

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

*Tuesday, March 10, 2015*  
2009 Township Drive  
Commerce Township, Michigan 48390

**CALL TO ORDER:** Thomas K. Zoner, Supervisor, 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  
Vanessa Magner, Clerk  
Molly Phillips, Treasurer  
Robert Berkheiser, Trustee  
Robert Long, Trustee  
Rick Sovel, Trustee

Also Present: Phillip Adkison, Township Attorney  
Jason Mayer, Giffels Webster Engineers  
Hans Rentrop, Township Attorney

**APPROVAL OF MINUTES**

**MOTION** by Magner, supported by Sovel, to approve the Regular Township Board of Trustees Meeting minutes of February 10, 2015, as submitted and the Special Township Board of Trustees Meeting minutes of February 17, 2015, with a correction to page 36, change "Item 7 to Item 6". **MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

**A. DDA Public Relations Committee**

None

**B. Library Update**

Supervisor Zoner asked the public if they had any comments or questions. No one present had any comments or questions.

Long – When constructing the library building we should look at making part of it a multi-purpose center, e.g., a community center.

Berkheiser – The second page of the plans show two driveways. He is concerned with cut through traffic if the site has two driveways. Chuck Kummer, Construction Manager said there will be one access drive off of Commerce Road.

**PRESENTATIONS (Library Update continued)**

Long – what is the next step?

Supervisor Zoner – The library building plans will be fine tuned now that the location has been determined and soil borings will be done.

Sovel – He would like the opportunity to review all plans for the library building when they are received by the Township. Dan Whisler, Penchansky Whisler Architects presented an overlay of the library building on the Dodge Park #5 site.

**ITEM 1:3-10 APPROVAL OF AGENDA**

**MOTION** by Magner, supported by Sovel, to approve the Agenda with the removal of Item 9B Parenting Awareness Month from the Consent Agenda and move Item 12A Cooley Lake Inn a/k/a On the Waterfront to Item 11C.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:3-10 PUBLIC COMMENTS**

David Law – Thanked the Township Board, employees and residents of Commerce Township for the opportunity to serve as a Trustee on the Township Board. He was appointed on Tuesday, February 10, 2015 by Michigan Governor Rick Snyder to serve as a judge at Oakland County's 52-1 District Court in Novi, Michigan.

Tim Wiechert does not want to see the pavilion removed. The boy scouts did a good job on this and if there is any way this can be saved, he would like to see that happen.

Louise Bellar, Rebuilding Together Oakland County requested support from Commerce Township for their 2014-2015 community programs. Their mission is to bring volunteers and communities together to improve the homes and lives of low-income homeowners.

Peter Schappach, 5545 Lancaster Lane is not in favor of placing the library building in Dodge Park #5.

Mike Trzos, 1565 Switzerland Drive advised the Board that Cooley Lake Inn has not paid their taxes for 2013 and 2014.

**ITEM 3:3-10 PUBLIC HEARINGS**

**A. Land & Water Conservation Fund Grant, Wise Road Park Improvement Project**

Emily England and Leah Groya, Living LAB gave a presentation.

Supervisor Zoner opened the Public Hearing.

Tim Wiechert – is in support of the improvement project for Wise Road Park.

**PUBLIC HEARINGS (Land & Water Conservation Fund Grant, Wise Road Park Improvement Project continued)**

Supervisor Zoner closed the Public Hearing.

Berkheiser – Did this go before the Parks and Recreation Committee? Ms. England answered yes it did and the Parks and Recreation Committee are in favor of allocating money for improvements at Wise Road Park.

**MOTION** by Berkheiser, supported by Sovel, to approve the Land and Water Conservation Fund Application Resolution of Authorization Charter Township of Commerce Wise Road Park Access Improvements and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

**ITEM 4:3-10 BOARD APPOINTMENTS**

**A. Linda Champagne – Parks & Recreation, 4 year term (partial); expires 5/31/2018**

**MOTION** by Zoner, supported by Magner, to appoint Linda Champagne to the Parks & Recreation Committee for a partial ending on May 31, 2018.

