



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,  
Michael Webber and Ravi Yalamanchi*

*Vision Statement: The Community of Choice for Families and Business*

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier  
community of choice to live, work and raise a family by enhancing our vibrant residential  
character complemented by an attractive business community."*

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Monday, July 14, 2008

7:30 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:33 p.m. Michigan Time.*

## ROLL CALL

**Present** 7 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,  
Michael Webber and Ravi Yalamanchi

## Others Present:

*Ed Anzek, Director of Planning and Development  
Bryan Barnett, Mayor  
Trey Bryce, Attorney  
Dan Casey, Manager of Economic Development  
Scott Cope, Director of Building/Ordinance Compliance  
Paul Davis, City Engineer  
Julie Jenuwine, Director of Finance  
Jane Leslie, City Clerk  
Bob White, Supervisor of Ordinance Services*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Rosen, seconded by Ambrozaitis, that the Agenda be  
Approved as Presented. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

## PUBLIC COMMENT

**Lee Zendel**, 1575 Dutton, commented on the Single Trash Hauler issue, stating that many area taxpayers do not itemize deductions on their tax returns and would not deduct a trash millage. He stated that information he received from the Tax Foundation reports that in 2005, sixty-one percent of Michigan taxpayers with incomes of \$75,000.00 or less were eligible to itemize deductions. He computed that a deduction for a trash hauling millage would save a resident approximately \$27 per year, or seven cents a day. He commented that he would prefer making his own choice on a trash hauler.

**John Ostrowski**, 1096 Sugar Creek Drive, commented on a possible soccer facility at Borden Park, reporting that approximately 275 signatures from Sugar Creek Condominiums, Avon Woods and Avon Lakes subdivision residents have been collected in opposition to a soccer facility at Borden Park. He requested that more residents contiguous to Borden Park be notified of any future discussions on this issue.

**Paul Franklin**, 2136 Elkhorn, expressed his thanks for the City's work on improving Cumberland Drive. He complimented Bud Leafdale, General Superintendent, and Roger Rousse, Director of DPS/Engineering, for their efforts, and expressed appreciation to the City for the efforts of Traffic Technician Mark Matich and Engineering Technician Barb Smith, in facilitating Cumberland Hills Subdivision's installation of plantings and an irrigation system for the entrance island. He also thanked the City Administration and City Attorney John Staran for supporting the Subdivision's actions against Sun Pipeline. He reported that a court hearing for the preliminary injunction scheduled for today had been postponed to a date in August.

**Lawrence Allen**, 2125 Avoncrest, stated his opposition to any cellular tower being considered for West Middle School. He stated that as a T-Mobile customer, he would rather have intermittent service at his home than to have a tower installed 500 feet from his home. He stated that the Rochester Community Schools would receive income of \$50,000 initially, plus \$1,500 per month for the first five years. He stated that this translates to a benefit of approximately \$1.89 per student per year for the first five years, and \$1.22 per student per year after that period, which represents less than two-tenths of one percent of the District's operating budget. He also reported that after the recent remodeling and modifications to West Middle School, at least five homes experienced damage due to water and drainage issues as a result of work performed on the school's playing fields. He questioned whether improved technology in future years will make cellular towers obsolete.

**Bill Bidwell**, 2055 Avoncrest, spoke against the proposed T-Mobile tower at West Middle School, stating that it was his understanding that T-Mobile had approached a prior City Administration. He stated that he has had a conversation a Mr. Bob Daddow at Oakland County, indicating that although the County agreement with the City states that the tower on City Property is for emergency purposes only, the County would consider amending the lease. He asked if he could be provided with information on which other area schools have cellular towers on their grounds.

**Carol Sutherland**, 329 Clair Hill, stated that she is a twenty-three year resident

*of Rochester Hills and a teacher at West Middle School, and she is opposed to the proposed cellular tower on school grounds. She stated her opinion that the City officials should oppose commercial encroachment into neighborhoods to preserve the City's family-friendly environment and provide a balance between growth and preservation.*

## **LEGISLATIVE & ADMINISTRATIVE COMMENTS**

***President Hooper** reported that nothing new has transpired relevant to a Soccer Facility at Borden Park since Total Soccer made a presentation to City Council. He stated that City Council has put together a structure for a Committee to explore this further, but no committee has been formed to date. He also stated that City Council has no new information on the proposed T-Mobile tower.*

***Mr. Ambrozaitis** stated that he agreed with Mr. Ostrowski, the resident who spoke in opposition to a proposed Soccer Facility at Borden Park.*

***Mr. Pixley** congratulated area resident and high school student Eric Preston for being one of twenty-one under-17 hockey players in the nation selected for the USA Select Under 17 Hockey Team going to Prievidza, Slovakia to compete in a five-nation hockey tournament.*

***Mr. Webber** announced that the League of Women Voters will be hosting a Forum at City Hall on Wednesday, June 16, at 7:30 p.m.*

***Mr. Yalamanchi** reiterated President Hooper's comment that nothing further has transpired regarding any Soccer Facility.*

***Regina Wong**, Rochester Hills Government Youth Council Representative (RHGYC), gave an update on recent RHGYC projects: A Relay for Life Bowlathon on June 29 raised over \$3,000.00 for the American Cancer Society; a perennial garden beautification project was completed at City Hall on Friday, July 11.*

***Mayor Barnett** reported on the following items:*

- He thanked the RHGYC for their beautification efforts in creating the planting area on the northern end of City Hall.*
- He reported that a record crowd attended the Festival of the Hills, with estimates of over 50,000 people in the fireworks viewing area. He stated that only a couple of extremely minor incidents were reported at the Festival. He expressed his appreciation for the efforts of the City employees who worked on the festival and the sponsors who allow the fireworks event to be presented each year at no cost to the taxpayers.*
- He provided Council with a copy of a report from the Administration regarding the pros and cons of different deer control alternatives.*
- He reported that the appearance of the Livernois Road boulevard is much improved with the addition of power to the irrigation system. He noted that the boulevard irrigation has been heavy while the grass seed is taking hold.*
- He made the following comments regarding a proposed cellular tower at West*

*Middle School:*

*\*The Rochester Community School Board will consider a proposed cellular tower at West Middle School at its meeting on August 11.*

*\*He has no information regarding any contact with T-Mobile made in years prior to his Administration. The City's only contact with T-Mobile was a recent e-mail after this issue came to light that questioned the City's interest and position on a County-owned tower located on the City property.*

*\*The City has not been approached by the School Board on this issue.*

*\*Administration has met with several residents including Mr. Smith and Ms. Goulet on this issue.*

*\*He will keep Council abreast of new information and follow Council's direction as to the level of involvement they wish the Administration to have.*

*\*The Administration has information that the County may abandon the cellular tower on City property as early as the first quarter of next year.*

*\*A representative of City Administration will be in attendance at the August 11 School Board meeting.*

## ATTORNEY MATTERS

*Attorney Trey Brice had nothing to report.*

## PRESENTATIONS

2008-0367 Proclamation recognizing The .08 Benefit which will be held on August 8, 2008

*Attachments:* [Agenda Summary.pdf](#)  
[Proclamation.pdf](#)

*Mr. Pixley presented a Proclamation and Resolution to Council recognizing the .08 Benefit to be held on Friday, August 8, 2008 (08-08-08) at Pine Trace Golf Club from 5:30 to 10:00 p.m. The Benefit is designed to provide education and match "feel with reality" as it relates to alcohol consumption and blood alcohol content.*

