

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

*Tuesday, September 14, 2010*

2009 Township Drive  
Commerce Township, Michigan 48390

**CALL TO ORDER:** Supervisor Thomas Zoner called the meeting to order at 7:30 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  
Rick Sovel, Trustee

Absent: Robert Long, Trustee  
Daniel Munro, Trustee (excused)

Also Present: Phillip Adkison, Township Attorney  
Hans Rentrop, Township Attorney  
Jay James, Giffels-Webster Engineers

Students from Lakeland High School were in attendance.

**APPROVAL OF MINUTES**

**MOTION** by Sovel, supported by Abrams, to approve the Special Joint Meeting minutes of August 5, 2010, the Regular Township Board Meeting minutes of August 10, 2010, as submitted, and the Special Township Board Meeting minutes of August 24, 2010, with the addition of the following: Motion by Long, second by Sovel to approve the Closed Session Minutes, Motion Carried Unanimously. **MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

None

**PETITIONS:**

None

**ITEM 1:9-14 APPROVAL OF AGENDA**

**MOTION** by Abrams, supported by Gross, to approve the Agenda with the addition of "legal description of property known as the Township Hall, D.D.A." under Other Matters. **MOTION CARRIED UNANIMOUSLY**

**ITEM 2:9-14 PUBLIC COMMENTS**

Peter Unick, 2719 Welch Road inquired as to the timeframe for removal of the gas station at Welch Road and Pontiac Trail. Supervisor Thomas Zoner responded that he does not have a specific date at this time. Mr. Unick inquired about the bike trails. Supervisor Thomas Zoner responded that MDOT would run bike trails down M5.

**ITEM 3:9-14 PUBLIC HEARINGS**

None

**ITEM 4:9-14 ACI FINANCE**

- A. Resolution Regarding 2008 Taxable Adjustable Rate Downtown Development Refunding Bonds (RBS Citizens / Charter One Bank Letter of Credit Extension, FHLBB Confirming Letter of Credit, and Appointment of New Remarketing Agent)**

Bowden Brown, Dykema Gossett PLLC, gave a summary.

**MOTION** by Gross, supported by Sovel, to approve the Resolution Regarding 2008 Taxable Adjustable Rate Downtown Development Refunding Bonds (RBS Citizens / Charter One Bank Letter of Credit Extension, FHLBB Confirming Letter of Credit, and Appointment of New Remarketing Agent). Resolution attached

**ROLL CALL VOTE:**

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

**NAYS:**

**ABSENT:** Long, Munro

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:9-14 BOARD APPOINTMENTS**

- A. Peter L. Schappach – Huron River Watershed Council**

Peter Schappach was present and gave a summary of his credentials and experience.

**BOARD APPOINTMENTS (continued)**

**MOTION** by Abrams, supported by Gross, to approve the recommendation of the Township Supervisor to appoint Peter L. Schappach to the Huron River Watershed Council  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:9-14 CONTRACT AWARDS AND AGREEMENT**

**A. AccuMed Billing Agreement**

Joseph Schornack, Fire Chief stated the Fire Department has been satisfied with the services of AccuMed Billing, Inc. for the past 10 years.

**MOTION** by Gross, supported by Sovel, to approve the Billing Service Agreement with AccuMed Billing, Inc. Agreement attached.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:9-14 INTRODUCTIONS**

**A. Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring it's Intention to Establish a Special Assessment District to be known as Special Projects No. 31.**

**MOTION** by Gross, supported by Abrams, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring it's Intention to Establish a Special Assessment District to be known as Special Projects No. 31, post and publish according to law. Resolution attached  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:9-14 ADOPTIONS**

**A. Rezoning petition from B-1 (Local Business) to R-1D (One Family Residential) to be known as 3.001.**

**MOTION** by Abrams, supported by Kirkwood, to Adopt Z10-01 Rezoning Petition from B-1 (Local Business) to R-1D (One Family Residential) to be known as 3.001, post and publish according to law.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:9-14 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 10:9-14 CONSENT AGENDA**

- A. Approve the Halloween Hours – Dusk to 8:30 p.m. Sunday, October 31, 2010.
- B. Approve the 2010/2011 Smart Contract and Waiver of Right to Municipal Credits.
- C. Approve the Addition of Level One Bank Depositories.
- D. Approve the Resolution to Amend Investment Policy.
- E. Approve the Resolution Authorizing West Nile Virus Fund Program.
- F. Approve the Lakes Athletic Association to be recognized as a nonprofit organization for a Charitable Gaming License.

