



Rochester Hills Minutes City Council Regular Meeting

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

Wednesday, June 13, 2007

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:32 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning & Development
Bryan Barnett, Mayor
Derek Delacourt, Deputy Director of Planning
Susan Galeczka, Deputy Clerk
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

PUBLIC COMMENT

Mr. Lee Zendel, 1575 Dutton, encouraged residents to get involved in the election for the open Council seats this November. Petitions are available in the Clerk's Office, and need to be turned in by 4:00 p.m. on June 19, 2007.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Ms. Holder expressed her condolences to Beverly Jasinski, previous City Clerk, and her family due to the passing of Mrs. Jasinski's mother, Bertranda Dulude. She was 103 years old.

Mr. Ambrozaitis, referring to an article that was in Sunday's paper, expressed his thanks to the parents and individuals of the PTA who were involved in the project at Brooklands School.

Mr. Hooper and Ms. Raschke both expressed condolences to Beverly Jasinski and her family.

Mr. Yalamanchi also expressed his condolences to Ms. Jasinski. In addition, he requested the Administration direct Council to reactivate the Pathways Committee.

Mayor Barnett responded to Mr. Yalamanchi stating he would act on his request. He also shared in the sentiments of the passing of Beverly Jasinski's mother. He went on to announce that Anna Szasna, the first "Families First" recipient had passed away. He informed everyone that the article in Monday's Oakland Press had an erroneous statement regarding the area maintenance meters, stating that residents are only billed for water used indoors. He mentioned that a retraction should be printed. He stated there will be a Stream Bank Restoration Workshop on Monday, June 18, 2007 at 7:00 p.m. in the City Hall Auditorium. He further indicated that the Shadow Woods project was underway, and the Clinton River Trail should be completely finished in approximately three weeks. He asked residents to be patient while these projects are underway and stated that both projects are on schedule. He encouraged residents to nominate their homeowners' association for the beautification project they have done on their subdivision common areas and entrances. Lastly, he encouraged everyone to attend the Festival of the Hills on Thursday, June 28, 2007 at Borden Park.

ATTORNEY MATTERS

None presented.

PRESENTATIONS

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.

2007-0380 Approval of Minutes - City Council Regular Meeting - April 25, 2007

Attachments: CC Min 042507; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Regular Meeting held on April 25, 2007 be approved as presented.

Enactment No: RES0184-2007

2007-0331 Approval of Minutes - City Council Work Session Meeting - May 2, 2007

Attachments: CC Min 050207; Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Rochester Hills City Council Work Session Meeting held on May 2, 2007 be approved as presented.

Enactment No: RES0185-2007

2007-0358 Approval of Minutes - Special City Council Meeting - May 9, 2007

Attachments: CC Min Special Mtg 050907; 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 May 9, 2007 be approved as presented.

Enactment No: RES0186-2007

2007-0364

Approval of Minutes - Regular City Council Meeting - May 9, 2007

Attachments: Resolution.pdf; CC Min 050907.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 May 9, 2007 be approved as presented.

Enactment No: RES0187-2007

2006-0801

Request for Acceptance of the Storm Sewer Easement, between the City of Rochester Hills and The Marketplace of Rochester Hills LLC (formerly known as Rochester Hills Corporate Center LLC), a Michigan limited liability company, for Part of Parcel Nos. #15-30-326-008 & #15-30-176-001.

Attachments: Agenda Summary.pdf; Storm Sewer Easement Ring Road.pdf; Map.pdf; 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 accepts a Storm Sewer easement granted by The Marketplace of Rochester Hills LLC (formerly known as Rochester Hills Corporate Center LLC), a Michigan limited liability company, of 28470 Thirteen Mile Road, Farmington Hills, MI 48334, for the construction, operation, maintenance, repair and/or replacement of a storm sewer on, under, through and across land more particularly described as Parcel Nos. #15-30-326-008 & #15-30-176-001.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0188-2007

2006-0806

Request for Approval of the Storm Water Interceptor Agreement, between the City of Rochester Hills and The Marketplace of Rochester Hills LLC (formerly known as Rochester Hills Corporate Center LLC) a Michigan limited liability company, for Parcel Nos. #15-30-176-001 & #15-30-326-008.

Attachments: Agenda Summary.pdf; Maintenance Agreement.pdf; Map.pdf; 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 Interceptor Agreement, relative to the details of the development and use, repair and maintenance of the storm water system, for The Marketplace of Rochester Hills LLC (formerly known as Rochester Hills Corporate Center LLC), a Michigan limited liability company, 28470 Thirteen Mile Road, Farmington Hills, Michigan 48334.

Further Resolved that the City Clerk is authorized to execute and deliver the

agreement on behalf of the City.

Enactment No: RES0189-2007

2006-0816

Request for Acceptance of a Watermain Easement granted by Bluewood Properties, LLC, a Michigan Limited Liability Company, for Hickory Ridge Condos, for Part of Parcel Nos. #15-34-151-012, #15-34-151-014, #15-34-151-016, #15-34-176-001, #15-34-301-002, #15-34-301-007, #15-34-301-010, & #15-34-301-012.

Attachments: Agenda Summary.pdf; Watermain Easement.pdf; Map.pdf; 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 accepts a watermain easement granted by Bluewood Properties, LLC, a Michigan Limited Liability Company, 1717 Stutz, Troy, MI 48084 for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Part of Parcel Nos. #15-34-151-012, #15-34-151-014, #15-34-151-016, #15-34-176-001, #15-34-301-002, #15-34-301-007, #15-34-301-010, & #15-34-301-012.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0190-2007

2006-0813

Request for Approval of the Storm Water Detention System Maintenance Agreement, between the City of Rochester Hills and Bluewood Properties, LLC, for Hickory Ridge Condos, for Part of Parcel Nos. #15-34-151-012, #15-34-151-014, 151-014, #15-34-151-016, #15-34-176-001, #15-34-301-002, #15-34-301-007, #15-34-301-010, & #15-34-301-012.

Attachments: Agenda Summary.pdf; Maintenance Agreement.pdf; Map.pdf; 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 Hickory Ridge Condos, between the City of Rochester Hills and Bluewood Properties, LLC, 1717 Stutz, Troy, MI 48084.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0191-2007

2006-0851

Request for Acceptance of a Watermain Easement granted by C&D Building, LLC, for Hamlin Industrial Condominiums, for Parcel No. #15-28-126-031.

Attachments: Agenda Summary.pdf; Watermain Easement.pdf; Map.pdf; 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 accepts a watermain easement granted by C&D Building, LLC, a Michigan Limited Liability Company, 12955 23 Mile Road, Road, Shelby Twp., MI 48315 for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly

described as Parcel No. #15-28-126-031.

Further Resolved that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

Enactment No: RES0192-2007

2006-0825

Request for Approval of the Storm Water Detention System Maintenance Agreement, between the City of Rochester Hills and C & D Building, LLC, a Michigan limited liability company, for Hamlin Industrial Condominiums, for Parcel No. #15-28-126-031.

