

**MINUTES** of the **Regular Rochester Hills City Council Meeting** held at 1000 Rochester Hills Drive, Rochester Hills, Michigan, on Wednesday, January 21, 2004 at 7:30 p.m.

**1. CALL TO ORDER**

President Dalton called the Regular Rochester Hills City Council Meeting to order at 7:35 p.m. Michigan Time.

**2. ROLL CALL**

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Melinda Hill, Barbara Holder, Linda Raschke, Gerald Robbins

Absent: None

**QUORUM PRESENT**

Others Present: Pat Somerville, Mayor  
Beverly A. Jasinski, City Clerk  
John Staran, City Attorney  
Ed Anzek, Director of Planning/Development  
Derek Delacourt, Planner II  
Bob Grace, Director of MIS  
Mike Hartner, Director of Parks and Forestry  
Kevin Krajewski, Network Administrator/Deputy Director of MIS  
Raymond Leafdale, General Superintendent  
Roger Rouse, Director of DPS/Engineering  
Bob Spaman, Director of Finance

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF AGENDA** (Members received a copy of a City Council Regular Meeting Action Summary Sheet dated January 16, 2004 from Susan Galeczka, City Council Liaison)

Resolution A0001-2004-R0489

**MOTION** by Barnett, seconded by Duistermars,

***Resolved***, that the Rochester Hills City Council hereby approves the Agenda, of the Regular Rochester Hills City Council Meeting of January 21, 2004 amended as follows:

***Add:***

**13. PUBLIC HEARINGS**

- a. CDBG Program 2002-2003 Program Year** – Reprogram \$30,000 for Removal of Architectural Barriers at Borden Park to \$30,000 for Removal of Architectural Barriers at Bloomer Park and Yates Park
- (i) Public Hearing

(ii) Adoption of Resolution

*Renumber the remaining agenda accordingly.*

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**5. CHAIRPERSON'S REPORT**

**President Dalton** announced the Grand Opening of the newly remodeled City Hall to be held on January 31, 2004 from 9:00 a.m. to 1:00 pm. He also introduced Kevin Gill, representative of Daystar who was attending the meeting to offer instruction to the recording secretary on the use of Legistar during the meeting process.

**6. MAYOR'S REPORT**

**Mayor Somerville** noted that the snow plowing policy had been revised due to cuts in State funding and asked that residents contact the DPS department for more information at (248) 656-4685. She thanked residents for contributing to the food bank and encouraged contributions to continue.

**7. COUNCIL COMMENTS**

**Ms. Holder** acknowledged the passing of Rob Rumball, a fourteen (14) year DPS Department employee. She thanked DPS workers for their efforts in plowing the City streets. She stressed that the City does not plow County roads. She announced that she will be going to “jail” on February 19th to raise money for the Muscular Dystrophy Association and asked for contributions.

**Mr. Barnett** congratulated students of the Avondale School System on their recent graduation from the D.A.R.E program. He noted that he had asked City Attorney John Staran to examine the matter of residents of Juengel’s Orchards subdivision having been “served with papers.”

**Ms. Raschke** noted that several nuisance signs had been displayed throughout the community over the recent weekend and asked that the situation be addressed.

**Mayor Somerville** noted that the Administration is looking into ways of discouraging this behavior.

**8. ATTORNEY’S REPORT**

**Mr. Staran** had nothing to report.

9. **ADOPTION OF RESOLUTION TO SET CLOSED SESSION** at the close of business tonight for the purpose of discussing an Attorney/Client Privileged Communication (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 2, 2004 from Susan Galeczka, City Council Liaison)

Resolution A0008–2004–R0490

**MOTION** by Barnett, seconded by Holder,

**Resolved** That the Rochester Hills City Council agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, Section 8(a), at the close of business this Regular City Council Meeting of Wednesday, January 21, 2004 and will not return to Open Session at its conclusion. The purpose of the Closed Session is to discuss an Attorney/Client Privileged Communication.

**ROLL CALL VOTE:**

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

10. **CONSENT AGENDA** (All matters listed 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 the Consent Agenda for separate discussion.)