*Mr. Webber thanked Mr. Pixley for bringing this to Council's attention and stated it was a worthwhile event to bring to the forefront of the community.*

*Mr. Brennan concurred with Mr. Webber, stating this was an important event to assist in informing people about the dangers of drinking and driving.*

**A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0229-2008

**Whereas**, there is a need to educate our community regarding the dangers of alcohol consumption and driving as most people are unaware of how alcohol consumption impacts their personal Blood Alcohol Content; and

**Whereas**, the Blood Alcohol Content (BAC) legal limit is .08; and

**Whereas**, the .08 Benefit will be an educational opportunity to learn the effects of alcohol by matching “feel with reality”; and

**Whereas**, the Oakland County Sheriff’s Office will be present with Preliminary Breath Test (PBT) equipment; and

**Whereas**, tickets for this event are readily available and will provide a fun and educational opportunity;

**Now, Therefore, Be It Resolved**, that the City of Rochester Hills supports community education and prevention of drunk driving, and has been active in support of the .08 Benefit. Accordingly, everyone is encouraged to attend the .08 Benefit which will take place at Pine Trace Golf Club on 08-08-08 from 5:30 p.m. to 10:00 p.m.

## CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

**2008-0366** Approval of Minutes - City Council Regular Meeting - May 12, 2008

**Attachments:** [CC Min 051208.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0215-2008

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on May 12, 2008 be approved as presented.

**2008-0335** Approval of Minutes - City Council Special Meeting - May 19, 2008

**Attachments:** [CC Special Min 051908](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0216-2008

**Resolved**, that the Minutes of a Rochester Hills City Council Special Meeting held on May 19, 2008 be approved as presented.

**2008-0336** Approval of Minutes - City Council Regular Meeting - May 19, 2008

**Attachments:** [CC Min 051908 Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0217-2008

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on May 19, 2008 be approved as presented.

### **Passed the Consent Agenda**

**A motion was made by Pixley, seconded by Webber, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

### **The following Consent Agenda Items were discussed and adopted by separate Motions:**

**2008-0363** Request for Authorization for the Water & Sewer Technical Review Committee to negotiate the Detroit Water and Sewage Department (DWSD) water supply contract

**Attachments:** [Agenda Summary.pdf](#)  
[Resolution.pdf](#)

**Mr. Ambrozaitis** questioned why the Administration advocated this approach and whether City Attorney John Staran would be involved in the negotiations.

**President Hooper** indicated that this item was discussed during the Water and Sewer Technical Review Committee meetings. He stated the City needs to step forward and negotiate the contract with the Detroit Water and Sewerage Department and the most appropriate group to do this is the Water and Sewer Technical Review Committee. He noted that City Attorney Staran will be involved in the negotiations.

**Julie Jenuwine**, Director of Finance, reported that all communities have a model contract, with specific details inserted such as pressure required, the maximum flow rates and the peak factor. She stated that there will not be much language in the contract that the attorney will have to review.

**A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0214-2008

**Whereas**, the City Council recognizes that the certain factors in the prospective water supply contract with the Detroit Water and Sewerage Department have a significant effect on future water rates.

**Resolved**, that the City of Rochester Hills City Council hereby authorizes the City of Rochester Hills Water & Sewer Technical Review Committee to negotiate a water supply contract between the City of Rochester Hills and the Detroit Water and Sewage Department, to bring to City Council for final approval.

**2008-0365** Request for Purchase Authorization - DPS/Facilities: Blanket Purchase Order for landscape and lawn mowing services at three (3) City-owned sites in the amount not-to-exceed \$10,350.00; Brock Sweeping Inc., Wyandotte, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Spreadsheet.pdf](#)  
[Resolution.pdf](#)

**Mr. Webber** requested that Mr. Davis list the boulevards where the City and County share lawn mowing and questioned whether this will require a budget amendment.

**Paul Davis**, City Engineer, replied naming Livernois Road and the large Walton Boulevard. He stated that currently the County provides two cuttings to keep weeds down and provide safe sight distances, however, this level of service is not up to what is desired or acceptable by the community. The Adams and Crooks Road boulevards will be added to this to provide a better level of service and make these boulevards more aesthetically pleasing. The future Hamlin Road boulevard between Crooks and Livernois will be added when it is completed.

**Mr. Rosen** questioned why twenty-one cuts were estimated for the season.

**Mr. Davis** responded that that number was used for the Request for Proposal (RFP).

**President Hooper** stated that payment will be based on the actual number of cuts.

**A motion was made by Brennan, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0213-2008

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Brock Sweeping Inc., Wyandotte, Michigan for landscape and lawn mowing services at three (3) City-owned sites in the amount not-to-exceed \$10,350.00 for the 2008 season.

## PUBLIC HEARINGS

**2008-0311** Request to establish an Industrial Development District at 1665 W. Hamlin

**Attachments:** [Agenda Summary.pdf](#)  
[Resolution.pdf](#)  
[062308 Agenda Summary \(Revised\).pdf](#)  
[062308 Resolution \(Revised\).pdf](#)  
[062308 Agenda Summary.pdf](#)  
[062308 Resolution.pdf](#)

**Dan Casey**, Manager of Economic Development, introduced Bryan Tanury, President of Hot Melt Technologies, Inc., and his wife, Esther. He introduced the location of the proposed Industrial Development District as being in the Hamlin Industrial Condominiums, currently a two-building complex on West Hamlin Road owned by C&D Building LLC, Development. Corporate Dining Solutions leases a building fronting Hamlin, and Deborah's Stage Door is behind that. The proposed site is the remaining rear two-acre parcel of the condominium that is currently undeveloped. C&D would build a 27,750 square foot light industrial building for Hot Melt to lease to serve as the Company's headquarters.

The City has received a request for a twelve-year Tax Abatement for real and personal property. The proposed investment is \$2,264,076.00, including approximately \$1,690,618.00 for the building's construction and approximately \$573,458.00 in new personal property. The company proposes to create five new jobs after the completion of the building, and thirty positions will be retained. An exhaustive search both inside and outside Rochester Hills was completed for a new location; the proposed location selected is adjacent to its current location.

**Bryan Tanury**, President of Hot Melt Technologies, Inc. (HMT), stated that his company has been in Rochester Hills for 27 years since its inception. The tax abatement will ensure that HMT stays in Rochester Hills.

Mr. Tanury gave a history of HMT, stating that while a resident of Streamwood Condominiums in 1980 he came across a new product for industrial assembly applications: hot melt glue. He registered his company in 1981, and eventually HMT moved into a small unit in the Star Batt Industrial Park, and then to a larger unit on the Hamlin Corporate Hill Complex, where over the years they have combined four units into a glue warehouse, a manufacturing and service facility. The company currently has thirty employees, and has direct sales offices in New York City, Chicago, Atlanta, and Cincinnati and indirect service centers in Minneapolis, Kansas City, Dallas, Los Angeles, and Mexico City.

Mr. Tanury stated that he raised his family in Rochester Hills and is proud to say they are graduates of the Rochester Community School District, receiving full scholarships to the University of Michigan where they graduated with Honors.

He stated that HMT needs to relocate into a Corporate Headquarters and wants to stay in Rochester Hills, close to its employees, suppliers, hotels, restaurants and other business associates they have in the community.

