

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

*Tuesday, July 12, 2011*

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  
Daniel Munro, Clerk  
Susan Gross, Treasurer  
Debra Kirkwood  
David Law, Trustee  
Robert Long, Trustee  
Rick Sovel, Trustee

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

**APPROVAL OF MINUTES**

**MOTION** by Gross, supported by Kirkwood, to approve the Regular Township Board meeting minutes of June 14, 2011, as written.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS:**

**A. Parks Master Plan -- Maple Glen and Hickory Glen**

Emily England introduced Leah Groya from Wade Trim, who gave a presentation on the Maple Glen Park and Hickory Glen Park Concept Plans.

**MOTION** by Munro, supported by Sovel, to approve the recommendation of the Parks and Recreation Committee to accept the concept plans for the Hickory Glen Master Plan and the Maple Glen Master Plan.

**MOTION CARRIED UNANIMOUSLY**

**PRESENTATIONS (continued)**

**B. Huron River Watershed Council – Peter Schappach**

Peter Schappach gave a presentation on the Huron River Watershed Council, specifically, projects completed in 2010 and upcoming opportunities/programs for 2011.

Peter Pace, Parks and Recreation Committee gave a brief presentation on the second "Concert in the Park" event. He stated there were approximately 400 visitors that attended the first "Concert in the Park" event.

**PETITIONS:**

None

**ITEM 1:7-12 APPROVAL OF AGENDA**

**MOTION** by Zoner, supported by Sovel, to approve the Agenda with the addition of Item 12 E. under New Business: Sunday Morning Alcohol Sales, Item 14 B. under Other matters: Sledding Hill, and Item 15 B. under Closed Session: Discuss Attorney Client Privileged Communication.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:7-12 PUBLIC COMMENTS**

Dave Flammer, Lakes Area Community Foundation (non-profit organization) was present to describe how the Foundation can allow donors to receive the tax benefits of donating to an IRS Section 501c(3) organization without individual groups applying for this designation.

**ITEM 3:7-12 PUBLIC HEARINGS**

None

**ITEM 4:7-12 BOARD APPOINTMENTS**

None

**ITEM 5:7-12 CONTRACT AWARDS AND AGREEMENTS**

**A. Oakland County Sheriff's Department Contract**

**MOTION** by Munro, supported by Gross, to Table the Oakland County Sheriff's Office 2011 Law Enforcement Services Agreement with the Charter Township of Commerce. **MOTION CARRIED UNANIMOUSLY**

**B. Proposal for Actuarial Services**

Daniel Munro explained the bids received and recommends the Board award the contract to Rodwan Consulting Services.

**MOTION** by Munro, supported by Sovel, to award the contract for Actuarial Consulting Services to Rodwan Consulting Services in an amount not to exceed \$4,500.00 and authorize the appropriate signatures.

**MOTION CARRIED UNANIMOUSLY**

**C. Fire Department Pavement Repairs – Stations 1, 2 & 4**

**MOTION** by Munro, supported by Sovel, to award the contract for pavement repairs at Fire Stations 1, 2 & 4 to Hartwell Cement at a cost of \$18,725.90 and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

**ITEM 6:7-12 INTRODUCTIONS**

None

**ITEM 7:7-12 ADOPTIONS**

**A. An Ordinance to Amend the Code of Ordinances, Charter Township of Commerce to be known as Ordinance No. 1.014.**

**MOTION** by Munro, supported by Kirkwood, 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. 1.014, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

**ITEM 8:7-12 SITE CONDOMINIUMS AND PLATS**

None

**ITEM 9:7-12 CONSENT AGENDA**

- A. Approve the Banner Permit for St. Patrick's Summer Fair
- B. Approve the Resolution for SW Union Lake Road Laterals SAD Refund Rolls
- C. Approve the Resolution for Homestead Industrial Sewer SAD Refund Rolls
- D. Approve the Resolution for Special Projects #16 SAD Refund Rolls
- E. Approve the Resolution for Lower Mt. Royal Dredging SAD Refund Rolls
- F. Approve the Continuation of Bank Reconciliation Services with Plante Moran, PLLC
- G. Approve the Billboard Policy
- H. Approve the Appointment of Freedom of Information Coordinator
- I. Approve the Appointment of Election Commission

