

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

Tuesday, October 8, 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
Loren Crandell, Giffels-Webster Engineers
Hans Rentrop, Township Attorney

Students from Lakeland High School were present.

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the Regular Township Board Meeting minutes of September 10, 2013, as submitted and the Special Township Board Meeting minutes of August 13, 2013, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Lakes Area Youth Assistance

Mike Stack and Deborah Lindsey was present to explain the function of Lakes Area Youth Assistance and to ask for the Township's support.

B. Layton & Richardson 2012 Commerce Township Audit

There was no one present. This will come back before the Township Board at a later date.

PRESENTATIONS (continued)

Judy Evola, Director of Community Relations for Walled Lake Consolidated Schools informed the Board of an upcoming Safety Security and Technology Bond that will be on the November 5, 2013 ballot.

PETITIONS:

None

ITEM 1:10-8 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magner, to approve the Agenda with the addition of 12B under New Business add "Employee Health Care Costs", 15B under Closed Session add "Union Negotiations" and under Other Matters add "Tower Agreement Proposal".

MOTION CARRIED UNANIMOUSLY

ITEM 2:10-8 PUBLIC COMMENTS

Susan Averbuch, 9005 Campbell Creek Drive asked how residents are made aware of a vacancy on a Board, Commission or Committee. She was advised that vacancies are posted on the Township website. Additionally, she would like to see DDA meetings held in the evening instead of the during the day.

ITEM 3:10-8 PUBLIC HEARINGS

None

ITEM 4:10-8 BOARD APPOINTMENTS

None

ITEM 5:10-8 CONTRACT AWARDS AND AGREEMENTS

A. Metro Act Right of Way Permit Extension

Phillip Adkison, Township Attorney gave an explanation.

MOTION by Magner, supported by Sovel, to extend the Metro Act Right of Way Permit Extension for a term to end on December 31, 2018.

MOTION CARRIED UNANIMOUSLY

ITEM 5:10-8 CONTRACT AWARDS AND AGREEMENTS (continued)

B. Richardson Community Center Deck Replacement – CDBG

Emily England recommends awarding the deck bid to the low bidder, Cedar Works in the amount of \$33,115.00.

MOTION by Berkheiser, supported by Gross, to approve the Richardson Community Center Deck Replacement to CedarWorks Deck Builders in the amount of \$33,115.00 and provide the Township with a certificate of insurance.

MOTION CARRIED UNANIMOUSLY

ITEM 6:10-8 INTRODUCTION

None

ITEM 7:10-8 ADOPTIONS

ITEM 8:10-8 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:10-8 CONSENT AGENDA

A. Smart Municipal Contract - 2014

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

MOTION CARRIED UNANIMOUSLY

ITEM 10:10-8 PURCHASES

A. Fire Department – Extrication Tools

Joseph Schornack, Fire Chief requested approval to purchase battery operated Hurst Extrication tools, (cutter, spreader, ram package with extension, spare battery units and AC/DC adaptors) from Apollo Fire Equipment for an amount not to exceed \$32,000.00.

Jim Liker, Firefighter gave a description of the extrication tools.

MOTION by Gross, supported by Sovel, to approve the purchase of Hurst Extrication tools, (cutter, spreader, ram package with extension, spare battery units and AC/DC adaptors) from Apollo Fire Equipment for an amount not to exceed \$32,000.00.

MOTION CARRIED UNANIMOUSLY

ITEM 11:10-8 OLD BUSINESS

A. Community Development Director Job Description

Vanessa Magner, Township Clerk explained the changes.

MOTION by Magner, supported by Berkheiser, to remove Community Development Director Job Description from the Table. **MOTION CARRIED UNANIMOUSLY**

MOTION by Sovel, supported by Magner, to approve the Community Development Director Job Description. **MOTION CARRIED UNANIMOUSLY**

MOTION by Sovel, supported by Berkheiser, to use the Interview Guidelines for the process of hiring the Community Development Director. Resumes shall be accepted until 5:30 p.m. on November 14, 2013. **MOTION CARRIED UNANIMOUSLY**

ITEM 12:10-8 NEW BUSINESS

A. Budget Discussion

Moved after Closed Session.

B. Employee Health Care Costs

MOTION by Sovel, supported by Zoner, to comply with Act 152 and adopt the 80/20 health care, the employee will be responsible to pay 20% of the cost of the health care program. **MOTION CARRIED UNANIMOUSLY**

ITEM 13:10-8 ORDERS

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

ITEM 14:10-8 OTHER MATTERS

A. Tower Agreement Proposal

Phillip Adkison, Township Attorney advised the Board that Jason Woodward, TowerCo would like to place a Monopole cell phone tower behind fire station #2. If the Township Board is interested in moving forward, Mr. Adkison stated he would like to obtain expert advice on what the going rate is to lease property for cell phone towers and have an appropriate dollar amount deposited in an escrow account by TowerCo to be used for Township and review fees. No action taken.

