

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

Tuesday, November 18, 2014

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
Susan Gross, Treasurer
Robert Berkheiser, Trustee
Robert Long, Trustee
Rick Sovel, Trustee

Absent: David Law, 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 October 14, 2014 and the Quarterly Township Board of Trustees Meeting minutes of October 28, 2014, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:11-18 APPROVAL OF AGENDA

MOTION by Gross, supported by Magner, to approve the Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:11-18 PUBLIC COMMENTS

No one present had any comments.

ITEM 3:11-18 PUBLIC HEARINGS

A. Roll Resolution to Establish Special Assessment District to be known as Bluebird Drive/Rondelay Street Snow Plowing Special Assessment District

Supervisor Zoner opened the Public Hearing.

No one present had any comments.

Supervisor Zoner closed the Public Hearing.

MOTION by Gross, supported by Magner, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Bluebird Drive/Rondelay Street Snow Plowing Special Assessment District, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 4:11-18 BOARD APPOINTMENTS

None

ITEM 5:11-18 CONTRACT AWARDS AND AGREEMENTS

A. Layton & Richardson, P.C. Contract

MOTION by Gross, supported by Sovel, to approve the Layton & Richardson, P.C., 3 year, 2015 – 2018 Contract and authorize the appropriate signatures.

MOTION CARRIED

UNANIMOUSLY

ITEM 6:11-18 INTRODUCTIONS

A. Intent Resolution Special Projects No. 38

MOTION by Gross, supported by Magner, to Introduce 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 Special Projects No. 38, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 7:11-18 ADOPTIONS

A. Zoning Ordinance Amendment No. 3.013

MOTION by Gross, supported by Magner, to Adopt an Ordinance to Amend Article 2 – definitions, Section 2.02; Article 6 – Dimensional Standards, Sections 6.02, 6.03, and 6.06; Article 26 – Use Standards, Section 26.104; Article 33 – General Provisions, Section 33.02 And 33.03; Article 34 – Special Land Uses, Section 34.03; and Article 39 Nonconformities, Section 39.03 of Zoning Ordinance 3.000, Charter Township of Commerce, Oakland County, Michigan to be known as Zoning Amendment Ordinance No. 3.013, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:11-18 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:11-18 CONSENT AGENDA

- A. Ladd Road Water SAD Refund Roll**
- B. Approval of Bank Depositories**
- C. Approval of Multi Year Special Assessments**

MOTION by Gross, supported by Sovel, to approve the Consent Agenda.

ROLL CALL VOTE

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

NAYS:

ABSENT: Law

MOTION CARRIED UNANIMOUSLY

ITEM 10:11-18 PURCHASES

A. Fluorescent Lighting for Fire Station #3

Joseph Schornack, Fire Chief is requesting approval to purchase 23 lighting fixtures because ceramic connections are fragile and breaking and the old wiring is cracking beyond repair.

MOTION by Gross, supported by Sovel, to approve the purchase of fluorescent light for Fire Station #3 from Conserva Electric in an amount not to exceed \$3,000.00.

MOTION CARRIED UNANIMOUSLY

ITEM 11:11-18 OLD BUSINESS

A. Snow Plow Bids

Magner – Received two bids. The current company did not submit a bid. She would like to contact the company to see if their prices will remain the same as last year.

MOTION by Magner, supported by Berkheiser, to contact the current snow plow company Your Way Property Services to see if they will extend their snow plow contract as originally proposed, or will contract with lowest bid, LMC Services.

MOTION CARRIED UNANIMOUSLY

B. Treasurers Position

Phillip Adkison, Township Attorney, will be the moderator for the interviews. After discussion, it was agreed by the Board to interview applicants #3, 4, 5, 6, 9, 10. The interviews will be limited to one hour each on November 25, 2014 at 5:00 p.m.

C. Master Plan – tabled October 14, 2014

This will remain on the Table.

ITEM 11:11-18 OLD BUSINESS (continued)

D. Library Location

Architects from Penchansky Whisler Architects gave a PowerPoint presentation on four Dodge V site concepts.

Sovel – Would like to see this Tabled. Klint Kesto, State Representative District 39, should receive an answer from Lansing soon on approval of the deed restrictions for a portion of the Dodge Park land for the library location.

MOTION by Sovel, supported by Long, to Table Library Location.

ROLL CALL VOTE

AYES: Sovel, Long, Berkheiser, Gross, Magner

NAYS: Zoner

ABSENT: Law

MOTION CARRIED

ITEM 12:11-18 NEW BUSINESS

A. Master Deed Second Amendment – Commerce Towne Place

Phillip Adkison, Township Attorney, explained the Amendment.

