



Rochester Hills Minutes City Council Regular Meeting

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, November 15, 2006

7:30 PM

1000 Rochester Hills Drive

DRAFT

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:34 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Barbara Holder, Linda Raschke, James Rosen and Ravi Yalamanchi

Absent: Jim Duistermars and Greg Hooper

Others Present:

*Bryan Barnett, Mayor
Ron Crowell, Fire Chief
Derek Delacourt, Deputy Director of Planning
Pam Lee, Human Resources
Jane Leslie, City Clerk
Paul Shumejko, Transportation Engineer
John Staran, City Attorney
Laurie Taylor, Chief Appraiser*

Council Members Duistermars and Hooper provided previous notice they would be unable to attend and asked to be excused.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the agenda for the Regular Rochester Hills City Council meeting of Wednesday, November 15, 2006 be approved with the following addition under New Business:

2006-0835 - Adoption of a Resolution to Set a Public Hearing regarding James Dahline vs. the City of Rochester Hills, Oakland County Circuit Court Case No. 06-075175-AA, specifically regarding the appeal of the Zoning Board of Appeals' Denial of a lot width variance for Lot 136 in Stratford Knolls Subdivision.

A motion was made by Raschke, seconded by Ambrozaitis, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, requested that Council consider passing a resolution in opposition to an impending House Bill that would have a detrimental impact on cable franchise fees paid to the City.

Mr. Gerald Robbins, 2700 Culbertson, spoke about the Rochester Hills Holiday Helpers and asked residents and Council members to get involved to help those less fortunate during the holiday season.

Ms. Mary Jo Dinha, 851 Dressler Lane, Chairperson of Zero New Taxes, responding to Ms. Holder and Mr. Hooper's question as to why some residents voted no on the recent Pathways Millage proposal, explained that it was primarily a response to the 20-year duration of the millage request. She contended that it would, in fact, represent a tax increase as it would be impacted by ever increasing property assessments. She also noted that 20 years is too long a duration without an opportunity for reevaluation or oversight. She then indicated that she felt the Mayor was using the City's cable channel and newspaper for self promotion.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett provided an update regarding the change in speed limits for rural roads, noting that the City was pursuing a solution through the State Police. He then congratulated State Senator Mike Bishop for his recent appointment as Senate Majority Leader.

Mr. Yalamanchi referred to Ms. Hill's comment about a new House Bill that would reduce cable franchise fees to the City and noted that it is an issue currently under discussion at the Financial Services Committee.

Ms. Raschke echoed Mr. Robbins' request for the community to contribute to those less fortunate and noted other ways to help. She then described a local organization that provides grief counseling for young people.

Mr. Ambrozaitis asked Transportation Engineer Paul Shumejko to look into the issue of drivers exiting the new Papa Joe's development by turning left onto Rochester Road, noting it seems to be a traffic hazard. He then praised those individuals who care for elderly parents.

Ms. Holder responded to Ms. Dinha's explanation as to why some voters did not support the recent Pathways Millage proposal, noting that many residents have complained about frequent millage renewals and wanting longer durations.

Ms. Raschke acknowledged a student group from Avondale High School who were present as a requirement of a government project.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

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.

- 2006-0768** Approval of Minutes - Regular City Council Meeting - June 7, 2006
Attachments: CC Min 060706.pdf; 0768 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.
- Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on June 7, 2006 be approved as presented.**
Enactment No: RES0380-2006
- 2006-0780** Approval of Minutes - Regular City Council Meeting - June 21, 2006
Attachments: CC Min Reg 062106.pdf; 0780 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.
- Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on June 21, 2006 be approved as presented.**
Enactment No: RES0381-2006
- 2006-0781** Approval of Minutes - Special City Council Meeting - June 21, 2006
Attachments: CC Min Spec 062106.pdf; 0781 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.
- Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on June 21, 2006 be approved as presented.**
Enactment No: RES0382-2006
- 2006-0808** Adoption of Resolution authorizing the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours for the 2006 Christmas Parade to be held on Sunday, December 3, 2006
Attachments: Agenda Summary.pdf; 0808 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.
- Whereas, the Cities of Rochester Hills and Rochester jointly host an annual Christmas parade, conducted under the auspices of the Rochester Regional Chamber of Commerce; and**
- Whereas, the parade route begins on Rochester, south of Tienken Road in the City of Rochester Hills, and proceeds south along Rochester Road to Third Street in downtown Rochester; and**
- Whereas, staging this event requires closing certain State and County routes and using others for posted detour routes; and**
- Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Walton at Livernois, and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from East Second Street to Tienken Road.**
- Now, Therefore, Be It Resolved that the Rochester Hills City Council authorizes**

the Mayor or his agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

Be It Further Resolved that the parade routes be scheduled for Sunday, December, 3, 2006, between the hours of 12:30 p.m. and 4:00 p.m. on Mead, Rochester, and Tienken Roads; and