HMT is the largest privately-owned hot melt equipment manufacturer in the United States. These are highly-sophisticated industrial adhesive application machines,



*designed to melt and dispense hot melt adhesives with operating temperatures up to 475 degrees Fahrenheit and viscosities as high as 1,000,000 centipoise (cps). HMT has developed a highly sophisticated microprocessor control technology to maintain temperature accuracy of plus or minus one degree Fahrenheit. The processors also allow direct interface with multi-tasking robots; they assure process compliance requirements; and they guarantee workplace safety. The HMT manufacturing floor is carpeted and air-conditioned. Their seven hourly employees have an average pay rate of approximately \$22 per hour. The remainder of their staff is salaried, some exceeding \$130,000 annually. Over the past 27 years, HMT has been a leader in developing the products and processes to make it easy for companies to switch from solvent-based adhesives to hot melts. Their patented product and unique manufacturing and assembly processes have made HMT a strong competitor and an industry leader. Many of HMT's innovations have become a standard in the industry. Being in Southeast Michigan, the automotive industry, the OEMs, and their suppliers have played an important part in HMT's growth. Door panels, headliners, and trunk liners all use hot melt in their construction.*

*HMT has a diverse customer base, including Merillat cabinetry, Simmons and Sealy mattresses, book covers, beer cartons and cereal boxes. HMT has over one thousand active accounts in the United States, Canada and Mexico. Only ten percent of HMT's business is automotive related. Due to sales and growth opportunities expanding both here in the United States and overseas, HMT now needs more space to meet demand. The proposed new facility is 55 percent larger, and construction can be coordinated so that the new facilities are available when HMT's current lease expires in one year. In the current economic downturn, the proposed tax abatement will help HMT remain a viable and dedicated member of the Rochester Hills business community.*

**Mr. Casey** explained that HMT meets the ideal of a Rochester Hills Economic Development Model. It is the City's plan to continue to promote companies whose executives live in community and grow their businesses in the community. He stated that the company is requesting a twelve-year abatement. City Council's policy limits HMT to nine years, based on a combination of jobs retained and created as well as the investment that they propose to make. He reviewed the tax abatement figures, based on current millage rates as follows:

*Without the abatement, taxes generated total \$414,548 over the a nine-year period. The City's portion of these taxes is \$89,017.*

*The abatement effectively reduces the taxes the company is required to pay on the new personal property and real property by fifty percent, with the exception of personal property as it relates to the School Mills; which under the Michigan Business Tax are now exempt at one hundred percent.*

*With the abatement in place for nine years, the company will pay \$232,010 in estimated taxes. The City will receive \$44,509.*

*He stated that the abatement meets all guidelines and goals of City Council's tax abatement policy.*

**President Hooper opened the Public Hearing at 8:28 p.m. Seeing no public input, President Hooper closed the Public Hearing at 8:28 p.m.**

**Council Discussion:**

**Mr. Ambrozaitis** stated that Mr. Tanury's family is the epitome of the American Dream. He commented that these are brutal economic times, and he appreciates HMT's investment in the City.

**Mr. Yalamanchi** echoed Mr. Ambrozaitis and thanked Mr. Tanury for being a resident of Rochester Hills and investing in the community. He asked Mr. Casey if this project might qualify for Michigan Economic Growth Association consideration.

**Mr. Casey** responded that it would not, because the company was not considering a location outside of the State of Michigan.

**Mr. Yalamanchi** stated he would like Administration to provide Council with additional information on the City's tax abatement policies at a workshop. He stated that he does not want to delay this project in any way and supports a nine-year exemption.

**President Hooper** responded that his discussions with Ed Anzek, Director of Planning and Development, indicate that plans are in process for a Council workshop on Tax Abatement Policies.

**Mr. Casey** responded that a workshop should be held sometime in August. He explained that the Administration is currently canvassing other communities to assemble information.

**Mr. Yalamanchi** asked Mr. Tanury to elaborate on HMT's expansion into other industries.

**Mr. Tanury** replied that HMT is currently working to expand into opportunities where industries are trying to move away from solvent-type environmentally hazardous adhesives into hot melts. HMT is also working with a company in Germany and is hoping to expand into other areas, such as Australia and South America.

**Mr. Pixley** echoed his colleagues in thanking Mr. Tanury and HMT for their investment and bringing a strong creative business to the community.

**Mayor Barnett** stated that Planning and Development has been working with HMT for some time. He commented that he is very pleased to have a company that began in this community stay in this community. He mentioned that abatements do not include building permits and inspection fees, and the City will receive this revenue and benefit from the construction activities.

**Also See File 2008-0313.**

**A motion was made by Webber, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0218-2008

**Whereas**, C & D Building, LLC, owners of the Hamlin Industrial Condominium, have requested the establishment of an Industrial Development District (IDD) for Unit 3, also known as 1665 W. Hamlin Road, and further identified as:

Unit 3, Hamlin Industrial Condominium, according to the Master Deed recorded in liber 39410, pages 389 through 438, both inclusive, Oakland County Records, and designated as Oakland County Condominium Subdivision No. 1941, together with rights in general common elements and limited common elements, as set forth in the above described Master Deed and as described in Act 59 of the Public Acts of 1978, as amended, and

**Whereas**, the Rochester Hills City Council held a Public Hearing regarding this request at the Regular Meeting of July 14, 2008 at 7:30 p.m. in the council Chambers, at 1000 Rochester Hills Dr., Rochester Hills, Michigan, during which the owner of the property, taxing authorities, and all interested parties were given the opportunity to be heard, and

**Whereas**, the establishment of an Industrial Development District is consistent with the objectives of the City for industrial development and the creation of new employment opportunities.

**Resolved**, that the Rochester Hills City Council determines that the levies of ad valorem taxes are at a rate, when taken together with the rates of ad valorem taxes levied by any other taxing authority which levies taxes within the City of Rochester Hills, equals or exceeds \$30.00 for each \$1,000.00 of taxable value, and therefore is eligible for designation as an Industrial Development District pursuant to said Act, and

**Be it Further Resolved**, that the above listed legal description is hereby designated an Industrial Development District.

**2008-0313** Request for Approval of an Industrial Facilities Exemption Certificate (IFT) by Hot Melt Technologies

**Attachments:** [Agenda Summary.pdf](#)  
[Application.pdf](#)  
[Hot Melt Overview.pdf](#)  
[Hot Melt TB Analysis.pdf](#)  
[Development Agreement.pdf](#)  
[Resolution.pdf](#)  
[062308 Agenda Summary \(Revised\).pdf](#)  
[062308 Resolution \(Revised\).pdf](#)  
[062308 Agenda Summary.pdf](#)  
[062308 Resolution.pdf](#)

**See Also File 2008-0311.**

**President Hooper opened the Public Hearing at 8:34 p.m. Seeing no Public Comment, President Hooper closed the Public Hearing at 8:34 p.m.**

**Council Discussion:**

**Mr. Webber** stated that he supported the tax abatement for a period of nine years.

**A motion was made by Webber, seconded by Ambrozaitis, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0219-2008

**Whereas**, Hot Melt Technologies, Inc., as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, are located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development District Act of 1974," as amended, and

**Whereas**, the Industrial Development District is that property located at 1665 W. Hamlin Road, Unit 3 of the Hamlin Industrial Condominium, further identified as:

Unit 3, Hamlin Industrial Condominium, according to the Master Deed recorded in liber 39410, pages 389 through 438, both exclusive, Oakland County Records, and designated as Oakland County Condominium Subdivision No. 1941, together with rights in general common elements and limited common elements, as set forth in the above described Master Deed and as described in Act 59 of the Public Acts of 1978, as amended and,

