

MINUTES – MONDAY, JUNE 27, 2011

PRESENT: Barnett, Buckley, Kepes, Payne, Roncelli, Savoie
Also present, Attorney Bill Hampton

ABSENT: Devine

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

ITEM #1 Approved Board Minutes of June 13, 2011

ITEM #2 Proclamation to Honor Edward Deeb, Bloomfield Township Resident

Clerk Roncelli presented and read the proclamation.

RESOLUTION IN HONOR OF EDWARD DEEB

WHEREAS, Edward Deeb, a Bloomfield Township resident, excels in leadership and service throughout Michigan; and

WHEREAS, this leadership and service in the Michigan business community, food and beverage industry and nonprofit organizations in Southeast Michigan earned him numerous awards, including Michiganian of the Year, the George Romney Award for Lifetime Achievement in Volunteerism, the Neal Shine Shining Light Award, Distinguished Warriors Award from the Detroit Urban League, the Wayne State University Peacemaker of the Year Award, the Ellis Island Medal of Honor, the Michigan State University Distinguished Alumni Award and Honorary Member of the Marine Corps; and

WHEREAS, Ed recently assisted in revitalizing Eastern Market while championing nonprofit organizations such as Boy Scouts, Boys and Girls Clubs, United Way, Detroit Urban League, American Red Cross, Salvation Army, and Forgotten Harvest; and

WHEREAS, Ed served as president and CEO of the Michigan Food and Beverage Association as well as the Michigan Business and Professional Association, whose combined membership equals 20,000 businesses and employs over 160,000 people; and

WHEREAS, the time has arrived for Ed to transition from CEO and President of these associations and avidly pursue philanthropic work.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees and the residents of Bloomfield Township HONOR EDWARD DEEB for his many years of

dedicated and outstanding service to the business community and nonprofit organizations in Southeast Michigan; and

BE IT FURTHER RESOLVED, that we admire his ardent commitment to pursue philanthropic work and envy his transition to less responsibility in his business organizations.

BE IT KNOWN to all reading this Resolution that it was adopted by the Township Board of Trustees on June 27, 2011, and included in the minutes as a permanent record.

Janet M. Roncelli, MMC
Bloomfield Township Clerk

ITEM #3 Police Department Annual Awards

Police Chief Bowden presented the awards. The following individuals received recognition:

- Officer Eric Pernie – Lifesaving Award
- Officer Ryan Smith – Honorable Mention
- Officer Jennifer Overby – Letter of Recognition
- Paul Bhatti – Distinguished Citizen

Police Chief Bowden presented the 2010 Donald E. Zimmerman Officer of the Year award to Jason Murphy for his commitment and high level of professionalism, which consistently contribute to the department's ability to deliver the finest law enforcement services to the community. Chief Bowden further stated that Officer Murphy's integrity and high moral standards serve as a model to all officers throughout the law enforcement community.

Supervisor Payne stated that on behalf of the board this is a night they all look forward to each year.

ITEM #4 Police Department Annual Report

Police Chief Bowden presented the 2010 annual report to the board. He stated that the Township has seen a steady decrease in drunk driving arrests, which continue to diminish everywhere.

MOTION by Barnett and SUPPORT by Buckley to ACCEPT the 2010 Police Department Annual Report.

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AYES: Barnett, Buckley, Kepes, Payne, Roncelli, 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 June 27, 2011.

JANET M. RONCELLI, MMC
TOWNSHIP CLERK

ITEM #5 Consider Adoption of Ordinance 631, Establishment of Planning Commission

Patti Voelker, Planning, Building & Ordinance Department Director, made the presentation. This ordinance was introduced to the board at their last meeting on June 13, 2011. It is an amendment to reaffirm the establishment of the Planning Commission.

MOTION by Savoie and SUPPORT by Barnett to ADOPT Ordinance 631, Establishment of Planning Commission Amendment.

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

ORDINANCE NO. 631

PLANNING COMMISSION ESTABLISHMENT AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF BLOOMFIELD TO CONFORM TO PUBLIC ACT 33 OF 2008, AS AMENDED, BEING THE MICHIGAN PLANNING ENABLING ACT, MCL 125.3801, *ET SEQ*, REGARDING THE ESTABLISHMENT OF THE PLANNING COMMISSION, MEMBERSHIP, PROCEDURES, MEETINGS AND DUTIES AND RESPONSIBILITIES IN ACCORDANCE WITH THE STATUTE.

THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

Section 1 of Ordinance.