Further Resolved that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Further Resolved that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

Enactment No: RES0383-2006

2006-0769

Approval of the Storm Water Detention System Maintenance Agreement, between the City of Rochester Hills and Gulf Northbrooke, LLC, a Michigan limited liability company, for Northbrooke Meadows, for Parcel No. 15-33-128-003

Attachments: Agenda Summary.pdf; Map.pdf; Agreement.pdf; 0769 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Storm Water Detention System Maintenance Agreement, relative to the details of the development and use, repair and maintenance of the storm water system, for Northbrooke Meadows, between the City of Rochester Hills and Gulf Northbrooke, LLC, a Michigan limited liability company, 210 Town Center Drive, Troy, Michigan 48084.

Further Resolved that the City Clerk is authorized to execute and deliver the agreement on behalf of the City.

Enactment No: RES0384-2006

2006-0678

Approval of Traffic Control Order PK-91.1 - County Club Village of Rochester Hills, Section #35 - "No Parking, Standing and Stopping" within the right-of-way on south side of Everett Drive from a point One Hundred Thirty (130) feet east of Nawakwa Road to a point Two Hundred Fifty (250) feet easterly thereof

Attachments: Agenda Summary.pdf; Traffic Control Order PK-91.pdf; Map.pdf; Staff Report.pdf; 0678 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. PK-91 has been issued by the Acting City Traffic Engineer under the provisions of Chapter 98 of the Rochester Hills Code of Ordinances, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

PK-91.1 "No Parking, Standing and Stopping" within the right-of-way on the south side of Everett Drive from a point One Hundred Thirty (130) feet east of Nawakwa Road to a point Two Hundred Fifty (250) Feet easterly thereof.

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved.

Resolved that the Rochester Hills City Council hereby approves the issuance of Traffic Control Order No. PK-91 to be in effect until rescinded or superseded by subsequent order; and

Be It Further Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0385-2006

2006-0679

Approval of Traffic Control SS-136, Streets within Thornridge Subdivision, Section #6: SS-136-1-Charlwood Drive from Adams Road to Olympia Drive, except at Adams Road and Tacoma Drive and SS-136.2- Olympia Drive from Tienken Road to Charlwood Drive, except at Tienken Road and Aynsley Drive.

Attachments: Agenda Summary.pdf; Map.pdf; Traffic Control Order SS-136.pdf; Staff Report.pdf; 0679 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, Traffic Control Order No. SS-136 has been issued by the Acting City Traffic Engineer under the provisions of Chapter 98 of the Rochester Hills Code of Ordinances, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Order covers:

SS-136-1 Charlwood Drive from Adams Road to Olympia Drive, except at Adams Road and Tacoma Drive

SS-136-2 Olympia Drive from Tienken Road to Charlwood Drive, except at Tienken Road and Aynsley Drive

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved.

Resolved that the Rochester Hills City Council approves the issuance of Traffic Control Order No. SS-136 to be in effect until rescinded or superseded by subsequent order; and

Be It Further Resolved that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

Enactment No: RES0386-2006

2006-0828

Adoption of Resolution of Necessity regarding the Reconstruction of Adams

Road concerning Adams Road - Parcel No. 1 (Heinrich)

Attachments: Agenda Summary.pdf; Map .pdf; Possession and Use Agreement Parcel 1.pdf; 0828 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, present conditions necessitate the relocation and improvement of Adams Road; and

Whereas, detailed plans showing such improvement have been prepared and are now on file in the Office of the City Engineer, and the project has been commenced; and

Whereas, the City and the property owner entered into a Possession and Use Agreement granting the City an irrevocable right to possession and use of certain property in consideration of the City's payment to the owner of the City's good faith estimated just compensation; and

Whereas, said Agreement further provided that the City shall continue to negotiate in good faith with the owner to reach a settlement on the amount of compensation required by owner, and if a settlement is not reached, the City shall file an eminent domain action; and

Whereas, negotiations have not resulted in a settlement.

Now, Therefore, Be It Resolved that the City of Rochester Hills declares and determines that it is necessary to relocate and improve Adams Road in the City of Rochester Hills as more fully described and detailed on the construction plans.

Be It Further Resolved that it is necessary to acquire and take fee simple or lesser estate in real property, and other property and access rights to certain parcels of land described and shown in the Possession and Use Agreement attached hereto for the purposes of relocating and improving Adams Road, that said parcels are necessary for the use and benefit of the public, and that a good faith written offer to purchase said parcels of land has been made.

