

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

Tuesday, September 8, 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
Rick Sovel, Trustee

Absent: Daniel Munro, Trustee (excused)

Also Present: Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Loren Crandell, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Abrams, supported by Sovel, to approve the Regular Township Board Meeting Minutes of August 11, 2009, the Special Township Board Meeting Minutes of August 18, 2009 and the Special Township Board Meeting Minutes of August 25, 2009, as submitted. **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS:

A. Lakes Area Youth Assistance

Clarence Mills and Stephanie McGowan, Case Worker from Lakes Area Youth Assistance, were present and gave an overview of their mission statement. They are requesting continued financial support from the Charter Township of Commerce.

PETITIONS:

None

ITEM 1:9-8 APPROVAL OF AGENDA

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

MOTION CARRIED UNANIMOUSLY

ITEM 2:9-8 PUBLIC COMMENTS

Peter Unick was present to voice his concern about the sidewalks and five miles of trails within the Downtown Development Area. It is very dense. He feels there is no progress in this area and questions where eighty millions dollars of the DDA money went.

Susan Light, owner of Light Support Services based in Commerce Township was present to advise the Township Board of Trustees of services her company provides. She has a data base service that stores and provides vital information about residents. In the event of an emergency, this information would be available to the Fire and Police Departments, as well as hospitals. There would be no cost to Commerce Township. They do charge each household \$34.95 per year for their services.

Colleen Higgins was present to speak on behalf of 50 residents of West Winds Healthcare. She supports the proposed Trilogy Healthcare Facility.

The following were present to oppose the rezoning request for the proposed Trilogy Health Care Facility:

- Hale Hamilton 1745 Pondview Lane
- Mr. Samona 5240 Huron Hills Dr.
- Barrie Chaffkin
- Lee Hamilton 1745 Pondview Lane
- Ms. Judith Unick 2719 Welch Road said this could be built on Martin Parkway instead of Huron Hills
- John Forsythe 5585 Bentwood Lane

Present were three residents who did not provide their name or address, were opposed.

Chief Schornack stated that the Fire Department is working with Wixom, Walled Lake and Wolverine Lake on a similar project as the services provided by Susan Light. There would be no charge to residents.

Chief Schornack stated that in 2002 a millage was passed for services provided by the Fire Department. There will be approximately \$830,000.00 in an account to replace a fire engine truck. During budget discussion, it was discussed that he

ITEM 2:9-8 PUBLIC COMMENTS (continued)

may lose two more Fire Department positions. He is recommending using some of this money to keep the two positions filled.

Karen Stamper – spoke of Item 9 of the Consent Agenda. She believes there are other ways to control the geese other than killing them.

Supervisor Thomas Zoner closed the Public Hearings.

Wynn Berry, DDA Director gave an update on current projects in the DDA area.

- The round a bout is complete.
- The bridge is coming along well.
- The intersection at Martin Parkway, Pontiac Trail and M5 should be complete in the summer of 2010.

Sue Gross asked Mr. Berry if there was land available in the DDA area for the Trilogy Health Care Facility. Mr. Berry said they do have land available provided it is within their restrictions.

ITEM 3:9-8 PUBLIC HEARINGS

A. Wise Court Street Lighting S.A.D.

Hans Rentrop, Township Attorney, gave an overview of the S.A.D.

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any comments or questions.

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 Associated Therewith and Approving the Plans and Estimates of Costs Therefore Wise Court Street Light Special Assessment District.

MOTION CARRIED UNANIMOUSLY

ITEM 4:9-8 BOARD APPOINTMENTS

None

ITEM 5:9-8 CONTRACT AWARDS AND AGREEMENT

A. Snow Plowing Contract Extension

MOTION by Zoner supported by Abrams, to award the Snow Plowing Contract Extension to Your Way Property Services and Grass Groomers Inc. for Mount Royal Subdivision for the 2009-2010 year.