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

**ROLL CALL VOTE:**

**AYES:** Munro, Gross, Kirkwood, Long, Sovel, Law, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 10:7-12 PURCHASES**

None

**ITEM 11:7-12 OLD BUSINESS**

- A. Appointment of Township Officials – Tabled 5-10-11 and 6-14-11

**MOTION** by Sovel, supported by Munro, to remove Appointment of Township Officials from the Table. **MOTION CARRIED UNANIMOUSLY**

Phillip Adkison, Township Attorney gave an explanation of the contracts for Planning Services and Building Construction Services for Township Officials.

**MOTION** by Munro, supported by Zoner, to approve the Charter Township of Commerce Planning Services Agreement with Kathleen Jackson.

**ROLL CALL VOTE:**

**AYES:** Munro, Zoner, Sovel, Law

**NAYS:** Gross, Long, Kirkwood

**MOTION CARRIED**

**ITEM 11:7-12 OLD BUSINESS (Appointment of Township Officials continued)**

**MOTION** by Gross, supported by Munro, to approve the Charter Township of Commerce Building Construction Services Agreement with Jay James.

**ROLL CALL VOTE:**

**AYES:** Gross, Munro, Kirkwood, Law, Sovel, Long, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 12:7-12 NEW BUSINESS**

**A. Grievance 11-002 – I.A.F.F. Local 2154**

Kirk Werner, President of I.A.F.F. Local 2154, was present to explain the grievance.

**MOTION** by Zoner, supported by Munro, to deny Grievance 11-002 – I.A.F.F. Local 2154.

**ROLL CALL VOTE:**

**AYES:** Zoner, Munro, Law, Gross

**NAYS:** Sovel, Long, Kirkwood

**MOTION CARRIED**

**B. Parks and Recreation Committee By-Laws**

**MOTION** by Munro, supported by Gross, to approve the Charter Township of Commerce Oakland County, Michigan Parks and Recreation Committee By-Laws Adopted April 8, 1980.

**MOTION CARRIED UNANIMOUSLY**

**C. Liquor License Special Permit – Uptown Grille MMA Event**

Ryan Adams, owner, and a representative from TXC Promoters were present to explain the MMA event.

Kathleen Jackson, Township Planner, stated they would have one Oakland County Deputy on site during the event because of the valet parking that will be across the street from the site. In addition, the sound will be directed away from residents and toward the wetlands.

**ITEM 12:7-12 NEW BUSINESS (Uptown Grille MMA Event continued)**

**MOTION** by Munro, supported by Law, to approve the Charter Township of Commerce Application for Alcoholic Liquors Special Permit Code No. 1.000 Chapter 6, Section 6-24 for Uptown Grille MMA Event on July 23, 2011.

**MOTION CARRIED UNANIMOUSLY**

**D. Liquor License Special Permit – Uptown Grille Music Concert Event**

**MOTION** by Munro, supported by Law, to approve the Charter Township of Commerce Application for Alcoholic Liquors Special Permit Code No. 1.000 Chapter 6, Section 6-24 for Uptown Grille for Uptown Grille Music Concert Event on August 27, 2011

**MOTION CARRIED UNANIMOUSLY**

**E. Sunday Morning Alcohol Sales**

Sovel – The Motion made at the December 14, 2010 Township Board of Trustees Meeting regarding Sunday Morning Alcohol Sales was not clear and needs to be corrected.

**MOTION** by Munro, Supported by Long, to approve the Resolution of the Township Board of the Charter Township of Commerce to continue the prohibition of the sale of alcoholic beverages in the Township on or off premises between the hours of 7:00am and noon on Sundays.