Attachments: Agenda Summary.pdf; Maintenance Agreement.pdf; Map.pdf; 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 Hamlin Industrial Condominiums, between the City of Rochester Hills and C & D Building, LLC, a Michigan Limited Liability Company, 12955 23 Mile Road, Shelby Township, MI 48315.

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

Enactment No: RES0193-2007

Passed The Consent Agenda

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

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

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

2007-0100

Request for Purchase Authorization - DPS/ENG/FACILITIES: Increase to Blanket Purchase Order for tuckpointing services for Parks and Fire Department facilities in the amount of \$9100 for a not-to-exceed amount of \$40,800; Poe Restoration and Waterproofing Company, Commerce, MI

Attachments: Agenda Summary.pdf; Agenda Summary 020107.pdf; Resolution 021407.pdf; Resolution.pdf

Mr. Ambrozaitis questioned Mr. Rousse regarding the increased amount. Mr. Rousse responded that the original project was an estimate based on what was visible, however, once their work began they realized the damaged had gone much further resulting in the increase in cost. He confirmed that there was enough money in this fund to cover the cost.

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

Resolved that the Rochester Hills City Council hereby authorizes the increase of the Blanket Purchase Order to Poe Restoration and Waterproofing Company, Commerce, Michigan, for tuckpointing and restoration services in the amount of

\$9100 for a not-to-exceed amount of \$40,800 through December 31, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0050-2007

2007-0371

Request for Approval for the 2007-2008 Police School Liaison Program between the Rochester Community School District, the City of Rochester, Oakland Township and the City of Rochester Hills.

Attachments: Agenda Summary.pdf; 2007-08 Pol Liaison Calc.pdf; 2006-07 Pol Liaison Calc.pdf; Resolution.pdf

Ms. Holder passed along a request from the Sister City Committee with Auburn Hills, to look into placing an officer at the Avondale schools. She requested that Mayor Barnett look into this matter. In addition, she pointed out that without an officer, Avondale is no longer involved in the DARE program.

Mayor Barnett stated the concern was whether the City could fund that position given the number of officers we are currently budgeted for and the state of that budget. However, he suggested that Council could consider this during upcoming budget discussions.

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

Whereas, the City of Rochester Hills City Council hereby approves the Police Liaison 2007/2008 (school year) budget in the amount of \$614,560, of which as a member agency, the City of Rochester Hills' contribution is \$332,601 (which is 72% of \$461,946 the amount to be shared by the three participating communities) as presented,

Now Be It Resolved, that the Mayor is authorized to execute the documentation on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0195-2007

2007-0381

Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for rock salt in the amount not-to-exceed \$58,036.00; Detroit Salt Company LLC, Detroit, Michigan

Attachments: Agenda Summary.pdf; Extention Letter.pdf; Resolution.pdf

Mr. Yalamanchi requested clarification as to the budget numbers listed on the Agenda Summary. *Mr. Rousse* provided that clarification.

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

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Detroit Salt Company LLC of Detroit, Michigan, for the purchase of rock salt in the amount not-to-exceed \$58,036.00 through June 30, 2008.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0194-2007

ORDINANCE FOR INTRODUCTION

2007-0366

Acceptance for First Reading - An Ordinance to amend Sections 54-741 through 54-743 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify Water and Sewer Rates and Fees, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations.

Attachments: Agenda Summary.pdf; Presentation.pdf; Exhibits A-E.pdf; Ordinance.pdf; Agenda Summary 060607.pdf; Resolution 061307.pdf; Resolution.pdf

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 Sections 54-741 through 54-743 of Article XII, Utilities, of Chapter 54, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify Water and Sewer Rate and Fees, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations, is hereby accepted for First Reading.

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

2006-0052

Steep Slope Ordinance Discussion and Acceptance for First Reading - An Ordinance to amend Chapter 138 of the Code of Ordinances and create Section 138-1082 for the purpose of regulating alteration, construction activity, or any other activity that would alter the natural contour of steep slopes within the City limits.

Attachments: Agenda Summary.pdf; PC Minutes.pdf; Agenda Summary 061307.pdf; Letter McKenna 050907.pdf; Steep Slope Ord 052507.pdf; Resolution 061307.pdf; Resolution.pdf; Suppl Info Email Folland.pdf; Suppl Info Letter Rizzo.pdf; Suppl Info Letter Randzaao.pdf; Suppl I

Mr. Ed Anzek, Director of Planning/Development, explained the history leading up to the need for the creation of this ordinance. He stressed that this is not a prohibition ordinance, but rather it is an ordinance that permits, which is very important. He then introduced Mr. Jim Breckman of McKenna and Associates, who was present to give Council an overview of the context of this ordinance and answer any questions they may have.

Mr. Jim Breckman, McKenna and Associates, stated he was not going to go through the ordinance section by section, but rather point out a few key parts of the ordinance in more detail:

- The purpose of the ordinance is to regulate, not to prohibit.

- Makes sure that development activity on or near steep slopes is done in a manner that is proper and will be maintainable over time rather than leading to problems in the future with slope failure.

- Lists in fair amount of detail the bad things that can happen as a result of slopes being disturbed on the natural environment.
- Talks about why steep slopes are good including the stabilizing of deep root vegetation located on the slopes.
- Speaks to how regulation can allow the reasonable use of private property provided that proper mitigation measures are implemented.
- Defines three kinds of slopes, moderate slope, a very steep slope, and a bluff slope; those are defined based on the grade.
- Regulated slopes are all slopes located within 200 feet of major watercourses in the City, being the Clinton River, Paint Creek, Sargent Creek, Stoney Creek or tributary to any of those water courses.
- Regulates very steep slopes and bluff slopes that are not located within 200 feet of a watercourse because the steeper nature of those slopes make them important natural features even if they are not located near a watercourse.
- Establishes steep slope setback areas, that are measured from the top and the toe of the slope, and the length of the setback area is based on the steepness of the slope.
- Identifies that the landowner or developer must secure a Steep Slope Permit when they propose to conduct a regulated activity that is in the steep slope setback area, which includes the face of the slope itself. If the proposed activity is outside of the steep slope setback area, no permit is required.
- Lists all of the activities that are allowed within the steep slope or steep slope setback area.
- Set's forth specifically the regulated activities. Those include things like constructing, operating, or maintaining any use or development, erecting or installing buildings or other structures, depositing or removing material, land balancing and other grading, removing deep root vegetation and constructing, operating, or maintaining a storm water outlet sewer.
- Identifies who approves a steep slope permit; the Engineering Services Department, and when appropriate, the Planning Commission.
- Identifies City Council as the appeals body in the ordinance.
- Projects that have final approval at the time of adoption of the ordinance would be fully vested and grandfathered, but everything else would be subject to the requirements of this ordinance.

Mr. Duistermars questioned why appeals to this ordinance would not go to the Zoning Board of Appeals (ZBA) like other ordinance appeals do.

Mr. Anzek responded that the Zoning Ordinance states if someone feels that they are grieved by a denied site plan that appeal is made to the City Council. Therefore, they decided it was best to keep this process the same under the Zoning Ordinance.