**Whereas**, Hot Melt Technologies, has made application to the Rochester Hills City Council for an Industrial Facilities Exemption Certificate under the above noted legislation, and

**Whereas**, A Public Hearing regarding this request was held at City Council's Regular Meeting of July 14, 2008 in which the taxing authorities, applicant and public were given an opportunity to be heard, and

**Whereas**, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- c. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

**Resolved**, that pursuant to Section 9 (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the request of Hot Melt Technologies, Inc. for an Industrial Facilities Exemption Certificate for a period of

up to two (2) years during the construction phase and nine (9) years after completion of construction, for real and personal property, and

**Be It Further Resolved**, that the accompanying agreement between Hot Melt Technologies and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution and,

**Be It Finally Resolved**, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form.

**2008-0340** Proposed City Charter Amendment to Eliminate the Primary Elections in the City of Rochester Hills

**Attachments:** [Agenda Summary.pdf](#)  
[Resolution.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Proposal Language - Eliminate Primary Elections.pdf](#)  
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)

**President Hooper opened the Public Hearing at 8:38 P.M.**

**Paul Miller**, 1021 Harding, stated that he was not in favor of a Charter Amendment to eliminate Primary Elections. He noted that Democracy in action is not a smooth and easy process and should not have cost-cutting streamlining moves that would result in reducing the Electorate's involvement in the system. He stated that the Primary season is an opportunity for candidates to meet as many of the people as they can and promote their stance on issues. He commented that eliminating the Primary would leave citizens less informed.

**James Casazza**, 1234 Hathaway Rising, stated that when a primary is eliminated, a candidate could be elected with only a small percentage of the vote. Citizens could make uninformed choices too quickly, and confusion on the candidates could result. He noted the general election serves to allow the citizens to make more informed decisions.

**Tom Zelinski**, 1127 Kingsview, requested that Council not support eliminating Primary elections. He stated it would diminish the involvement of the electorate and thereby diminish the Democratic process.

**Seeing no more public input, President Hooper closed the Public Hearing at 8:44 p.m.**

**Council Discussion:**

**Mr. Ambrozaitis** stated he wholeheartedly supports the Primary system. He stated that although the City should find cost-cutting measures, he would not support a Charter Amendment to eliminate Primary Elections.

**Mr. Rosen** stated the Primary is an excellent opportunity for voters to whittle down to viable candidates. He commented that eliminating the Primary was close to being a structural change to the City's Charter.

**Mr. Brennan** stated he felt this item did not have much support.

**President Hooper** stated his opinion that this was a viable option for saving the City \$45,000 to \$50,000.

**Mr. Webber** commented that he appreciated Council's comments, and felt Primaries add value to the Election process.

A motion was made by Brennan, seconded by Ambrozaitis, that discussion on this matter be Discontinued. The motion CARRIED by the following vote:

**Aye** 6 - Ambrozaitis, Brennan, Pixley, Rosen, Webber and Yalamanchi

**Nay** 1 - Hooper

Enactment No: RES0230-2008

**Resolved**, that the Rochester Hills City Council hereby agrees to discontinue discussion on this matter.

**2008-0341** Proposed City Charter Amendment to Change the City of Rochester Hills' Fiscal Year to begin on July 1

**Attachments:** [Agenda Summary.pdf](#)  
[Resolution.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Charter Amendment Language.pdf](#)  
[Proposal Language - Change Fiscal Year.pdf](#)  
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)

**Mr. Yalamanchi** stated that changing the Fiscal Year would impact tax billings. He recommended that this item be postponed until the taxation ramifications could be explored further. He suggested that it not be considered as a ballot item this year.

**Mr. Ambrozaitis** concurred and stated that this issue should be studied further before being placed on the ballot.

**President Hooper opened the Public Hearing at 8:51 p.m.**

**Robert Paulus**, 645 Lockmore Court, stated that he was in favor of postponing this item. He commented that he saw no reason for this change and no benefit to making it.

**Lee Zendel**, 1575 Dutton, stated that the changeover year would result in a short fiscal year of six months, with additional audit monies needed. He also felt that a City audit receives better attention from the auditors when it is not done at the same time as other cities. He also commented that changing tax collection dates would impact residents monetarily, with taxes being collected at a different time and escrow accounts impacted. He stated that in this time of economic distress it could push some residents into default on their mortgage. He also stated that this year's November ballot will be extraordinarily long, and may result in voters not giving this item the proper attention it should have.

**Melinda Hill**, 1481 Mill Race, commented that she would like to see the Committee

*continue researching this item and that it should not be included on the ballot this year. She suggested the Charter Non-Structural Technical Review Committee continue to meet to review information on this and other items.*

**President Hooper closed the Public Hearing at 8:56 p.m.**

**Council Discussion:**

**Mr. Ambrozaitis** stated that changing the Fiscal Year could create a hardship for those with mortgages and escrow accounts.

**Mr. Rosen** stated that postponing this item was a good idea. He commented that the committee was divided on this issue, and further study might allow it to come to a decision. He agreed that Committee meetings should continue.

**A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0231-2008

**Resolved**, that the Rochester Hills City Council discontinue the discussion on changing the City of Rochester Hills' Fiscal Year to begin on July 1, and request that the Administration compile the pros and cons on the taxation issue, and present to Council for further review and for possible consideration to be placed on a future ballot.

**2008-0342** Proposed City Charter Amendment to add additional qualifications to both candidates and elected officials of the City of Rochester Hills

**Attachments:** [071408 Agenda Summary.pdf](#)  
[071408 Resolution.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Charter Amendment Language.pdf](#)  
[Proposal Language - Council not in default.pdf](#)  
[Proposal Language - Judge Qualifications.pdf](#)  
[Proposal Language - Council Felony.pdf](#)  
[Proposal Language - Mayor Felony.pdf](#)  
[Proposal Language - Mayor not in default.pdf](#)  
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)

**President Hooper opened the Public Hearing at 8:58 p.m.**

**Robert Paulus**, 645 Lockmore Court, stated he did not want to see restrictions placed on candidates. He stated that the City's proposed restrictions are more than what applies to candidates for the Office of the President of the United States.

**Paul Miller**, 1021 Harding, stated that he did not favor a Charter Amendment that provided that those behind on their property taxes were ineligible to run for a City office. He commented that the Michigan Supreme Court has ruled that renters can run for office and expressed his concern that an Amendment like this could be extended to a renter whose landlord was in arrears. He believes that voters will make their decision based on a candidate's qualifications.

**James Casazza**, 1234 Hathaway Rising, stated that a Charter Amendment on candidate qualifications would be difficult to enforce. He stated that there could be gray areas, certain felony or misdemeanor charges that should not be included, or mistakes in the reporting of any items that could disqualify a candidate. He expressed concern that information revealed would not be kept private.

**Seeing no additional public comment, President Hooper closed the Public Hearing at 9:03 p.m.**

**Council Discussion:**

**Mr. Ambrozaitis** stated that he was concerned that opinion on this proposed Charter Amendment was being influenced by events in neighboring communities. He stated his opinion that there should be some basic criteria holding a higher standard to individuals running for office and expressed his support for a proposed Charter Amendment on this issue.

**Mr. Rosen** expressed his hope that this Charter Amendment was not proposed in reaction to news reports from neighboring communities. He questioned certain scenarios, such as whether a lawyer held in contempt of court could be disqualified from running for office. He stated he had faith in the voters that they would make the right choice. He commented that the candidates should not be pre-sorted before going to the voters.