Be It Finally Resolved that the City Attorney and/or special counsel retained by the City is authorized and directed to institute condemnation proceedings against the owners and other parties of interest in said private property necessary for the relocation and improvement of Adams Road as here before described.

Enactment No: RES0387-2006

2006-0829

Adoption of Resolution of Necessity regarding the Reconstruction of Adams Road concerning Adams Road - Parcel No. 11 (Amazing Grace)

Attachments: Possession and Use Agreement Parcel 11.pdf; 0829 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, present conditions necessitate the relocation and improvement of Adams Road; and

Whereas, detailed plans showing such improvement have been prepared and are now on file in the Office of the City Engineer, and the project has been commenced; and

Whereas, the City and the property owner entered into a Possession and Use Agreement granting the City an irrevocable right to possession and use of certain

property in consideration of the City's payment to the owner of the City's good faith estimated just compensation; and

Whereas, said Agreement further provided that the City shall continue to negotiate in good faith with the owner to reach a settlement on the amount of compensation required by owner, and if a settlement is not reached, the City shall file an eminent domain action; and

Whereas, negotiations have not resulted in a settlement.

Now, Therefore, Be It Resolved that the City of Rochester Hills declares and determines that it is necessary to relocate and improve Adams Road in the City of Rochester Hills as more fully described and detailed on the construction plans.

Be It Further Resolved that it is necessary to acquire and take fee simple or lesser estate in real property, and other property and access rights to certain parcels of land described and shown in the Possession and Use Agreement attached hereto for the purposes of relocating and improving Adams Road, that said parcels are necessary for the use and benefit of the public, and that a good faith written offer to purchase said parcels of land has been made.

Be It Finally Resolved that the City Attorney and/or special counsel retained by the City is authorized and directed to institute condemnation proceedings against the owners and other parties of interest in said private property necessary for the relocation and improvement of Adams Road as here before described.

Enactment No: RES0388-2006

2006-0830

Adoption of Resolution of Necessity regarding the Reconstruction of Adams Road concerning Adams Road - Parcel No. 12 (Barton)

Attachments: Possession and Use Agreement Parcel 12.pdf; 0830 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, present conditions necessitate the relocation and improvement of Adams Road; and

Whereas, detailed plans showing such improvement have been prepared and are now on file in the Office of the City Engineer, and the project has been commenced; and

Whereas, the City and the property owner entered into a Possession and Use Agreement granting the City an irrevocable right to possession and use of certain property in consideration of the City's payment to the owner of the City's good faith estimated just compensation; and

Whereas, said Agreement further provided that the City shall continue to negotiate in good faith with the owner to reach a settlement on the amount of compensation required by owner, and if a settlement is not reached, the City shall file an eminent domain action; and

Whereas, negotiations have not resulted in a settlement.

Now, Therefore, Be It Resolved that the City of Rochester Hills declares and determines that it is necessary to relocate and improve Adams Road in the City of Rochester Hills as more fully described and detailed on the construction plans.

Be It Further Resolved that it is necessary to acquire and take fee simple or lesser

estate in real property, and other property and access rights to certain parcels of land described and shown in the Possession and Use Agreement attached hereto for the purposes of relocating and improving Adams Road, that said parcels are necessary for the use and benefit of the public, and that a good faith written offer to purchase said parcels of land has been made.

Be It Finally Resolved that the City Attorney and/or special counsel retained by the City is authorized and directed to institute condemnation proceedings against the owners and other parties of interest in said private property necessary for the relocation and improvement of Adams Road as here before described.

Enactment No: RES0389-2006

Passed The Consent Agenda

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

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

The following Consent Agenda Item was discussed and adopted by separate Motion:

2006-0748

Request for Purchase Authorization - FIRE: Medical billing and collections blanket purchase order in the amount not-to-exceed \$80,000.00 through December 31, 2007; AccuMed Billing, Inc., Riverview, MI

Attachments: Agenda Summary.pdf; 0748 Resolution.pdf

Mr. Yalamanchi asked for a description of the medical billing and collections process and questioned whether there were any ways to improve the efficiency or increase the reimbursement time frame.

Fire Chief Ron Crowell explained that emergency EMS forms are reviewed by the new EMS Coordinator for accuracy and then are picked up by AccuMed, which then determines how to bill each call. Bills are then sent to insurance agencies or private citizens for payment. All payments are deposited directly into a City bank account and AccuMed then invoices the City for 10% of all monies collected. Unpaid bills are forwarded to a collection agency in Ann Arbor, Michigan. Chief Crowell noted that he can investigate how quickly billings are being issued, but indicated that AccuMed is one of the largest medical billing companies in the nation and has its own process in place.