**Approved** by a single motion Items **10a, 10b, 10d, 10e, 10g, 10h, 10i, 10j, 10l, and 10m** from the Consent Agenda.

- 10a. **Approval of Minutes** – Regular Meeting, December 10, 2003 (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 16, 2004 from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2004-R0491

**MOTION** by Barnett, seconded by Raschke,

**Resolved** that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, December 10, 2003 be approved as presented.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10b. Approval of Minutes** – Regular Meeting, January 7, 2004 (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 21, 2004 from Margaret Strate, Administrative Secretary, with attachments)

Resolution A0005-2004-R0492

**MOTION** by Barnett, seconded by Raschke,

**Resolved** that the Minutes of a Regular Rochester Hills City Council Meeting held on Wednesday, January 7, 2004 be approved as presented.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10d. Resolution of Support** regarding Moratorium on Detroit Water and Sewer Rate Hikes (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 21, 2004 from John Dalton, City Council President, with attachments)

Resolution A0799–2004–R0493

**MOTION** by Barnett, seconded by Raschke,

**Whereas**, the City of Detroit through its Water and Sewerage Department (DWSD) supplies water and wastewater services to much of southeastern Michigan; and

**Whereas**, the proficient and efficient provisions of service by DWSD is essential to the health and welfare of the citizens of southeastern Michigan; and

**Whereas**, DWSD is a regional system that must be accountable to the regional customers; and

**Whereas**, the communities served by the regional system have been paying ever increasing water and sewer bills for several years; and

**Whereas**, the current process for setting and determination of rates for water and sewer services has caused continued concern amount its customers because of an inability to determine with specificity the reasons for rate hikes; and

**Whereas**, the rate formulation process must begin at such time as to allow full disclosure permitting stakeholders to engage in meaningful review and evaluation and make constructive suggestions; and

**Whereas**, the Mayor of Detroit and the Detroit City Council must permit an evaluation of the efficiency of the DWSD operations by an independent, outside consultant; and

**Whereas**, such evaluation should be conducted in a public forum to provide assurances that DWSD is operated efficiently and cost effectively;

**Now Therefore Be It Resolved**, that the Rochester Hills City Council hereby requests that the Detroit Water Board and the Detroit City Council place a moratorium on Water and Sewer rate increases for Fiscal Year 2004-05.

**Be It Further Resolved**, that the Clerk is directed to send a copy of the Resolution to the Mayor of the City of Detroit, the Detroit City Council, the Detroit Water and Sewer Board and Rochester Hills State Senator and State Representative.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

#### **MOTION CARRIED**

- 10e.** **Receive and File** communication regarding CDBG Public Service Program (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 21, 2004 from Joe Snyder, Financial Analyst, with attachments)

Resolution A0293–2004–R0494

**MOTION** by Barnett, seconded by Raschke,

**Resolved** that the Rochester Hills City Council receives and files memorandum dated January 9, 2004 from City of Rochester Hills Fiscal Team regarding CDBG Public Service Program

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

#### **MOTION CARRIED**

- 10g.** **Request for Purchase Authorization** – FACILITIES: Natural Gas, blanket purchase order not-to-exceed \$162,076.00; Consumers Energy, Lansing, MI (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 5, 2004 from Bob Srogi, Facilities Operations Manager, with attachments)

Resolution A0458–2004–R0495

**MOTION** by Barnett, seconded by Raschke,

**Resolved** that the Rochester Hills City Council authorizes a blanket purchase order to Consumers Energy, Lansing, Michigan, for the purchase of Natural Gas, in the amount not-to-exceed \$162,076 through December 31, 2004.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10h. Request for Purchase Authorization** – DPS: Unleaded and Diesel Fuel, blanket purchase order not-to-exceed \$235,000.00; Mansfield Oil Company, Gainesville, GA (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 5, 2004 from Bruce Halliday, Fleet Supervisor, and Jean Farris, Supervisor of Procurement, with attachments)