Mr. Breckman pointed out that State Law does give the City the ability to appoint the City Council as an Appeals Body. He further stated that Council can dissolve any of the other variance requests to the ZBA, but still retain appeals power if they chose.

PUBLIC COMMENTS

Mr. John Demoss of Group 2 Associates, has property located at 285 Cloverport. Mr. Demoss questioned how the City is going to interpret this ordinance, stating if the City literally interprets all of the "Shall Not's", he feels it will be a taking of property. He requested that projects that seriously address this issue not be denied, even if they don't live up to all the literal terms of this ordinance because there are a lot of them.

Mr. Bob Lindh of Urban Land Consultants, 8800 23-Mile Road, represents Mr. Sam LaChirco. Mr. Lindh stated they have been trying to get a project located on Harding Street, off of Livernois, approved by the City for a number of years. He identified that under this ordinance, this project will go from originally having 65 units down to 27 units. He reiterated Mr. Demoss' statement, that this will be a taking of property.

Mr. Sam LoChirco, 3151 Mariett Ct, stated he is the landlord of the steep slope property Mr. Lindh mentioned. He reiterated that if the City enforces the steep slopes the way the ordinance calls for, he will lose most of his property. Mr. LoChirco stressed that the process for building on steep slopes has changed, they now use engineers and inspectors.

Mr. Ken Fahnestock, 248 Shagbark Drive, stated he has lived in Lochmoor Hills for 34 years and has seen what the lack of erosion ordinances can cause. He noted that it is unfortunate that there was not an ordinance to regulate and protect the erosion of land being built on at that time because now this is their problem, not the developers who caused the erosion in the first place. He stated his belief that if Council approves grandfathering, they will not be protecting our watershed.

Ms. Lynn Rizzo, 1360 New Life Lane, gave a brief history on the 9-plus acres east of Rochdale, bordering Sargent Creek and Heart Peace Hills Subdivision. She, referencing an agreement from 1980 between Erb Lumber and Heart Peace Hills, stated it was only because of this agreement that the residents did not stand in the way of the rezoning which was approved by City Council at that time. She clarified that 27 years ago what was referred to as greenbelt is today called steep slope. She stressed that they entered into this agreement in good faith with Erb Lumber and stated it still applies today. She requested that Council grandfather Mr. Randazzo and his development on this steep slope ordinance.

Mr. Charles Cohoon, 1348 New life Lane, stated that he concurs with Ms. Rizzo and Mr. Fahnestock.

Mr. Dan Keiffer, 719 Fieldstone Dr., spoke on behalf of his role on the Clinton River Watershed Council. He expressed their complete support for the proposed steep slope ordinance.

Ms. Pamela Bratton Wallace, 168 Cloverport Ave., stated her full support of the ordinance and requested that Council not permit a grandfather clause. She stressed the safety issue of developing on steep slopes. She mentioned that homes have slid down in to the bluffs. She urged Council to consider that this ordinance came out of necessity, not out of a preference. She thanked Council for putting public safety first.

Mr. Andrew Krupp, 168 Cloverport Ave., stated he concurs with Ms. Bratton Wallace that this is a safety issue. In addition, he stated this ordinance is also important for the natural environment, and for the developers. He mentioned that an ordinance gives developers the proper guidelines to follow when drawing up their plans from the start. Mr. Krupp concurred with the four (4) Planning Commissioners who did not support grandfathering properties. He pointed out that these plans do not work even with current ordinance.

Mr. Tom Stevenson, 708 Riverbend Dr., stated he owns the property adjacent to a very

steep slope owned by Mr. LoChirco. He sympathizes with the problems Mr. LoChirco has faced for the past 20 years trying to develop this property, but stated it is a problem piece of property. He stated his interpretation of the ordinance to say, we can do it, but let's do it right.

Ms. Gigi Colombini, 201 Cloverport Ave, extended her thanks for the time taken with this issue. She stated the experts have come together to give their opinion and form the ordinance to protect the City, the residents and the land. She stressed that it doesn't make any educated sense to give any exceptions when they know there will be problems with these issues.

Mr. Paul Miller, 1021 Harding Ave., stated he wanted to elaborate on the safety issue. He concurred with speakers that this is a public safety issue. He expressed that it is not only a safety issue for homeowners, but also for workers, and the community as a whole. He stressed he was against grandfathering and urged Council to adopt this ordinance.

Mr. Lee Zendel, 1575 Dutton, suggested that if this ordinance passes, the Administration should offer copies of this ordinance to other communities up and downstream of the Clinton River and Paint Creek so they may consider something similar.

COUNCIL DISCUSSION

Mr. Duistermars noted that in the ordinance there is an applicability on regulated slopes. He inquired if someone had a slope that happens to be on a hill consisting of dry land, no watercourse near it, would it be a regulated slope.

Mr. Jim Breckman, McKenna and Associates, stated there are some exceptions. For slopes that are not located within 200 feet of a watercourse, it is only when you get into the bluff and very steep slope that you are subject to the regulation. The very steep slope starts at 25 percent grade. He further stated that there are some further exemptions offered in the ordinance where the reviewing authority can waive the requirements for man-made slopes.

Mr. Duistermars questioned if there would be any grandfathering under this ordinance.

Mr. Staran, City Attorney, clarified that the way the ordinance is drafted right now, no one is grandfathered. He stated that someone is considered to have what we call vested rights in the property typically when they have gotten the final permit from the City. He continued stating that this ordinance does not modify that and there is no grandfather provision in it.

Mr. Anzek stated that he would like to start working with the property owners and developers to see how this ordinance would apply to each one of them individually.

Mr. Duistermars questioned if the appeals process would be the method used for resolving any issues that may come up on projects currently underway that may be affected by the adoption of this ordinance.

Mr. Anzek responded that it may be a possibility. He further pointed out that there are provisions within the ordinance that may help.

Mr. Yalamanchi stated that after listening to the Public Comments this evening, he would like to visit a few of these properties to get a better understanding of the issues before this ordinance comes back for second reading. Mr. Anzek offered to take Mr. Yalamanchi and any other interested Council Members on site visits.

Ms. Raschke referred to an instance when a neighbor, who when emptying his

waterfall, took half of Dutton Road with it down to the Paint Creek. Noting the fact that this area appeared in red on the map provided, she asked if that qualified it as being washed away. She further questioned if Dutton Road should be regulated under the steep slope ordinance. She stated that even though the Oakland County Road Commission has placed Colorado Rock on Dutton Road to stop the erosion, this emptying of the waterfall overrode it.

Mr. Anzek responded that Dutton is a County Road, but he would check with Engineering to see if there was anything the City could do.

Ms. Holder thanked the City staff and McKenna Associates for their quickness and diligence at getting this ordinance together for Council to approve and stated her belief that other cities will be shadowing this ordinance.

Mayor Barnett thanked the Council for considering his request six months ago for the steep slope moratorium, pointing out that the goal then was for Council at this point in time to feel comfortable with the information that had been gathered to be able to make a decision.

