

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

Wednesday, November 9, 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, Trustee
David Law, Trustee
Robert Long, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Gross, supported by Kirkwood, to approve the Regular Township Board meeting minutes of October 11, 2011, as submitted.

MOTION CARRIED UNANIMOUSLY

MOTION by Gross, supported by Kirkwood, to approve the Quarterly Township Board meeting minutes of October 25, 2011 with the addition of adding millage rates.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Andrew Trombley – Boy Scout Troop 104
Andrew Trombley was present.

MOTION by Munro, supported by Gross, to approve the Resolution thanking Andrew Trombley, for his contribution on cleaning and restoring stones and monuments at the Commerce Township Cemetery.

MOTION CARRIED UNANIMOUSLY

PETITIONS:

None

ITEM 1:11-9 APPROVAL OF AGENDA

MOTION by Gross, supported by Munro, to approve the Agenda with the addition of C. Liquor Sales under Other Matters. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:11-9 PUBLIC COMMENTS

Edna, a resident commented on the Zoning Ordinance, Article 23. The noise from a business near Treybourne Cove is a nuisance to residents. She is requesting the Township set specific start and end times for businesses that create loud noise. Supervisor Thomas Zoner suggested the resident make an appointment with him to discuss this further.

Jose Mirkin asks the Township Board to follow the guidelines of an Ordinance that was approved ten years ago stating there should be a 10' wall to reduce the noise level between businesses and residential areas.

ITEM 3:11-9 PUBLIC HEARINGS

None

ITEM 4:11-9 BOARD APPOINTMENTS

None

ITEM 5:11-9 CONTRACT AWARDS AND AGREEMENTS

- A. Oakland County Sheriff's Department Contract – Tabled 7-12-2011, 8-9-2011, 9-13-2011 and 10-11-2011**

MOTION by Sovel, supported by Munro, to remove Oakland County Sheriff's Department Contract from the Table. **MOTION CARRIED UNANIMOUSLY**

MOTION by Gross, supported by Munro, to approve the Oakland County Sheriff's Office 2012 Law Enforcement Services Agreement with the Charter Township of Commerce and authorize the appropriate signatures.

MOTION CARRIED UNANIMOUSLY

- B. BS&A Contract – Tabled 8-9-2011, 9-13-2011 and 10-11-2011**
This will remain on the Table.

ITEM 5:11-9 CONTRACT AWARDS AND AGREEMENTS (continued)

C. Snow Plow Contract – Township Property

Daniel Munro explained the bids received.

MOTION by Munro, supported by Gross, to award the 2011/2012 Snow Plow Contract for a full season including sidewalks to the low bidder, Your Way Property Services, in an amount not to exceed \$10,602.00, subject to satisfactory insurance requirements of the Township.

MOTION CARRIED UNANIMOUSLY

D. Snow Plow Contract – Mt. Royal

Daniel Munro received a recommendation from the Mt. Royal Improvement Association to award the bid to J&J Plowing.

MOTION by Munro, supported by Gross, to award the Mt. Royal Snow Plow Contract to J&J Plowing in the amount of \$4,200.00 for the full season with the understanding all customer service issues will be handled directly between the residents and the contractor.

MOTION CARRIED UNANIMOUSLY

E. Waste Water Treatment Plant Effluent Force Main Contract

Jason Mayer, Giffels-Webster Engineers explained the bids received and recommends the low bidder, Lawrence M Clarke.

MOTION by Munro, supported by Gross, to award the Commerce WWTP Effluent Force Main Extension to the low bidder, Lawrence M Clarke, Inc. in the amount of \$382,445.00.

MOTION CARRIED UNANIMOUSLY

ITEM 6:11-9 INTRODUCTIONS

A. Resolution Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Special Projects No. 33.

MOTION by Gross, supported by Kirkwood, to Introduce a 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. 33, and to post and publish according to law. Resolution attached.