**Mr. Brennan** expressed his opposition to this proposed Charter Amendment, stating he does not believe this has been a problem in this City. He mentioned a scenario where a mortgage company did not pay taxes on time, making a homeowner in arrears and questioned whether this would render a candidate ineligible. He stated he believes that the press would reveal candidate backgrounds to voters so they would be able to make informed decisions.

**Mr. Webber** stated that he believes this proposed Amendment should be considered further and put before the voters.

**Mr. Yalamanchi** stated that the City's elected officials should be held to a higher standard. He stated that at some point in time actions become negligent, and that is when this Charter Amendment would be needed. He also stated that something that occurred years in the past could be reviewed by Council, as this could provide a system to review such instances and provide a course of action. He stated that he does not believe that it is the media's responsibility.

**President Hooper** commented that the City's current Charter states that the



*only qualifications to run for Mayor or City Council are that a candidate must be eighteen years of age or over, be a registered voter and be a resident of the City for at least one year. He commented that the proposed Charter Amendment provides that a City office-holder convicted of a felony while in office would forfeit that office. It did not provide that if an individual had a felony on their record they would be ineligible to run for office. He stated that the proposed Amendment provides that if a candidate is in default of taxes, he or she is no longer eligible to run; or if a Council member or Mayor becomes in default of taxes, then their office is deemed vacant. He commented that the Committee's decision was to not include disqualification of a candidate who was convicted of a felony in the past. He stated he believes the voters should make a decision on this proposed Charter Amendment.*

**Mr. Pixley** stated his support of putting this proposed Charter Amendment on the ballot.

**Attorney Trey Brice** stated that this Charter Amendment included violations that occur while in office. He commented on the property tax violation and noted the distinction that a landlord in violation would not affect a renter. He expressed the opinion that a mortgage company not paying taxes could trigger something and stated that an enforcement or review mechanism by Council should be considered.

**President Hooper allowed one additional Public Comment:**

**Fred Hartman**, 532 E. Avon, stated that this proposed Charter Amendment could disqualify some very good candidates, and he was not in favor of it.

**A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 5 - Ambrozaitis, Hooper, Pixley, Webber and Yalamanchi

**Nay** 2 - Brennan and Rosen

Enactment No: RES0243-2008

Resolved, that the Rochester Hills City Council hereby requests the City Attorney put together the necessary language for the proposed City Charter Amendment to add additional qualifications to both candidates and elected officials of the City of Rochester Hills in order for it to be placed on the November 2008 ballot.

**2008-0343** Discussion regarding moving the Accounting Division from under the Clerk's Office to the Mayor's Office

**Attachments:** [071408 Agenda Summary.pdf](#)  
[071408 Resolution.pdf](#)  
[Letter from Plante & Moran 063008.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Charter Amendment Language.pdf](#)  
[Proposal Language - Chief Accountant.pdf](#)  
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)  
[Accounting Responsibilities.pdf](#)

**President Hooper opened the Public Hearing at 9:20 p.m.**

**Paul Miller**, 1021 Harding, expressed his opposition to this proposed Charter Amendment. He stated that the Accounting Department should stay under the Clerk's Office to provide a division of powers.

**Robert Paulus**, 645 Lockmore Court, stated his opposition to this proposed Charter Amendment, stating that it is inappropriate to put the Accounting Department under the Mayor's office and this Department should remain segregated and separated.

**Melinda Hill**, 1481 Mill Race, stated that the Committee's research on this proposed Amendment was not complete. She related that a letter from Plante & Moran dated June 30, 2008 indicated that the City Charter was structured after the Township model. She stated that the founding fathers made this choice on purpose and it was confirmed by the voters at that time. She is not in favor of this proposed Charter Amendment going before the voters at this time. She stated a Charter Commission should review changing the Clerk's responsibilities.

**President Hooper closed the Public Hearing at 9:25 p.m.**

**Council Discussion:**

**Mr. Ambrozaitis** stated that he was not in support of a proposed Charter Amendment to move the Accounting Department under the Mayor's office.

**Mr. Rosen** stated that it was his opinion that it is fundamentally correct to have the Clerk responsible for the spending records of the City. He also stated that setting up the City model with the Township-style of government was not accidental when the Charter was first adopted. He stated this was a recipe for success for the last 25 years and commented that Rochester Hills retains a township feel more so than many smaller cities. He stated that although there is no evidence of wrongdoing in the City, he would like to see a separate accounting system remain in place. He stated he was in favor of reviewing this proposed change for another year before presenting it to the voters.

**Mayor Barnett** commented that as a CEO of this organization, he is ultimately responsible for every department. He stated he completely respects the way the

*City is operating now, however, Council has asked for ways to be more effective and efficient. He believes by combining the Accounting Department under the Mayor's office, all the finance divisions would be together and daily operations of the City would be smoother. He stated that this question was posed to the City's auditors and they recommended the change. Combining the Accounting Department would provide opportunities for cross-training, provide for better skilled employees, and allow for a shifting of work as the workloads change.*

**Mr. Yalamanchi** stated that he concurred with the Mayor and is in support of this proposed Charter Amendment. He stated that Council, as governing body, has fiduciary responsibility. The Mayor has day-to-day responsibility. Accounting records the financial transactions of business. He suggested an Audit Committee be formed to report to Council. He stated that it was his opinion that Accounting Records and Records Management are not one and the same.

**This matter was Discussed.**

**2008-0343** Call the Question to Close Debate on a Proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office

**Attachments:** [071408 Agenda Summary.pdf](#)  
[071408 Resolution.pdf](#)  
[Letter from Plante & Moran 063008.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Charter Amendment Language.pdf](#)  
[Proposal Language - Chief Accountant.pdf](#)  
[CoNSTRuCT Spreadsheet Excerpt.pdf](#)  
[Accounting Responsibilities.pdf](#)

**Mr. Yalamanchi** Called the Question on this item.

**A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 6 - Ambrozaitis, Brennan, Pixley, Rosen, Webber and Yalamanchi

**Nay** 1 - Hooper

**Resolved**, that the Rochester Hills City Council hereby Call the Question to Close Debate on a Proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office.

- 2008-0343 Proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office

**Attachments:** [071408 Agenda Summary.pdf](#)  
[071408 Resolution.pdf](#)  
[Letter from Plante & Moran 063008.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Charter Amendment Language.pdf](#)  
[Proposal Language - Chief Accountant.pdf](#)  
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)  
[Accounting Responsibilities.pdf](#)

**A motion was made by Ambrozaitis, seconded by Rosen, that the Rochester Hills City Council hereby agrees to discontinue discussion on this matter. The motion FAILED by the following vote:**

**Aye** 2 - Ambrozaitis and Rosen

**Nay** 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

**Resolved,** that the Rochester Hills City Council hereby agrees to discontinue discussion on this matter.

- 2008-0343 Proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office

**Attachments:** [071408 Agenda Summary.pdf](#)  
[071408 Resolution.pdf](#)  
[Letter from Plante & Moran 063008.pdf](#)  
[063008 Agenda Summary.pdf](#)  
[Charter Amendment Language.pdf](#)  
[Proposal Language - Chief Accountant.pdf](#)  
[CoNSTRuCt Spreadsheet Excerpt.pdf](#)  
[Accounting Responsibilities.pdf](#)

**President Hooper** stated that we are the only City with this current structure. He stated that the checks and balances do not apply to the Accounting Department that records the transaction. He also stated that it was City Attorney Staran's opinion that this proposed change would be a Charter Amendment and not a Revision.