ROLL CALL VOTE:

AYES: Zoner, Abrams

NAYS: Gross, Kirkwood, Long, Sovel

MOTION FAILED

B. Cleaning Contract

MOTION by Abrams, supported by Zoner, to approve the recommendation of the Cleaning Bid Committee to award the Cleaning Contract to the following:
American Property Maintenance – Township Hall \$6,500.00
Sunset Maintenance – Commerce Library \$12,168.00
Clean Sweep – OCSD Sub-Station \$4,160.00
American Property Maintenance – Richardson Senior Center \$5,720.00

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 6:9-8 INTRODUCTIONS

A. An Ordinance to amend Code of Ordinance, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment No. 1.004.

MOTION by Zoner, supported by Abrams, to Introduce an Ordinance to amend Ordinance the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.004, post and publish according to law.

MOTION by Long, supported by Sovel, to amend the Motion to remove Item F.

ROLL CALL VOTE:

AYES: Long, Sovel, Abrams, Gross, Kirkwood

NAYS: Zoner

MOTION CARRIED

ITEM 6:9-8 INTRODUCTIONS (Code Amendment No. 1.004 continued)

VOTE ON THE ORIGINAL MOTION

ROLL CALL VOTE:

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

NAYS:

MOTION CARRIED UNANIMOUSLY

B. Conditional Rezoning Agreement – Trilogy

Mike Powell, Powell Engineering, representing Commerce Healthcare Partners, LLC gave an overview of the project.

The Senior Vice President of Commerce Healthcare Partners spoke of the three-mile radius requirements and the reason behind choosing this site.

MOTION by Sovel, to deny the recommendation of the Planning Commission to Introduce Conditional Rezoning Agreement between the Charter Township of Commerce and Commerce Healthcare Partners, LLC.

MOTION DIED LACK OF SUPPORT

Supervisor Thomas Zoner would like to see if there could be a traffic light installed at the entrance/exit of Huron Valley Hospital and Trilogy Healthcare Facility.

MOTION by Sovel, supported by Zoner, to Table Conditional Rezoning Agreement between the Charter Township of Commerce and Commerce Healthcare Partners, LLC.

MOTION CARRIED UNANIMOUSLY

Recess: 9:35 p.m.
Reconvene: 9:50 p.m.

ITEM 7:9-8 ADOPTIONS

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

MOTION by Gross, supported by Kirkwood, to Adopt Charter Township of Commerce, an Ordinance to Amend Ordinance No. 2.000 and Ordinance No. 2.001 to be known as the Charter Township of Commerce Fee Ordinance, Ordinance No. 2.002, post and publish according to law.

ITEM 7:9-8 ADOPTIONS (Ordinance 2.002 continued)

Discussion Sovel – the dates they are billing us for do not coincide with the dates in the Ordinance.

Motion amended to read:

This is approved as presented subject to a modification of the beginning dates of the various charges to coincide with the county billing cycle and modification of fee schedules to show applicability of commodity charges after initial usage limits have been reached.

MOTION CARRIED UNANIMOUSLY

- 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 Gross, to Adopt Charter Township of Commerce, an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.003, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:9-8 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:9-8 CONSENT AGENDA

- A. Resolution for 5 Year DNR Permit Submitted by Commerce Lake**
B. Resolution for Transportation Enhancement Grant

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

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

A. Resolution for 5 Year DNR Permit Submitted by Commerce Lake
Kathy Schneider 3320 Mimosa Street was present. She stated that members in the subdivision have tried other ways to remove the geese. They used sonic

ITEM 9:9-8 CONSENT AGENDA (DNR Permit continued)

sounds and reflective tape. There were health complications with two dogs and a human because of the geese feces. They received a goose round up permit from the DNR for the past 8 years. She was advised that the DNR relocate the geese. They are asking for the Township to enable them to apply to the DNR for permits for nest destruction and a goose round up.

