

**MINUTES – MONDAY, JULY 26, 2010**

**PRESENT:** Barnett, Buckley, Devine, Kepes, Payne, Roncelli, Savoie  
Also present, Attorney William Hampton  
(Roncelli had to leave at 8:15 p.m.)

**ABSENT:** None

Supervisor Payne welcomed the public and led the Pledge of Allegiance.

**ITEM #1      **Approved Board Minutes of June 28, 2010****

**ITEM #2      **Consider Award Contract for Exeter Road Resurfacing (Tri-Party Agreement)****

Randy Ford, Engineer, Hubbell, Roth & Clark (HRC), made the presentation. Oakland County agreed to continue funding the Tri-Party program in 2010 with \$264,568.00 allocated to Bloomfield Township. The Township's share of the program is \$88,481.00.

On April 12, 2010, the Township Board approved participation in this program with the resurfacing of Exeter Road between Telegraph and Andover Roads (Division A) and a portion of Andover Road south of Exeter Road to Copperwood Drive (Division B). On July 14, 2010 bids were received. Based on the bids and staying within the Tri-Party budget, it is recommended that the Township proceed with only the Exeter Road portion and award the contract to ABC Paving Company in the amount of \$169,189.82.

**MOTION** by Barnett and **SUPPORT** by Buckley to **AWARD** the Contract for Exeter Road Resurfacing (Tri-Party Agreement) to ABC Paving Company in the amount of \$169,189.82.

**AYES:** Barnett, Buckley, Devine, Kepes, Payne, Savoie

**NAYS:** None

**RESOLUTION DECLARED ADOPTED.**

I, JANET M. RONCELLI, TOWNSHIP CLERK of the Charter Township of Bloomfield, County of Oakland, Michigan, do hereby certify the foregoing is a true and correct copy of a resolution adopted by the Board at their regular meeting held on July 26, 2010.

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JANET M. RONCELLI, CMC  
TOWNSHIP CLERK

**ITEM #3 Consider Approval of the 2010 Oakland County West Nile Virus Fund Reimbursement Resolution**

Noah Mehalski, Environmental Specialist, made the presentation. A request resolution is required in order for the Township to receive reimbursement from Oakland County for a portion of the funds expended on the West Nile Virus Management Program. The estimated share of the reimbursement money is \$10,254.90.

MOTION by Buckley and SUPPORT by Kepes to ADOPT the 2010 West Nile Virus Reimbursement Resolution.

**RESOLUTION AUTHORIZING WEST NILE VIRUS FUND  
EXPENSE REIMBURSEMENT REQUEST**

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the Charter Township of Bloomfield, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE BE IT RESOLVED, that this board authorizes and directs its Supervisor, as agent for the Charter Township of Bloomfield, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

AYES: Barnett, Buckley, Devine, Kepes, Payne, Savoie  
NAYS: None

RESOLUTION DECLARED ADOPTED.

I, JANET M. RONCELLI, TOWNSHIP CLERK of the Charter Township of Bloomfield, County of Oakland, Michigan, do hereby certify the foregoing is a true and correct copy of a resolution adopted by the Board at their regular meeting held on July 26, 2010.

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JANET M. RONCELLI, CMC  
TOWNSHIP CLERK

**ITEM #4 Consider Approval of Tim Horton's Site Plan**

**Supervisor Payne advised the board and audience that since this was a public hearing item, it would be addressed first on the agenda.**

Patti Voelker, Planning, Building & Ordinance Director, made the presentation. The site is located near the southeast corner of Woodward Avenue and Square Lake Road. The applicant is seeking approval for the construction of a new building with associated site improvements for a Tim Horton's restaurant. The building would be on the rear portion of the property to front on Square Lake Road. The proposed hours of operation are 5:00 a.m. to 12:00 a.m. (midnight). No variances are proposed with this site plan.

Mike Labadie, Township's Traffic Consultant, and Peter Lemon, Metro Transportation Group, Inc., advised that each of their traffic impact studies indicated that the proposed Tim Horton's restaurant would overall not have a significant impact on traffic and that the driveways would operate at acceptable levels. MDOT has also given conceptual approval. The applicant, Zaid Elia, reiterated that Square Lake Road traffic would not be affected by the restaurant. He also stated that he had met with residents in the area and had attempted to accommodate their concerns.