**A motion was made by Yalamanchi, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

**Nay** 2 - Ambrozaitis and Rosen

Enactment No: RES0233-2008

**Resolved**, that the Rochester Hills City Council hereby requests the City Attorney put together the necessary language for the proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office in order for it to be placed on the November 2008 ballot.

**(Recess from 9:45 p.m. - 9:54 p.m.)**

## ORDINANCE FOR INTRODUCTION

**2008-0111** Acceptance for First Reading an Ordinance to amend Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Article II, Blight Prevention and regulate building exterior and interior maintenance, repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [071408 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[071408 Resolution.pdf](#)  
[031708 Agenda Summary.pdf](#)  
[Ordinance 061207.pdf](#)  
[Property Maintenance Ordinance Presentation](#)

**Public Comment:**

**Lee Zendel**, 1575 Dutton, stated that if the initial driving force for an Amendment to the Property Maintenance Code was concern over the number of foreclosed homes in the City, it was his opinion that this Amendment did not address this issue. He stated that the Ordinance should address the estimated more than 800 vacant homes in the City owned by mortgage companies.

**Council Discussion:**

**Mr. Rosen** inquired what changes were made to this Draft Ordinance from the last time it came before Council on March 17, 2008.

**Scott Cope**, Director of Building/Ordinance Compliance, stated that no changes were made beyond adding wording to allow this to be adopted as an Amendment to the Property Maintenance Ordinance.

**Attorney Brice** stated that enforcement is available within the Ordinance. He noted that adding language requiring an initiation of a complaint before enforcement could be started could present legal issues and add a logjam to enforcement.

**President Hooper** commented that it was a policy decision to not add additional wording to the proposed Ordinance Amendment.

**Mr. Yalamanchi** stated his concerns on enforcement for foreclosed properties. He questioned whether enforcement costs could be recovered by filing a lien on the property.

**Mr. Cope** stated that determining the owners of foreclosed properties presents challenges. He addressed Mr. Zendel's concerns about outside property maintenance issues of foreclosed properties, stating that these issues are addressed in Article I of the Ordinance and enforcement steps are already in effect. He stated that this proposed Ordinance Amendment addresses exterior maintenance of the building itself, including doors windows, roofs and other building items. This Ordinance Amendment would allow proper legal means to enforce court action against an owner.

**Attorney Brice** stated that a lien could be filed against the owner to recover costs or enforcement penalties and these amounts could be recovered upon a sale of the property.

**Mr. Webber** requested that Mr. Cope explain the steps in the enforcement process.

**Mr. Cope** reviewed the enforcement process:

- The first step of any violation triggers a red tag, contacting the property owners and informing them of the violation to give them an opportunity to respond.
- The second step is a code compliance letter, citing code sections violated.
- The third step triggers a Civil Infraction, which triggers a fine that begins at \$70.00 and increases to a maximum of \$500.00 for repeat violations or noncompliance.
- The final step is court action to collect the Citation and force action. He stated that the goal is not merely to collect money, but to resolve the issue.

**Mr. Ambrozaitis** thanked Mr. Cope for his Department's efforts.

**A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Accepted for First Reading by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

**Resolved**, that an Ordinance to amend Chapter 84, Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add Article II, Blight Prevention and regulate building exterior and interior maintenance, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for First Reading.

**2008-0303** Acceptance for First Reading - An Amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately .91 acre, known as Parcel No. 15-27-351-008 at 990 W. Auburn, at the northeast corner of Auburn and Livernois, from B-5, Automotive Service Business to B-1, Local Business, and to prescribe penalties for the violation thereof

**Attachments:** [071408 Agenda Summary.pdf](#)  
[Ordinance Amend.pdf](#)  
[Map.pdf](#)  
[Application packet.pdf](#)  
[Staff Report 061708.pdf](#)  
[Letter Jona 061008.pdf](#)  
[PC Minutes 061708.pdf](#)  
[071408 Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Development, introduced Ron Jona, applicant for the request to rezone the property at the northeast corner of Auburn Road and Livernois Road from B-5 Zoning to B-1 Zoning. He stated that this rezoning was for development of a small retail center rather than a gas station. He stated that the B-1 zoning provides for retail services more likely geared to a local neighborhood level.

**Mr. Yalamanchi** questioned what type of retail was planned for this development.

**Mr. Jona** stated that a 4,700 square foot retail development was planned. A pre-lease has been signed with 7-11 as an anchor store for this development.

**Mr. Yalamanchi** inquired whether variances would be required for the setbacks.

**Mr. Anzek** responded that the B-1 zoning has the shortest setbacks. He stated that this irregular site would require a variance for building whether it would be B-1, B-2 or B-5 zoning, and a level of relief will be needed from the Zoning Board of Appeals (ZBA) before any development would be approved. He stated that the current curb cuts will be abandoned and new access points would be moved farther north and east, away from the intersection.

**Mr. Rosen** questioned if by granting the rezoning it bound the City to approve any variance requested.

**Mr. Anzek** stated that this rezoning is supported by the City's Master Use Plan. He stated that he does not believe the rezoning imposes a fait accompli or absolute mandate on the ZBA, nor does it create an obligation for the ZBA to approve any requested variance.

**Attorney Brice** concurred, stating that the developers must comply with the setbacks or seek a variance.

A motion was made by Ambrozaitis, seconded by Webber, that this matter be Accepted for First Reading by Resolution. The motion CARRIED by the following vote:

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

**Resolved**, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling .91 acre, located at 990 W. Auburn at the northeast corner of Auburn and Livernois, known as Parcel No. 15-27-351-008, from B-5, Automotive Service Business to B-1, Local Business is hereby accepted for First Reading.

- 2008-0362** Acceptance for First Reading an Ordinance to add new Division 6, Outdoor Watering, to Article III of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the outdoor watering of landscaping; repeal conflicting Ordinances, and prescribe a penalty for violations

**Attachments:** [071408 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[071408 Resolution.pdf](#)

**Julie Jenuwine**, Director of Finance, stated that this proposed Ordinance Amendment is a recommendation of the Water and Sewer Technical Review Committee. She stated that it promotes City Council's 2009 Goals and Objectives for water conservation. The goal is to level out the City's draw on the Detroit Water and Sewerage Department (DWSD) system and reduce the City's peak demand which currently causes the City's rates from DWSD to be more than surrounding communities. This Ordinance Amendment would also serve to reduce overall demand and help pressure issues occurring during peak times. She further stated that having this Ordinance in effect would be beneficial during negotiations with the City of Detroit on a new contract.

**Public Comment:**

**Lee Zendel**, 1575 Dutton, questioned how many homes will be affected by this Ordinance Amendment, and whether City irrigation systems would also have to comply. He stated that approximately 1,200 homes in the City still have wells, including his own home, and questioned whether the wording could be changed to exclude those connected only to sewers.

**Council Discussion:**

**President Hooper** questioned whether the words "and sewer" could be dropped from the proposed Ordinance Amendment and stated that this Ordinance would apply to City systems as well.

**Ms. Jenuwine** stated that the intention of the amendment was to include those residents connected to the City water system, and a change could be made to remove any reference to residents connected only to the sewer system.