**MOTION CARRIED UNANIMOUSLY**

**B. Barbara Rosman – Zoning Board of Appeals, 3 year term; expires 3/31/2018**

**MOTION** by Sovel, supported by Magner, to re-appoint Barbara Rosman to the Zoning Board of Appeals for a 3 year term ending on March 31, 2018.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:3-10 CONTRACT AWARDS AND AGREEMENTS**

**A. Maple Glen Park Contract**

Jason Mayer, Giffles Webster Engineers, Inc. recommends the low bidder, T&M Asphalt Company.

Long – would like to review a spreadsheet from the Parks and Recreation Committee on what was spent and what money will be projected for the future.

**MOTION** by Berkheiser, supported by Magner, to award the Maple Glen Park Improvements Construction Contract to T&M Asphalt Company in the amount of \$1,051,718 and authorize the appropriate signatures. Final payment will be based on unit prices quoted in the Proposal and final field measurements. The contract award shall be contingent upon obtaining the necessary permits to install the project.

**MOTION CARRIED UNANIMOUSLY**

**CONTRACT AWARDS AND AGREEMENTS (continued)**

Phillip Adkison, Township Attorney recommends all current contractor agreements be extended to expire on April 30, 2015.

- B. KER Engineering Inc. Contract**
- C. Electrical Inspection Contractor Agreement**
- D. Plumbing and Mechanical Inspection Contractor Agreement**
- E. Giffels Engineering Services Agreement**
- F. Planning Services Consulting Agreement**

**MOTION** by Sovel, supported by Berkheiser, to extend KER Engineering Inc. Contract, Electrical Inspection Contractor Agreement, Plumbing and Mechanical Inspection Contractor Agreement, Giffels Engineering Services Agreement and Planning Services Consulting Agreement until April 30, 2015 with the same terms and conditions..

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:3-10 INTRODUCTIONS**

- A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.027. – Consumers Energy Franchise**

Hans Rentrop, Township Attorney recommends approval.

**MOTION** by Sovel, supported by Magner, to Introduce an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.027, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:3-10 ADOPTIONS**

- A. An Ordinance to Amend the Code of Ordinances to be known as Code Amendment Ordinance No. 1.026 – BLS**

**MOTION** by Berkheiser, 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. 1.026, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

- B. An Ordinance to Amend Article 32 of Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No. 3.015. – Wetland Setbacks**

Hans Rentrop, Township Attorney advised the Board that the amendment excludes properties that received site plan approval prior to the adoption of the ordinance that required a 25' setback from any wetland.

**MOTION** by Sovel, supported by Berkheiser, to Adopt an Ordinance to Amend Article 32 – Special Development Provisions, Sections 32.02 and 32.05, of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be known as Zoning Amendment Ordinance No. 3.015, Wetland Setbacks, post and publish according to law.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:3-10 ADOPTIONS (continued)**

**C. Zoning Ordinance Text Amendment Land Use Table – Commercial Dog Kennels**

Hans Rentrop, Township Attorney explained the amendment.

**MOTION** by Magner, supported by Phillips, to Adopt a Zoning Ordinance Text Amendment Land Use Table – Commercial Dog Kennels, post and publish according to law.  
**MOTION CARRIED UNANIMOUSLY**

**D. An Ordinance to Amend Ordinance No. 2.009 to be known as The Charter Township of Commerce Fee Ordinance No. 2.010**

**MOTION** by Magner, supported by Berkheiser, to Adopt Charter Township of Commerce an Ordinance to Amend Ordinance No. 2.009 to be known as The Charter Township of Commerce Fee Ordinance No. 2.010 post and publish according to law.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:3-10 SITE CONDOMINIUMS AND PLATS**

**A. Wyncliff**

Hans Rentrop, Township Attorney stated the developer submitted a revised plan eliminating two lots bringing the development from 39 lots to 37 lots. The Planning Commission recommends approval.

