

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, OCTOBER 28, 2009

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: MARK H. GRABOW, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
DINO F. BUCCI, JR, TRUSTEE  
JANET DUNN, TRUSTEE  
ROGER KRZEMINSKI, TRUSTEE  
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel  
Jerome Schmeiser, Planning Consultant  
James VanTiflin, Engineering Consultant  
*(Additional attendance on file at the Clerk's Office)*

Supervisor GRABOW called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and the Board of Trustees was present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and items, 5A11, 22A and 22B were added.

**MOTION by DUNN seconded by BUCCI to approve the agenda as amended.**

**MOTION carried.**

**APPROVAL OF THE BILLS**

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

**MOTION by NEVERS seconded by MALBURG to approve both bill runs as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

4. The minutes of the previous meeting held on October 14, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

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**MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of October 14, 2009 as presented.**

**MOTION carried.**

5.  **Consent Agenda Items:**

A. Clerk's Department:

1. **Site Plan Bond Release (Remaining Partial);** Michaelangelo Plaza; Section 17; Dominic 24 Mile Properties, LLC, Petitioner.
2. **Site Plan Bond Release;** LaBelle Electric; Section 36; L.E.I. Construction, Inc., Petitioner.
3. **Site Plan Bond Release;** St. John's Medical Center; Section 20; St. John's Health System, Petitioner.
4. **Site Plan Bond Release;** Bethel Church of the Nazarene; Section 13; Bethel Church of the Nazarene, Petitioner.
5. **Site Plan Bond Release;** Lot 15 of Milano Industrial Subdivision; Section 18; Leone Construction Company, Petitioner.
6. **Site Plan Bond Release;** Fire Station #3 Burn Building; Section 26; Macomb Township, Petitioner.
7. **Site Plan Bond Release;** Detroit Edison Temporary Generator Install at Fire Station #2; Section 32; Detroit Edison, Petitioner.
8. **Site Plan Bond Release;** Lot 14 of Milano Industrial Subdivision #2; Section 18; Filippo Leone, Jr., Petitioner.
9. **Site Plan Bond Release (Partial);** Krogers at Macomb Park; Section 6; The Kroger Company of Michigan, Petitioner.
10. **Wall Sign Bond Release;** BP Gas Station; Section 35; Hall Road Marathon, Petitioner.

B. Water/Sewer Department

1. Release of Storm Sewer Bond: Buckingham Woods Subdivision
2. Release of Sanitary Sewer Bond: Luchtman Road
3. Release of Sewer & Water Main Bond: Buckingham Woods
4. Release of Water Service Lines Bond Release: South Fork Estates # 2
5. Release of Underground Work Bond Release: Fieldstone Estates 1 & 2
6. Release of Sanitary Sewer & Water Main Bond: Fieldstone Estates 1 & 2
7. Release of Sanitary Sewer Bond Release: English Gardens # 1- 49
8. Release of Batch Plant Rental Bond: Cornerstone Subdivision Phase VI

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9. Release of Sanitary Sewer & Etc. Bond: Tiffany Office Building
10. Release of Sanitary Sewer, Water & Etc. Bond: Jewel Ponte Condos
11. Agreement for Purchasing Consultant with Jeanette Bennett.

C. Human Resources

1. Request for Leave of Absence-Fire Department

Supervisor GRABOW reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Consent Agenda as amended.**

**MOTION carried.**

6. **Public Comments, Agenda Items Only - (3 minute time limit)**

None

**PLANNING**

7. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-007.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that items 7 through 15 were small parcels of property that are being considered for rezoning in order to avoid a 'spot zoning' situation in the future. He further stated his recommendation for approval to rezone all of the parcels before the Board this evening.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-007.**

**MOTION carried.**

8. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

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**MOTION by KRZEMINSKI seconded by MALBURG to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-001.**

**MOTION carried.**

9. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-018.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by NEVERS to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-018.**

**MOTION carried.**

10. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-004.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by MALBURG to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-004.**

**MOTION carried.**

11. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side 24 Mile Road, 2/3 mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-009.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by NEVERS to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side 24 Mile Road, 2/3 mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-009.**

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**MOTION carried.**

12. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road,  $\frac{3}{4}$  mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-200-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by MALBURG to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road,  $\frac{3}{4}$  mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-200-001.**

**MOTION carried.**

13. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south of 24 Mile Road, one mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-200-008.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by KOEHS to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south of 24 Mile Road, one mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-200-008.**

**MOTION carried.**

14. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, one mile west of Iroquois Trail; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-400-006.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by NEVERS to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road, one mile west of Iroquois Trail; Section 16; Permanent Parcel 08-16-400-006.**

**MOTION carried.**

15. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road,  $\frac{1}{2}$  mile east of Romeo Plank; Section 17; Macomb Township, Petitioner. Permanent Parcel 08-17-201-001.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1) located on the south side of 24 Mile Road, ½ mile east of Romeo Plank; Section 17; Permanent Parcel 08-17-201-001.**

**MOTION carried.**

16. **Tentative Preliminary Plat; Gloede Park Estates, Phase II;** Located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Lombardo Homes, Petitioner. Permanent Parcel 08-30-400-020.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

Mr. Greg Windingland, representing the petitioner, was present to answer any questions the Board might have.