**Mr. Pixley** asked if the Administration had an estimate of how much money would be saved by this Ordinance Amendment.

**Ms. Jenuwine** stated that she did not have an exact amount, but noted that another community realized a half-million-dollar saving.

**Mr. Rosen** stated that he was in agreement with the concept of regulating the timing of water use. He commented that many residents with dual meters have sprinkler systems, and these systems have timers that could be adjusted. He inquired as to whether a similar saving could be realized by suggesting changes to the length of time sprinklers run and questioned how they came up with the time constraints.

**Ms. Jenuwine** stated that the new Model Contract from DWSD excludes the time period from 11 p.m. to 5 a.m.

**Mr. Rosen** stated he has been contacted by representatives of Kings Cove Condominiums, expressing their concern that it takes eight hours to cycle through watering their entire development. He questioned whether the City's draft Ordinance Amendment should expand the time allowed to be 11 p.m. to 5 a.m. rather than midnight to 5 a.m. to match what DWSD allows.

**Ms. Jenuwine** stated that these times were selected based on how Daylight Savings Time is addressed in the DWSD contract. She also stated that the City selected 5 a.m. based on a heavy demand starting around 6 a.m.

**Mr. Ambrozaitis** wanted to know how the public would be made aware of this Ordinance Amendment.

**Mayor Barnett** stated that the educational component would be critical, utilizing the Web, Cable and Water and Sewer bills.

**Mr. Yalamanchi** commented that the Water and Sewer Technical Review Committee spent an extensive amount of time on this issue, and stressed that this Ordinance Amendment would help the City in the long term.

**Fred Hartman**, 532 E. Avon, questioned whether manual operation of an in-ground irrigation system was considered manual watering.

**President Hooper** replied that manual irrigation meant using a hose.

**Attorney Brice** concurred that if it were an inground irrigation system, it would be a violation. He stated that there was a method to submit a request for relief in extenuating circumstances. Kings Cove Condominium Association could request relief from this Ordinance and ask for more time.

**Mayor Barnett** indicated that the City would consider hardship cases and would rule more leniently in that instance. He stated that someone seeding or sodding a new lawn could request relief, citing the additional water needs for the new grass on the Livernois boulevard as an example.

**A motion was made by Yalamanchi, seconded by Brennan, that this matter be Accepted for First Reading by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

**Resolved**, that an Ordinance to add new Division 6, Outdoor Watering, to Article III of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate the outdoor watering of landscaping; repeal conflicting Ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

## NEW BUSINESS

**2007-0324** Extension of the Tentative Preliminary Plat Until May 17, 2009 - Rochester Meadows, a 47-lot subdivision development on approximately 22 acres, located east of Rochester Road and south of Avon, zoned R-3, One Family Residential, Rochester Meadows LLC, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Map.pdf](#)  
[Site Plans.pdf](#)  
[Memo Delacourt 061608.pdf](#)  
[Letter Rathka 042408.pdf](#)  
[PC Minutes 061708.pdf](#)  
[Resolution.pdf](#)  
[062707 Agenda Summary.pdf](#)  
[Memo Delacourt 051507 Mtg..pdf](#)  
[062707 Resolution.pdf](#)  
[Letter Rathka 042307.pdf](#)  
[PC Minutes 051507.pdf](#)

**Ed Anzek**, Director of Planning and Development, stated that this was a request for a second extension of the Tentative Preliminary Plat.

**Mr. Rosen** asked what is just south of the subject property.

**Mr. Anzek** responded that this was a DTE Substation.

**A motion was made by Ambrozaitis, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0224-2008

**Resolved**, that the Rochester Hills City Council hereby approves a one-year Extension of the Tentative Preliminary Plat until May 17, 2009 for Rochester Meadows Subdivision, City File No. 99-011, a 47-lot subdivision on approximately 22 acres located east of Rochester Road and south of Avon, zoned R-3, One Family Residential.

**2008-0302** Final Site Condominium Plan - Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, west of M-59, zoned

R-4, One Family Residential, Parcel Nos. 15-34-101-012 & -013, L&R Homes, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Map.pdf](#)  
[Site Plans.pdf](#)  
[Staff Report 061708.pdf](#)  
[PC Minutes 061708.pdf](#)  
[Review Comments.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Development, introduced Lorenzo Randazzo of L&R Homes, the applicant.

**Mr. Randazzo** stated that the project received Planning Commission Recommendation on June 17, 2008 and requested Council approval tonight.

**Mr. Yalamanchi** asked Mr. Randazzo to comment on the real estate market and whether he saw any increased prospects.

**Mr. Randazzo** stated that this is a difficult time. Most of his current developments are in upper sizes and price ranges. This project will be in a different price range, focusing in the low \$300,000 to \$350,000 and he believes the market will be improved in this price range.

**A motion was made by Ambrozaitis, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0225-2008

**Resolved**, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Pine Woods Site Condominiums, City File No. 05-005, a 29-unit development on 9.6 acres located south of Auburn, east of Livernois, Parcel Nos. 15-34-101-012 & -013, L&R Homes, applicant, with the following findings and subject to the following conditions:

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. The Final Plan is in conformance with the Preliminary Plan approved by City Council on March 15, 2006.

Conditions:

1. The applicant shall submit a Performance Bond for proposed trees and landscaping of \$56,781.00, as adjusted if necessary by the City's Landscape Architect, prior to issuance of a Land Improvement Permit.
2. Tree protective fencing must be installed, inspected and approved by the City's Landscape Architect prior to the issuance of a Land Improvement Permit for this development.
3. The applicant must obtain a Land Improvement Permit and any outstanding permits and easements prior to grading and construction commencing, per Public Services memo of January 23, 2008.
4. Place detectible warnings at sidewalk ramps located in the road right-of-ways, per Building Department memo of January 28, 2008, prior to obtaining Building Permits.
5. Exhibit B must be reviewed and approved by Engineering Services Staff, prior to issuance of a Land Improvement Permit.

**2005-0235** Request for Purchase Authorization - DPS: Increase to AMR Radio Read System blanket purchase order in the amount of \$204,630.00 for a new not-to-exceed amount of \$2,978,050.00; Etna Supply Company, Grand Rapids, MI

**Attachments:** 042805 Agenda Summary.pdf  
Meter Reading Costs.pdf  
Radio Read Bid Tabs.pdf  
Radio Communications re radio reads.pdf  
Meter Reading Brief.pdf  
CC Minutes 012605.pdf  
Radio Read Maintenance Programs.pdf  
Radio Read Other Community Reference List.pdf  
[071408 Agenda Summary.pdf](#)  
[071408 Resolution.pdf](#)  
Meter Reading Options FSC Memo.pdf  
Selection of AMR Vendor.pdf  
Radio Read Return Investment.pdf  
011305 Resolution.pdf

***President Hooper*** stated that working in the construction industry he deals with many of the suppliers, but has no personal involvement with the company and did not solicit or participate in any way, shape or form with this contract and, therefore, does not see a reason to recuse himself.

***Paul Davis***, City Engineer, stated that this was the fourth year of this program and reported that it has been moving along well and has been considered a success. The original number of meters authorized by City Council included changing out existing customers by a maintenance/replacement program. New customers have come on line and need this new type of meter. When the program was initiated, there was no final estimate on the total number of new meters needed. The City now estimates that 1,500 additional meters are needed to complete the program. Since the program's inception in 2003, 1,062 new single-family homes have been completed along with 36 new businesses. New installations have paid for the meters, while the replacements were installed at no cost. The City currently

has 1,221 meters in stock, but there are 2,000 meters remaining to be replaced and installed.