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to AccuMed Billing, Inc., of Riverview, Michigan, for medical billing and collections in the amount not-to-exceed \$80,000.00 through December 31, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0390-2006

PUBLIC HEARINGS

2006-0707

Approval of the Proposed Brownfield Redevelopment Plan for the Hamlin Adams Brownfield Project, Parcel Numbers 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

Attachments: Agenda Summary.pdf; 11-21-06 Strobl & Sharp Air Quality Letter.pdf; 11-20-06 STS Air Monitoring Letter.pdf; 11-21-06 Revised Brownfield Redevelopment Plan.pdf; 111506 Resolution.pdf; 11-09-06 Assessing Memo.pdf; 111506 Agenda Summary.pdf; Public Hearing N

Mr. Neil Silver, Strobl & Sharp, 300 East Long Lake Road, Bloomfield Hills, attorney for the applicant, provided a brief overview of the project noting that approval of the Brownfield Redevelopment Plan (BRP) and 381 Work Plan will begin the process of evaluating the contaminants on the property at Hamlin and Adams Road. He explained that the outcome of that investigation would determine the amount of money needed to remediate the site to the level dictated by the Consent Judgment. He stressed that if the estimated remediation costs exceed the current estimate of \$4.5 million certain aspects of the Reimbursement Agreement may need to be renegotiated.

Mr. Derek Delacourt, Deputy Director of Planning, noted that the City's Assessing Department had provided Council with a tax table describing in more detail various tax capture scenarios and time frames for Council's consideration.

President Rosen **Opened the Public Hearing at 8:17 p.m.**

Ms. Deanna Hilbert, 3234 Quail Ridge Circle, questioned whether certain environmental testing was being conducted, whether the testing would be paid through tax capture and, if so, whether that was setting a precedent for these types of projects.

Mr. Steve McGarry, 2164 Clinton View, President of the Heritage Homeowner's Association, requested that base line air quality and ongoing monitoring be required of the remediation of this site. He noted that, when discussed at the Brownfield Redevelopment Authority (BRA) the developer stated such testing and monitoring was not budgeted. Mr. McGarry asked if this could be reimbursed through tax capture.

Ms. Melinda Hill, 1481 Mill Race, noted that she does not recommend repaying interest through tax capture. She also noted that it appears the reference to the revolving fund in the BRP "ties your hands" with how it can be used. She stressed that the City should not get into the finance business for the cleanup of privately owned contaminated properties. She suggested that the City pay the full 100% of tax capture to help ensure that the City does not have to make up any short fall in tax capture reimbursements following build out of the project.

Mr. Silver noted that if the Michigan Department of Environmental Quality (MDEQ) determines that base line air testing and monitoring is reimbursable through tax capture then his client would comply with the request, assuming the cost is reasonable. He also noted that he was not sure of the benefit of that type of monitoring, noting readings can be affected by many uncontrollable or unrelated factors. He requested that the City specify the type of monitoring to allow his client to gather more information and determine an estimated cost.

President Rosen suggested that Mr. Silver's client work in conjunction with the City's Environmental Consultant to determine the type of monitoring and the likely cost.

Mr. Bill Windscheif, 2872 River Trail, stated he was informed by the MDEQ that the City has the only authority to require air quality testing and monitoring and asked that it be made a requirement. He further suggested that the decision on this project be postponed until all of the questions regarding this matter can be addressed.

Mr. Delacourt stressed that the BRA had determined that an air quality requirement be included in the 381 Work Plan before it is submitted to the MDEQ.

Mr. Silver suggested that if the MDEQ does not consider air testing/monitoring an eligible expense for reimbursement that the City could reimburse it through local tax dollars.

Mr. Ed Baron, 3310 Green Spring Lane, stated that Council should postpone this decision until they can receive input on this matter from the City's Environmental Consultant.

Ms. Brenda Savage, 1715 Northumberland Drive, Chairperson of No New Taxes, agreed with Mr. Baron and Mr. Windscheif and urged Council to postpone this decision.

There being no further Public Comment, **President Rosen Closed the Public Hearing at 8:58 p.m.**

Council Consensus was to not include reimbursement for interest and to postpone further consideration of the BRP until the City's Environmental Consultant could be present to address the issue of air quality testing and monitoring.

Mr. Yalamanchi called the question to end debate and vote on the motion to postpone action.

2006-0707

Call the Question to Close Debate on the Motion Currently on the Floor - To Postpone Consideration of the Proposed Brownfield Redevelopment Plan and Initial 381 Work Plan for Hamlin Adams Site, Parcel Nos. 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

A motion was made by Yalamanchi, seconded by Holder, that this matter be Adopted by Resolution.