**MOTION CARRIED UNANIMOUSLY**

Sovel would like a Motion made to rescind the previous Motion made at the December 14, 2010 Township Board of Trustees Meeting regarding Sunday Morning Alcohol Sales in order to keep in line with other municipalities that voted to approve Sunday morning alcohol sales.

**MOTION** by Sovel, supported by Munro, to rescind the December 14, 2010 Resolution of the Township Board that continued the prohibition of Sunday morning sales of alcoholic beverages and directing the Township Clerk to notify the Michigan Liquor Control Commission that the Township Board no longer object to such sales.

**ROLL CALL VOTE:**

**AYES:** Sovel, Gross, Law

**NAYS:** Munro, Kirkwood, Long, Zoner

**MOTION FAILED**

**ITEM 13:7-12 ORDERS**

**MOTION** by Gross, supported by Kirkwood, to approve the orders and additions.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM 14:7-12 OTHER MATTERS**

**A. Request for Waiver of Transfer Penalty**

Susan Gross stated there was an error assessing a property transfer fee for parcel 17-22-127-006 and recommends the Board waive the fee.

**MOTION** by Gross, supported by Kirkwood, to waive the property transfer fee of \$200.00 for parcel 17-22-127-006.

**MOTION CARRIED UNANIMOUSLY**

**B. Sledding Hill**

Sewer Plant – Supervisor Thomas Zoner recommends the Board allocate \$42,000 to improve (pave) the parking lot and landscape the sewer treatment plant.

**MOTION** by Munro, supported by Zoner to allocate \$18,000 from the Parks and Recreation fund and \$24,000 from the Sewer Fund to pave the parking lot and landscape the residual treatment plant material left over from the sledding hill at the sewer treatment plant.

**MOTION CARRIED UNANIMOUSLY**

Long – The names of Hickory Glen and Maple Glen Parks are confusing – we should rename one of the parks. He recommends re-naming Hickory Glen to Commerce Glen. Emily England will take this back to the Parks and Recreation Committee for their input

Gross – Form a committee to discuss library improvements. Sovel said the Library Advisory Board is reviewing the concept of forming a committee.

**ITEM 15:7-12 CLOSED SESSION**

**A. Purchase of Property**

**B. Discuss Attorney Client Privileged Communication**

**MOTION** by Munro, supported by Kirkwood, to enter in Closed Session for the purpose of discussing purchase of real property and attorney client privileged communication.

**ROLL CALL VOTE:**

**AYES:** Munro, Kirkwood, Gross, Long, Sovel, Law, Zoner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**Entered into Closed Session: 9:33 p.m.**

**Returned from Closed Session: 10:52 pm**

**ITEM 15:7-12 CLOSED SESSION (continued)**

**MOTION** by Gross supported by Kirkwood to approve the Closed Session Minutes.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Munro, supported by Gross, to direct the Township Attorneys to continue with the acquisition of the Wise road property as recommended in the attorney client privileged communication. dated July 6, 2011

**MOTION CARRIED UNANIMOUSLY**

**ITEM 16:7-12 ADJOURNMENT**

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

**MOTION** by Zoner supported by Munro, to adjourn at 10:55 p.m.

**MOTION CARRIED UNANIMOUSLY**



\_\_\_\_\_  
Daniel P. Munro, Clerk  
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 12<sup>th</sup> day of July, 2011, in the Township Hall at 7:00 p.m.

**PRESENT:** Zoner, Munro, Gross, Kirkwood, Law, Long, Sovel

**ABSENT:** None

The following resolution approving the Consent Agenda of July 12, 2011 Board of Trustees Meeting of the Charter Township of Commerce was offered by Munro and supported by Gross