MOTION CARRIED UNANIMOUSLY

ITEM 7:11-9 ADOPTIONS

None

ITEM 8:11-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:11-9 CONSENT AGENDA

None

ITEM 10:11-9 PURCHASES

A. Township Email with Archiving – Tabled 10-11-11

This will remain on the Table.

ITEM 11:11-9 OLD BUSINESS

None

ITEM 12:11-9 NEW BUSINESS

A. Engineer Services –Tabled 10-11-2011

MOTION by Munro, supported by Sovel, to remove Engineer Services from the Table.
MOTION CARRIED UNANIMOUSLY

Loren Crandell, Giffels-Webster Engineers explained the Engineering Consulting Proposal.

MOTION by Zoner, supported by Gross, to approve and extend the existing contract with Giffels-Webster Engineers for the 2012 year with the addition of Option 1 of the Engineering Consulting Proposal submitted by Giffels-Webster Engineers dated November 2, 2011.

Discussion ensued regarding Option 2 of the proposal.

ROLL CALL VOTE:

AYES: Zoner, Gross, Law, Munro

NAYS: Kirkwood, Long, Sovel

MOTION CARRIED

MOTION by Munro, supported by Sovel, to approve the Non-Exclusive Engineering Consulting Agreement with KER Engineering, Inc. with the contingency that the current agreement is terminated and Jay James resign from the Planning Commission.

ITEM 12:11-9 NEW BUSINESS - Engineer Services (Motion continued)

Discussion - Supervisor Thomas Zoner does not believe there would be a conflict of interest if Jay James were to remain on the Planning Commission.

ROLL CALL VOTE:

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

NAYS: Zoner

MOTION CARRIED

ITEM 13:11-9 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 14:11-9 OTHER MATTERS

A. Downtown Development Authority Budget

Mark Stacey, DDA Finance Chairperson and Kathleen Jackson, DDA Director presented the proposed DDA 2012 Budget to the Township Board.

MOTION by Munro, supported by Sovel, to remove Downtown Development Authority Budget from the Table. **MOTION CARRIED UNANIMOUSLY**

MOTION by Munro, supported by Gross, to approve the proposed Downtown Development Authority 2012 Budget as presented.

ROLL CALL VOTE:

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

NAYS: Long

MOTION CARRIED

B. Charter Township of Commerce 2012 Recommended Budget

MOTION by Zoner, supported by Munro, to approve the 2012 balanced budget due on December 1, 2011 as required by State Law. The Fund having a \$522,310.00 net of Revenues/Appropriations and including \$2,000,000 being transferred into the Debt Sinking Fund for the purposes of paying the Bond Debt.

MOTION by Sovel, supported by Long, to Table the Charter Township Commerce 2012 Budget.

**ITEM 14:11-9 OTHER MATTERS - Charter Township of Commerce 2012
Recommended Budget (Motion continued)**

ROLL CALL VOTE:

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

MOTION CARRIED

MOTION by Zoner, supported by Gross, to remove the Charter Township of Commerce 2012 Budget from the Table.

ROLL CALL VOTE:

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

MOTION FAILED

C. Sunday Liquor Sales

MOTION by Zoner, supported by Sovel, to rescind the Township's policy that prohibits Sunday morning sales of alcoholic beverages.

ROLL CALL VOTE:

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

MOTION FAILED

Long – We should get a traffic count at the round a bout on M5 and Pontiac Trail. Kathleen Jackson said the State of Michigan would be out there in the next week or two to monitor traffic counts.

ITEM 15:11-9 CLOSED SESSION

A. Purchase of Property

MOTION by Long, supported by Sovel, to exclude Robert Long from Closed Session, purchase of property, due to a possible conflict of interest.

MOTION CARRIED UNANIMOUSLY

MOTION by Sovel, supported by Munro, to enter into Closed Session to discuss purchase of property.

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

ITEM 15:11-9 CLOSED SESSION (continued)

Entered into Closed Session at 8:24 p.m.
Returned from Closed Session at 8:40 p.m.

MOTION by Munro, supported by Gross, to approve the minutes of the Closed Session.