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

Resolved, that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, and add a new Section 138-1082 for the purpose of regulating alteration, construction activity, or any other activity that would alter the natural contour of steep slopes within the City limits, and to prescribe penalties for the violation thereof, is hereby accepted for first reading.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

2007-0386

Acceptance for First Reading - an Ordinance to amend Section 6-1 and 6-38 of Chapter 6, Alcoholic Liquor, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to substitute the Liquor Technical Review Committee for the former Administration and Information Services Committee, prescribe penalties for violations, and to repeal conflicting Ordinances

Attachments: Agenda Summary.pdf; E-mail Staran.pdf; chapter 6 - Alcoholic Liquor (6-1 and 6-38).pdf; Ordinance 05/23/07.pdf; Resolution 061307.pdf; Resolution.pdf

Mr. Hooper expressed his desire to have the Liquor Technical Review Committee dissolved and to have the ordinance amended to reflect City Council as the committee to review such items.

Ms. Holder pointed out that the review process is quite in-depth. She noted that the committee looks at a lot of personal information and are able to inquire on a more personal level, without cameras being present. She stated that although the City may not have any more licenses available in the near future, there still will be license transfers and stock transfers that this committee would continue to deal with.

President Rosen concurred with Mr. Hooper. He stated because of the investment the City may be making in a particular business by approving these licenses, he feels Council needs the time to review it and give it their serious scrutiny.

Mr. Yalamanchi also concurred with Mr. Hooper and asked if there was a legal requirement to have a separate committee.

Mr. Staran responded that there is no legal requirement; it has simply been a practice the City established some years ago.

Mr. Duistermars noted that having the committee evaluate and analyze the State's new Liquor Law and how it applies to Development Districts would be a great benefit. Further, he stated that once it is understood, the committee could make recommendations on where to set these districts.

President Rosen stated Council could bring the topic of dissolving this committee back at a later date, but for now they need to correct the ordinance to reflect the appropriate name of the committee.

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

Resolved that an Ordinance to amend Section 6-1 and 6-38 of Chapter 6, Alcoholic Liquor, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to substitute the Liquor Technical Review Committee for the former Administration and Information Services Committee, prescribe penalties for violations, and to repeal conflicting Ordinances, is hereby accepted for First Reading.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Rosen and Yalamanchi

Nay: Hooper and Raschke

ORDINANCE FOR ADOPTION

2007-0217

Acceptance for Second Reading and Adoption- An Ordinance to amend Sections 138-611 and 138-612 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to modify the statement of intent of the B-4 Zoning District and authorize certain office buildings with a minimum floor area of 15,000 square feet as a principal permitted use in the B-4 district.

Attachments: Agenda Summary.pdf; B-4 Ordinance.pdf; Agenda Summary 050707.pdf; Memo Delacourt 042707.pdf; Resolution 051607.pdf; Resolution.pdf

A motion was made by Hooper, seconded by Duistermars, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved, that an Ordinance to amend Sections 138-611 and 138-612 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to modify the statement of intent of the B-4 Zoning District and authorize certain office buildings with a minimum floor area of 15,000 square feet as a principal permitted use in the B-4 district, and to prescribe penalties for the violation thereof, is hereby Accepted for Second Reading and Adoption, and shall become effective on June 22, 2007, the day following its publication on Thursday, June 21, 2007 in the Rochester Eccentric newspaper.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0197-2007

NOMINATIONS/APPOINTMENTS

2007-0341

Nomination/Appointment of one (1) Citizen Representative to the Older Persons Commission (OPC) to complete an unexpired term ending December 31, 2007 due to the resignation of George Karas.

Attachments: Agenda Summary.pdf; Agenda Summary 052307.pdf; Cosenza Questionnaire.pdf; Dalton Questionnaire.pdf; Hokschi Questionnaire.pdf; McIntosh Questionnaire.pdf; Nomination Form.pdf; Resolution 052307.pdf; Resolution.pdf

The two nominees received the following votes:

Mr. John L. Dalton: Mr. Duistermars, Ms. Holder, Mr. Hooper, Ms. Raschke, Mr. Yalamanchi

Mr. Orville J. Hirsch, Jr.: Mr. Rosen, Mr. Ambrozaitis

Mr. Dalton thanked Council for their appointment and stated that he would be filling the shoes of a great person that has served this City for many, many years. He suggested that Council consider a special recognition for Mr. Karas, for his years of service.

Mayor Barnett responded that there is something underway.

Mr. Ambrozaitis reiterated his desire for the creation of a City Hall of Fame and noted that he feels Mr. Karas certainly belongs there as he is the epitome of a faithful, good, public servant.

A motion was made by Duistermars, seconded by Holder, that this matter be Adopted by Resolution to appoint John L. Dalton.

Resolved that the Rochester Hills City Council appoints John L. Dalton to the Older Persons Commission (OPC) to complete an unexpired term ending December 31, 2007 due to the resignation of George Karas.

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Enactment No: RES0198-2007

UNFINISHED BUSINESS

2007-0327

Request for Approval of Michelson Pump Station Improvements

Attachments: Agenda Summary.pdf; HRC Study.pdf; Resolution.pdf

PUBLIC COMMENT

Ms. Melinda Hill, 1481 Mill Race, noted that the Michelson Pump Project has been delayed for years, until now where it's being combined with John R improvements and the paving of Spencer Park's parking lot. She stated that although there can be some economies of scale in combining projects, she is not convinced all of the projects that are being proposed to be combined are in the City's best interest. She stressed her opposition to the paving of Spencer Park's parking lot and the report from Hubbell, Roth & Clark, Inc. (HRC) indicating a cost of \$300,000 for this project.

COUNCIL DISCUSSION

Mr. Ambrozaitis echoed Ms. Hills' comments pointing out that due to the fact that there is basically still half of the life expectancy in this project he was opposed to spending the money for this.

President Rosen stated that although he shared the concerns about the cost, he pointed out that this is a sanitary sewer pump station. He noted that he takes the fact that the pumps are two-thirds to three-quarters through their life cycle with a grain of salt stressing that the remaining life cycle depends on the maintenance and the environment.

Mr. Hooper concurred with President Rosen stating that it is the City's utmost responsibility to ensure reliable sanitary service to its residents.

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

Whereas, that the Rochester Hills City Council requested a study be performed to determine if the Michelson Pump Station should be relocated and reconstructed as an alternative to simply raising the station at its current location; and

Whereas, Hubbell, Roth & Clark (HRC), the City's design consultant conducted a study and determined that replacement of the Michelson Pump Station in conjunction with the East Ferry Drain and John R Improvement Project would be cost effective and warranted; and

Whereas, the Department of Public Service recommends that City Council supports the relocation and reconstruction of the Michelson Pump Station as part of the larger project to construct the East Ferry Drain and John R Road improvements; and

Resolved, that the Rochester Hills City Council supports the relocation and reconstruction of the Michelson Pump Station as part of the larger project to construct the East Ferry Drain and John R Road improvements for a total project budget of \$301,000.00.

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Enactment No: RES0199-2007

2007-0369

Request for Purchase/Contribution Authorization - MAYOR: Self-insurance (general Liability, motor vehicle physical damage, property, crime coverage) blanket purchase order/contributions in the amount not to exceed \$612,000 through June 30, 2008; Michigan Municipal Risk Management Authority, Livonia, MI

Attachments: Agenda Summary.pdf; Resolution.pdf; 0369 Suppl Info Memo Jenuwine.pdf

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

Resolved that the City of Rochester Hills City Council hereby authorizes a Blanket Purchase Order/contribution to the Michigan Municipal Risk Management Authority of Livonia, Michigan, for the self-insurance coverage (general liability,

motor vehicle physical damage, property, crime coverage) pool fund and self-retention fund replenishment in the amount not to exceed \$612,000 through June 30, 2008.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0200-2007

(Recess 9:24 p.m. - 9:39 p.m.)

2007-0214

Request for Historic District Designation - Ferry Court (Wayside Park) located on the north side of Hamlin Road, west of John R Road and east of Rochester Road, consisting of Parcel Numbers 15-23-300-025, 15-23-300-026, 15-23-300-029, and 15-23-300-030, Zoned R-4 (One Family Residential)

Attachments: Agenda Summary.pdf; Presentation.pdf; Ferry Court Final Report.pdf; Agenda Summary 040407.pdf; PH Minutes 082103.pdf; HDC Minutes 060905.pdf; PH Minutes 062206.pdf; SHPO Letter 012003.pdf; PC Motion.pdf; Letter Ball 020807.pdf; Survey Sheets.pdf; Resoluti

Mr. John Dzuirman, Dr. Richard Stamps, and Mr. LaVere Webster gave the following presentation outlining the Historic Districts Study Committee's (HDSC) recommendation for approval for historic designation of Ferry Court:

Historic Districts Study Committee Final Report - Ferry Court Historic District

Historic Districts Study Committee

- Jason Thompson, Chairperson
- John Dzuirman, AIA, NCARB
- Peggy Schodowski
- Dr. Richard B. Stamps
- Gerard Verschueren
- LaVere Webster
- Rev. Dr. Pamela L. Whateley

How Does a District Get Designated?

- Study Committee receives a request to make an initial determination if there is enough evidence to conduct a study
- Study Committeee surveys and researches the property and prepares a preliminary report
- The report is distributed to the State Historic Preservation Office, the City's Planning Commission, and made available to the public for comment
- Both the State Historic Preservation Office and the City's Planning Commission review it and recommend that it conforms to the guidelines for such a report
- A public hearing is held
- A recommendation is made to City Council
- The Historic Districts Study Committee recommends that the City of Rochester Hills list this property on the City's Historic Register as a Contiguous District

- If City Council accepts the recommendation, the next step would be
- City Council adopts an ordinance

Significance of the District

- The Ferry Court Historic District is significant under National Register Criterion A, for its association with a pattern of historical events, and under Criterion C, for its embodiment of the distinctive characteristics of a type of architecture and planning. The areas of significance are agriculture, architecture, and community planning and development. The District's period of significance is from 1912, when Ferry Court was constructed, to the late 1950s, when the Ferry-Morse Seed Company ended its operation in Avon Township.

National Register Criteria

- The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feel, and association, and:

National Register Criteria A

A) That are associated with events that have made a significant contribution to the broad patterns of our history

- D.M. Ferry & Company is nationally significant in American agricultural history as the largest garden seed business in the world in the early 1900s and an innovator in seed breeding and marketing. From shortly after 1912 until the merger with the C.C. Morse Company in 1930, Oakview Farm in Avon Township was Ferry's only facility for seed breeding, growing, and research.

- With eight hundred and fifty (850) acres at its peak from the mid-1920s to the mid-1940s, Oakview Farm occupied a prominent position in Avon Township's agricultural economy. The farm also represents the trend in Avon Township agriculture toward large farms growing specialized commercial crops.

- Today no buildings or landscapes remain from Parkedale Farm. Ferry Court is one of only two remnants of Oakview Farm; the other is a group of three barns at Hampton Golf Course. Ferry Court is an important surviving piece of Avon Oakview Farm, along with Parke, Davis, and Company's Parkedale Biological Farm.

- Occupies an even more specialized niche in American and Avon Township agricultural history than the more typical dairy farm. Oakview and Parkedale produced crops and products for specialized branches of agriculture-based industry. Township's agricultural history, of which relatively little remains.

National Register Criteria C

C) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

FERRY COURT

- Ferry Court embodies the distinctive characteristics of company housing in the early twentieth century. Although too small to be called a company town, Ferry Court clearly belongs to the same category, with houses and land owned by the company and rented to company employees. The designer of Ferry Court was aware of progressive planning ideas of that time period, particularly the garden city movement. This is evident in the placement of the houses on a cul-de-sac, the landscaped median, and the rustic stone entrance walls and well with flared roof. The cul-de-sac is an unusual feature in a company town and part of Ferry Court's distinctive character.

- Ferry Court's location on a farm was also unusual for company housing and met the garden city ideal of a rural location away from the crowded industrial city, although the straight rows of crops in the trial gardens were hardly picturesque. Unlike other company housing, where this ideal could only be met by moving the community away from the factory or mine where the employees worked, in this case the "garden" and the workplace were the same. The houses and boarding house show the influence of the Craftsman aesthetic in their stucco cladding and bracketed entries. Although the houses lack the front porch that defines a bungalow according to today's architectural historians, small houses of this type (the single houses) were commonly called bungalows in the early twentieth century.

- Small, simple four room houses such as these were promoted for worker housing. The integrity of the single and double houses has been diminished by the application of vinyl siding over the stucco. Nevertheless, the form of these small worker houses, the boarding house with its intact exterior, and the boulevard with median, trees, and entrance walls combine to create a historic landscape that is unique in Rochester Hills. In a larger context, Ferry Court is an unusual and significant variant of company housing.

Boundary Justification

- The proposed historic district contains:

- Entire employee housing complex laid out and developed by D.M. Ferry & Company in 1912

- Late nineteenth century farmhouse that Ferry incorporated into the complex after the company acquired the property

- The two ranch houses added at the end of the boulevard ca. 1950

- When Ferry Court was built it was surrounded by farmland. Ferry's farms were north, east, and south of Ferry Court, and another privately owned farm was to the west.

- Today the Christian Memorial Cultural Center Cemetery is north and east of Ferry Court. Across Hamlin Road to the south is an apartment complex built in 1986. The small house to the west of Ferry Court was probably built as part of the Hamlin Place Farms subdivision, platted in 1916. West of this house is commercial development at the intersection of Hamlin and Rochester Roads.

The Value of Historic Properties

- Tells the story of place to current and future residents
- Creates a quality setting
- Can't go forward without knowing where you've been
- Promotes creative thinking
- Economic benefits

Property Values

- Key Findings:

- Local historic designation does not decrease property values.
- Historic designation led to property value increases that were either higher than, or consistent with, those in similar, non-designated areas.