**MOTION** by Sovel, supported by Berkheiser, to approve Site Plan PSP15-0009 Final Site Plan Approval Wyncliff – Amendment west off of Martin Parkway, south of Oakley Park Road, Sidwell No.: 17-24-176-005 parent parcel.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:3-10 CONSENT AGENDA**

**A. Banner Permit – Open Door’s Julie Run to End Hunger**

**B. Parenting Awareness Month**

**C. Resolution to Appoint Receiving Board for 2015 Elections**

**MOTION** by Sovel, supported by Berkheiser, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda with the removal of 9B Parenting Awareness Month.

**ROLL CALL VOTE**

**AYES:** Sovel, Magner, Phillips, Berkheiser, Long, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:3-10 CONSENT AGENDA (continued)**  
**B. Parenting Awareness Month**

**MOTION** by Magner, supported by Zoner, to approve a Parenting Awareness Month Resolution.

Discussion: The Board does support parenting awareness but does not believe a Resolution is needed to create a parenting awareness month. This could open the door for all other special interest groups asking the Board to approve similar Resolutions.

**ROLL CALL VOTE**

**AYES:** Magner, Zoner

**NAYS:** Sovel, Long, Berkheiser, Phillips

**MOTION FAILED**

**ITEM 10:3-10 PURCHASES**

None

**ITEM 11:3-10 OLD BUSINESS**

**A. Master Plan – tabled October 14, 2014**

No action

**B. Liquor License New Class C – Donika’s Coney Island**

**MOTION** by Magner, supported by Sovel to remove Liquor License New Class C – Donika’s Coney Island from the Table. **MOTION CARRIED UNANIMOUSLY**

Noah Bardheci, applicant was present.

Discussion – The Board has concerns the applicant may sell the liquor license. The applicant was asked if he would be willing to wait one more month to allow the Township Attorney time to review language restricting the sell or transfer of liquor licenses. The applicant stated he will wait one more month.

Mr. Bardheci said he will not sell or transfer the liquor license. The applicant stated only beer and wine will be sold on the premises, although the menu he submitted shows liquor will be sold. The applicant stated he has had several offers to buy his business but he does not want to sell it.

**MOTION** by Long, supported by Magner to deny Liquor License New Class C – Donika’s Coney Island.

**ROLL CALL VOTE**

**AYES:** Long, Magner, Phillips, Sovel, Zoner

**NAYS:** Berkheiser

**MOTION CARRIED**

**MOTION** by Sovel, supported by Phillips to direct the Township Attorney to provide guidance on the control of liquor license restrictions in the Township.

**MOTION CARRIED UNANIMOUSLY**

**C. Cooley Lake Inn. a/k/a On the Waterfront** – Will be discussed after closed session.

**ITEM 12:3-10 NEW BUSINESS**

**A. Trustee Position**

Magner - Applicants are aware of the tentative interview date.

The Board narrowed the list down to six applicants. Interviews will be conducted on March 17, 2015 beginning at 5:00 pm.

**B. 3<sup>rd</sup> Amendment to Commerce Towne Place PUD**

Phillip Adkison, Township Attorney explained the amendment.

**MOTION** by Berkheiser, supported by Sovel, to approve the Third Amendment to First Amended and Restated Commerce Towne Place Planned Unit Development Agreement by and between the Commerce Township Downtown Development Authority and the Charter Township of Commerce. **MOTION CARRIED UNANIMOUSLY**

**C. Tri-Party Program – Road Commission Oakland County**

Berkheiser did not see Farr Street listed on the Tri-Party Program.

Supervisor Zoner was going to recommend 2015-2016 Tri-Party money go to a right and left hand entrance to the library site at Dodge Park #5.

Long does not believe the intent of Tri-Party money was for improvements to Township property. We have not used Tri-Party money in the past for entrances to Township parks.

Sovel – Tri-Party money should be used for the road improvement safety measures. The entrance to the new library site is not a safety issue.

Long believes the right hand lane between Martin Road to Union Lake Road should be included in the list for the Tri-Party Program.

Sovel recommends the Board take no action this year and look at the cost for projects the Township would like to include in the Tri-Party Program.