Resolution A0313–2004–R0496

**MOTION** by Barnett, seconded by Raschke,

**Whereas**, the City participates with the Tri-County Cooperative Purchasing program for the purchase of diesel and unleaded fuel; and

**Whereas**, bids were solicited by the City of Sterling Heights on behalf of the cooperative and awarded to Mansfield Oil Company as the lowest bidder for truck transport deliveries,

**Resolved** that the Rochester Hills City Council authorize the issuance of a blanket purchase order to Mansfield Oil Company of Gainesville, GA for the purchase of diesel and unleaded fuel in the amount not-to-exceed \$235,000 through January 31, 2006.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10i. Traffic Control Order YS-91** – streets within Eddington Woods Subdivision, Section #23, Essex Drive Yield to Mystic Drive at their north intersection and Essex Drive Yield to Mystic Drive at their south intersection (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 9, 2004 from Terry Donnelly, Clerk D, with attachments)

Resolution A0772–2004–R0497

**MOTION** by Barnett, seconded by Raschke,

**Whereas**, Traffic Control Order No. YS-91 has been issued by the Transportation Engineer under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code) as amended; and

**Whereas**, said Traffic Control Order covers:

<b>YS-91.1</b>	<b>Essex Drive</b>	<b>Yield To</b>	<b>Mystic Drive</b>
	<b>(At Their North Intersection)</b>		
<b>YS-91.2</b>	<b>Essex Drive</b>	<b>Yield to</b>	<b>Mystic Drive</b>
	<b>(At Their South Intersection)</b>		

**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. YS-91 to be in effect until rescinded or superseded by subsequent order; and 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.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10j.** **Traffic Control Order PK-77** – Rochdale Subdivision, Section #16, No Parking within the right-of-way on both sides of Rochdale Drive from Walton Blvd. southerly to Ashton Drive (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 9, 2004 from Terry Donnelly, Clerk D, with attachments)

Resolution A0773–2004–R0498

**MOTION** by Barnett, seconded by Raschke,

**Whereas**, Traffic Control Order No. PK-77 has been issued by the Transportation Engineer under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of

Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code), as amended; and

**Whereas**, said Traffic Control Order covers:

**PK-77.1 No Parking within the right-of-way on both sides of Rochdale Drive from Walton Blvd. southerly to Ashton 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 issued pertaining to the Traffic Control Order and recommends that the Order be approved; and

**Whereas**, this Traffic Control Order rescinds and supercedes Traffic Control Order PK-40.1 adopted by the City of Rochester Hills;

**Resolved** that the Rochester Hills City Council approves the issuance of Traffic Control Order No. PK-77 to be in effect until rescinded or superseded by subsequent order; and 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.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10l. **Traffic Control Order SS-129** – streets within Rochdale Subdivision, Section #16, northbound Rochdale Stop for Rochingham (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 9, 2004 from Terry Donnelly, Clerk D, with attachments)

Resolution A0775–2004–R0499

**MOTION** by Barnett, seconded by Raschke,

**Whereas**, Traffic Control Order No. SS-129 has been issued by the Transportation Engineer under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code), as amended; and

**Whereas**, said Traffic Control Order covers:

**SS-129.1 Northbound Rochdale Stop For Rochingham**



**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 issued pertaining to the Traffic Control Order and recommends that the Order be approved; and

**Whereas**, this Traffic Control Order rescinds and supercedes Traffic Control Order YS-17.2 adopted by the City of Rochester Hills

**Resolved** that the Rochester Hills City Council approves the issuance of Traffic Control Order No. SS-129 to be in effect until rescinded or superseded by subsequent order; and 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.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

#### **MOTION CARRIED**

- 10m. Traffic Control Order SS-130** – streets within Thornridge Subdivision, Section #6, all approaching traffic to Stop for both Charlwood Drive and Tacoma Drive at their intersection (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 9, 2004 from Terry Donnelly, Clerk D, with attachments)

Resolution A0776–2004–R0500

**MOTION** by Barnett, seconded by Raschke,

**Whereas**, Traffic Control Order No. SS-130 has been issued by the Transportation Engineer under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code), as amended; and