Chapter 2, Article IV, Boards and Commissions, shall be amended to read as follows:

Article IV. Boards and Commissions

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Sec. 2-67. Creation of the Planning Commission.

- (a) *Authority.* This ordinance is adopted pursuant to the authority granted the Township Board of Trustees under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling act, Public Act 110 of 2006, MCL 125.3101, *et seq.*, to establish a Planning Commission with powers, duties and limitations provided by those acts and subject to the terms and conditions of the ordinance and any future amendments to this ordinance.
- (b) *Purpose.* The purpose of this ordinance is to provide that the Charter Township of Bloomfield Board of Trustees hereby confirms the establishment, under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, of the Bloomfield Township Planning Commission, formerly established under the Township Planning Act, Public Act 169 of 1959, MCL 125.321, *et seq.*, to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission, and to prescribe the authority, powers and duties of the Planning Commission .
- (c) *Establishment.* There shall be a Charter Township of Bloomfield Planning Commission in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Bloomfield Township Planning Commission Ordinance."

Sec. 2-68. Membership of the Planning Commission.

- (a) The Commission shall consist of seven (7) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational and social development. To the extent possible, membership shall be representative of the entire geography of the Township. One member of the Zoning Board of Appeals shall be a member of the Planning Commission. One member of the Township Board shall serve as an ex officio member of the Commission, with all voting rights, whose term shall expire with his or her term on the Township Board. To be qualified to be a member and remain a member of the Commission, the individual shall be a qualified elector of the township.
- (b) The term of each member, other than the ex officio member, shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1/3 of all Commission members will expire each year. Members, other than the ex officio member, shall be appointed by the Township Board Supervisor, subject to the approval by a majority vote of the Township Board. Should a Commissioner be

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unable to complete a full three-year term, the Township Supervisor, with the approval of the Township Board, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified. Members shall be eligible for reappointment for any number of terms.

- (c) The Township Supervisor may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office, with the approval of the Township Board, upon written charges and after a public hearing.
- (d) Before casting a vote on a matter, which a member of the Planning Commission maybe reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. For purposes of this ordinance, a "conflict of interest" exists when a member of the Planning Commission or member of their family has a proprietary or financial interest in an issue or matter that is before the Planning Commission beyond that which is experienced by the public in general, or the member may receive or gain a financial benefit as a result of a vote on such issue or matter, or which would result in a violation of the Standards of Conduct for Public Officers and Employees Act, Public Act 196 of 1973, being MCL 15.181 *et seq.*, the Incompatible Public Offices act, Public Act 566 of 1978, being MCL 15.181 *et seq.*, or any other state law of Township ordinance, ethics code or policy provision applicable to conflict of interest.

Sec. 2-69. Officers of the Planning Commission.

The Planning Commission shall elect a Chairperson, Vice Chairperson, and Secretary from its members. An ex officio (i.e., the Township Board member) member of the Commission shall not serve as Chairperson. The term of each officer shall be for one year, with opportunity for reelection as specified in the bylaws adopted under Sec. 2-71 of this Ordinance.

Sec. 2-70. Authority; powers; duties.

- (a) The Planning Commission shall have the powers and duties as set forth in Public Act 33 of 2008, as amended, being the Michigan Planning Enabling act, MCL 125.3801 *et seq.*; and Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- (b) The Township Board hereby transfers all powers and duties of a Zoning Commission to the Planning Commission, as outlined in the Zoning Enabling Act,

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Act 100 of 2006, as amended, and as permitted in Section 11 of the Township Planning Act 168 of 1959.

Sec. 2-71. Bylaws; annual report.

- (a) The Planning Commission shall adopt bylaws for the transaction of business and shall keep a public record of its resolutions, findings, and determinations.
- (b) The Planning Commission shall prepare an annual report to the Township Board concerning its operations and the status of Planning activities, including recommendation regarding actions by the Township Board related to Planning and development.

Sec. 2-72. Meetings of the Planning Commission

- (a) The Planning Commission shall hold not less than four (4) regular meetings each year. At its first meeting of each calendar year, the Planning Commission shall adopt and provide public notice of its regular meetings for the ensuing year in accordance with the Open Meetings Act, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting. The date and time of meetings shall be specified in bylaws adopted under Section 2-71 of this Ordinance.
- (b) The business of the Planning Commission shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 Public Act 267, as amended. Public notice of the time, date, and place of the regular or special meeting shall be given in the manner required by that Act.

Sec. 2-73. Duties and responsibilities.