**Public Comment:**

**Lee Zendel**, 1575 Dutton, requested clarification on the dollar amount requested.

**Melinda Hill**, 1481 Mill Race, stated that she was on Council when this program began. She asked if a breakdown of the meter costs could be given, separating the meters from installation figures. She asked what monies have been collected and how these monies relate to expenditures.

**President Hooper** inquired if these additional meters are for new customers.

**Mr. Davis** replied that it was his understanding the original purchase order did not include funds for new installations.

**Mr. Yalamanchi** asked if this item had to be approved tonight, or if Council could be provided with a breakdown at a future meeting of the initial approval, initial costs, and any reimbursements from installations.

**Mr. Davis** stated that the 1,062 new homes have paid for the installations. The existing customers were not charged for the meters or installation, and it was estimated that the cost would be an eight-year payback for the City.

**Mayor Barnett** agreed more information could be gathered and presented to Council at a future meeting.

**This matter was Set Over to a Future Meeting.**

- 2008-0347** Request for Approval - DPS/ENG: Agreement between the Road Commission for Oakland County (RCOC) and the City of Rochester Hills for maintenance of the boulevard on Adams Road from Auburn Road to M-59

**Attachments:** [Agenda Summary.pdf](#)  
[Boulevard Agreement.pdf](#)  
[Resolution.pdf](#)

**Paul Davis**, City Engineer, stated that the need for an agreement was due to an oversight on Oakland County Road Commission's part to not have maintenance addressed in the original contract.

**Mr. Yalamanchi** asked if the City could explore the idea of service groups or volunteers adopting the boulevards, and working in partnership with the City.

**Mayor Barnett** stated that most of the adopt-a-road programs are related to trash pickup. He mentioned that there could be legal issues with volunteers taking

on boulevard maintenance. He further stated that Metro Act funds address boulevards, and commented that the City has taken a proactive stance on maintenance of boulevards.

**A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0226-2008

**Resolved**, that the Rochester Hills City Council hereby approves the agreement between the Road Commission for Oakland County (RCOC) and the City of Rochester Hills for maintenance of the boulevard on Adams Road from Auburn Road to M-59 and authorizes the Mayor to execute the agreement on behalf of the City.

**2008-0350** Request for Purchase Authorization - DPS/ENG: Cost Participation Agreement for Preliminary Engineering between the Road Commission for Oakland and the City of Rochester Hills for the Walton Boulevard (East of Adams Road to Livernois Road) Rehabilitation Project and authorizes the expenditure of the City's share of \$34,000.00

**Attachments:** [Agenda Summary.pdf](#)  
[Tri-Party Agreement.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** stated that it was good news for City Council that this project could be moved up from its original scheduled date of 2011 to 2009. He stated this would be an eighty-twenty split between Federal and Local monies.

**Mr. Davis** stated that this is an opportunity to complete a corridor which moves from Waterford all the way to Rochester. He reported that this stretch of Walton receives more complaints than even Crooks Road, and commented that this should also address roadway problems existing at individual intersections. It is also advantageous to complete these projects with today's construction costs rather than future costs and in coordination with the Road Commission and surrounding communities. Council's approval tonight will allow the project to move forward for the Preliminary Engineering Phase.

**Public Comment:**

**Lee Zendel**, 1575 Dutton, stated that there was no question that this section of Walton Boulevard needs work and questioned if the City knew what its share would be on the reconstruction costs. He commented that other roads in the City need work as well, such as Crooks and Tienken.

**Mr. Davis** responded that the construction cost is estimated at \$1.2 million. The City's share would be approximately \$400,000. The project would include the area east of Livernois to the City limits.

**Mr. Rosen** questioned how the roadway around Adams Road would be rehabilitated.

**Mr. Davis** responded that the plan is to do crack-and-seal and an asphalt overlay for that section of road. He stated the major portion of engineering work

*needed was for curb and gutter work, and geotechnical work.*

**Mr. Rosen** stated that he wanted Council to keep thinking about work needed on Crooks Road.

**Mr. Yalamanchi** added that he wishes to see Tienken Road addressed as well. He questioned whether the sidewalk on the north side of Walton from Danish Village toward Adams could be addressed. He stated that the cracks in that pathway make it difficult for wheelchairs to travel that section.

**Mr. Davis** responded he would look into that section of pathway and what could be done.

**President Hooper** indicated that the resolution will include a reference to "east of Livernois to the City Limits".

**A motion was made by Brennan, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0227-2008

**Resolved**, that the Rochester Hills City Council approves the Cost Participation Agreement for Preliminary Engineering between the Road Commission for Oakland the City of Rochester Hills for the Walton Boulevard (east of Adams Road to east of Livernois Road to the City Limits) Rehabilitation Project, authorizes the expenditure of the City's share of \$34,000.00 and authorizes the Mayor to execute the Agreement on behalf of the City.

**2008-0364** Request for Purchase Authorization - DPS/Facilities: Blanket Purchase Order for masonry repairs at the City Offices in the amount not-to-exceed \$12,000.00; Poe Restoration & Waterproofing, Oak Park, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Proposal Tabulations.pdf](#)  
[Letter from Poe 063008.pdf](#)  
[Resolution.pdf](#)

**Paul Davis**, City Engineer, stated that this work was needed to address problems with masonry areas of City Hall where leaks occur during driving rains. He stated that Poe Restoration and Waterproofing has worked with the City in the past and the City has been satisfied with Poe's service. He stated that although Poe's proposal is \$9,000, \$12,000 is being requested because there could be an expansion of the limits of the repairs once the company began the project and uncovered additional areas needing repair.

**A motion was made by Yalamanchi, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0228-2008

**Resolved**, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Poe Restoration & Waterproofing, Oak Park, Michigan for masonry repairs at the

City Offices in the amount not-to-exceed \$12,000.00.

## COUNCIL COMMITTEE REPORTS

*None.*

## ANY OTHER BUSINESS

### Road Projects:

*Mayor Barnett* stated that he may be able to provide Council with news in the next week that the Crooks Road project timeline may have changed, allowing a tri-party agreement to be announced soon to work on the 4,000 linear feet of road from the Burger King up to Hamlin Road.

### Proposed Cellular Tower:

*Mayor Barnett* requested that Council address the issue of the proposed cellular tower at West Middle School, and provide direction as to the level of involvement that Council wishes the Administration to take in this issue.

Council discussion ensued and it was the consensus of Council to check on the status of the County tower on City property and to let the proposed tower go through the School Board process to see what transpires. It was decided that a City representative would attend the August 11, 2008 School Board meeting to represent the City's stance on a proposed tower.

*Mayor Barnett* also stated that he would meet with Dave Pruneau, Superintendent of the Rochester Community School District, and ask for the School Board's stance on this proposal.

### DTE Report to Council on Power Outages:

*Mr. Ambrozaitis* questioned whether the City has received information as to when DTE would be presenting information to Council about power interruptions.

*Mayor Barnett* replied that no date has been set by DTE.

### Single Trash Hauler:

*Mr. Yalamanchi* submitted information on the Single Trash Hauler to Council that he had received from residents.

## NEXT MEETING DATE

*Regular Meeting - July 21, 2008 - 7:30 PM*



## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 11:42 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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*MARY JO WHITBEY  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the (insert date, or dates) Regular City Council Meeting.*