ITEM 14:10-8 OTHER MATTERS (continued)

Berkheiser – asked if the snow plow contractor agreed to 0%. Vanessa Magner stated the contractor did agree to the Township Board's request of 0%.

ITEM 15:10-8 CLOSED SESSION - Attorney Client Privileged Information

- A. Discussion on Purchase of Property**
- B. Union Negotiations**

MOTION by Law, supported by Sovel, to enter into Closed Session for the purpose of discussing Attorney Client Privileged Information – Purchase of Property.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 8:10 pm

Returned from Closed Session: 8:36pm

MOTION by Gross, supported by Sovel, to purchase tax foreclosed properties 17-19-100-044, 17-19-100-031, and 17-19-100-067 from Oakland County at the minimum bid price of \$78,513.18 to be paid from the General Fund fund balance and amend the budget accordingly. Pay the invoice from the Oakland County Treasurer in the Amount of \$304,738.38 representing payment of funds received from the Oakland County Tax Revolving Fund for these parcels. Funds to come from General Fund fund balance and amend budget accordingly.

ROLL CALL VOTE

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

NAYS: Berkheiser

MOTION CARRIED

ITEM 12:10-8 NEW BUSINESS

- A. Budget Discussion**

General overview discussion on the 2014 budget that included OCSD, Fire Department and General Fund.

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

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

Entered into Closed Session: 9:56 pm

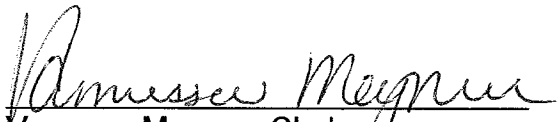
Returned from Closed Session: 10:30pm

ITEM 10:10-8 ADJOURNMENT

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

MOTION by Magner, supported by Gross, to approve Closed Session minutes and adjourn 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 8th day of October, 2013, in the Township Hall at 7:00 p.m.

PRESENT: Zoner, Gross, Magner, Berkheiser, Law, Long, Sovel
ABSENT: None

The following resolution approving the Consent Agenda of October 8, 2013, Board of Trustees Meeting of the Charter Township of Commerce was offered by Gross and supported by Berkheiser.

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

A. Smart Municipal Contract - 2014

AYES: Gross, Berkheiser, Zoner, Magner, Law, Long, Sovel
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 8th day of October, 2013.


Vanessa Magner
Clerk, Charter Township of Commerce

Dated: 10-9-2013

**CHARTER TOWNSHIP OF COMMERCE
QUARTERLY DISCUSSION AND SPECIAL
JOINT MEETING OF TOWNSHIP BOARD OF TRUSTEES
DOWNTOWN DEVELOPMENT AUTHORITY
PLANNING COMMISSION
2009 Township Drive
Commerce Township, MI 48390
Tuesday, October 22, 2013, 7:00 p.m.**

CALL TO ORDER: Supervisor Zoner called the Township Board of Trustees meeting to order at 7:00 p.m.

ROLL CALL:

Present: **TOWNSHIP BOARD**
Thomas K. Zoner, Supervisor
Vanessa Magner, Clerk
Susan Gross, Treasurer
Robert J. Long, Trustee
Rick Sovel, Trustee
Bob Berkheiser, Trustee
David Law, Trustee

DOWNTOWN DEVELOPMENT AUTHORITY

Kathleen Jackson, DDA Director
James Gotts, Chairman
Daniel Lublin, Vice Chairman
Mark Stacey, Member
Jose Mirkin, Member
Tim Hoy, Member

Absent: David Smith

PLANNING COMMISSION

Larry Haber, Chairman
Thomas Jones, Vice Chairman
Brian Winkler
John Hindo
Jay Czarnecki

Absent: Bill McKeever

Also Present: Phillip Adkison, Township Attorney
Randy Thomas, Insight Commercial

Item 1: Resolution of Appreciation to Pat Dohany – No Action Taken.

Pat Dohany was not able to attend the meeting. This item will be placed on the next Township Board agenda.

Item 3: Joint Discussion with DDA and Planning Commission – Item taken out of order

Kathleen Jackson, Planning Consultant and DDA Director introduced the members of each board that was present. She also introduced Randy Thomas of Insite Commercial. Kathleen Jackson stated this joint meeting is to update the Township Board and the Planning Commission on the DDA project area and to receive their input. The Planning Commission has taken the first steps in updating their Master Plan.