MOTION by Long, supported by Zoner, to enable Commerce Lake Association to submit a 5 year application to the DNR for goose round up and nest destruction permits.

ROLL CALL VOTE

AYES: Long, Zoner

NAYS: Kirkwood, Abrams, Gross, Sovel

MOTION FAILED

Supervisor Thomas Zoner would like to see if the DNR would change their process for issuing permits. He does not feel this should come before the Township Board for approval to submit an application. Additionally, he would like the applicant to show the Board of Trustees how they have tried to resolve the problem with the geese in place of a round up and nest destruction.

Sandra Abrams said there is no record showing the Association is requesting this permit.

MOTION by Zoner, supported by Gross to approve a one-year Resolution that enables Commerce Lake Associations to submit an application to the DNR for goose round up and nest destruction permits.

ROLL CALL VOTE

AYES: Zoner, Gross, Long

NAYS: Kirkwood, Sovel, Abrams

MOTION FAILED

The Township would like a letter from the Association requesting a Resolution.

MOTION by Abrams, to approve a one-year Resolution that enables Commerce Lake Associations to submit an application to the DNR for goose round up and nest destruction permits, subject to Commerce Township receiving documentation showing the request comes from the Association.

MOTION FAILED LACK OF SUPPORT

Recommendation to Kathy Schneider is to bring in documentation showing the Association is requesting the permits.

ITEM 9:9-8 CONSENT AGENDA (DNR Permit continued)

MOTION by Zoner, supported Abrams to request the Parks and Recreation Committee conduct a pilot program on how to deter geese from the sidewalks at Long Nature Park. Additionally, Adopt a DNR Application Policy that will include a Resolution by the Subdivision Association with direction to authorize a particular person to make the application and to submit to the Township, documentation of at least three different methods they used for goose control.

MOTION was withdrawn by Supervisor Thomas Zoner and Sandra Abrams.

Supervisor Thomas Zoner will submit a Goose Round up Application policy to the Board for their review and consideration.

ITEM 10:9-8 PURCHASES

None

ITEM 11:9-8 OLD BUSINESS

None

ITEM 12:9-8 NEW BUSINESS

None

ITEM 13:9-8 ORDERS AND ADD-ONS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:9-8 OTHER MATTERS

B. Tom Moore – Ladder Truck Options for Fire Department

Chief Schornack and Tom Moore were present to discuss purchasing versus refurbishing a fire engine truck. This will be discussed further during budget meetings.

Tuesday, September 8, 2009

ITEM 15:9-8 EXECUTIVE SESSION
Attorney/Client Privilege Information

MOTION by Zoner, supported by Abrams, to enter into Executive Session for the purpose of discussing attorney/client privilege information.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 11:35 p.m.
Returned from Executive Session at 11:50 p.m.

MOTION by Gross, supported by Abrams, to approve the Executive Session Minutes.
MOTION CARRIED UNANIMOUSLY

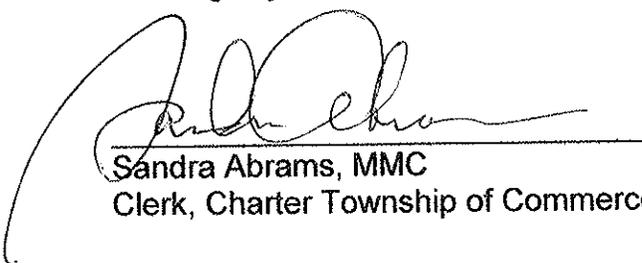
MOTION by Gross, supported by Zoner, to direct the Township Attorney to work with a representative from Wolverine Lake to draft an agreement related to the city hood issue.
MOTION CARRIED UNANIMOUSLY

ITEM 16:9-8 ADJOURNMENT

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

MOTION by Zoner, supported by Gross to adjourn.
MOTION CARRIED UNANIMOUSLY

Meeting adjourned at 11:55 p.m.



Sandra Abrams, MMC
Clerk, Charter Township of Commerce