**Whereas**, said Traffic Control Order covers:

**SS-130.1 All approaching traffic to STOP from both Charlwood Drive and Tacoma Drive at their intersection**

**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 issued pertaining to the Traffic Control Order and recommends that the Order be approved; and

**Whereas**, this Traffic Control Order rescinds and supercedes Traffic Control Order SS-29 adopted by the City of Rochester Hills

**Resolved** that the Rochester Hills City Council approves the issuance of Traffic Control Order No. SS-130 to be in effect until rescinded or superseded by subsequent order; and 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.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

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

- 10c. Resolution of Support** – to have the Southeast Michigan Consortium on Water Quality conduct an independent audit together with a Best Business Practice and Efficiency Study of the entire DWSD system (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 16, 2004 from Kim Murphey, Administrative Coordinator, with attachments)

**Ms. Hill** voiced her concern that the issue of funding is not mentioned in the resolution.

**President Dalton** suggested that it could be added to the resolution, noting specifically that SEMCOG should be contacted and considered as a source of funding.

Resolution A0770–2004–R0501

**MOTION** by Hill, seconded by Barnett,

**Resolved**, that the Rochester Hills City Council supports the Southeast Michigan Consortium on Water Quality conducting an independent audit together with a Best Business Practice and Efficiency Study of the entire DWSD system in order to reconcile the findings of two conflicting reports.

**Be it Further Resolved** that SEMCOG (Southeast Michigan Council of Governments) be contacted and considered as a source of funding for this audit and study.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

- 10f. Request for Purchase Authorization** – FIRE: Fire Safety House, purchase order not-to-exceed \$35,985.00; Mobile Concepts, Mt. Pleasant, PA (Members received a copy of a

City Council Regular Meeting Summary Sheet dated January 21, 2004 from Ronald Crowell, Assistant Fire Chief, and Nancy Butty, Public Safety Aide, with attachments)

**Ms. Nancy Butty**, Public Safety Aide, explained that the Safety House is a mobile piece of equipment used to safely demonstrate what to do in the case of a fire. It will be used for safety training in the local schools as well as at events such as Fire Safety Week.

**Ms. Raschke, Mr. Duistermars** and **Ms. Holder** praised the organizations and corporations who contributed to the purchase of the Safety House, as well as the efforts of Ms. Butty in soliciting these donations.

**President Dalton** suggested that a resolution from City Council and the Mayor be composed thanking the local organizations and corporations for their contributions.

Resolution A0739–2004–R0502

**MOTION** by Holder, seconded by Duistermars,

**Resolved**, that the Rochester Hills City Council approve the purchase of a Fire Safety House from Mobile Concepts, Mt. Pleasant, PA, in the amount of \$35,985.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**10k. Traffic Control Order SS-128** – streets within University Hills Subdivision, Section #16, Notre Dame Stop for Spartan (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 9, 2004 from Terry Donnelly, Clerk D, with attachments)

**Ms. Hill** questioned the necessity for this stop sign, expressing her concern that “sometimes it becomes excessive and people run through them.”

**Mr. Davis** assured her that the stop sign was appropriate for this “T” intersection, noting a site distance problem, a homeowner’s observation of traffic problems and a hill coming off a curve north of Notre Dame.

Resolution A0774–2004–R0503

**MOTION** by Duistermars, seconded by Raschke,

**Whereas**, Traffic Control Order No. SS-128 has been issued by the Transportation Engineer under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), and under the provisions of the City of

Rochester Hills Code of Ordinances, Chapter 98 (Rochester Hills Traffic Code), as amended; and

**Whereas**, said Traffic Control Order covers:

**SS-128.1 Notre Dame Stop For Spartan**

**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 issued pertaining to the Traffic Control Order and recommends that the Order be approved; and

**Whereas**, this Traffic Control Order rescinds and supercedes Traffic Control Order YS-18.1 adopted by the City of Rochester Hills;

**Resolved** that the Rochester Hills City Council approves the issuance of Traffic Control Order No. SS-128 to be in effect until rescinded or superseded by subsequent order; and 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.