Supervisor Payne opened the floor for public comment at 7:43 p.m. (See agenda item #10).

Public Comment for this agenda item was closed at 8:20 p.m.

Patti Voelker and Supervisor Payne addressed questions and concerns made during public comment. Payne advised that this applicant has worked with the Township on this project for over two years. The Township has very few commercial areas, is very restrictive, and the proposed establishment is permitted under the Township's Zoning Ordinance. But, the residents' issues with Square Lake Road concerned the board. While they agreed that the developer had met the zoning requirements, they respectfully disagreed with the traffic consultants and felt there were still problems with traffic safety that needed to be addressed.

MOTION by Devine and SUPPORT by Savoie to TABLE the Approval of the Tim Horton's Site Plan so that the Petitioner May Address the Square Lake Road Traffic Concerns.

Roll Call taken by Supervisor Payne:

Barnett -	yes
Kepes -	no
Devine -	yes
Savoie -	no
Buckley -	no
Payne -	no

Motion failed: 2 – Ayes, 4 – Nays.

MOTION by Kepes to APPROVE the Tim Horton's Site Plan as Submitted.

Motion failed due to no support.

MOTION by Buckley and SUPPORT by Barnett to DENY the Tim Horton's Site Plan As Submitted Due to Significant Traffic Safety Issues Which Have Not Been Addressed to the Board's Satisfaction.

Roll Call taken by Supervisor Payne:

Barnett - yes  
Kepes - no  
Devine - yes  
Savoie - yes  
Buckley - yes  
Payne - yes

RESOLUTION DECLARED ADOPTED.

I, JANET M. RONCELLI, TOWNSHIP CLERK of the Charter Township of Bloomfield, County of Oakland, Michigan, do hereby certify the foregoing is a true and correct copy of a resolution adopted by the Board at their regular meeting held on July 26, 2010.

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JANET M. RONCELLI, CMC  
TOWNSHIP CLERK

**ITEM #5 Consider Adoption of Ordinance 625, Automobile Service Stations**

Patti Voelker, Planning, Building & Ordinance Director, made the presentation. This ordinance would amend the Township's Zoning Ordinance by making modifications to the criteria by which a liquor license may be allowed for an automobile service station. The Planning Commission held the required Public Hearing of Introduction on July 19, 2010. The Board inquired if any stations in the Township currently meet the conditions of this amendment. Voelker responded that some may with development.

MOTION by Savoie and SUPPORT by Barnett to ADOPT Ordinance 625, Automobile Service Stations, as Submitted.

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF BLOOMFIELD**

**ORDINANCE NO. 625**

**TEXT AMENDMENT TO ZONING ORDINANCE**  
**(Automobile Service Stations)**

An ordinance to amend the Zoning Ordinance, codified in Chapter 42 of the Charter Township of Bloomfield Code of Ordinances, to amend the use standards for automobile service stations to specify under what conditions the sale of alcohol may be permitted as an accessory use. The public policy determination of the township finds that the sale of beer, wine or liquor or other beverages containing alcohol as an incidental use to an automobile service station that sells fuels may be contrary to the public health, safety and welfare without specific standards being met to protect the residents in the community from hazards such as alcohol related accidents, illegal sales of alcohol, annoyance to neighboring residential properties and businesses, and loitering and congestion in parking lots and township roads. In recognition of the need to protect the public health safety and welfare, while also recognizing the evolution of businesses within the community, the township finds it necessary to set forth specific standards that must be met in order to allow the sale of beer, wine, liquor, or other beverages containing alcohol, at automobile service stations that sell fuels.

THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

**Section 1 of Ordinance**

Section 42-4.23, Automobile Service Stations, in Article 4, Use Standards, of the Zoning Ordinance codified in Chapter 42 of the Bloomfield Township Code of Ordinances is amended to change the text of subsection 1 to read as follows.