Grand Rapids: Heritage Hill

- Values in the historic district have appreciated almost twice as fast as those in the non-designated area - over 1,200 percent versus 636 percent outside the district.

Rochester Hills Historic Districts

- According to the City of Rochester Hills Assessing Department, property values of

designated historic homes listed in the City's Historic District Ordinance, have consistently had a 25-35 percent higher property value than other comparable homes in the city.

Economic Benefits

- Rehabilitation Tax Credits
 - State - 25 percent of the cost of the work
 - Federal - 20 percent of the cost of the work

- Property values - designated historic properties retain their value better than their undesignated equivalents

- Heritage Tourism - makes our city unique!

The Numbers - 2007

- Federal and State Tax Credit TY 2001-06: \$902 Million
 - Direct Impact: \$902 Million
 - Indirect Impact: \$1.01 Billion
 - Total Impact: \$1.93 Billion

Heritage Tourism

- Stay longer and spend more money
- If your place isn't unique why visit?

What does the Historic Districts Commission do for the community?

- Provide technical assistance to property owners
- Provide design assistance to property owners
- Safeguard the heritage of the City by preserving historic districts
- Stabilize and improve property values in these districts and the surrounding areas
- Strengthen the local economy
- Promote the use of historic districts for the education, pleasure, and welfare of the current and future resident of the City, State and Nation

Designated Historic Districts in Rochester Hills (a map was provided outlining the following):

- Winkler Mill Pond District
- Stoney Creek District
- Noncontiguous District
- City Boundary

The Historic Districts Commission provided examples of similar properties (Third Street Cottages in Washington, and Kit Homes manufactured by Sears, Roebuck and Co. like the Rodessa which Mr. Dzuirman's daughter owns in Ferndale, MI) and referenced the book Creating the Not So Big House

Property Rights

- Are these property designations a taking?
 - Wetlands Designation (Environment Importance)
 - Tree Ordinance (Environment Importance)
 - Historic Districts (Historic Importance)

State Legal Opinion requires that designation of a property as a historic site is to be based on historic preservation considerations, not the consent of the property owner.

How will we know it's us without our past?
- John Steinbeck, The Grapes of Wrath

Mr. Dzuirman stated that he hopes Council accepts the Committee's recommendation, noting that the HDSC is dedicated to helping all historic property owners succeed in

what they want to do and to helping preserve the community and the history appropriately.

Dr. Stamps read a letter written by Peggy Schodowski, a member of the Historic District Study Committee, who could not be in attendance at the meeting, in which she stressed that the State Historic Preservation Office has agreed that this property is worthy of designation. She further noted that it is one of the very few intact history worthy properties left in this City. Dr. Stamps then stated that it has been a pleasure serving on this Study Committee.

Mr. LeVere Webster, 1160 South Boulevard W., stated that when he was looking for a historic home to purchase, he came to Rochester Hills because we had designated historic properties with deed restrictions. He mentioned that when comparing his property to other properties of equal size, his is worth approximately \$17,000.00 more. He thanked Council for appointing him to the HDSC and stated that he hoped Council would approve this recommendation.

Mr. Duistermars stated that he would like to hear from Mr. and Mrs. Ball as well.

PUBLIC COMMENTS

Ms. Linda Ball, 1083 N. Livernois Rd, spoke on behalf of herself and her husband Jim as the property owners of Wayside Park. She stressed that she wanted it on the record as saying if this property is designated historic it will cause them tremendous personal hardship. Ms. Ball described in detail the conditions of the structures on the property, noting that they have put significant amount of money into them, but still cannot get more than \$750.00 in rent for these little tiny houses.

- Small buildings of 625 square feet
- Bathrooms are located in the basements
- They have leaky basements with less than seven feet of headroom
- Attract lower quality tenants, with a higher turnover, and crime
- Homes are deteriorating faster than they can fix them up

Ms. Ball stated that she and her husband are not outside, uninvolved developers. Rather they are long time residents of Rochester Hills. Her husband has lived here for 48 years and graduated from Rochester High School. She noted that they have owned this property for over 20 years. They purchased it as an investment, and it was always their intention to do something with it. She stated that they did have a plan approved but it was delayed by the City's Master Land Use Plan (MLUP) revisions, and now they are being told it is historically valuable. She stated that if this property were designated historic, the City would be asking her and her husband to become museum curators. She suggested the HDSC's time may be better spent trying to secure funding or financing to preserve the properties that they are endorsing for designation. Ms. Ball stated the other historic sites the HDSC has referred to are private homes, not investment properties. She feels this is a unique situation with multiple properties and if they are designated historic, they will continue to deteriorate. She stressed that no one has made them an offer to purchase this property. She feels they have acted in good faith trying to see if there was any common ground. They are no longer interested in doing this. Ms. Ball implored Council to not designate this property as historic.

Ms. Melinda Hill, 1481 Mill Race, noted that she is on the Historic Districts Commission (HDC), but not part of the Study Committee. She pointed out that this property is not only locally, but nationally significant to our history; and it carries two of the four criteria to make it National Register eligible, as well as highly significant. She feels it is second only to the Stoney Creek District. She mentioned numerous things could be done with this property, using a little creativity, such as turning them into a senior condominium complex or artist lofts on the second floor with the first floor being used for retail. She further mentioned that many other properties in the City have been given different

designations, similar to the Steep Slope Ordinance that is being review tonight. She stated this is the same type of restriction; no worse, no better.

Mr. Paul Miller, read a letter from **Ms. Lyn Seiffert** (unable to attend the meeting), 942 Little Hills Ct., stating that the City hired an unbiased professional consultant to scientifically research and document properties that were considered significantly important to our community to avoid lengthy debates such as this. It was her opinion that the Ball's are being hurt more by the current real estate economic downturn than an inability to attract renters of sufficient quality. She went on to state that the problem with this property is a lack of imagination in how it is being utilized. **Mr. Miller** noted that Lyn Seiffert was the Borden Award recipient for Historic Preservation this year in Rochester Hills.

Mr. Paul Miller, 1021 Harding Ave, stated he lives in a historically designated home which he purchased before it was designated. He noted that the Balls bought this property 20 years ago knowing that it was an important piece of property. He offered his assistance and willingness to work with the Balls to help them keep this property, if they want it. He inquired as to whether this property meets the requirements of being designated according to the State Constitution and the Charter of the City of Rochester Hills. If so, he stressed that it was Council's obligation to fulfill their oath and carry out their duties.

COUNCIL DISCUSSION

Ms. Raschke stated that she took an oath to serve and protect the residents of her community. She empathized with the Ball's having to stand before Council tonight. She then noted that the Sarah VanHoosen Farms Museum and the Cemetery were gifts to the City. Meadowbrook was also a gift. She further noted that she served on the HDC years ago, and the Study Committee. She stated that it is her opinion that unless two parties come together and agree, she does not believe it is the City's right to force this designation on them. She agreed this is significant and pointed out that the Ball's went back to the Ferry Seed Company and asked if they would like to buy it back. Ms. Raschke stressed that Ms. Ball is telling them she does not want the property designated.

