

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

Tuesday, August 11, 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 July 14, 2009 and the Discussion Township Board Meeting Minutes of July 28, 2009, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Layton & Richardson Audit Review

Shannon Rodriguez, Layton & Richardson, gave a brief explanation of the Audit Review.

B. Downtown Development Authority

Wynn Berry, Director of Downtown Development Authority was present and gave an update on the project and developments in the Township. Randy Thomas was also present and gave an update on projects in the Township.

PRESENTATIONS (continued)

C. Water and Sewer Rates

Mark Beauchamp, Water and Sewer Consultant, was present to discuss a long-term financial projection for the Water Department and the Waste Water Department.

Water - He is recommending a rate change for the quarterly customer charge by lowering the customer charge and raising the usage charge.

Sewer – He is recommending a rate adjustment increase of 9% in October 2009 followed by 9% in March 2010 or 3% in January, April and July of 2010.

ITEM 6:8-11 INTRODUCTIONS (out of order)

A. An Ordinance to amend Ordinance No. 2.000 and Ordinance No. 2.001 to be known as the Charter Township of Commerce Fee Ordinance Fee Ordinance – Ordinance 2.002.

MOTION by Sovel, supported by Munro, to Introduce an Ordinance to amend Ordinance No. 2.000 and Ordinance No. 2.001 to be known as the Charter Township of Commerce Fee Ordinance Fee Ordinance – Ordinance 2.002, post and publish according to law. This shall include the long-term financial projection and calculations as presented by Mark Beauchamp along with revised connection charges and a Waste Water Treatment rate increase of 9% in October 2009 followed by a three (3) 3% increases in January, April and July of 2010.

MOTION CARRIED UNANIMOUSLY

PETITIONS

None

ITEM 1:8-11 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:8-11 PUBLIC COMMENTS

Mr. Hamilton was present to discuss the proposed building (Trilogy Health Care Nursing Home) near Huron Hills Subdivision. He believes the site is too small for the size of a building that is proposed. He is requesting the Township Board deny the request to rezone the site. He stated that in Section 26209 of the Ordinance it reads that any building should be set back a minimum of 100' from an abutting residential district. The proposal is for a set back of 50'.

Bob Miller 1635 Huron Springs Lane was present and stated that there are 134 houses in the subdivision. He presented 126 signatures opposing the construction of the Trilogy Health Care Nursing Home east of Huron Hills Subdivision.

ITEM 3:8-11 PUBLIC HEARINGS

None

ITEM 4:8-11 BOARD APPOINTMENTS

None

ITEM 5:8-11 CONTRACT AWARDS AND AGREEMENT

None

ITEM 6:8-11 INTRODUCTIONS

B. An Ordinance to amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.003.

MOTION by Abrams, supported by Munro, to Introduce an Ordinance to amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.003, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:8-11 ADOPTIONS

None

ITEM 8:8-11 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:8-11 CONSENT AGENDA

- A. Approving SMART Agreement and Oakland County Public Transit Authority Waiver**
- B. Banner Permit – Huron Valley Hospital**

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

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 10:8-11 PURCHASES

None

ITEM 11:8-11 OLD BUSINESS

None

ITEM 12:8-11 NEW BUSINESS

- A. Wise Court Street Lighting Intention Resolution**

Hans Rentrop, Township Attorney, spoke of the Resolution.

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 Wise Court Street Light Special Assessment District.

MOTION CARRIED UNANIMOUSLY

- B. Transfer of Class C. Liquor License**

MOTION by Munro, supported by Abrams, to approve the Resolution to Transfer all rights to renewal of 2009 Class C licensed business, located in escrow at 8600 PGA & 2869 N. Pontiac Trail, Walled Lake, Michigan 48390 in Commerce Township, Oakland County from the Links at Pinewood, Inc. to Commerce Township Downtown Development Authority with license to be held in escrow.