MOTION by Magner, supported by Gross, to approve the Second Amendment to Master Deed of Commerce Towne Place, as submitted, and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

B. Job Description – Library Senior Page

Connie Jo Ozinga, Library Director is requesting approval of the job description for a Library Senior Page Position. She would like to promote the employee who presently works in this job position.

Sovel – not comfortable promoting someone that already is doing the job. Being this would be a new job description, the position should be posted internally and to the public.

MOTION by Sovel, supported by Magner, to approve the Job Description for a Library Senior Page with the following additions: Essential duties, responsibilities and other tasks as requested by a supervisor and under “Qualifications” include 1 year of experience as a pager or other upper library position. **MOTION CARRIED UNANIMOUSLY**

C. Request for Out of State Travel – Library

Connie Jo Ozinga, Library Director is requesting approval by the Board to attend the ALA Midwinter Conference in Chicago, IL in January 2015.

ITEM 12:11-18 NEW BUSINESS (out of State travel – continued)

MOTION by Magner, supported by Sovel, to approve the request of Connie Jo Ozinga to attend the ALA Midwinter Conference in Chicago, IL in January 2015. The amount will not exceed \$520.00, funds to come from the Library Fund.

MOTION CARRIED UNANIMOUSLY

D. BLS Fee Schedule

Berkheiser – We should update the policy for private pay and account collections. Mr. Berkheiser would like the fee waived for the date of transport for Commerce Township and Wolverine Lake residents. Insurance payments will be accepted and the balance should be waived.

MOTION by Berkheiser, supported by Long, to update the policy for private pay and account collections for emergency transport and change the verbiage under Section 2 Fee Waiver: waive all fees after insurance payment, if any, is received by the Township, for the date of transport for Commerce Township and Wolverine Lake residents.

Motion withdrawn by Berkheiser, supported withdrawn by Long.

MOTION by Berkheiser, supported by Magner, to Table BLS Fee Schedule.

MOTION CARRIED UNANIMOUSLY

E. Huron Valley Council for the Arts – Mini Grant

Mr. Hill was present asking for the Boards support to be the grant applicant for Art on the River 2015. The Parks and Recreation Committee is recommending the Board move forward with the partnership between Commerce Township and HVCA on the mini-grant for Art on the River 2015.

MOTION by Gross, supported by Berkheiser, to move forward with the partnership between Commerce Township and HVCA on the mini-grant for Art on the River 2015 and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

ITEM 13:11-18 ORDERS AND ADD-ONS

Magner – there are no add-ons.

MOTION by Magner, supported by Gross, to approve the Orders.

MOTION CARRIED UNANIMOUSLY

ITEM 14:11-18 OTHER MATTERS

Sovel – asked for an update on Walled Lake School Police Officers. Supervisor Zoner answered there is no update as of this date.

Berkheiser – asked if the Township has a cell phone reimbursement policy. Magner answered the Township does not have a policy.

ITEM 14:11-18 OTHER MATTERS (continued)

Berkheiser - asked what the "On the waterfront" was about in Jay James report. Mr. James answered that several phone calls were received regarding complaints of noise coming from outdoor seating at a restaurant in the Township. He stated this is now being handled through the court system.

Berkheiser – asked if there was an update on the water tower tank. Phillip Adkison answered that he spoke to an attorney who represents the hospital and he advised him that this was turned over to an attorney in Texas. No further updates.

ITEM 15:11-18 CLOSED SESSION - PENDING LITIGATION

MOTION by Magner, supported by Sovel, to enter into Closed Session to discuss Pending Litigation.

ROLL CALL VOTE

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

NAYS:

ABSENT: Law

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session at: 9:50 p.m.
Returned from Closed Session at: 10:30 p.m.

MOTION by Zoner, supported by Gross, to adjourn from Closed Session and approve Closed Session Minutes.

MOTION CARRIED

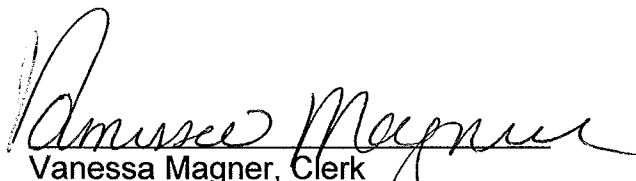
UNANIMOUSLY

ITEM 16:11-18 ADJOURNMENT

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

MOTION by Gross, supported by Berkheiser, to adjourn the meeting at 10:30 p.m.