Mr. Duistermars stated that he too is fulfilling his duty by following State Law as advised by the City Attorney saying that designating historic districts is at the discretion of the City Council. In his opinion, applying discretion before designating something historic, is making sure we have the property owner's participation. He referenced Mr. Dzuirman's statement that part of his property was designated wetlands at the time that the Wetlands Ordinance was being applied. At that time, he stated that Mr. Dzuirman had not expressed his intent to build on his property. Had he done so, and the rules changed on him, he would have voted to have his property grandfathered. Mr. Duistermars stated he believes that there should be an initiative by the public, such as placing language on a ballot to let the people vote as to whether they would like an historic acquisition millage. He also suggested that a community foundation could make the Ball's an offer.

Ms. Holder questioned whether one of the buildings could be moved to the Museum property. She stated it would make a great documentary and the City would still have one building that could tell a story.

Mr. Yalamanchi inquired of Mr Delacourt as to whether or not the City was a Certified Local Government with the State Historic Preservation Office (SHPO)? If not, he questioned whether the City has considered applying for this.

Mr. Delacourt replied that the City has gone through several submittals and there are still issues with the way our ordinance works. He stated that several revisions have been done to the draft. He noted that the HDC and the HDSC are considering those

revisions and resubmitting them back to the State.

Responding to President Rosen's request for clarification, **Mr. Delacourt** stated that the Certified Local Government Program is through the State Historic Preservation Office. He noted that it opens up the potential for grant monies for publicly owned properties and districts.

Mr. Dzuirman reiterated that they have been trying to get that designation for approximately 10 to 15 years.

Mr. Yalamanchi suggested that the administration seriously look into what the issues are and work on getting the designation. Due to the fact that the committee and the Ball's are opposed, he inquired if the only the area of the boarding house could be designated, letting the rest of the property remain as is. He stated that although he is personally very supportive of the preservation idea, his concern is finding a way to balance the issue of the economic feasibility/hardship the Ball's are claiming with what the Committee is recommending.

Mr. Dzuirman pointed out there are 15 contributing structures and they all work together. He noted that if you take one away, you lose what you are trying to accomplish. He stressed the committee has principles they need to follow. He noted that perhaps the Ball's have not given thought to different ways of utilizing this housing, such as a community for retirees or newlyweds, college student housing or married housing. He stated this could be a win/win situation for the Ball's and the City.

Ms. Ball stated that this is not some kind of project they are asking to be bailed out of. She stated it is outrageous to talk about tax credits as you have to first spend the money in order to get any of it back. She noted that by the time you offset any credit with the additional expenses and then pay your accountant to figure out how to get your recapture, the actual credit is minimal.

President Rosen stated that if Council designates this property, within six to nine months they will know if there is a viable plan. If the Ball's are not able to work with the HDSC to come up with this plan, they can come back and say they tried and it did not work.

Mr. Hooper extended his congratulations to the committee for the outstanding job they have done researching this property. He concurred with Mr. Yalamanchi in that they need to find a middle ground. He identified one possibility would be to change the use or zoning in order to preserve the property, although this too would require someone with the assets to do that. He noted that without being able to come to an agreement, he has to side with the property owners.

Mr. Delacourt stated that the Master Land Use Plan identifies this property for flexible use. He noted that the HDC, the Planning Commission and staff have made it apparent that they are willing to consider any use if it provides for the adaptive reuse of this property, as long as it's reasonable.

A motion was made by Holder, seconded by Duistermars, that this matter be Denied by Resolution.

WHEREAS, Division 4 of the City's Historic Preservation Ordinance (Chapter 118) establishes the procedure for the establishment, modification or elimination of Historic Districts; and

WHEREAS, Section 118-130 of the City's Historic Preservation Ordinance (Chapter 118) identifies the duties of the City's Historic Districts Study Committee and the process for establishment of a study committee report; and

WHEREAS, the City's duly established Potential List included the following

properties, identified as:

267 E. Hamlin Road, 321 E. Hamlin Road, 1894 Wayside Park, 1895 Wayside Park, 1910 Wayside Park, 1911 Wayside Park, 1926 and 1932 Wayside Park, 1933 Wayside Park, 1948 Wayside Park, 1949 Wayside Park, 1964 and 1970 Wayside Park, 1965 and 1971 Wayside Park, located on the north side of Hamlin Road, west of John R Road and east of Rochester Road, consisting of Parcel Numbers 15-23-300-025, 15-23-300-026, 15-23-300-029 and 15-23-300-030, Zoned R-4 (One Family Residential), also known as Ferry Court and/or Wayside Park, and

WHEREAS, in compliance with the City's Historic Preservation Ordinance, the City's Historic Districts Study Committee conducted research on the above identified properties; prepared a Preliminary Report in July, 2003; transmitted a copy of the Preliminary Report to the City's Planning Commission and the State Historic Preservation Office; held the required and properly noticed Public Hearings on August 21, 2003, and on June 22, 2006; and submitted a Final Report to City Council; and

WHEREAS, based on the uniqueness of the arrangement of the houses on the property known as Ferry Court and/or Wayside Park, and its significant contribution to the local history of the City of Rochester Hills and to the Community in the areas of agricultural history, and the unusual and distinctive characteristics of company housing in the early twentieth century, it is the recommendation of the Historic Districts Study Committee that City Council designate the properties and establish the site as a local Historic District within the City of Rochester Hills.

NOW THEREFORE BE IT RESOLVED that the City of Rochester Hills City Council concurs with the recommendation of the City's Historic Districts Study Committee and does hereby designate the properties identified above as a local Historic District within the City of Rochester Hills, and requests that the City Attorney prepare the appropriate Ordinance Amendment to the City's Historic Preservation Ordinance (Chapter 118).

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke and Yalamanchi

Nay: Ambrozaitis and Rosen

Enactment No: RES0201-2007

NEW BUSINESS

2007-0172

Request for Site Plan Approval Pursuant to the May 26, 2005 Amended Consent Judgment - City File No. 05-030.9 - Flagstar Bank, a proposed 2,827 square foot bank on 1.28 acres at Adams and Marketplace Circle - Outlot 5, zoned by Consent Judgment, Parcel No. 15-30-326-008, Flagstar Bank, applicant.

Attachments: Agenda Summary.pdf; Memo Anzek 05-22-07.pdf; Site Plans.pdf; Resolution.pdf

Mr. Hooper recused himself from both items 2007-0172 Flagstar and 2007-0363 Adams Marketplace due to a conflict of interest.

Mr. Anzek showed how both Flagstar Bank and Adams Marketplace Retail Buildings B-G are related on this property. He then introduced Mr. Mark Drain of Rogvov Architects, who was representing Grand Sakwa Properties and Mr. Shawn Blaszczyk, P.E. of Zeimet-Wozniak and Assoc., Inc., the Engineers for Flagstar Bank.