**MOTION by DUNN seconded by NEVERS to approve the Tentative Preliminary Plat for Gloede Park Estates, Phase II located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Permanent Parcel 08-30-400-020.**

**MOTION carried.**

17. **Final Preliminary Plat; Gloede Park Estates;** Located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Lombardo Homes, Petitioner. Permanent Parcel 08-30-400-020.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

Mr. Greg Windingland, representing the petitioner, was present to answer any questions the Board might have.

**MOTION by DUNN seconded by KOEHS to approve the Final Preliminary Plat for Gloede Park Estates located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Permanent Parcel 08-30-400-020.**

**MOTION carried.**

18. **Master Plan Amendment;** for Gratiot Avenue Corridor Improvement Plan.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated all of the statutory requirements for amending a Master Plan have been met, and he further stated his recommendation for approval.

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**MOTION by KOEHS seconded by DUNN to approve the Master Plan Amendment; for Gratiot Avenue Corridor Improvement Plan as presented.**

**MOTION carried.**

19. **Final Plat;** Portofino Villas Subdivision; Located on the west side of Card Road, ½ mile north of 23 Mile Road; Portofino Villas, LLC, Petitioner; Permanent Parcel Number 08-15-426-006.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by BUCCI seconded by KREZMINSKI to approve the Final Plat for Portofino Villas Subdivision located on the west side of Card Road, ½ mile north of 23 Mile Road; Permanent Parcel Number 08-15-426-006.**

**MOTION carried.**

**NEW BUSINESS**

20. **Request Authorization to Initiate Litigation** in regards to the Retention Basin at the Buckingham Village/Windgate Subdivisions.

Clerk KOEHS reviewed this matter and stated after a Department Review Meeting was held on October 19, 2009, it was recommended that the Board of Trustees initiate litigation against the developer in the matter of the failed retention basin servicing Buckingham Village I & II and the Windgate Subdivisions. He further stated his recommendation to initiate this litigation.

**MOTION by KOEHS seconded by KRZEMINSKI to authorize legal counsel to initiate litigation in regards to the failed retention basin at the Buckingham Village I & II and the Windgate Subdivisions.**

**MOTION carried.**

21. **Request to Adopt an Industrial Facilities Exemption Certificate Resolution;** Global Tooling Systems.

Mr. Lawrence Dloski, Township Legal Counsel, reviewed this matter and indicated that based on the formula established by the Board regarding these matters, that this business qualifies for a total of ten (10) years of abatement.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Request to Adopt an Industrial Facilities Exemption Certificate Resolution; Global Tooling Systems for a total period of ten (10) years.**

**AYES:KRZEMINSKI, BUCCI, DUNN, NEVERS, MALBURG, KOEHS, GRABOW**

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**NAYS:NONE**

**Resolution declared adopted, the MOTION carried.**

**22. Request to Purchase Mail Processing Equipment.**

Clerk KOEHS reviewed this matter and stated that the current postage machine was worn out, and that lease for the replacement would cost virtually the same amount. He further stated his recommendation for approval.

**MOTION by NEVERS seconded by DUNN to approve the request to lease the Neopost Mail Processing Equipment for two hundred twenty one dollars (\$221.00) per month, including maintenance fees.**

**MOTION carried.**

**22A. Request to Adopt a Resolution for Eagle Scout Benjamin Travers.**

Clerk KOEHS reviewed the following resolution which was moved by Trustee KRZEMINSKI and seconded by Trustee NEVERS:

**Resolution Honoring  
Eagle Scout  
Benjamin Travers**

*At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan held in the Township Hall in said township on the 28<sup>th</sup> day of October, 2009 at 7:00 PM the following preamble and resolution were offered by member Krzeminski and supported by member Nevers:*

*Whereas, Benjamin Travers started his scouting career with Pack 458 during which time he received his Arrow of Light from Pack 26; and,*

*Whereas, Benjamin Travers continued his scouting career with Boy Scout Troop 248 where he has distinguished himself by earning thirty eight merit badges; and,*

*Whereas, Benjamin Travers has earned numerous awards and served as Patrol Leader, Assistant Senior Patrol Leader, and Librarian; and,*

*Whereas, Benjamin Travers is a student at Dakota High School where he is a member of the Freshman Class and by his own actions, achievements and high moral standards has made himself a role model to other scouts and to his peers,*

*Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, Michigan speaking on behalf of all Macomb Township Citizens as follows:*

*That By These Presents, the Macomb Township Board of Trustees recognizes the dedication, commitment and personal sacrifices Benjamin Travers has made to obtain the rank of Eagle Scout; and,*

*Be It Further Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Benjamin Travers*

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*on his elevation to Eagle Scout and further extends its best wishes to Benjamin Travers in his future endeavors;*

Now Therefore, the Macomb Township Board of Trustees hereby proclaims,

**Saturday, November 7, 2009  
Benjamin Travers Day  
in  
Macomb Township**

**FOR THIS RESOLUTION: Supervisor Mark Grabow, Clerk Michael D. Koehs, Treasurer Marie Malburg, Trustees Dino F. Bucci Jr., Janet Dunn, Roger Krzeminski and Nancy Nevers.**

**Resolution declared adopted and the MOTION carried.**

22B. Request to award Demolition Bid.

Mr. Daniel Fairless, Building Official, reviewed this matter and indicated that he would like to award this demolition bid for the properties located at 18814 Burberry St., Parcel No. 08-09-351-005; and at 18952 Macomb St., Parcel No. 08-09-351-118. The condemnation of these properties was approved by the Board of Trustees on August 12, 2009. He indicated that he has received three bids and recommends that the bid be awarded to the lowest bidder which is Able Demolition, Inc. for the amount of five thousand nine hundred forty dollars (\$5,940.00).

**MOTION by DUNN seconded by KOEHS to approve the demolition project and award the bid to Able Demolition, Inc. in the amount of five thousand nine hundred forty dollars (\$5,940.00).**

**MOTION carried.**

**PARKS AND RECREATION**

23. **Request to Award Bid for the Holiday Lighting Decorations.**

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed this matter and stated that he had received three bids for this project. He recommends that this be awarded to Expert Landscaping in the amount of one thousand four hundred twenty five dollars (\$1,425.00).

**MOTION by DUNN seconded by MALBURG to approve the request to award the bid for the Holiday Lighting Decorations to Expert Landscaping in the amount of one thousand four hundred twenty five dollars (\$1,425.00).**

**MOTION carried.**

24. **Public Comments, Non-Agenda Items Only**

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Several members of the public addressed the Board regarding various issues and Supervisor GRABOW indicated that he would respond to them under his remarks.

**BOARD COMMENTS**

25. Supervisor Comments:

Supervisor GRABOW said that there was absolutely no censorship being done on the televised minutes of the Board of Trustee meetings. He further indicated that he has no further activities planned for the Senior Citizens Council Group, which is his own private business. He thanked the Sheriff Department, the Fire Department and the Water and Sewer Department for the good work that each had recently done. He also congratulated Lt. Gary Paoella for completing thirty years with the Macomb County Sheriff Department.

26. Clerk Comments:

Clerk KOEHS reminded everyone that the Clerk's Office will be opened this Saturday, October 31, 2009, from 10:00 a.m. until 2:00 p.m. for anyone who needs an absent voter ballot. He also reminded everyone that the election will be held on Tuesday, November 3, 2009 and the polls will be opened from 7:00 a.m. through 8:00 p.m.

27. Treasurer Comments:       None

28. Trustees Comments:

Trustee NEVERS thanked everyone who helped at the fundraiser for wounded veteran Alex Knapp. The event raised seven thousand four hundred sixty one dollars (\$7,461.00).

Trustee BUCCI clarified a matter concerning the flyers distributed by the Senior Citizens Council and the impression that this might be an official Township function, which it is not.

Trustee KRZEMINSKI thanked the fire department for their response to his house.

**EXECUTIVE SESSION**

**MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 7:57 p.m.**

**MOTION carried.**

29. Employee Disciplinary Matter (*Tabled from October 14, 2009 meeting*)

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**MOTION by KOEHS seconded by DUNN that the fire fighter involved be given a verbal warning based on the investigation of the incident, the charges and the responses to the charges.**

**MOTION carried.**

**MOTION by KOEHS seconded by BUCCI that, effective October 29, 2009, the Sergeant involved be given a three day suspension with out pay based on the investigation of the incident, the charges and the responses to the charges.**

**MOTION carried.**

30 Macomb Township vs. Landa Development.

**MOTION by KOEHS seconded by DUNN to reject the proposed Consent Judgment and direct the Planning Commission to conduct a Public Hearing on an amendment to the Zoning Ordinance to allow auto body shops to operate in an M-1 (light industrial) zone as a Special Land Use.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by BUCCI seconded by KOEHS to adjourn the Board of Trustees meeting at 9:31 p.m.**

**MOTION carried.**

Respectfully submitted,

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Mark H. Grabow  
Macomb Township Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk