

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

Tuesday, June 11, 2013

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
David Law, Trustee
Robert Long, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Sovel, supported by Gross, to approve the Regular Township Board Meeting minutes of May 14, 2013, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:6-11 APPROVAL OF AGENDA

MOTION by Gross, supported by Sovel, to approve the Agenda with the addition of "D" under Item 12: New Business. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:6-11 PUBLIC COMMENTS

Pete Henderson – is not in favor of water tower investments and objects to a water tower at Dodge Park V.

Karen Schlumberger, 8639 Edgewood Park Dr – stated she mailed a letter to the Township last week and did not receive a response. She believes the Township Ordinance needs to be modified to reflect debris, dead trees, height of grass, leaves not picked up, etc. She also stated there are two unsightly houses on Edgewood.

ITEM 3:6-11 PUBLIC HEARINGS

None

ITEM 4:6-11 BOARD APPOINTMENTS

A. William McKeever – Planning Commission: 3 year term

MOTION by Gross, supported by Law, to re-appoint William McKeever to the Planning Commission for a 3 year term to expire June 30, 2016.

MOTION CARRIED UNANIMOUSLY

ITEM 5:6-11 CONTRACT AWARDS AND AGREEMENTS

A. Oakland County Equalization Division Assistance Services - Contract
Berkheiser inquired if the Township has an option to contract this out to other businesses. Supervisor Zoner said Berkheiser could Table this for further review, although he checked into the cost and it found it would cost \$35 per parcel.

MOTION by Gross, supported by Magner to approve the Contract (2013 – 2016) for Oakland County Equalization Division Assistance Services with the Charter Township of Commerce (real and personal property services) and authorize the appropriate signatures. **MOTION CARRIED UNANIMOUSLY**

ITEM 6:6-11 INTRODUCTION

Berkheiser requested to abstain from voting because he resides in the area.

MOTION by Berkheiser, supported by Sovel to allow Robert Berkheiser to abstain from voting on the Intention Resolution for Joe Drive Snow Plowing Special Assessment District.

ROLL CALL VOTE

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

NAYS: Zoner

MOTION FAILED

Note: Phillip Adkison, Township Attorney stated, per the statue, the vote must be unanimous to approve a Motion abstaining someone from discussion and vote on an agenda item.

A. Intention Resolution for Joe Drive Snow Plowing Special Assessment District.

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 Joe Drive Snow Plowing Special Assessment District, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

B. Intention Resolution for Special Projects No. 36 Special Assessment District.

MOTION by Gross, supported by Sovel, 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. 36, post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:6-11 ADOPTIONS

A. An Ordinance to Amend the Zoning Map of the Charter Township of Commerce, Oakland County, Michigan as adopted by Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No. 3.008.

MOTION by Magner, supported by Berkheiser, to Adopt an Ordinance to Amend the Zoning Map of the Charter Township of Commerce, Oakland County, Michigan as

ITEM 7:6-11 ADOPTIONS (Ordinance No. 3.008 Motion continued)
adopted by Zoning Ordinance 3.000, to be known as Zoning Amendment Ordinance No. 3.008, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

ITEM 8:6-11 SITE CONDOMINIUMS AND PLATS
None

ITEM 9:6-11 CONSENT AGENDA
None

ITEM 10:6-11 PURCHASES

A. Wood Chips for playgrounds – Parks & Recreation

Emily England, Parks and Recreation Director, recommends Zeager be awarded the bid to replace wood chips at Dodge Park, Maple Glen and Hickory Glen.

MOTION by Gross, supported by Long, to award the bid for the replacement of wood chips at Dodge Park, Maple Glen and Hickory Glen Parks to the low bidder, Zeager Bros. Inc. for an amount not to exceed \$6,969.84. Funds to come from the Open Space Fund. **MOTION CARRIED UNANIMOUSLY**

ITEM 11:6-11 OLD BUSINESS

A. Consent to Assignment of Cell Tower Lease – No action taken, 5-14-13

MOTION by Sovel, supported by Magner, to approve the Lease Agreement between The Charter Township of Commerce and T-Mobile USA Tower LLC contingent upon 1) \$6,000.00 payment to Commerce Township, as offered, 2) payment of all attorney fees and costs incurred for the assignment, and 3) the underlying terms of T-Mobile are not change between the Commerce Township and T-Mobile.

MOTION CARRIED UNANIMOUSLY

ITEM 12:6-11 NEW BUSINESS

A. Library – Long Range Planning Consultants Proposals

Connie Jo Ozinga, Library Director, stated the Library Advisory Board recommends awarding the contract to Library Strategies. The RFP was provided to twelve firms.

MOTION by Magner, supported by Sovel, to award the contract for consultant services to develop a five year strategic plan for Commerce Township Community Library to

ITEM 12:6-11 NEW BUSINESS (Library Motion continued)

Library Strategies at a cost of \$16,530.00 including expenses.

MOTION CARRIED UNANIMOUSLY

B. Property located at Benstein & Sleeth – 17-09-427-001

James Boudreau was present to request the Township allow him to re-acquire the property located at the corner of Benstein and Sleeth, known as Country Estates.

Phillip Adkison, Township Attorney, stated the Township should sell property at a fair market value.

No action taken.

C. Liquor License Transfer – Blu Nectar, Inc.

MOTION by Magner, supported by Sovel, to approve the transfer of a Class C Liquor License from Deb's Grill & Coney, Inc. located at 5500 Oakhill, Suite 400, Clarkston, Michigan 48348 to Blu Nectar, Inc. d/b/a Blu Nectar Bar & Grill, located at 1050 Benstein Road, Suite 4, 5 and 6, Commerce Township, Michigan 48390.

MOTION CARRIED UNANIMOUSLY

D. IRS Audit Sewer Bond

Audit of the 2009 Capital Improvement Bond for Construction of the Sewer Plant. Gross advised the Board that the Letter from the IRS is due back to them by Monday, June 17, 2013. Sue Gross recommends the Township Board appoint Bowden Brown from Dykema Gossett PLLC to represent the Township at the IRS examination.

MOTION by Gross, supported by Sovel, to appoint Bowden Brown of the Dykema Gossett law firm as the township's representative in the IRS examination of the Series 2009-A Capital Improvement Bond. To authorize the Township Treasurer to execute the Power of Attorney form in this matter. And to authorize the Township Treasurer to execute a conflict of interest waiver with the review of such documents as necessary by the Township Attorney.

MOTION CARRIED UNANIMOUSLY

ITEM 13:6-11 ORDERS

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

Discussion:

Sovel – questioned the check to Charter One, page 8 of 13 in the packet. Gross stated they were for credit card charges. Commerce Township Community Library uses the

ITEM 13:6-11 ORDERS (Motion continued)

credit card for their purchases and that may be why he sees the larger dollar amount for Charter One. Sovel believes using credit cards is a different pay method than how the Township did it in the past. Sovel would like to address the credit card policy in the near future. This will be addressed at the next Township Board meeting.

MOTION CARRIED UNANIMOUSLY

ITEM 14:6-11 OTHER MATTERS

A. Discussion on:

1. Goose Round Up

The goose round up will not take place. The petitioners did not apply for the application.

2. Bids for Cleaning Services

Magner stated the Township has used the same cleaning service for 4 years. The Township will go out for bids for cleaning services and bring back to the Township Board at the August meeting.

3. Garbage Contract

Supervisor Zoner stated Republic (Township's rubbish removal contractor) would like to come before the Board to offer the Township a 4 year extension contract.

- Sovel - residents are requesting larger recycling bins.
- Law - received positive comments regarding the garbage service.
- Zoner - the Township has a good relationship with Republic.
- Gross - feels the same as Zoner and is interested in reviewing their proposal.
- Zoner - would like to present the Board with a proposal from Republic in the near future.

4. Fireworks Times

Berkheiser stated there is a Motion in the State House that will limit discharge of fireworks during certain hours. Hans Rentrop, Township Attorney said this just passed the House; he is waiting to see what transpires next.

5. Fire Department

Supervisor Zoner and Joesph Shornack, Fire Chief were asked to consider consolidation of efforts with Walled Lake. Chief Shornack said that as of last night, Walled Lake extended their negotiation period with the union for another 2 weeks. The City Manager will continue to negotiate with fire department personnel during that time. It was the consensus of the Board to review this further. Joesph Shornack, Fire Chief would like Walled Lake to exhaust all union negotiations before they present a proposal from Commerce Township.

ITEM 14:6-11 OTHER MATTERS (continued)

6. Employee Handbook

Supervisor Zoner would like to have Paychecks review the Township's Personnel Policy Handbook and report back to the Board.