Mr. Anzek noted that Flagstar Bank has been through three complete reviews by the Technical Review Committee, consisting of the Building Department, Engineering, Landscape Architecture, Consulting Engineers and the Fire Department and all have signed off and recommend approval in accordance with consent judgment.

President Rosen pointed out that the Irrigation Note #17 on both of these items says the hours of operation of irrigation systems shall be from 5:00 a.m. to 9:00 a.m., and from 5:00 p.m. to 9:00 p.m. He noted that is during the highest usage time of the City. He inquired whether there would be any problem if there was a condition added to #17 inserting the word 'not', so that it would read, "...shall not be during the hours of 5:00 a.m. to 9:00 a.m., and 5:00 p.m. and 9:00 p.m."

Mr. Anzek took responsibility for that language stating that it was a typographical error.

Mr. Mark Drain of Rogvov Architects, representing Grand Sakwa Properties, stated it would not be a problem.

A motion was made by **Raschke**, seconded by **Duistermars**, that this matter be Adopted by Resolution with three (3) conditions.

Resolved that the Rochester Hills City Council hereby approves the Site Plan for Flagstar Bank at Adams and Marketplace Circle, City File No. 05-030.9, a 2,827 square-foot building on 1.28 acres, identified as part of Parcel No. 15-30-326-008, zoned by Consent Judgment, based on plans received by the Planning and Development Department on April 25, 2007, with the following conditions:

Condition:

1. Submission of performance and maintenance bonds in the amount of \$61,369.00 for replacement trees and landscaping, prior to obtaining a Land Improvement Permit.
2. That all easements required by Engineering Services be submitted prior to obtaining a Land Improvement Permit.
3. Item #17 under NOTES on Page 7 of the Site Plan is changed to read as follows: The Hours of operation for Lawn Irrigation System Shall not be During the Hours of 5:00 A.M. to 9:00 A.M. and from 5:00 P.M. to 9:00 P.M.

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Abstain: Hooper

Enactment No: RES0202-2007

2007-0363

Request for Site Plan Approval Pursuant to the May 26, 2005 Amended Consent Judgment - City File No. 05-030.8 - Adams Marketplace Retail Buildings B-G, containing 100,428 square-feet, located at Adams and Marketplace Circle, Rochester Hills Corporate Center, LLC, applicant.

Attachments: Agenda Summary.pdf; Memo Anzek 052207.pdf; Site Plans.pdf; Resolution.pdf

Also refer to Legislative File # 2007-0172

Mr. Yalamanch inquired whether or not Mr. Drain knew who the occupants would be and what type of businesses they were looking at bringing in.

Mr. Drain responded that Building G will be a PetSmart. He stated that Buildings B, C, D and F could house fitness equipment, restaurants, and/or a national electronics outlet. He further stated that he wished he could tell them exactly which businesses would be in these buildings, but until leases are signed, they just do not know.

Mr. Yalamanchi mentioned there had been talk at one time about Panera being one of the occupants of Building A. Mr. Drain stated that currently they only know of Panera.

Mr. Yalamanchi questioned if they were ready to start construction once the approval is done. Mr. Drain replied that it is their intent to file for a building permit.

A motion was made by Duistermars, seconded by Raschke, that this matter be Adopted by Resolution with three (3) conditions.

Resolved that the Rochester Hills City Council hereby approves the Site Plan for Adams Marketplace Retail Buildings B-G, City File No. 05-030.8, containing 100,428 square-feet at Adams and Marketplace Circle, zoned by Consent Judgment, part of Parcel No. 15-30-326-008, based on plans received by the Planning and Development Department on April 24, 2007, with the following conditions:

Conditions:

- 1. Submission of performance and maintenance bonds in the amount of \$154,915.00 for replacement trees and landscaping, prior to obtaining a Land Improvement Permit.**
- 2. That all easements required by Engineering Services be acquired prior to obtaining a Land Improvement Permit.**
- 3. Item #17 under NOTES on Page 9 of the Site Plan is changed to read as follows: The hours of operation for lawn irrigation system shall not be during the hours of 5:00 A.M. to 9:00 A.M. and from 5:00 P.M. to 9:00 P.M.**

The motion carried by the following vote:

Aye: Duistermars, Holder, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Abstain: Hooper

Enactment No: RES0203-2007

CITY COUNCIL

2007-0067

Creation of the Police Funding & Millage Technical Review Committee

Attachments: Agenda Summary.pdf; 071807 Agenda Summary.pdf; 060807 Agenda Summary.pdf; 012407 Agenda Summary.pdf; Excerpt CC Minutes 012407.pdf; Potential Tech Cmte Worksheet.pdf; Rosen's Disc Points.pdf; 060807 Resolution.pdf; Resolution.pdf

Due to the late hour, **President Rosen** concluded that this item needed to be rescheduled. He went on to distribute a document he put together listing some discussion points and asked Council Members to review it. He noted that he hoped it could be used as a tool to get the discussion started.

Discussed

Enactment No: RES0253-2007

2007-0396

Discussion of the potential of Council Members participating in a Political Action Committee (PAC)

Attachments: Agenda Summary.pdf

Due to the late hour, **President Rosen** concluded that this item needed to be rescheduled.

Discussed

ANY OTHER BUSINESS

Mr. Hooper suggested that Council look into the new State Law which allows for creating liquor licenses in redevelopment zones at a future work session.

Mr. Ambrozaitis asked Mr. Staran for an update on the Property Maintenance Ordinance.

Mr. Staran responded that he has finished his review of the ordinance and understood the Building Department would be presenting it to Council at their first opportunity.

Mr. Ambrozaitis expressed his dissatisfaction with how long this is taking to come forward. He then inquired of President Rosen as to when the topic of Discontinuing the Defined Contribution Retirement Plan for Council Members would appear on the agenda.

President Rosen stated it would be on the agenda for the Regular Work Session of June 20, 2007, and again at the Regular Meeting of June 27, 2007. President Rosen commented that he feels the Property Maintenance Ordinance is moving along relatively well, especially in light of how large it has turned out to be.

Ms. Holder stated the Human Resources Technical Committee had recommended that no changes be made to the Defined Contribution Retirement Plan for City Council members and questioned if it would still be on a future agenda. She then relayed a request from the Sister City Committee with Auburn Hills that we hold a joint council meeting with the City of Auburn Hills to discuss issues of mutual interest.

Mayor Barnett mentioned that he did receive this request in writing from Mr. Culpepper, Auburn Hills City Manager, and forwarded it on to President Rosen. It was concluded that if there was no objection from Council members, we would move ahead with scheduling a meeting.

Mr. Yalamanchi requested the Administration identify the obligations that Council has committed to for 2008 during the budget discussions in August. Mr. Duisternars inquired if he was referring to multi-year projects. Mr. Yalamanchi replied that that is what he is asking for.

NEXT MEETING DATE

- Regular Work Session - Wednesday, June 20, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 11:49 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*LEANNE SCOTT
City Council Coordinator
City Clerk's Office*