Resolved by the Rochester Hills City Council to hereby Call the Question to Close Debate on the Motion currently on the Floor to Postpone Consideration of the Brownfield Redevelopment Plan for the Hamlin/Adams Brownfield Project, City File No. 03-013, based on the Plan dated received by the Planning Department on September 11, 2006.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Rosen and Yalamanchi

Nay: Raschke

Absent: Duistermars and Hooper

2006-0707

Resolution to Postpone Consideration of the Proposed Brownfield Redevelopment Plan and Initial 381 Work Plan for Hamlin Adams Site, Parcel Nos. 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution.

Whereas, the City's Environmental Consultant was not present at the November 15, 2006 Regular City Council meeting; and

Whereas, unresolved issues arose during Council discussion regarding the need for an air quality baseline assessment.

Resolved that the Rochester Hills City Council hereby Postpones consideration of the Proposed Brownfield Redevelopment Plan and Initial 381 Work Plan for

Hamlin Adams Site, Parcel Nos. 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant, until such time as an air quality baseline assessment is included in the 381 Work Plan before submittal to the Michigan Department of Environmental Quality (MDEQ).

Be It Further Resolved that the parameters of the air quality baseline assessment be determined by City staff and the City's environmental consultants.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

(Recess 9:17 p.m. - 9:33 p.m.)

ORDINANCE FOR INTRODUCTION

2006-0788

Acceptance for First Reading an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: Agenda Summary.pdf; 12/13/06 Agenda Summary.pdf; Ordinance Amendment.pdf; First Reading Agenda Summary.pdf; First Reading Resolution.pdf; 111406 AIS Minutes.pdf; 12/13/06 Resolution.pdf; 0788 Resolution.pdf

Ms. Pam Lee, Director of Human Resources, explained that the amendments before Council to the Personnel Ordinance would allow impending and future changes to the City's pension plan to be adopted and incorporated into this ordinance by reference rather than the Council having to make a separate motion. Additionally, she noted that the language of the ordinance would be clarified to note that it covers all non-union employees including deputies and directors. Ms. Lee assured Council members that this did not change any of the rights afforded to non-union employees, nor did the ordinance provide that non-union employees would be forced to accept any changes to their benefits based on changes to union contracts.

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Accepted for First Reading by Resolution.

Resolved that an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for First Reading.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0011-2007

NOMINATIONS/APPOINTMENTS

2006-0814

Designation of Delegate and Alternate to National League of Cities' Annual Business Meeting to be held on Saturday, December 9, 2006 at the Congress of Cities in Reno, Nevada

Attachments: Agenda Summary.pdf; 102406 NLC Letter.pdf; 0814 Resolution.pdf

President Rosen noted that Ms. Holder was the only member of City Council attending the National League of Cities (NLC) conference and, thus, Council would only need to designate a delegate, not an alternate.

Mr. Ambrozaitis questioned how attendance at this conference is funded.

Ms. Holder explained that it is paid for from City Council's budget.

A motion was made by Raschke, seconded by Yalamanchi, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby names Ms. Barbara Holder as the City of Rochester Hills Official Representative and Voting Delegate for the National League of Cities Annual Business Meeting to be held on Saturday, December 9, 2006 at the conclusion of the Congress of Cities in Reno, Nevada.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0393-2006

NEW BUSINESS

2006-0729

Request for Approval - Preliminary Site Condominium Plan - City File No. 05-042 - Little Winkler Estates, a ten-unit site condo development on 7.3 acres, located west of Dequindre, south of Washington, Zoned R-1, One Family Residential, Parcel Nos. 15-01-277-015 and 15-01-278-006, Little Winkler, LLC, applicant

Attachments: Agenda Summary.pdf; Staff Report PSCP.pdf; Map aerial.pdf; Back up.pdf; Site Plans.pdf; 0729 Minutes and Resolution.pdf

Mr. John Wright of J.J. Associates, Inc. 44444 Mound Road, Sterling Heights, provided a brief overview of the project, noting the following:

- A ten-unit, single-family site condominium development.
- Located on Dequindre Road south of Washington Road.
- Will be served by public utilities such as water, sanitary sewer, storm drainage, etc.
- Will have a public right-of-way that will serve the entire development.

Mr. Derek Delacourt, Deputy Director of Planning, described the process for approval of the Preliminary Site Condominium Plan as follows:

- The applicant received a Planning Commission recommendation for approval with conditions as well as a tree removal permit.
- If approved by Council, the Plan will go through construction review by City staff and consultants.

- Finally, the Plan is returned to the Planning Commission and City Council for final approval.

Mr. Delacourt stressed that the Planning Commission added conditions to their motion that specifically addressed concerns raised by adjoining property owners. He then noted some additional requests of these residents including the relocation of some trees and the potential for utility hookups to their existing homes. Mr. Delacourt explained that, as the sanitary sewer access for this project is through Shelby Township, the City cannot require that those homes be included. He noted that these issues have been conveyed to the applicant.