**MOTION** by Sovel, supported by Long, to add Farr Street paving, library egress lanes and Richardson Road from Martin Road to Union Lake Road to the list of projects. Cost of the projects shall come back to the Township Board.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 13:3-10 ORDERS AND ADD-ONS**

**MOTION** by Magner, supported by Berkheiser, to approve the Orders and Add-ons.  
**MOTION CARRIED UNANIMOUSLY**

**Item 11C: Cooley Lake Inn a/k/a On the Waterfront**

Supervisor Zoner opened the floor to public comments.

One resident stated during the past week she observed six vehicles left overnight in the parking lot and vehicles speeding out of the parking lot. She attributes this to the establishment over serving alcoholic beverages. She can still hear bands playing while she is in her house. There is garbage left in the parking lot for several days in a row. The patrons are now coming outside of the bar and making loud noise. They are still hiring girls to dance in the bar on Wednesday and Saturday nights.

**ITEM 15:3-10 CLOSED SESSION ATTORNEY CLIENT PRIVILEGED INFORMATION**

**MOTION** by Magner, supported by Sovel, to enter into Closed Session for the purpose of discussing attorney client privileged information.

**ROLL CALL VOTE**

**AYES:** Magner, Sovel, Zoner, Long, Berkheiser, Phillips

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Entered into Closed Session: 9:10 p.m.

Returned from Closed Session at: 9:42 p.m.

**MOTION** by Magner, supported by Phillips, to adjourn and to approve Closed Session minutes.  
**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Berkheiser, supported by Zoner, to approve the resolution whereas, a special meeting of the Commerce Township Board was held on February 17, 2015 for the purpose of a hearing on the application for transfer of the on-premises liquor license and ancillary permits with regard to the establishment located at 8635 Cooley Lake Road, Commerce Township, Michigan known as the Cooley Lake Inn; whereas, at the request of Rami Haidar, on behalf of Cooley lake, Inc. ("Applicant"), the Board tabled the hearing for 30 days to give time for the Applicant to submit additional material and documents; whereas, subsequent to the February 17<sup>th</sup> special meeting, the Township Treasurer checked on the amount of unpaid taxes and assessments due and owing on the premises located at 8635 Cooley Lake Road and discovered that the statement made on behalf of the Applicant at the hearing that 2012 and 2013 taxes had been paid was not accurate, and that in fact only 2012 taxes had been paid, and that the amount of unpaid taxes and assessments for 2013 and 2014 totaled \$70,674.33 as of March 2, 2015; Now therefore it is hereby resolved: 1. That legal counsel for the Township is authorized to send to legal counsel for the Applicant the calculation showing the amount



of unpaid taxes and assessments for 2013 and 2014 still due and owing. 2. That a special meeting of the board will be held on March 16, 2015 at 6:30 pm. And the purposes of the meeting are: a. To consider meeting in closed session for the purpose of discussing an attorney-client letter with legal counsel; b. to continue the hearing on the application of Applicant Cooley Lake, Inc. for transfer of liquor license and ancillary permits for the premises known as Cooley Lake Inn, located at 8635 Cooley Lake Road, Commerce Township MI and to consider whether or not to approve the application request; c. to consider whether or not to set a hearing date and provide notice with regard to objecting to renewal or requesting revocation of the on-premises liquor license and ancillary permits for the premises known as Cooley Lake In, located at 8635 Cooley Lake Road, Commerce Township, MI.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:3-10 OTHER MATTERS**

None

**ITEM 16:3-10 ADJOURNMENT**

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

**MOTION** by Magner, supported by Phillips, to adjourn the meeting at 9:50 p.m.

**MOTION CARRIED UNANIMOUSLY**



Vanessa Magner, CMC  
Clerk, Charter Township of Commerce

**LAND AND WATER CONSERVATION FUND APPLICATION  
RESOLUTION OF AUTHORIZATION  
CHARTER TOWNSHIP OF COMMERCE  
WISE ROAD PARK ACCESS IMPROVEMENTS**