7. Staffing of Building/Planning

Supervisor Zoner stated the Township currently has professional contractors working in the Building and Planning Department. We need to have additional personnel working in this department in order to take care of new construction projects the Township will see in the future. They are in the process of writing up a job description and are contemplating making the Manager a non-union position and the Assistant Manager a union position.

Supervisor Zoner stated that Connie Jo Ozinga, Library Director discussed with him part time employees not getting paid when they are scheduled to work and there is a power outage at the library. She would like part time employees to get paid as the full time employees are when the library is shut down during an emergency.

Ben Sebrovski, Director of Technology, said that because the power outage happened at the end of the week and the end of a pay period, they were not able to come in and make up their hours and Connie feels they lost pay because of it.

Long –

- Questioned the status of the tavern site. Supervisor Zoner has not heard anything.

Sovel –

- The ZBA will hold a Special Meeting.
- He asked for the status of the Beaumont site. Kathleen Jackson, Township Planner said they have not heard anything on the Beaumont site.

Magner –

- Is the Shapiro Development deal signed yet? Kathleen Jackson, Township Planner expects to hear something in the next few days.

Berkheiser –

- He asked Jason Mayer, Township Engineer for an update regarding the hospital site. Jason Mayer stated a conference call is set up for this Thursday, June 13, 2013 to discuss the hospital.

ITEM 15:6-11 CLOSED SESSION

MOTION by Berkheiser, supported by Sovel, to enter into Closed Session for the purpose of discussing pending litigation.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 9:17 pm

Returned from Closed Session: 9:30 pm

MOTION by Zoner, supported by Berkheiser, to approve closed session minutes.

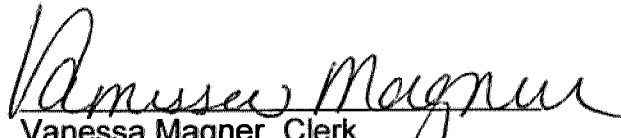
MOTION CARRIED UNANIMOUSLY

ITEM 10:6-11 ADJOURNMENT

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

MOTION by Zoner supported by Sovel to adjourn at 9:30 p.m.

MOTION CARRIED UNANIMOUSLY


Vanessa Magner, Clerk
Charter Township of Commerce

**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. 36***

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 11th day of June, 2013 in the Township Hall at 7:00 p.m.

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

ABSENT: None

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

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 water and sewer systems, 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 water and sewer systems 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 July, 2013, 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.

3. The Township Board of the Charter Township of Commerce tentatively designates this proposed Special Assessment District as: *Special Projects No. 36*.
4. 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 at 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.

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

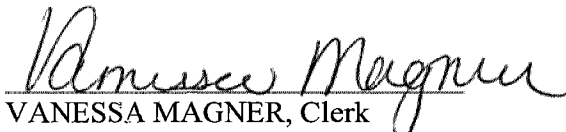
NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
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 11th day of June, 2013.


VANESSA MAGNER, Clerk
Charter Township of Commerce

Dated: June 12, 2013

EXHIBIT A

Parcel Nos.

Sewer

17-01-401-016

17-10-332-022

17-11-431-005

Water

17-28-401-055

**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
JOE DRIVE SNOW PLOWING SPECIAL ASSESSMENT DISTRICT**

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 11th day of June, 2013 in the Township Hall at 7:00 p.m.

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

ABSENT: None

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 the payment of expenses, fees and charges related to snow plowing, 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, 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,

NOW, THEREFORE, BE IT RESOLVED THAT:

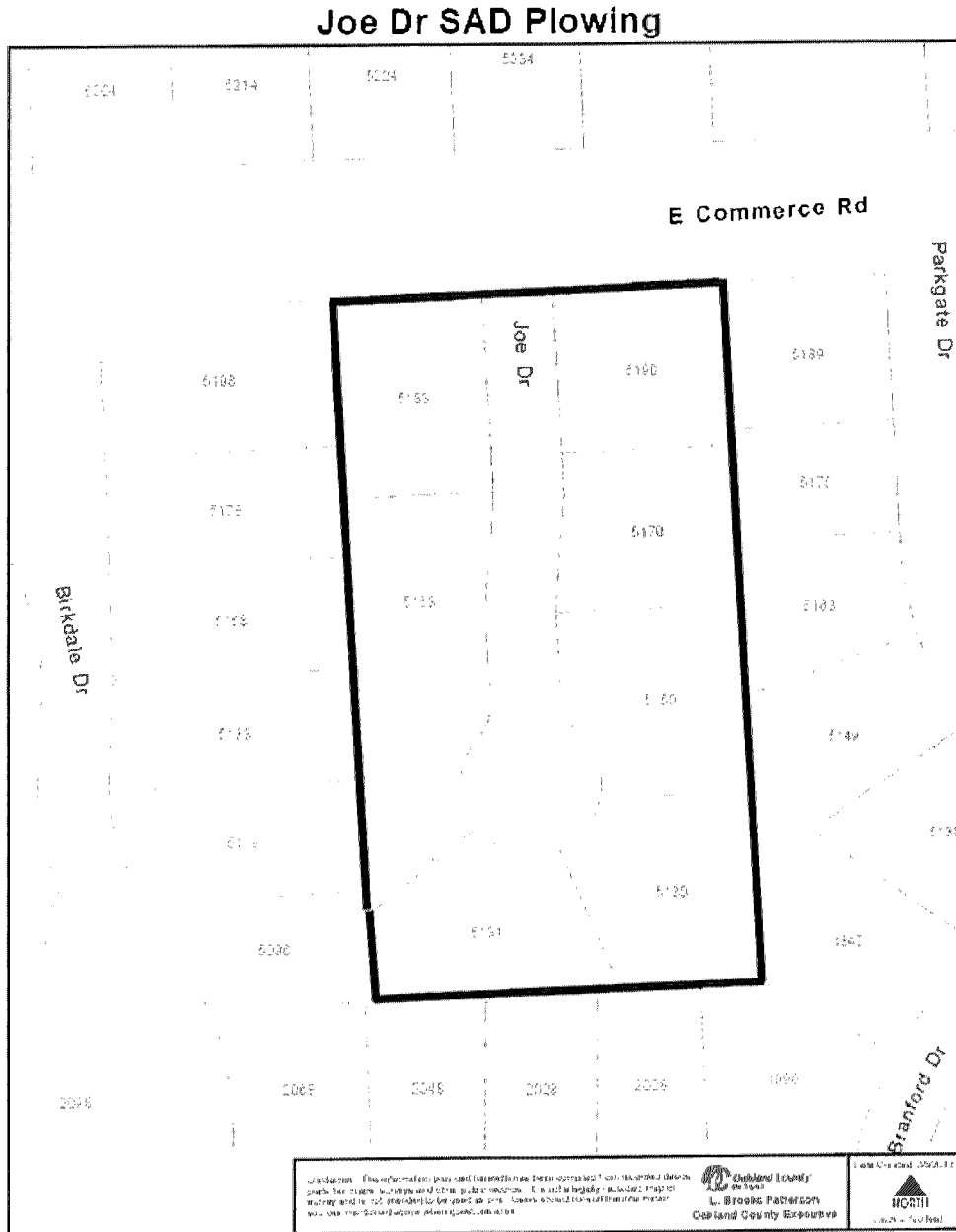
1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance the payment of expenses, fees and charges related to snow plowing to provide service to that portion of the 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 July, 2013 at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments

EXHIBIT A

Parcel Nos.

17-09-202-018	17-09-202-020	17-09-202-022	17-09-202-024
17-09-202-019	17-09-202-021	17-09-202-023	17-09-202-025

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





Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 - www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a Regular meeting of the Board of Trustees council/board
(regular or special) (township, city, village)
 called to order by Supervisor Thomas K. Zoner on June 11, 2013 at 7:00 pm
(date) (time)
 the following resolution was offered:

Moved by Vanessa Magner and supported by Rick Sovel
 that the application from Blu Nectar, Inc., DBA Blu Nectar Bar & Grill
(name of applicant)

for the following license(s): Transfer ownership and location of escrowed 2012 Class C license
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit
 Extended Hours Dance Permit Hours Required: _____
 Extended Hours Entertainment Permit Hours Required: _____

to be located at 1050 Benstein rd, Suites 4,5, and 6, Commerce Township MI 48390

be considered for Approval
(approval or disapproval)

Approval

Yeas: 7
 Nays: 0
 Absent: 0

Disapproval

Yeas: _____
 Nays: _____
 Absent: _____

It is the consensus of this body that it recommends this application be considered for
(recommends/does not recommend)
 approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the Township
 council/board at a regular meeting held on June 11, 2013
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): Vanessa Magner, Clerk
 Signature and date of authorized clerk: *Vanessa Magner*
 Phone number and e-mail of authorized officer: 248 960 7020; vmagner@commercetwp.com