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

- A. Approved the Banner Permit for St. Patrick's Summer Fair
- B. Approved the Resolution for SW Union Lake Road Laterals SAD Refund Rolls
- C. Approved the Resolution for Homestead Industrial Sewer SAD Refund Rolls
- D. Approved the Resolution for Special Projects #16 SAD Refund Rolls
- E. Approved the Resolution for Lower Mt. Royal Dredging SAD Refund Rolls
- F. Approved the Continuation of Bank Reconciliation Services with Plante Moran, PLLC
- G. Approved the Billboard Policy
- H. Approved the Appointment of Freedom of Information Coordinator
- I. Approved the Appointment of Election Commission

**AYES:** Munro, Gross, Kirkwood, Long, Sovel, Law, Zoner


**NAYS:** None

**ABSENT:** None

**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 12<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
**Daniel P. Munro**  
Clerk, Charter Township of Commerce

Dated: 7-14-2011

**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE  
HOMESTEAD INDUSTRIAL PARK SEWER  
SPECIAL ASSESSMENT DISTRICT**

*(ROLL #15)*

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 112th day of July, 2011, in the Township Hall at 7:00 p.m.

PRESENT: Thomas K Zoner, Daniel Munro, Susan L. Gross, David Law, Rick Sovel, Robert J. Long and Debra Kirkwood

ABSENT None

The following preamble and resolution were offered by Munro and supported by Gross.

**WHEREAS**, the improvement associated with the Homestead Industrial Park Sewer Special Assessment District has been completed and the bonds sold in connection therewith have been paid, and;

**WHEREAS**, there remaining Twenty-One Thousand Seven Hundred Thirty-Two Dollars and 65 cents (\$21,732.65) in surplus funds in the Special Assessment District following payment of bonds and all expenses related to the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of the Charter Township of Commerce that the sum of Twenty-One Thousand Seven Hundred Thirty-Two Dollars and 65 cents (\$21,732.65), representing the balance, less costs associated with the refund, **shall be refunded on a prorated basis to the owners of properties assessed in the Homestead Industrial Park Sewer Special Assessment Districts.** Payment shall be made to owners of the property as of the date of this Resolution.

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

NAYS: None

ABSENT: None

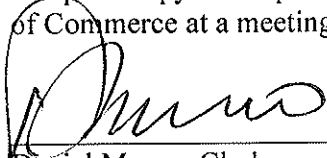
RESOLUTION DECLARED ADOPTED

**Resolution**  
**Residual Special Assessment Funds**  
**Page 2**

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STATE OF MICHIGAN )  
  )s.  
COUNTY OF OAKLAND )

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\_\_\_\_\_  
Daniel Munro, Clerk  
Charter Township of Commerce

Dated: 7-14-2011

**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE  
LOWER MT ROYAL DREDGING SPECIAL ASSESSMENT DISTRICT**

*(Roll #8)*

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 112th day of July, 2011, in the Township Hall at 7:00 p.m.

PRESENT: Thomas K Zoner, Daniel Munro, Susan L. Gross, David Law, Rick Sovel, Robert J. Long and Debra Kirkwood

ABSENT None

The following preamble and resolution were offered by Munro and supported by Gross.

**WHEREAS**, the improvement associated with the Lower Mt. Royal Dredging Special Assessment District has been completed and the bonds sold in connection therewith have been paid, and;

**WHEREAS**, there remaining Ten Thousand Two Hundred Eighty-Six Dollars and 36 cents (\$10,286.36) in surplus funds in the Special Assessment District following payment of bonds and all expenses related to the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of the Charter Township of Commerce that the sum of Ten Thousand Two Hundred eighty-Six Dollars and 36 cents (\$10,286.36), representing the balance, less costs associated with the refund, **shall be refunded on a prorated basis to the owners of properties assessed in the Lower Mt. Royal Dredging Special Assessment Districts.** Payment shall be made to owners of the property as of the date of this Resolution.

