risk Management

Linda Mayer was present and spoke of the Township's Insurance and Risk Management Program reviewed by Kenneth R. Hale from Hale Stein Murphy Hale (Attorneys & Counselors at Law).

ITEM 13:5-12 NEW BUSINESS (Insurance Risk Management continued)

MOTION by Sovel, supported by Zoner, to accept the proposal of Kenneth R. Hale to prepare an RFP, review bids and make a recommendation to the Township Board. Prior to the drafting of the RFP, Mr. Hale will meet with Township Elected Officials to insure proper coverage is noted in the RFP. The Township Board shall approve the RFP before it is submitted.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

B. Wise Road Report

Linda Mayer gave a report on Wise Road. They are currently in the process of taking the conservation easement. The next step will be to obtain deed restrictions and write instructions to appraisers in order to move forward with property appraisal.

C. Commerce/Walled Lake/Wixom Trailway Management Agreement

Phillip Adkison, Township Attorney, spoke of the agreement. He said that Walled Lake approved the agreement.

MOTION by Sovel, supported by Kirkwood, to approve the Interlocal Agreement Commerce, Walled Lake, and Wixom Trailway Management Council to include the Township's contribution of \$1,000.00. Funds to come from the Parks and Recreation Budget.

MOTION CARRIED UNANIMOUSLY

D. Kraftwood Engineering Recovery Request

Representatives from Kraftwood Engineering were present and spoke of their request.

MOTION by Abrams, supported by Gross, to approve the Resolution to Request a Renaissance Recovery Zone for Kraftwood Engineering for ten years.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 13:5-12 NEW BUSINESS (Insurance Risk Management continued)

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NAYS: Long

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ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 13:5-12 NEW BUSINESS (continued)

E. FAOM – Collective Bargaining Agreement – Fire Department

MOTION by Sovel, supported by Kirkwood, to ratify the Collective Bargaining Agreement by and between Commerce Township and Commerce Township Firefighters/Firefighters Association of Michigan.

MOTION CARRIED UNANIMOUSLY

ITEM 14:5-12 ORDERS AND ADD-ONS

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

MOTION CARRIED UNANIMOUSLY

ITEM 15:5-12 OTHER MATTERS

Long – We need to come up with our own contingency plan in the event the DDA's plan does not move forward.

Sovel – Would like to see reports from Jeff Bowdell be in the same format as the Fire Chiefs report.

Sovel – Inquiry relative to the expenditures associated with the new Township Hall.

Janet Bushey said expenditures to date are \$4,742,000.00. There is \$402,000.00 remaining.

Jay James - SRF Grant Loans (sewer revolving fund) provide communities with low interest rate loans. He put together a grant application to the State for three projects in the Township that have a good chance for approval. He will receive the State's decision in approximately three weeks and report to the Township Board with his findings.

ITEM 16:5-12 EXECUTIVE SESSION

A. Pending Litigation

B. Attorney/Client Privilege Information

MOTION by Munro, supported by Kirkwood, to enter into Executive Session for the purpose of discussing pending litigation and attorney/client privilege information and to adjourn from the Executive Session.

ITEM 16:5-12 EXECUTIVE SESSION (Motion continued)

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 11:15 p.m.

Adjourned from Executive Session at 12:15 a.m.


Sandra Abrams, MMC
Clerk, Charter Township of Commerce