MOTION CARRIED UNANIMOUSLY


Vanessa Magner, 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 18th day of November, 2014, in the Township Hall at 7:00 p.m.

PRESENT: Zoner, Magner, Gross, Long, Berkheiser, Sovel
ABSENT: Law

The following resolution approving the Consent Agenda of November 18, 2014 Board of Trustees Meeting of the Charter Township of Commerce was offered by Gross and supported by Sovel.

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

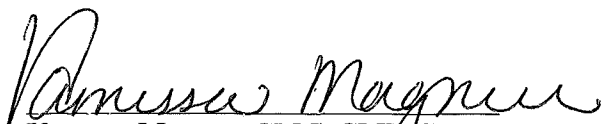
- A. Ladd Road Water SAD Refund Roll
- B. Approval of Bank Depositories
- C. Approval of Multi Year Special Assessments

AYES: Gross, Sovel, Long, Berkheiser, Magner, Zoner
NAYS: Zero (0)
ABSENT: Law

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 18th day of November, 2014.


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

Dated: 11-19-2014

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE**
Ladd Road Water Special Assessment District Refund Roll

(Roll #24)

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 18th day of November, 2014, in the Township Hall at 7:00 p.m.

PRESENT: Zoner, Magner, Gross, Long, Berkheiser, Sovel

ABSENT: Law

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

WHEREAS, the improvement associated with the Ladd Road Water Special Assessment District has been completed and the bonds sold in connection therewith have been paid, and;

WHEREAS, there remains One Hundred Thirty-One Thousand, Eight Hundred Ninety-Five Dollars and 58 cents (\$131,895.58) 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 One Thousand, Eight Hundred Ninety-Five Dollars and 58 cents (\$131,895.58), representing the balance, less costs associated with the refund, **shall be refunded on a prorated basis to the owners of properties assessed in the Ladd Road Water Special Assessment Districts**. Payment shall be made to owners of the property as of the date of this Resolution.

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

NAYS: Zero (0)

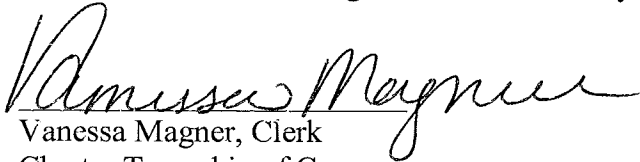
ABSENT: Law

RESOLUTION DECLARED ADOPTED

Resolution
Residual Special Assessment Funds
Page 2

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 18th day of November, 2014.


Vanessa Wagner, Clerk
Charter Township of Commerce

Dated: 11-19-14

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL FOR
THE SPECIAL ASSESSMENT DISTRICT DESIGNATED
BLUEBIRD DRIVE/RONDELAY STREET SNOW PLOWING
SPECIAL ASSESSMENT DISTRICT**

At the regular meeting of the Township Board of the Charter Township of Commerce, Oakland County, Michigan (the "Township"), held in the Township Hall on the 18th day of November, 2014, at 7:00 p.m.

PRESENT: Thomas Zoner, Susan Gross, Vanessa Magner, Robert Long, Rick Sovel, Robert Berkheiser

ABSENT: David Law

The following preamble and resolution were offered by Susan Gross and supported by Vanessa Magner.

WHEREAS, the Township Board has determined it is reasonable, necessary and in the interest of the public health, safety and welfare of the inhabitants of the Township to establish a Special Assessment District to finance the payment of expenses, fees and charges related to snow removal services for the benefit of that portion of the Charter Township of Commerce described on the attached Exhibit A, and has tentatively designated a Special Assessment District against which costs of the improvement are to be assessed ("The Project"), and;

WHEREAS, the Township Board has determined to finance The Project by advancing funds from the Township Improvement Revolving Fund in accordance with Act No. 188, Public Acts of Michigan, 1954, as amended, and;

WHEREAS, the Township Board has determined to use Special Assessments to repay the Township Revolving Fund, and;

WHEREAS, the costs associated with this Special Assessment District are of such a nature that periodic redeterminations of the costs will be made from time to time without further notice to the record owners or parties with an interest in property located within this Special Assessment District, and;

WHEREAS, the Special Assessment District for The Project has been determined by the Township and has been designated as Bluebird Drive/Rondelay Street Snow Plowing Special Assessment District, and;

WHEREAS, the Township Board has directed the Township Supervisor to prepare the proposed Special Assessment Roll, and;

WHEREAS, the Township Supervisor has prepared the proposed Special Assessment Roll and has filed the proposed Special Assessment Roll with the Township Clerk, and;