The Planning Commission shall perform the following principal duties and responsibilities, among others:

- (a) Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
- (b) Prepare, review and update the master plan as the guide for development within the Township.
- (c) Prepare an annual report to the Township Board.
- (d) Take such actions as are required by the Municipal Zoning Enabling Act, Public Act 110 of 2006, as amended, and the Municipal Planning Act, Public Act 33 of 2008, as amended.

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- (e) Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- (f) Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board.
- (g) Attend training sessions, conferences or meetings as needed to properly fulfill the duties of a Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
- (h) Perform other duties and responsibilities or respond as requested by the Township Board.

Sec. 2-74. Approval, ratification and reconfirmation.

All official actions taken by the Charter Township of Bloomfield Planning Commission preceding this ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this ordinance shall continue with the Planning Commission confirmed by this ordinance, subject to other requirements of this Ordinance, and shall be deemed a continuation of any previous matter before the Charter Township of Bloomfield Planning Commission. This Ordinance shall be in full force and effect after publication in the manner prescribed by law.

Section 2. Repealer.

All ordinances and resolutions in conflict with this ordinance are repealed in their entirety.

Section 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Savings.

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 when they were commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect immediately upon publication.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Bloomfield at a meeting thereof duly called and held on the 27th day of June 2011, and ordered to be given publication in the manner prescribed by the Charter Township of Bloomfield.

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

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Board of Trustees of the Charter Township of Bloomfield at a meeting held on June 27, 2011, and that the original of this Ordinance is on file in my office.

JANET M. RONCELLI, MMC
TOWNSHIP CLERK

ITEM #6 Consider Approval of the Industrial Waste Control Charge (Industrial Sewer Surcharge)

Tom Trice, Public Works Director, made the presentation. The Industrial Waste Control (IWC) Charge, which comes from the Oakland County Water Resources Commissioner (WRC) and the Detroit Water & Sewerage Department (DWSD), will be effective July 1, 2011. This fee is only charged to commercial accounts and is based on meter size.

MOTION by Kepes and SUPPORT by Buckley to APPROVE the Industrial Waste Control Charge Resolution.

STATE OF MICHIGAN

COUNTY OF OAKLAND

CHARTER TOWNSHIP OF BLOOMFIELD

HIGH STRENGTH SEWER SURCHARGE RESOLUTION

WHEREAS, the U.S. District Court in case of U.S.A. v. State of Michigan, No. 77-71100 per Order dated July 27, 1981, ordered the collection effective July 1, 1981, of certain charges as set forth herein; and

WHEREAS, the City of Detroit and the Oakland County Department of Public Works have informed the Township of certain rate increases for sewage disposal effective July 1, 2011; and

WHEREAS, Section 2.01 (c) of Ordinance No. 158 of the Township of Bloomfield provides that services for which a special rate should be established may be such as established by resolution of the Township Board; and

WHEREAS, it is necessary to levy a high strength surcharge and a nonresidential flow surcharge as defined herein.

NOW, THEREFORE, effective on billings rendered on or after July 1, 2011 the following charges for service shall be made to-wit;

A. HIGH STRENGTH SURCHARGE

A high strength surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentration of pollutants exceeding the levels described as follows:

- (a) 275 Milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (b) 350 milligrams per liter (mg/l) of Total Suspended Solids (TSS)**
- (c) 12 milligrams per liter (mg/l) of Phosphorus (P)
- (d) 100 milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

<u>Amounts of High Strength Surcharge</u>	<u>Total Charge per Pound of Excess Pollutants</u>
Biochemical Oxygen Demand (BOD)	\$0.269
Total Suspended Solids (TSS)	0.338
Phosphorus (P)	3.717
Fats, Oils and Grease (FOG)	0.258

Normal domestic customers do not contribute sewage with concentrations of pollutants exceeding the above levels, therefore, High Strength Surcharge will not apply to domestic customers. Further, the above High Strength Surcharge shall not apply to restaurants.

The surcharge shall not be based upon the parameters assigned to each user by regulations established by Environmental Protection Agency (EPA) under Water Pollution Control Act of 1972, as amended by (PL 92-500).

B. NON-RESIDENTIAL FLOW SURCHARGE

Non-residential users shall be defined as all users other than structures designed for habitation including but not limited to single family homes, apartment dwellings, condominiums, townhouses and mobile homes.