ROLL CALL VOTE:

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

NAYS:

ABSTAIN: Long

MOTION CARRIED

MOTION by Long, supported by Sovel, to exclude Robert Long from voting on the purchase of property. **MOTION CARRIED UNANIMOUSLY**

MOTION by Sovel, supported by Munro, to authorize the Township Attorney to negotiate a contract to purchase property as discussed in Closed Session.

ROLL CALL VOTE:

AYES: Sovel, Munro, Gross, Law, Zoner

NAYS: Kirkwood

ABSTAIN: Long

MOTION CARRIED

ITEM 16:11-9 ADJOURNMENT

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

MOTION by Long, supported by Kirkwood, to adjourn at 8:50 p.m.

MOTION CARRIED UNANIMOUSLY



Daniel P. Munro, Clerk
Charter Township of Commerce

Commerce Township Downtown Development Authority

Calendar Year 2012 Proposed Budget, Nov 9, 2011

	2010	2011	2011	PROPOSED
Revenues	Actual	Projected	thru Oct 31, 2011	2012 Budget
Tax Revenue - DDA	1,845,216	2,055,662	1,855,662	1,750,000
Delinquent Taxes		22,000	21,664	20,000
Interest Income	98,847	41,000	37,643	20,000
Building Rentals	18,900	19,200	14,350	24,000
Other Income	13,157	55,000	55,000	0
Reimbursements	1,120,885	0	0	0
Sale of Property	0	0	0	0
Bond Issuance	0	11,325,000	11,325,000	0
Advance	0	0	0	1,023,724
Total Revenues	3,097,005	13,517,862	13,309,319	2,837,724
Beginning Fund Balance (est)	10,211,284	6,566,939	6,566,939	1,708,278
Total Available to Appropriate	13,308,289	20,084,801	19,876,258	4,546,002
Expenditures				
Director's Compensation	68,575	32,000	25,863	36,000
Administrative compensation/Asst Director	2,801	0	0	0
Other office expenses	0	0	0	0
Public Relations & communications	2,875	0	0	3,000
Legal	314,519	66,447	48,397	70,000
Accounting	16,867	10,000	7,380	18,000
Other Consultants	35,660	7,500	7,500	0
Township Admin charges	100,000	100,000	100,000	100,000
Property maintenance and utilities and taxes on rentals	35,398	56,000	53,928	43,500
Insurance	3,681	3,700	2,756	3,700
Pinewood Industrial Park Assn dues	1,282	1,250	0	1,250
Property marketing & promotion	1,560	8,000	5,944	8,000
Miscellaneous	216	25	12	0
Landscape enhancement		0	0	0
Road Projects	1,723,136	3,100,000	1,867,479	304,000
Capital outlay - Town Hall	2,192	0	0	0
Property purchases; appraisals; related legal	0	0	0	0
Other Projects	2,006			
Debt Service				
Bond Payoff	0	11,325,000	11,325,000	0
Bond Issuance Admin Cost		180,950	180,950	0
Interest	3,630,582	2,535,651	2,191,561	2,558,552
Principal	800,000	950,000	850,000	1,400,000
Total Expenditures	6,741,350	18,376,523	16,666,770	4,546,002
Ending Fund Balance	6,566,939	1,708,278	3,209,488	0
Portion of Fund Balance Restricted for Martin Parkway Cons	3,930,749	1,428,000	2,661,360	1,124,000
Unrestricted Fund Balance	2,636,190	280,278	548,128	(1,124,000)

**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. 33**

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 9th day of November, 2011, in the Township Hall at 7:00 p.m.

PRESENT: Thomas Zoner, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood, David Law

ABSENT: None

The following preamble and resolution were offered by Susan Gross and supported by Debra Kirkwood.

WHEREAS, the Charter Township of Commerce, Oakland County, Michigan, has received Petitions 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 13th day of December, 2011, at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments

EXHIBIT A

Water

17-25-101-029

Sewer

17-08-154-004

17-08-117-007

17-11-340-015

17-12-351-016