Ayes: Dalton, Barnett, Duistermars, Holder, Raschke

Nays: Hill

Absent: Robbins

**MOTION CARRIED**

**11. PUBLIC COMMENTS**

None.

**12. LEGISLATIVE / ADMINISTRATIVE RESPONSE**

None.

**13. PUBLIC HEARINGS**

**13a. Reprogramming 2002-2003 Program Year CDBG Funds - \$30,000.00 from (2400) Remove Architectural Barriers - Borden Park to (2400) Remove Architectural Barriers - Bloomer Park / Yates (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 21, 2004 from Joe Snyder, Financial Analyst, with attachments)**

**Mr. Ed Anzek, Director of Planning/Development, noted that he was appearing before Council in place of Mr. Bob Spaman, Finance Director, who was unable to attend. Mr. Anzek explained that the Borden Park project, for which the CDBG funds had originally been earmarked, had**

been completed with SAD funds, thus allowing for the reprogramming of those funds to Bloomer Park.

**President Dalton** opened the Public Hearing at 8:01 p.m.

There being no Public Comment, **President Dalton** closed the Public Hearing at 8:02 p.m.

Resolution A0293-2004-R0494

**MOTION** by Barnett, seconded by Duistermars,

**Whereas** the City of Rochester Hills has been involved in Oakland County Community Development Block Grant (CDBG) projects since the program's inception in 1975. During this time period, over \$3.5 million dollars has been expended; and

**Whereas** the City's proposed CDBG activities must meet the department of Housing and Urban Development (HUD) regulations; benefit low and moderate income populations; prevent or eliminate slum and blighted conditions; or meet an urgent community need where no other source of funding is available; and

**Whereas** the City of Rochester Hills City Council held a Public Hearing on January 21, 2004 for the reprogramming of 2002-2003 program year funds of \$30,000.00 from Remove Architectural Barriers - Borden Park to Remove Architectural Barriers - Bloomer Park / Yates Park.

**Resolved** that in keeping with HUD regulations and as identified in the Rochester Hills Community Development objectives, the Rochester Hills City Council approves the reprogramming funding application as follows:

- Reprogram 2002-2003 program year funding of \$30,000.00 from activity number 2400 - Remove Architectural Barriers - Borden Park to:
- Reprogram 2002-2003 program year funding of \$30,000.00 to activity number 2400 - Remove Architectural Barriers - Bloomer Park / Yates Park.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**1314.            PETITIONERS REQUESTS**

**13a14a.        Request for Conditional Land Use Approval** – John R/Auburn Car Wash, a proposed 2,700 square foot car wash to be located on the east side of John R, north of Auburn Road, zoned B-5 (Automotive Services Business) District, Parcel No. 15-25-351-040; Car Wash Builders, Inc., Applicant (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 12, 2004

from Deborah Millhouse, Deputy Director of Planning/Development, with attachments)

**Mr. Tony Gallo**, Applicant, 30555 Hoover Road, introduced himself and **Mr. Robert Rollinger**, attorney for the applicant, 30700 Telegraph Road, Bingham Farms.

**Ms. Deborah Millhouse**, Deputy Director of Planning/Development, briefly noted that both the City Staff and Planning Commission had recommended approval of the Conditional Land Use and the Site Plan for this project.

**Mr. Rollinger** described the proposed car wash facility, noting specifically the following:

- 2,700 square foot car wash facility, 30 feet across and 90 feet in depth.
- The facility is located on the east side of John R Road just north of Auburn Road.
- A letter was sent to the Zoning Board of Appeals (ZBA) by the owner of the adjacent Marathon gas station noting their approval and cooperation with the new car wash.
- Full-time attendants will be responsible for maintaining traffic control movement at the facility.
- An anti-collision device, suitable and satisfactory to the City, will be installed at the facility.
- The current zoning of D-5 is the only remaining parcel of that type of zoning in the City.
- A study by McDowell & Associates determined that the site is adequate to accommodate the necessary surface water drainage.
- The landscape design drawing prepared by Calvin Hall & Associates conforms to the City's requirements.