**Sec. 42-4.23 AUTOMOBILE SERVICE STATIONS**

Such uses are subject to the following:

1. The service station may provide for the sale of fuels and lubricants and minor automotive related convenience products and accessories, such as windshield washer fluid, motor oil, wipers and window scrapers, and retail sales of non-automotive related products including:

- A. Sundries such as gum, candy, cigarettes, newspapers, magazines and other individually packaged convenience items.
- B. Basic convenience grocery items such as milk and bread.
- C. Prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department, and
- D. The sale of beer, wine, liquor and other beverages containing alcohol are specifically prohibited as part of the permitted principal use or as an accessory use, unless the appropriate license has been issued by the Liquor Control Commission and all of the following standards are met:

- a. The site of payment and selection of alcoholic liquor is not less than fifty (50) feet from that point where motor vehicle fuel is dispensed.
- b. No drive-through operation is conducted within the same building as the sale of beer, wine, liquor or other beverages containing alcohol.
- c. The minimum building area where beer, wine, liquor or other beverages containing alcohol are sold is at least four thousand (4,000) sq. ft. of gross square feet including one (1) parking space for every two hundred (200) sq. ft. of gross building floor area provided on-site.
- d. Frontage on a major thoroughfare exists for ingress and egress.
- e. No commercial vehicle service operations take place for which customers would wait on the premises for service or repair to take place.
- f. The property is not adjacent to residential zoned property.
- g. The property has a minimum lot size of one (1.0) acre for a single user.
- h. Either of the following conditions exist: (i) The applicant or licensee is located in a neighborhood shopping center composed of one (1) or more commercial establishment, or (ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than two hundred fifty thousand (\$250,000) dollars at cost, of those goods and serves customarily marketed by approved types of business.

2. - 5. [Unchanged]

**Section 2 of Ordinance**

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**Section 3 of Ordinance**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

**Section 4 of Ordinance**

The provisions of this Ordinance shall take effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.

AYES: Barnett, Buckley, Devine, Kepes, Payne, Savoie

NAYS: None

ORDINANCE DECLARED ADOPTED.

**CERTIFICATION**

It is certified that the Ordinance set forth above was duly adopted by the Board of Trustees of the Charter Township of Bloomfield at a meeting duly called and held on the July 26, 2010.

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JANET M. RONCELLI, CMC  
TOWNSHIP CLERK

**ITEM #6 Consider Approval of Interlocal Agreement, Crash Investigation Team**

Police Captain Scott McCanham made the presentation. This agreement is similar to the Special Investigations Unit (SIU) agreement, which the Board approved on June 28, 2010, and is a further collaboration of efforts with the three police departments (Bloomfield Township, Auburn Hills and Troy).

MOTION by Barnett and SUPPORT by Savoie to APPROVE the Police Department Interlocal Agreement & Resolution for Participation with the Troy Police Department Crash Investigation Team.

**CHARTER TOWNSHIP OF BLOOMFIELD**

**RESOLUTION APPROVING INTERLOCAL AGREEMENT FOR PARTICIPATION  
IN TROY POLICE DEPARTMENT CRASH INVESTIGATION TEAM**

WHEREAS, the Charter Township of Bloomfield, City of Auburn Hills and the City of Troy (the "Parties") have the power, privilege and authority to maintain and operate a police department for their respective communities providing police protection, public safety, investigative and other police services, including, but not limited to, operation and participation in a Traffic Crash Investigation Team ("Police Services");

WHEREAS, Police Services within the Parties' respective communities can be enhanced, improved and performed in a more cost effective manner by implementing the public policy of the State of Michigan through shared police services;

WHEREAS, the City of Troy Police Department operates and maintains a Crash Investigations Team ("CIT");

WHEREAS, the Parties are mutually desirous of the City of Auburn Hills and Bloomfield Township Police Departments participating in the CIT;

WHEREAS, the Parties desire to enter into an interlocal agreement providing for participation in the CIT by Bloomfield Township and the City of Auburn Hills according to the terms and provisions set forth in the Interlocal Agreement for Participation in the Troy Crash Investigation Team attached to this resolution (the "agreement");

WHEREAS, each party has the authority to enter into and execute the agreement pursuant to official action and approval of its governing body pursuant to P.A. 8 of 1967, as amended, MCL 124.531 *et. seq.* (the "Act");

WHEREAS, the Parties desire to mutually commit, share and utilize Police Services providing for participation in the CIT as described in the agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

The agreement is hereby approved by the Charter Township of Bloomfield Board of Trustees and may be duly executed by the Bloomfield Township Police Chief.

AYES: Barnett, Buckley, Devine, Kepes, Payne, Savoie  
NAYS: None

RESOLUTION DECLARED ADOPTED.

**CERTIFICATION**

I, Janet Roncelli, Clerk of the Charter Township of Bloomfield, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Charter Township of Bloomfield Board of Trustees at its regular meeting held on July 26, 2010.