MOTION CARRIED UNANIMOUSLY

ITEM 12:8-11 NEW BUSINESS (continued)

C. Amended Consent Judgment

MOTION by Munro, supported by Abrams, to remove Amended Consent Judgment from the Table. **MOTION CARRIED UNANIMOUSLY**

William Petsch was present to explain his request for an amendment to the Consent Judgment. He advised the Board that they are only proposing to build on the 2.25 acre hard corner (at Fourteen and Decker Roads).

The Planning Commission was not opposed to the elimination of the wall, if certain requirements were met, such as the installation of the wall when the balance of the property is developed and some assurance that the existing landscaping will remain in between the hard corner and adjacent residential development.

Gary Rentrop, Attorney, was present.

MOTION by Kirkwood, supported by Munro, to amend the Consent Judgment to eliminate the required decorative masonry screen wall on the perimeter of the property until such time as any development takes place on any of the remaining property. This is subject to removal of the existing building and driveway. A tree survey shall be done identifying all trees 6" caliper or greater in circumference. Removal of the existing building and driveway and a tree survey shall be completed prior to building permits being issued.

MOTION CARRIED UNANIMOUSLY

D. Sleeth Road Force Main

Jay James, Giffels-Webster Engineers was present and spoke of the force main. He stated that 500 lineal feet of the existing force main needs to be replaced due to corrosion of the existing pipe.

MOTION by Gross, supported by Kirkwood, to approve the recommendation of Giffels-Webster Engineers, Inc. for the replacement of approximately 500 lineal feet of the existing force main located on Sleeth Road just west of Huron Valley Hospital, with a new 12" HDPE pipe, at a cost of \$81,000.00. Funds to come from the Sanitary Sewer Fund. **MOTION CARRIED UNANIMOUSLY**

ITEM 12:8-11 NEW BUSINESS (continued)

E. Grinder Pump Contract Renewal

Jay James, Giffels-Webster Engineers was present.

MOTION by Munro, supported by Kirkwood to extend the Grinder Pump Contract with C & E Construction for a one-year period with a 4% lower fee for the base installation price.

MOTION CARRIED UNANIMOUSLY

ITEM 13:8-11 ORDERS AND ADD-ONS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:8-11 OTHER MATTERS

Supervisor Zoner –

- The Deputy Clerk resigned and the Deputy Treasurer will retire in September 2009.
- The snowplow contract for the Township Hall, Library and Mt. Royal Subdivision needs to be reviewed. Sandra Abrams will report to the Township Board at the next regular scheduled meeting with contract information.
- Discussion regarding the D.D.A. hiring someone to retain the Director's knowledge in the event he is no longer employed as the D.D.A. Director. Supervisor Zoner will advise the D.D.A. Board that they are not looking into hiring anyone at this time.
- There will be a Township Board Discussion Meeting on August 18, 2009

Rick Sovel –

- Inquired if there is any language in the Ordinance that prohibits the Township from issuing a permit for Fourth of July fireworks. Phillip Adkison said there is no language stated in the Ordinance that prohibits the Township from issuing a permit.

ITEM 15:8-11 EXECUTIVE SESSION
Attorney/Client Privileged Communication

MOTION by Abrams, supported by Sovel, 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: Abrams, Sovel, Long, Zoner, Gross, Kirkwood, Munro

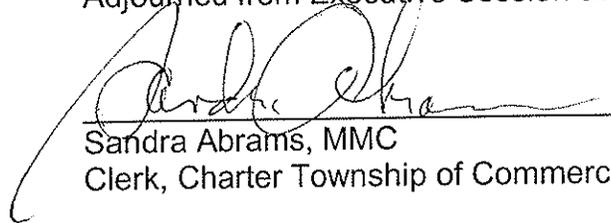
NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 10:05 p.m.

ITEM 16:8-11 ADJOURNMENT

Adjourned from Executive Session at 10:30 p.m.



Sandra Abrams, MMC
Clerk, Charter Township of Commerce