WHEREAS, the Charter Township of Commerce supports the submission of an application titled, "Wise Road Park Access Improvements" to the Land and Water Conservation Fund. The application is to assist in the development of a primary entrance drive, parking area, as well as a structure that includes restrooms and an open air shelter/classroom on the south side of the new Wise Road Park property; and,

WHEREAS, the proposed application is supported by the approved (2014) Commerce Township 5-Year Parks and Recreation Plan; and,

WHEREAS, the proposed application is supported by the Concept Plan that was developed for the Wise Road property in 2014, which incorporated public input and was accepted by the Township Board; and,

WHEREAS, the Charter Township of Commerce has made a financial commitment to the project in the amount of \$246,050 matching funds, in cash; and,

NOW THEREFORE, BE IT RESOLVED that the Charter Township of Commerce hereby authorizes submission of a Land and Water Conservation Fund Application for \$100,000, and further resolves, if awarded the LWCF grant, to make available its financial obligation amount of \$246,050 (71% of total) for a total \$346,050 project cost, during the 2016-2017 fiscal year.

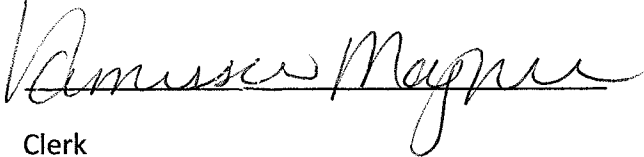
AYES: Berkheiser, Sovel, Magner, Phillips, Long, Zoner

NAYES: None

ABSENT: None

MOTION APPROVED.

I HEREBY CERTIFY that the foregoing is a Resolution duly made and passed by the Charter Township of Commerce Board at their regular meeting held on March 10, 2015, at 7:00 p.m. with a quorum present.

 \_\_\_\_\_ 3-11-2015  
Clerk Date  
Charter Township of Commerce

**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE  
APPROVING CONSENT AGENDA**

At the Regular Meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 10<sup>th</sup> day of March, 2015, in the Township Hall at 7:00 p.m.

**PRESENT:** Zoner, Magner, Phillips, Long, Sovel, Berkheiser  
**ABSENT:** Zero

The following resolution approving the Consent Agenda of March 10, 2015 Board of Trustees Meeting of the Charter Township of Commerce was offered by Sovel and supported by Berkheiser.


**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF COMMERCE:**

- A. Banner Permit – Open Door’s Julie Run to End Hunger
- C. Resolution – Appoint Receiving Board for 2015 Elections

**AYES:** Sovel, Magner, Phillips, Berkheiser, Long, Zoner  
**NAYS:** Zero  
**ABSENT:** Zero

**RESOLUTION DECLARED ADOPTED**  
**STATE OF MICHIGAN        )**  
**)s.**  
**COUNTY OF OAKLAND     )**

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a Meeting held on the 10<sup>th</sup> day of March, 2015.

  
**Vanessa Magner, CMC, CMMC**  
**Clerk, Charter Township of Commerce**

Dated: 3-11-2015

RESOLUTION APPROVING THE APPOINTMENT OF RECEIVING BOARD  
TO BE ESTABLISHED FOR THE 2015 ELECTION CYCLE

Whereas, Michigan Election Law, MCL 168.679z, provides that the legislative body of a city or township may, by resolution, approve the establishment of one or more "receiving boards" to administer any upcoming election scheduled in the jurisdiction, and;

Whereas, When established, receiving boards are responsible for ensuring that 1) all ballot containers delivered to the clerk's office after the polls close are properly sealed 2) all seal numbers are properly recorded and 3) that the number of names entered in the poll book balances with the number of ballots counted in the precinct as shown on the statement of returns, and;

Whereas, It is Commerce Township's past practice, and the clerk's recommendation, that a receiving board be established for the 2015 election cycle.

NOW THEREFORE BE IT RESOLVED that "Receiving Boards" be established for the Special Election held on May 5, 2015 and any other Elections in the year 2015.

Motion carried this 10<sup>th</sup> day of March, 2015.

  
Vanessa Wagner, CMC  
Clerk, Charter Township of Commerce