PUBLIC COMMENT:

Ms. Renee Mocerì, 56195 Dequindre Road, indicated that she owns one of the existing homes adjoining the development and noted the following concerns:

- Would like access to her driveway during construction.
- Was concerned about the expenses associated with the change in her address that will result from this development.
- Wondered whether she would have to join a neighborhood association related to the new condominium subdivision.
- Requested a buffer on her lot line for noise and light pollution.
- Would like a small access gate in front of the two existing homes to stop traffic, noise and light pollution.
- Wondered if she would be responsible for the expense of burying utilities wires that cross her property.

Ms. Mocerì confirmed that she had been able to bring these concerns to the attention of both the Planning Commission and Mr. Delacourt.

COUNCIL DISCUSSION:

Mr. Carlo Izzì, Little Winkler, LLC, 38880 Garfield, Clinton Township and **Mr. Wright**, addressed Ms. Mocerì's concerns, noting the following:

- There will be a construction access drive that will maintain access to the two existing homes throughout the construction process.
- The existing homeowners will be given the opportunity to join the condominium development's neighborhood association.
- While the Plan is required to show a certain number of trees for removal, the developer will make every effort to preserve more trees than noted if possible.
- The existing homeowners will be given the opportunity to hookup to the underground utilities, but it will be at their expense if they so choose.
- The developer will consider a gated access for the existing homes.

Mr. Izzì was amenable to Mr. Delacourt's suggestion that the developer provide a separate access road for the two existing homes during construction.

Mr. Delacourt explained that the existing homes would definitely become part of the

new cul-de-sac being constructed, but that the resulting change of address is a postal issue and the City has no control over it.

Mr. Ambrozaitis suggested that perhaps the developer "from a neighborly standpoint" could consider assisting the existing homeowners with the expenses associated with their change of address. He further advised the existing homeowners to seek legal advice with regard to joining the neighborhood association.

Mr. Yalamanchi expressed concern that there may be soil-related problems associated with the removal of an existing pond on the site and was reassured it would not pose a problem.

Ms. Raschke requested that a passing lane be included in front of the development; however, it was noted that the Road Commission for Oakland County is responsible for Dequindre Road and did not deem a passing lane necessary.

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Little Winkler Estates, City File No. 05-042, a ten-unit development located west of Dequindre, south of Washington, Parcel Nos. 15-01-277-015 and 15-01-278-006, based on plans dated received by the Department of Planning and Development on September 29, 2006, with the following findings and subject to the following conditions.

Findings:

- 1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.**
- 2. Adequate utilities are available to properly service the proposed development.**
- 3. The preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.**
- 4. The preliminary plan represents a reasonable street layout and lot orientation.**
- 5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.**

Conditions:

- 1. Provide all on-site and off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.**
- 2. Provide warranty deed for 60-foot ½ ROW in Dequindre Road, prior to issuance of a Land Improvement Permit.**
- 3. Change references to 11 units in EIS to 10 units, prior to Final Approval by Staff.**
- 4. Revise Sheet L-2 as follows: Correct number of tree replacement credits to 170; revise credits provided for 12' evergreen trees to 3 per tree and adjust total to 45; revise credits provided for 16' evergreen trees to 5 and adjust the total to 20, to be reviewed by Staff prior to Final Site Condominium Plan Approval.**

5. Develop plan to pre-treat stormwater that discharges into the open water wetland at the southwest portion of the site, prior to construction plan approval.
6. That the applicant receives a Soil Erosion Permit from the Oakland County drain Commission prior to issuance of a Land Improvement Permit.
7. Submission of Master Deed and By-Laws prior to Final Site Condominium Plan Review.
8. All road (including offsite) improvements are subject to Engineering verification and approval during construction plan review.
9. That the applicant obtains a Land Improvement Permit prior to performing any work on site.
10. That the applicant install a series of 12- and 16-foot tall white spruce trees, staggered along the western property line to supplement the existing trees and to create a visual obstruction, as reviewed and approved by the City's Landscape Architect.
11. That the applicant explore means by which to save the existing trees in Lot 5, including moving the building envelope to the north and east, prior to Final Site Condominium Plan Approval.
12. That the applicant include separate temporary road access for the existing homes.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0394-2006

2006-0717

Request for Approval - Conditional Land Use Request - City File No. 05-015 - Sikh Gurdwara Temple, a proposed 21,544 square foot place of worship and education center on 4.5 acres, located at the southeast corner of Auburn and Norton Lawn, Zoned R-3, One Family Residential, Parcel No. 15-34-226-034, Sikh Gurdwara, applicant

Attachments: Agenda Summary.pdf; Map aerial.pdf; Staff Report.pdf; Back Up PC.pdf; Site Plans.pdf; Site Plan Motion.pdf; 0717 Minutes and Resolution.pdf

Mr. Ragbir Singh, President of the Sikh Gurdwara Temple, 6780 Old Orion Court, provided a brief overview of the proposed new temple to be built at the corner of Auburn Road and Norton Lawn:

- The two-story building will sit on a 4.5-acre site.
- The 9,130 square foot first floor will be used for worship services, office space and conferences.
- The basement walkout will be used for classrooms and food service.
- The Temple will never be used for banquets and parties, as the Sikh religion requires that the temple be used for religious ceremonies only.
- There will be two major events at the Temple each year: mid April and mid November religious festivals.