The Non-residential Flow Surcharge shall be based on the size of the water meter used by the non-residential user of the system in accordance with the following schedule:

<u>Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 23.55
3/4"	35.34
1"	58.89
1½"	129.54
2"	188.40
3"	341.49
4"	471.00
6"	706.50
8"	1177.50
10"	1648.50
12"	1884.00
14"	2355.00
16"	2826.00
18"	3297.00

Where metered water is not available, an "assigned water meter size" shall be designated based on the current Oakland County Department of Public Works schedule of the unit assignment factors in accordance with the following schedule:

<u>Units Assigned</u>	<u>Assigned Water Meter Size</u>
1 – 4	5/8" & 3/4"
5 – 10	1"
11 – 20	1 ½"
21 – 32	2"
33 – 64	3"
65 – 100	4"
101 – 200	6"

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WHEREAS, the foregoing levy of a high strength surcharge and non-residential flow surcharge, as ordered by the U.S. District Court in the case of the U.S.A. v. State of Michigan, No. 77-711 – per Order dated July 27, 1981, is effective on bills rendered on or after July 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Township Board resolution dated June 14, 2010, related to high strength surcharge and non-residential flow surcharge is hereby rescinded.

AYES: Barnett, Buckley, Kepes, Payne, Roncelli, 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 June 27, 2011.

JANET M. RONCELLI, MMC
TOWNSHIP CLERK

ITEM #7 Approve Payroll and Vouchers for 6/27/2011

MOTION by Roncelli and SUPPORT by Barnett to APPROVE Payroll and Vouchers for 06/27/2011 – Checks 7368 – 7560 and Electronic Funds Transfer (EFT) 584 – 596 totaling \$1,566,168.54.

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

ITEM #8 Public Comment

- Shelley Taub, County Commissioner, spoke about county loans for small businesses and the county budget.

- Supervisor Payne read a letter detailing his last forty years with the Township and asked the Board to accept his decision to retire effective August 1, 2011.

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Charter Township of Bloomfield



Bloomfield Township

Dave Payne, Supervisor • Janet Roncilli, Clerk • Dan Devine, Treasurer
David Buckley, Trustee • Neal Barnett, Trustee • Leo G. Savio, Trustee • Brian L. Kepes, Trustee

June 27, 2011

Bloomfield Township Board of Trustees
4200 Telegraph Road
P.O. Box 489
Bloomfield MI 48303-0489

Dear Board Members:

In 2008, when I began my third term in the office of Supervisor, the Bloomfield Township Board of Trustees faced serious challenges. A \$26 million construction project had just begun throughout the civic campus. While that should have been a hopeful time, economic forecasts were ominous and getting worse with each prediction. We were beginning to see our property values decline, and the decline accelerated more quickly and more deeply than even the best economists had estimated. This downward trend threatened to prevent us from delivering the top quality public services for which the Township had always been known.

The Board and the administration developed a five-year strategic plan that addressed the need to restore revenue and reduce expenses. Over the next 2 1/2 years we worked cooperatively to implement that plan and preserve the level of public services that has always made Bloomfield Township such a desirable place to live and work.

Every point in time has its challenges, but today, the Township is in a much stronger position than it was in 2008. Our facilities are modern and efficient. We remain financially viable, as evidenced by the recent Standard & Poor's AAA bond rating. Our residents and business community continue to receive the services they need and expect. The staff, at all levels, is stable and enjoys a high morale.

After a great deal of thought, prayer, and discussion with my family and closest friends, I have decided this is the right time for me to retire. I humbly ask the Board to accept my resignation, effective August 1, 2011.

When I started working here in 1970, I had no idea my career would take such an exciting and rewarding path. It has been a privilege and an honor to serve the people of Bloomfield Township for 41 years. I remain committed to the welfare of the Township and will do everything in my power to assure a smooth and orderly transition. I will be forever grateful to Bloomfield Township's Board of Trustees, employees, residents and business community. They have enriched my life, both professionally and personally.

Yours truly,

Dave Payne, Supervisor

4200 Telegraph Road P.O. Box 489 Bloomfield Hills, MI 48303-0489

Phone: 248-433-7700 Fax: 248-433-7714 www.bloomfieldwp.org

MOTION by Kepes and SUPPORT by Barnett to ACCEPT Supervisor Payne's Resignation EFFECTIVE August 1, 2011.

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Roll Call taken by Clerk Roncelli:

Barnett - yes
Kepes - yes
Savoie - yes
Buckley - yes
Roncelli - 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 June 27, 2011.

JANET M. RONCELLI, MMC
TOWNSHIP CLERK

The board will hold a study session the week of July 5th to appoint a supervisor.

Meeting adjourned at 7:32 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).

Janet M. Roncelli, Bloomfield Township Clerk

DM