Kathleen Jackson and Randy Thomas gave an update on the DDA's activities. They have signed purchase agreements for two of the eleven parcels in the district. The DDA is looking to the Planning Commission and Township Board for direction on how they want the available land marketed. Attorney, Phil Adkison stated they may want to consider going back to Plante Moran to discuss different financial scenarios with different types of developments and how they would affect the DDA and Township in the future.

Director Jackson explained the DDA has received an offer from a developer proposing a mixed use with multiple family units, senior living, and retail. The multiple family development would consist of 390 units and 11 buildings. The senior facility is being proposed with 140 units that would include assisted, independent, and memory care living.

Item 2: 2014 DDA Budget

Kathleen Jackson and Mark Stacey discussed each line item on the 2014 proposed DDA Budget and answered questions from the board and the Planning Commission. Jackson passed out the current revenue and expenditure report showing year to date activity.

Trustee Long asked for the total amount deposited for the 2 DDA purchases. Randy Thomas explained \$250,000.00 has been deposited for one purchase offer and \$50,000.00 for another. Trustee Long asked for a detailed list of charges in the promotion and marketing line item to show the reason that item was over budget this year.

Item 4: 2014 Township Budget Discussions – This item has been moved to the end of the agenda.

Item 5: Police Contract

Supervisor Zoner stated he is having discussions with the Superintendent of Walled Lake Schools, Kenneth Gutman, regarding cost sharing of 50% for police presence in the three High Schools located within Commerce Township.

Item 6: Lease Agreement for Horse Farm

Discussion on the parcels the township recently acquired and the tenant who had been renting the property from the former owner. Township Attorney, Phillip Adkison stated he has been in contact with the tenant in regards to her desire to continue renting. There is a need for a lease agreement or contract.

MOTION by Law, second by Berkheiser to allow Phillip Adkison to negotiate a lease agreement or contract with the current tenant and the township.

MOTION CARRIED UNANIMOUSLY

Item 7: Michigan Liquor Control Commission Distributed Funds

Clerk Magner stated a Certificate of Compliance has been received by the MLCC. The completion of this certificate is required in order to receive funds that the MLCC disperses quarterly from the proceeds of new license fees and renewal fees collected for the purpose of enforcing the Code and rules associated. The funds, which are 55% of total fees collected by the township, have gone to the Oakland County Sheriff Department. The township can now choose to receive the funds and allocate some towards the Building and Planning department as they do annual inspections of licensed premises.

MOTION by Magner, second by Gross to authorize completion of the Certificate of Compliance as required and allocate the funds once received from the MLCC.

MOTION CARRIED UNANIMOUSLY

MOTION by Gross, second by Law to enter into closed session to discuss attorney/client privileged information and Union Negotiations.

ROLL CALL VOTE

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

NAYES:

MOTION CARRIED UNANIMOUSLY

Item 9: Closed Session – Item taken out of order

A. Attorney/Client Privileged Information

B. Union Negotiations

Entered into Closed Session: 9:35 pm

Returned from Closed Session: 10:10 pm

MOTION by Zoner, second by Magner, to adjourn from closed session and approve the closed session minutes.

MOTION CARRIED UNANIMOUSLY

MOTION by Gross, second by Sovel, to approve a Resolution to establish a 2013 Fire Department Special Assessment District millage for 1.8045.

MOTION CARRIED UNANIMOUSLY

MOTION by Gross, second by Sovel to approve a Resolution to establish a 2013 Police Department Special Assessment District millage for 2.1100.

MOTION CARRIED UNANIMOUSLY

MOTION by Gross, second by Sovel to approve a Resolution to establish a Special Assessment for garbage services for 2014 in the amount of \$185.72.

MOTION CARRIED UNANIMOUSLY

Item 4: 2014 Township Budget Discussion

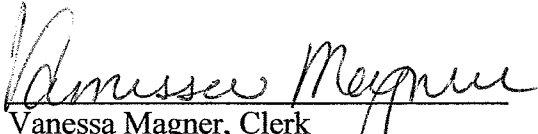
The township board discussed the 2014 budget at length including but not limited to Library, Parks and Recreation, Senior Center and Maintenance. Library Director, Connie Ozinga, answered questions and explained to the board her proposal to have a technology media service. Parks and Recreation Director, Emily England, explained to the board the upcoming projects for the Parks. Maintenance Supervisor, Patrick O'Donnell, explained to the board his need for new equipment that is being proposed in the budget. Township Supervisor explained the budget hearing will be held at the November 12, 2013 regular Township Board meeting.

Item 8: Other Matters to Come Before the Board

There were no other matters to come before the board.

MOTION by Magner, supported by Sovel, to adjourn at 11:06 p.m.

MOTION CARRIED UNANIMOUSLY



Vanessa Magner, Clerk
Charter Township of Commerce