- There will be 101 parking spaces with an average number of 60 cars during worship services.
- Worship services are casual, with members coming and going during designated worship times.
- Designated services do not coincide with those of the other nearby religious establishments, thus there will be no undue increase in traffic congestion.
- The Temple will draw new residents to the area as well as visitors, thus increasing tax revenue.

Mr. Singh stressed that Sikh Temple Gurdwara had fulfilled all City requirements during the planning process, as well as having respected all neighbors' concerns.

Mr. Derek Delacourt, Deputy Director of Planning, confirmed that Sikh Gurdwara Temple had met all City and Planning Commission requirements and that they were very patient and cooperative during the process.

Ms. Holder expressed concern that this Temple would be a very large building in that area.

Mr. Singh explained that although it is two stories, with a first floor and walkout basement, due to the particular elevations of the site, the Temple would appear to be only one story from the west and north.

Mr. Ambrozaitis questioned whether there had been any complaints or concerns expressed by neighbors in the area.

Mr. Delacourt noted that all public meetings for conditional land use were noticed appropriately, but there were no complaints. He indicated that some residents had called to inquire as to the use of the development, but he did not believe any residents had visited the Planning Department to review the plans.

President Rosen, while noting that the Temple does fit in with the other religious uses along that stretch of Auburn Road, noted the drawback of having a great deal of tax exempt property there as well.

Ms. Raschke stressed the need for traffic signalization in the area due to the traffic created by these places of worship.

Mr. Singh noted that a traffic survey had been conducted that examined the impact the Temple would have on traffic going forward for the next ten to fifteen years.

A motion was made by Raschke, seconded by Ambrozaitis, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby approves the Conditional Land Use for Sikh Gurdwara Temple, City File No. 05-015, a proposed 21, 544 square foot place of worship on 4.5 acres, located at the southeast corner of Auburn and Norton Lawn, Zoned R-3, One Family Residential, Parcel No. 15-34-226-034, based on plans dated received by the Planning Department on September 5, 2006 with the following findings and subject to the following conditions.

Findings:

1. **Places of Worship are permitted in any zoning district; the use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.**

2. The proposed Sikh Gurdwara Temple is designed and will be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity, the capacity of public services and facilities affected by the use, and the community as a whole. The maximum building height, measured from average grade is 32 feet and three inches.
3. The Temple will be accessed via Auburn Road, which has a right-of-way width of 120 feet.
4. The proposed development will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
5. The proposed building will not be located within 50 feet of any property line; the front, side and rear yard setbacks are more than equal in depth to the height of the proposed Temple.
6. The proposed Temple has been designed so as to not be detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
7. The proposed Temple will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. Provide evergreen shrubs sufficient to form a hedge (understory plantings) in addition to the proposed deciduous trees along the west property line between the parking lot and Norton Lawn Road to screen headlights, as approved by the City's Landscape Architect prior to Final Approval by Staff.
2. That if in the future the City determines there is a demonstrated parking problem at the site, the applicant shall be responsible to provide the City, at the owners expense, a mutually agreeable solution to resolve the issue.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0395-2006

2006-0802

Adoption of Resolution to Dissolve City Council Communication Committees

Attachments: Agenda Summary.pdf; 110806 Agenda Summary.pdf; Meeting totals 2001-2006.pdf; History.pdf; 120197 CC Minutes.pdf; 012198 CC Minutes.pdf; 011399 CC Minutes.pdf; 012799 CC Minutes.pdf; 021799 CC Minutes.pdf; 030399 CC Minutes.pdf; 031099 CC Minutes.pdf; 0407

President Rosen explained that the Council would be dissolving the existing Communication Committees and would then begin the process of determining what new technical committees would be established to continue the work of those committees. He also briefly discussed the proposed new City Council schedule of meeting every Wednesday with alternating Regular and Work Session meetings.

Mr. Ambrozaitis questioned whether this new process would improve resident participation.

President Rosen stressed that these changes would represent a more open system, very inclusive of resident input.

Mayor Barnett encouraged Council to include a benchmarking review process at regular intervals to evaluate whether the changes meet the expectations of Council.