WHEREAS, the Township Board has scheduled a public hearing on the proposed Special Assessment Roll, and notice of the hearing was properly provided, and;

WHEREAS, the Township Board conducted the public hearing on the Special Assessment roll at a regular meeting of the Township Board held on the 18th day of November, 2014 at 7:00 p.m. at the Township offices.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Payment of Project Costs. Project costs shall be paid with funds advanced from the Township Improvement Revolving Fund. The projected costs are set forth on the attached **Exhibit B**. The nature of the project is such that periodic redeterminations of cost will be made.
2. Roll Filed. The Township Board acknowledges that the Township Supervisor has filed the proposed Special Assessment Roll for the Bluebird Drive/Rondelay Street Snow Plowing Special Assessment District (the "Roll") with the Township Clerk, and has certified that the Roll was prepared in accordance with the Township Board's directions and in accordance with the laws of the State of Michigan.
3. Roll Confirmed. In accordance with the provisions of Michigan Public Act 359 of 1947, as amended, and Michigan Public Act 188 of 1954, as amended, and the laws of the State of Michigan, the Township Board hereby confirms the Roll and directs that the assessments made therein shall be collected.
4. Future Installments - Principal. The Township Board determines that each Special Assessment may be paid in annual installments, with the first installment due on or before December 1, 2014, and the second installment due December 1, 2015. Each subsequent installment shall be due at intervals 12 months from the due date of the second installment.
5. Future Installments - Interest. All unpaid installments shall bear interest, payable annually on each installment due date, at the rate of five percent (5%) per annum.
6. Ratification of Notice. The form and content of the notice published and mailed to property owners in the Special Assessment District by the Township Clerk with respect to the public hearing held on the 18th day of November, 2014 and all actions of Township officials in scheduling such hearing, are hereby approved, ratified and confirmed.
7. Inconsistent Prior Resolutions. All previously adopted resolutions that are in conflict with this resolution are repealed to the extent of such conflict.

8. Reimbursement. The Special Assessment District shall reimburse the Township Improvement Revolving Fund for all money advanced for The Project together with outstanding interest thereon.
9. Appeals. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk, Charter Township of Commerce, 2009 Township Drive, Commerce Township, Michigan 48390. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.
10. The names and addresses of those persons present at the Public Hearing who protested the assessment, if any, will be identified in the minutes of the Public Hearing.

Upon a roll-call vote for the adoption of the foregoing resolution, the vote was:

AYES: **Thomas Zoner, Susan Gross, Vanessa Magner, Robert Long, Rick Sovel,
Robert Berkheiser**

NAYS: **None**

ABSENT: **David Law**

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Charter Township of Commerce, Oakland County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a regular meeting held on the 18th day of November, 2014, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

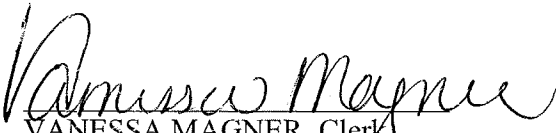

VANESSA MAGNER, Clerk
Charter Township of Commerce
Dated: November 19, 2014

EXHIBIT A

Parcel Nos.

17-10-428-019	17-10-428-030	17-10-428-039	17-10-430-024
17-10-428-020	17-10-428-031	17-10-428-041	17-10-430-016
17-10-428-023	17-10-428-032	17-10-428-042	17-10-431-019
17-10-428-024	17-10-428-035	17-10-430-005	17-10-430-026
17-10-428-025	17-10-428-036	17-10-430-022	
17-10-428-029	17-10-428-038	17-10-430-023	

The following map depicts the boundary of the Special Assessment District:

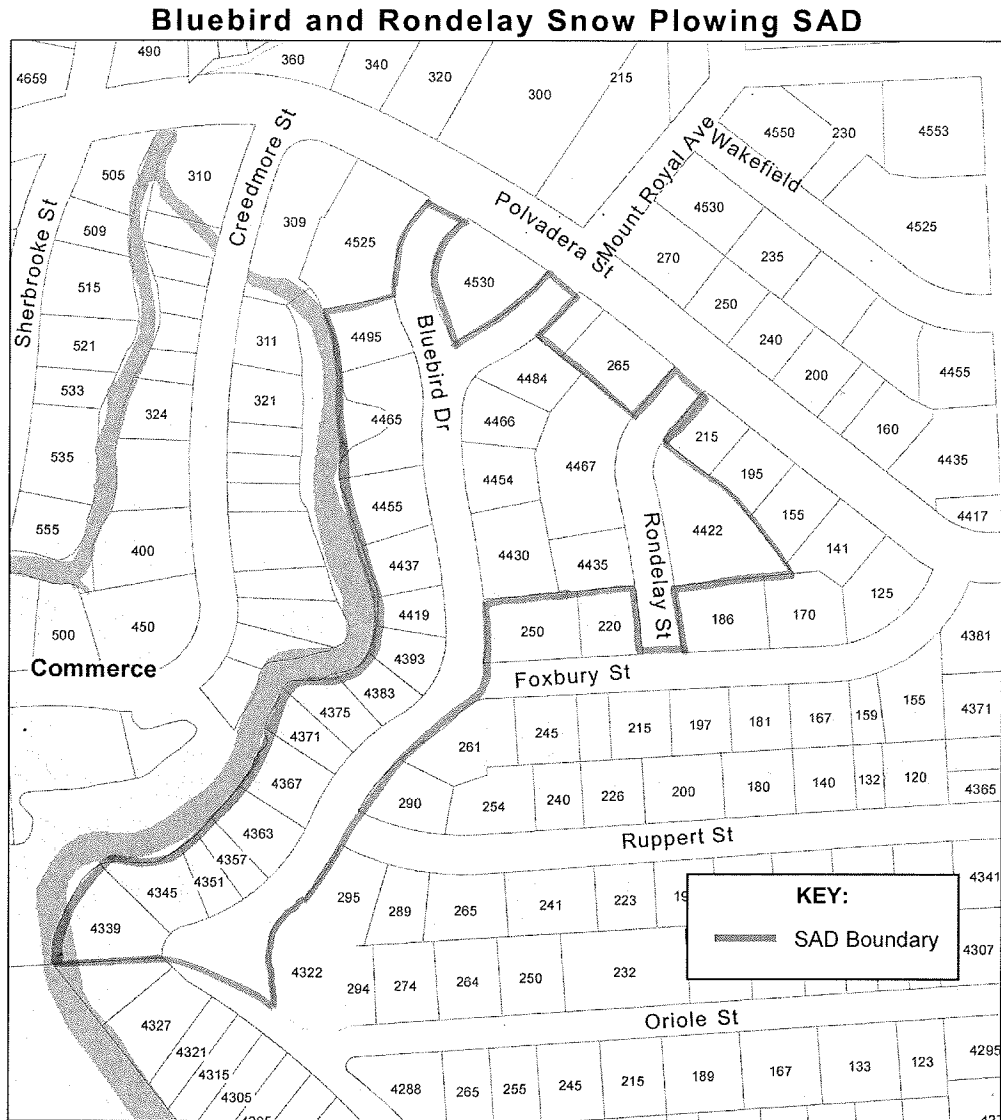


EXHIBIT B

**7 – Year Cost Projection:
5% Annual Increase**

Year	Total SAD Cost	Cost Per Parcel
2015	\$625.00	\$28.41
2016	\$656.25	\$29.83
2017	\$689.06	\$31.32
2018	\$723.52	\$32.89
2019	\$759.69	\$34.53
2020	\$797.68	\$36.26
2021	\$837.56	\$38.07

**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
*Special Projects No. 38***

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 18th day of November, 2014 in the Township Hall at 7:00 p.m.

PRESENT: Thomas Zoner, Susan Gross, Vanessa Magner, Robert Long, Rick Sovel, Robert Berkheiser

ABSENT: David Law

The following preamble and resolution were offered by Susan Gross and supported by Vanessa Magner.

WHEREAS, the Charter Township of Commerce, Oakland County, Michigan, has received a petition requesting the establishment of a special assessment district to finance capital and other miscellaneous charges related to connection to the public sewer system, and;

WHEREAS, the Charter Township of Commerce has caused to be prepared plans showing the improvement, the location thereof and an estimate of the cost thereof, and;

WHEREAS, the Charter Township of Commerce is in receipt of such plans and estimates of costs, the same having been filed with the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance capital and other miscellaneous charges related to connection to the public sewer system to provide service to that portion of the Township described in attached Exhibit A. The Township Board tentatively designates the Special Assessment District against which the cost of the improvement is to be assessed as being that portion of the Charter Township of Commerce described in "Exhibit A" attached hereto and made a part hereof.
2. The Township Board of the Charter Township of Commerce, Oakland County, Michigan, will meet on the 9th day of December, 2014 at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments regarding the project, the petitions filed, and the creation of a Special Assessment District to pay costs associated with this improvement project.

EXHIBIT A

17-01-326-015
17-01-426-010
17-07-226-013
17-10-259-007
17-06-451-009
17-01-211-022
17-01-401-020