**MOTION** by Abrams, supported by Gross, to approve the Consent Agenda with the removal of Item D.

**ROLL CALL VOTE:**

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

**NAYS:**

**ABSENT:** Long, Munro

**MOTION CARRIED UNANIMOUSLY**

**D. Approve the Resolution to Amend Investment Policy.**

Sue Gross gave a summary.

No action taken.

**ITEM 11:9-14 PURCHASES**

**A. Grant Funding for Weather Siren Project**

Joseph Schornack, Fire Chief stated the State of Michigan approved \$88,000.00 for weather siren installation at no cost to the Township.

**MOTION** by Abrams, supported by Sovel, to approve the Resolution approving Grant Funds obtained from the State of Michigan through FEMA (Federal Emergency Management Agency) to be allocated for weather siren installation. Resolution attached.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:9-14 OLD BUSINESS**

**A. Grievance #10-002, IAFF Local 2154 – Tabled 8-10-10**

**MOTION** by Abrams, supported by Sovel, to remove Grievance #10-002, IAFF Local 2154 from the Table.

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS (Grievance #10-002 continued)**

Supervisor Thomas Zoner recommends denial of the Grievance.

**MOTION** by Abrams, supported by Sovel to deny Grievance #10-002 IAFF Local 2154.

**ROLL CALL VOTE:**

**AYES:** Abrams, Sovel, Zoner  
**NAYS:** Gross, Kirkwood  
**ABSENT:** Long, Munro

**MOTION CARRIED**

**ITEM 13:9-14 NEW BUSINESS**

**A. Appointment of Library Director**

**MOTION** by Abrams, supported by Sovel, to hire Connie Ozinga as Library Director contingent on a background check and negotiation of salary.

**ROLL CALL VOTE:**

**AYES:** Abrams, Sovel, Gross, Kirkwood, Zoner  
**NAYS:**  
**ABSENT:** Long, Munro

**MOTION CARRIED UNANIMOUSLY**

**B. Tax Penalty Appeal for 3100 Benstein Road**

Rollin Tuttle Jr. was present to request a refund of \$200.00 for a property transfer penalty.

Application is denied.

**C. Liquor License Transfer – The Lakes Bar & Grill d/b/a Tavern 25 / Commerce Grill**

**MOTION** by Abrams, supported by Gross, to approve the request to transfer ownership of 2010 Class C Licensed Business, located at 2528 Union Lake, Uptown Plaza, Commerce Township, Michigan 48382, Commerce Township, Oakland County, from Diamatte Enterprises, LLC to the Lakes Bar & Grill Inc.

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS (continued)**

**D. Purchasing Policy**

**MOTION** by Abrams, supported by Gross, to approve the Charter Township of Commerce Purchasing Policy Adopted June 13, 2006.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:9-14 ORDERS**

**MOTION** by Abrams, supported by Gross, to approve the orders and additions.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 15:9-14 OTHER MATTERS**

**D.D.A. and legal description of property known as the Township Hall.**

Kathleen Jackson, D.D.A. Director discussed an "entertainment" patio at the Township Hall south side of the building, property along with plans to make the surrounding DDA property marketable.

Reviewed the Police Budget.

Kirkwood – can the Ordinance Officer remove election signs in the Township?  
Phillip Adkison, Township Attorney said that the Township does not regulate political signs on private property, although political signs placed in the right of way can be removed.

Sovel -- he would like to see a payroll list with the orders showing who is approved for payments (employee payroll) made by the Township.

**ITEM 16:9-14 CLOSED SESSION**

**MOTION** by Abrams, supported by Sovel, to enter into Closed Session to discuss pending litigation.

**ROLL CALL VOTE:**

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

**NAYS:**

**ABSENT:** Long, Munro

**MOTION CARRIED UNANIMOUSLY**

Entered into Closed Session 9:15 p.m.

Returned from Closed Session 9:30 p.m.

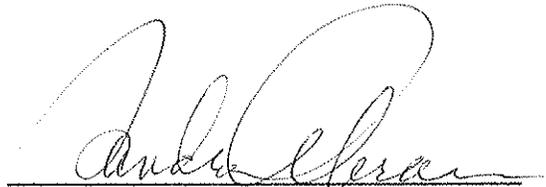
**MOTION** by Gross, supported by Zoner, to approve the minutes of the Closed Session. **MOTION CARRIED UNANIMOUSLY**

**MOTION** by Abrams, supported by Gross, to accept the case evaluation award in the matter of Kingstowne Condominium Association vs Commerce Township DDA. **MOTION CARRIED UNANIMOUSLY**

**ITEM 17:9-14 ADJOURNMENT**

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

**MOTION** by Abrams, supported by Zoner, to adjourn at 9:35 p.m. **MOTION CARRIED UNANIMOUSLY**



Sandra Abrams, MMC  
Clerk, Charter Township of Commerce