President Rosen noted that it would likely be apparent in six months whether this system was working.

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Adopted by Resolution.

Whereas, in an effort to enhance communication with the Administration and create a more effective committee structure, the Rochester Hills City Council at its meeting of January 27, 1999 adopted Resolution No. 1999-0095 to create four (4) City Council Communication Committees, the Administration and Information Services Committee (AIS), the Community Development and Viability Committee (CDV), the Financial Services Committee (FS), and the Leisure Activities Committee (LAC); and

Whereas, on February 17, 1999, City Council amended Resolution No. 1999-0095 to include the Public Safety Committee as a Communication Committee; and

Whereas, City Council agrees that the five Communication Committees have increased the communication with the Administration; and

Whereas, City Council has determined that the current Council Committee structure has become too cumbersome for a seven-member Council and has added an additional level of bureaucracy; and

Whereas, City Council's goal is to be more efficient and more resident inclusive.

Now, Therefore, Be It Resolved that the Rochester Hills City Council Communication Committees shall cease to exist effective December 31, 2006.

Be It Further Resolved that Council will review all the issues that currently fall under the five Communication Committees and create City Council Technical Review Committees to address these issues on a more focused and limited scope approach to ensure that the issues are addressed in the appropriate manner.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0396-2006

2006-0826

Introduction of Amendments to City Council Rules of Procedure

Attachments: Agenda Summary.pdf; Rules of Procedure 112006.pdf; 111506 Agenda Summary.pdf; 0826 Resolution.pdf

President Rosen explained that Council would soon be asked to make changes to their "Rules of Procedure" with the most significant change being to their meeting schedule. Should Council change their meetings to every Wednesday night, he asked his fellow Council members whether they would prefer to have Work Sessions on the first and

third, or second and fourth Wednesdays of each month, with Regular sessions falling on the alternate Wednesdays.

Council Census indicated that Work Sessions should fall on the first and third Wednesday of every month and Regular sessions should fall on the second and fourth Wednesday of each month.

Discussed

2006-0831 Discussion regarding City Council Technical Review Committees

Attachments: Agenda Summary.pdf

Discussed

2006-0835 Adoption of Resolution to Set Public Hearing regarding James Dahline vs. the City of Rochester Hills, Oakland County Circuit Court Case No. 06-075175-AA, specifically regarding the appeal of the Zoning Board of Appeals' denial of a lot width variance for Lot 136 in Stratford Knolls Subdivision

Attachments: Agenda Summary.pdf; Dahline v Rochester Hills Consent Judgment.pdf; Public Hearing Notice.pdf; Dahline Memo.pdf; Set Public Hearing Resolution.pdf; 0835 Resolution.pdf

A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby sets a Public Hearing for Wednesday, November 29, 2006 at 7:30 P.M. to be held at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan to consider the proposed Consent Judgment pertaining to James Dahline vs. the City of Rochester Hills, Oakland County Circuit Court Case No. 06-075175-AA, specifically regarding the appeal of the Zoning Board of Appeals' denial of a lot width variance for Lot 136 in Stratford Knolls Subdivision.

Be It Further Resolved that the City Clerk shall provide appropriate Notice of the Public Hearing.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent: Duistermars and Hooper

Enactment No: RES0408-2006

COUNCIL COMMITTEE REPORTS

Administration & Information Services (AIS) Committee

Ms. Holder, Chair of the AIS Committee, noted that the City's Public Hearing policy was discussed and will remain status quo. The Committee also discussed Mr. Yalamanchi's suggestion that the Accounting Department be moved under the Fiscal Department and it was determined that the issue be addressed when other Charter amendment issues are evaluated by City Council in the near future.

ANY OTHER BUSINESS

Ms. Holder reminded Council members that the appropriate conduct at Council meetings is for the Council President or acting President to run the meeting and all questions should be addressed to the Council President. She stressed that the Council follows "Robert's Rules of Order."

President Rosen agreed with Ms. Holder but stressed that he tries to rely on individuals "showing good manners" and will step in if things get out of hand.

Ms. Raschke acknowledged that it is not a popular issue, but she felt compelled to bring up the issue of the deer in the community creating a nuisance and asked that the matter be addressed.

President Rosen acknowledged that the deer can result in a safety issue.

Ms. Holder cautioned that as many complaints as Council members receive about the deer in the City; they receive just as many communications demanding that the City leave the deer alone.

Mayor Barnett acknowledged that it would be a good subject for a Work Session noting that people are "extremely passionate" on both sides of this issue.

NEXT MEETING DATE

Rescheduled Regular Meeting - Wednesday, November 29, 2006 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 10:46 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*MARGARET A. CASEY
Administrative Secretary
City Clerk's Office*

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