

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

Tuesday, July 14, 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 (arrived 7:06 p.m.)
Daniel Munro, Trustee
Rick Sovel, Trustee

Also Present: Hans Rentrop, Township Attorney
Phil Adkison, Township Attorney
Jay James, Giffels-Webster Engineers
Loren Crandell, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Abrams, supported by Gross, to approve the Regular Township Board Meeting Minutes of June 9, 2009, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Mark Beauchamp – Sewer Rates

Mark Beauchamp was present to answer questions by the Township Board regarding an Ordinance the Township Board is planning to introduce in August 2009. Mr. Beauchamp said he did a cost of service study 3 years ago. The goal is to charge based on usage. He stated that in place of increasing charges all at once, he would recommend an increase charge every three months.

B. Wynn Berry – DDA Quarterly Report

Wynn Berry, DDA Director, was present to give a quarterly report on the DDA. Dan Munro requested that Mr. Berry present the Township Board, at the next scheduled meeting, with a report on how the DDA will offset the projected budget that appears would be in the negative by the end of the budget year.

PETITIONS

None

ITEM 1:7-14 APPROVAL OF AGENDA

MOTION by Gross, supported by Abrams, to approve the Agenda with the addition of moving Item 12 B after Public Comments and add Budget Amendment 09-02 to Item 12 D. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:7-14 PUBLIC COMMENTS

Peter Unick was present and voiced his concern on the following:

- Pontiac Trail and M5 is an "Accident waiting to happen". A traffic light needs to be installed by Wal-Mart.
- The floodlights at Dick Morris Chevrolet cause problems for drivers on the road.
- On the south side of Meijer's Inc. by the garden center he observed a hi-lo almost being hit by a car because the stop sign is either too hard to see or in the wrong location.
- A stop sign needs to be installed at Home Depot near the garden center.

Judy Unick was present and voiced her concern on the following:

- Township Board and DDA Board minutes are not up to date on the Township web site; they are usually 8 weeks behind. Sandra Abrams advised that the minutes are not posted to the web site until the Township Board approves the minutes.
- There is a construction sign that is at least 15' in the air and blocked by a tree. Jay James advised her that the Road Commission for Oakland County determined the placement and height of the sign.
- The creek that goes under the road on Welch Road has washed out again and caused a large hole. Supervisor Thomas Zoner stated he would have someone check on this.

Item 12 B. \$17,500,000 Charter Township of Commerce Capital Improvement Bonds (Limited Tax General Obligation), Series 2009-B
Tom Traciak, ACI Finance, Inc. was present to discuss the bonds and answer questions. The bonds are to finance the wastewater treatment plant.

Item 12 B (continued)

MOTION by Gross, supported by Sovel, to approve the Charter Township of Commerce Resolution Awarding Bonds.

MOTION CARRIED UNANIMOUSLY

ITEM 3:7-14 PUBLIC HEARINGS

A. Special Projects No. 29

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

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Abrams, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Special Projects No. 29.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:7-14 BOARD APPOINTMENTS

None

ITEM 5:7-14 CONTRACT AWARDS AND AGREEMENT

A. Lakes Area Youth Assistance

MOTION by Abrams, supported by Munro, to approve the Contract for Services by Lakes Area Youth Assistance for the Charter Township of Commerce from January 1, 2009 – December 31, 2009. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:7-14 INTRODUCTIONS

None

ITEM 7:7-14 ADOPTIONS

An Ordinance to Amend Ordinance No. 79-98-00 to be known as the Charter Township of Commerce Fee Ordinance No. 2.001.

MOTION by Munro, supported by Kirkwood, to approve the Charter Township of Commerce an Ordinance to Amend Ordinance No. 79-98-00 to be Known as the Charter Township of Commerce Fee Ordinance Ordinance 2.001 and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:7-14 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:7-14 CONSENT AGENDA

- A. Approve Charitable Gaming License for Children Making Tomorrow.**
- B. Approve Charitable Gaming License for Commerce Chargers Football Organization.**
- C. Approve Banner Permit for the Commerce Township Fire Department.**

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

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 10:7-14 PURCHASES

None

ITEM 11:7-14 OLD BUSINESS

Tax Abatement Policy –Tabled From 6-9-09

MOTION by Munro, supported by Abrams, to remove Tax Abatement Policy from the Table.

MOTION CARRIED UNANIMOUSLY

Tax Abatement Policy (continued)

Phillip Adkison, Township Attorney spoke in regards to the policy and advised the Township Board that the application fee would be \$500.00 and \$5,000.00 shall be deposited in an escrow account for consultants fees and drawn from as those actual consultant charges accrue.

MOTION by Abrams, supported by Sovel, to direct the Township Attorney to draft a Tax Abatement Ordinance and bring back to the Township Board for approval.

MOTION CARRIED UNANIMOUSLY

ITEM 12:7-14 NEW BUSINESS

A. Discuss logo/decals for the Library Vehicle

Eric Suess, Library Director was not present. Rick Sovel stated that Eric Suess was to bring back to the Township Board 2 bids received for the logo decals.

MOTION by Long, supported by Sovel, to approve two decals made with the Commerce Township logo along with the word "Library" underneath it in bold letters. Eric Suess will bring back to the Township Board three bids received.

MOTION CARRIED UNANIMOUSLY

B. Request to Modify Consent Judgment

William Petsch, Carol Kernan and Randy Thomas were present.

Phillip Adkison, Township Attorney spoke in regards to the judgment and stated if the Township Board votes for the amendment, then counsel other than himself should be appointed and fees incurred by the property owners.

Supervisor Thomas Zoner recommends this be sent to the Planning Commission for their review and recommendation.

MOITON by Munro, supported by Zoner to refer the Request to Modify Consent Judgment to the Planning Commission and establish an escrow account for legal and all other costs incurred. In addition, legal counsel shall review the Request to Modify Consent Judgment.

ROLL CALL VOTE

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

NAYS: Sovel

MOTION CARRIED UNANIMOUSLY

C. Budget Amendment No. 09-01 and 09-02

MOTION by Gross, supported by Abrams, to approve Budget Amendment No. 09-01 and 09-02.
MOTION CARRIED UNANIMOUSLY

E. Applebee's – Entertainment License Request

MOTION by Abrams, supported by Munro, to approve Applebee's Entertainment Permit Application for 455 Haggerty Hwy, Commerce Township, Michigan 48390.
MOTION CARRIED UNANIMOUSLY

ITEM 13:7-14 ORDERS AND ADD-ONS

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

ITEM 14:7-14 OTHER MATTERS

Supervisor Thomas Zoner – a Township Board Discussion Meeting will be held on July 28, 2009.

Robert Long – Asked for and received from Jay James an update on the Reed Lake situation and the bridge at Multi-Lakes. In addition, Mr. Long asked when the demolition of the old drugstore would be done. Jeff Bowdell said it should be done on July 20, 2009.

Rick Sovel – Stated the speed limit of 45 mph is too high between Haggerty Road and the round a bout.

Susan Gross – Received positive feedback from residents on the professional manner in which Jay James provides to residents.

ITEM 15:7-14 EXECUTIVE SESSION

Attorney/Client Privileged Communication

MOTION by Zoner, supported by Abrams, to enter into Executive Session for the purpose of discussing attorney/client privileged communication and to adjourn from the Executive Session.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 9:13 p.m.

ITEM 16:7-14 ADJOURNMENT

Adjourned from Executive Session at 10:07 p.m.

Sandra Abrams, MMC
Clerk, Charter Township of Commerce