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

NAYS: None

ABSENT: None

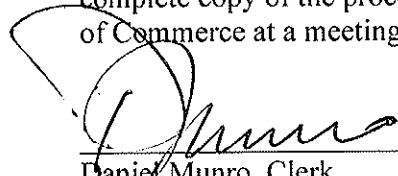
RESOLUTION DECLARED ADOPTED

**Resolution**  
**Residual Special Assessment Funds**  
**Page 2**

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STATE OF MICHIGAN )  
  )s.  
COUNTY OF OAKLAND )

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\_\_\_\_\_  
Daniel Munro, Clerk  
Charter Township of Commerce

Dated: 7-14-2011

**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE  
SPECIAL PROJECTS #16**

*(Roll #16)*

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 112th day of July, 2011, in the Township Hall at 7:00 p.m.

PRESENT: Thomas K Zoner, Daniel Munro, Susan L. Gross, David Law, Rick Sovel, Robert J. Long and Debra Kirkwood

ABSENT None

The following preamble and resolution were offered by Munro and supported by Gross.

**WHEREAS**, the improvement associated with the Special Projects #16 Special Assessment District has been completed and the bonds sold in connection therewith have been paid, and;

**WHEREAS**, there remaining Fourteen Thousand, Eight Hundred Thirty-Three Dollars and 85 cents (\$14,833.85) in surplus funds in the Special Assessment District following payment of bonds and all expenses related to the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of the Charter Township of Commerce that the sum of Fourteen Thousand Eight Hundred Thirty-three Dollars and 85 cents (\$14,833.85), representing the balance, less costs associated with the refund, **shall be refunded on a prorated basis to the owners of properties assessed in the Special Projects #16 Special Assessment Districts.** Payment shall be made to owners of the property as of the date of this Resolution.

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

NAYS: None

ABSENT: None

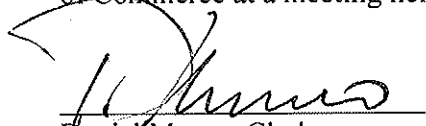
RESOLUTION DECLARED ADOPTED

**Resolution  
Residual Special Assessment Funds  
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STATE OF MICHIGAN )  
  )s.  
COUNTY OF OAKLAND )

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Daniel Munro, Clerk  
Charter Township of Commerce

Dated: 7-14-2011

**RESOLUTION OF THE TOWNSHIP BOARD  
OF THE CHARTER TOWNSHIP OF COMMERCE  
SW UNION LAKE ROAD LATERALS SPECIAL ASSESSMENT DISTRICT  
(Roll #10)**

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 12th day of July, 2011, in the Township Hall at 7:00 p.m.

**PRESENT:** Thomas K Zoner, Daniel Munro, Susan L. Gross, David Law, Rick Sovel, Robert J. Long and Debra Kirkwood

**ABSENT:** None

The following preamble and resolution were offered by Munro and supported by Gross.

**WHEREAS**, the improvement associated with the SW Union Lake Road Laterals Special Assessment District has been completed and the bonds sold in connection therewith have been paid, and;

**WHEREAS**, there remaining One Hundred Thirty-Seven Thousand, Thirty Dollars and 02 cents (\$137,030.02) in surplus funds in the Special Assessment District following payment of bonds and all expenses related to the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of the Charter Township of Commerce that the sum of One Hundred Thirty-Seven Thousand, Thirty Dollars and 02 cents (\$137,030.02), representing the balance, less costs associated with the refund, **shall be refunded on a prorated basis to the owners of properties assessed in the SW Union Lake Road Laterals Special Assessment Districts.** Payment shall be made to owners of the property as of the date of this Resolution.

**AYES:** Munro, Gross, Kirkwood, Long, Sovel, Law, Zoner

**NAYS:** None

**ABSENT:** None

**RESOLUTION DECLARED ADOPTED**

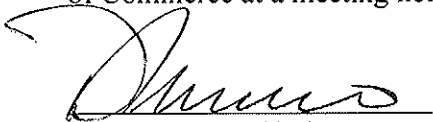


**Resolution**  
**Residual Special Assessment Funds**  
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STATE OF MICHIGAN )  
  )s.  
COUNTY OF OAKLAND )

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Daniel Munro, Clerk  
Charter Township of Commerce

Dated: 7-14-2011