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JANET M. RONCELLI, CMC  
TOWNSHIP CLERK

**ITEM #7 Consider Approval of Medical Marijuana Moratorium Extension Resolution**

Attorney Hampton recommended a 90-day extension rather than the 30-day extension as listed on the resolution for the Medical Marijuana Moratorium. This would allow both the Planning Commission and Township Board adequate time to consider all factors before adopting a new ordinance.

MOTION by Savoie and SUPPORT by Kepes to APPROVE the Medical Marijuana Moratorium Extension Resolution with a 90-day extension.

**RESOLUTION EXTENDING THE MEDICAL MARIJUANA  
MORATORIUM FOR AN ADDITIONAL NINETY DAYS**

**RECITALS**

WHEREAS, Bloomfield Township is exploring how best to regulate the dispensing of medical marijuana which requires extensive study in terms of amending the Zoning Ordinance pertaining to land uses and other requirements; and



JANET M. RONCELLI, CMC  
TOWNSHIP CLERK

**ITEM #8 Approve Payroll and Vouchers for 07/12/2010 & 07/26/2010**

MOTION by Buckley and SUPPORT by Barnett to APPROVE Payroll and Vouchers for 07/12/2010, Checks 2051 – 2210 and Electronic Funds Transfer (EFT) 167 – 182 totaling \$2,030,087.11 AND 07/26/2010, Checks 2211 – 2387 and Electronic Funds Transfer (EFT) 183 – 198 totaling \$6,750,676.81.

**ITEM #9 Public Comment**

The following residents spoke regarding Agenda #4, Consider Approval of Tim Horton's Site Plan, and their concern for traffic safety:

Ken Demark, 2611 Colby Dr.  
Irene Vouharas, 2654 Colby Dr.  
Gregory Adams, 61 Douglas Dr.  
Vasilios Vouharas, 2654 Colby Dr.  
Gilbert Demeglio, 2610 Colby Dr.  
Chris Miller, 2722 Aldgate  
Louise Dube, 60 E. Square Lake Rd.  
Patricia Hein, 61 Douglas Dr.  
Robert Willig, 330 Millington Blvd.  
Joseph Richotte, 2774 Brady Dr.  
Jayne Hamilton, 260 Millington Blvd.  
Howard Nordlund, 2738 Berry Dr.  
Greg Elkie, 2625 Berry Dr.

Shelley Taub, County Commissioner, addressed the Board regarding disposal of unused medication, emerging sector opportunities and the creation of jobs, appointment to the County Library Board, and refrigerator/freezer energy savings.

**ITEM #10 Adjourn to Closed Session to Discuss Attorney Opinion**

MOTION by Barnett and SUPPORT by Buckley to Adjourn to Closed Session to Discuss Attorney Opinion.

Roll Call taken by Supervisor Payne:

Barnett - yes  
Kepes - yes  
Devine - yes  
Savoie - yes

Buckley - yes  
Payne - yes

**The meeting adjourned to Closed Session at 9:05 p.m.**

**The board reconvened at 9:45 p.m.**

MOTION by Barnett and SUPPORT by Buckley to ACCEPT the Settlement Agreement with Deutsche Bank and AUTHORIZE the Township Supervisor to Sign the Agreement CONTINGENT Upon an Increase in the Payment of \$116,366.00 NOT to Exceed 10 Percent (Due to the higher quotes received by HRC) AND if Deutsche Bank Does Not Approve the Payment Increase then the Agreement Shall Come Back Before the Board of Trustees.

A copy of the draft agreement is available in the Clerk's Office.

AYES: Barnett, Buckley, Payne, Savoie  
NAYS: Devine, Kepes

RESOLUTION DECLARED ADOPTED.

I, JANET M. RONCELLI, TOWNSHIP CLERK of the Charter Township of Bloomfield, County of Oakland, Michigan, do hereby certify the foregoing is a true and correct copy of a resolution adopted by the Board at their regular meeting held on July 26, 2010.

**Meeting adjourned at 9:53 p.m.**

Per the Michigan Township Association Record Retention General Schedule #25, audio recordings of Board minutes may be destroyed one day after the date that the meeting minutes are approved by the public body (MCL 15.269).

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Janet M. Roncelli, Bloomfield Township Clerk

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