**Mr. Barnett** noted that the applicant appeared to have addressed the major concerns of the ZBA and Planning Commission adequately.

Resolution A0777–2004–R0505

**MOTION** by Barnett, seconded by Duistermars,

**Resolved** that the Rochester Hills City Council hereby approves the Conditional Land Use for the John R/Auburn Car Wash, City File No. 03-008, a proposed 2,700 square foot car wash to be located on the east side of John R, north of Auburn Road, zoned B-5, Automotive Service Business District and known as Parcel No. 15-25-351-040, based on plans received by the Planning Department on October 29, 2003, with the following findings and subject to the following conditions:

Findings:

1. The proposed development promotes the purpose and intent of the Zoning Ordinance in general, and of Section 138-658 in particular.
2. The proposed development has been designed to be compatible, harmonious and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and

services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.

4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The development does 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. Compliance with the following conditions established by the Zoning Board of Appeals relative to the variance granted on September 8, 2003 and as noted below:
  - The Applicant will dedicate twenty-seven (27') feet of right-of-way as requested by the City for the proposed widening of John R Road, as discussed at the September 8, 2003 Zoning Board of Appeals meeting.
  - There are to be two (2) attendants present at all times to monitor traffic conditions, both on the premises and on John R Road.
  - The Applicant must install an anti-collision device suitable and satisfactory to the City of Rochester Hills.
  - The granting of this variance is based on the site plan stamped as “Received by the City of Rochester Hills Planning Department on August 18, 2003.” It is the expectation of the ZBA that the eventual development on this site, if it does occur, will conform substantially to that conceptual plan in terms of setbacks and location on the property.
2. The vacuum lane will be shut down by an attendant on busy days to allow for a third stacking lane and preclude stacking on the John R roadway.
3. An attendant will be responsible at all times for prohibiting vehicles that are attempting to enter the car wash from stacking on the John R Road roadway.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**13b14b.** Request for Final Site Condominium Plan Approval - Northbrooke Meadows Site Condominiums, a 58-unit site condominium development located on 21.36 acres, identified as Parcel Nos. 15-33-128-003 & 004, zoned R-4 (One Family Residential); Aspen Group/Auburn LLC, Applicant (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 12, 2004 from Derek Delacourt, Planner II, with attachments)

**Mr. David Goldberg**, 28246 Franklin Road, Southfield, introduced himself and **Mr. Fazal Kahn**, 43345 Schoenherr Road, Sterling Heights, and noted that, since their previous appearance before Council, they had obtained all of their “outside agency approvals,” including the offsite easement from the Avondale School District. He explained that, of the two outstanding issues,

the extension of Samuel Avenue and traffic calming measures on Mildred Avenue, they were willing to concur with the expert opinions.

**Mr. Derek Delacourt**, Planner II, confirmed Mr. Goldberg's statements, noting that the Planning Commission had recommended for approval the project's final site plan. He noted that the condition in the resolution regarding Samuel Avenue should be removed and that there is no need for traffic calming measures on Mildred Avenue.

**PUBLIC COMMENT:**

**Mr. Myron Williams**, 1644 Alsdorf Avenue, urged Council to approve the plan without Samuels Avenue being extended. He expressed his concern for saving as many trees as possible and asked what the process of notification is for any trees in danger of being removed from his property.

**President Dalton** directed Mr. Delacourt to contact Mr. Williams tomorrow to address his tree concerns.

**Mr. Stewart Myers**, 3308 Davenport Lane, echoed Mr. Williams' opposition to extending Samuel Avenue. He suggested that where Samuel Avenue runs into Gilsam Street some type of buffer other than a curb be installed.

**Ms. Bev Jasinski**, City Clerk, read a letter into the record from **Mr. Bill Panella**, 1612 Alsdorf Avenue, voicing his opposition to extending Samuel Avenue for the following reasons: 1) trees would be removed, 2) there is no emergency vehicle access issue, 3) the Planning Commission twice voted not to extend the road, and 4) the need for the extension is not justified simply because the construction company will fund it.

**COUNCIL DISCUSSION:**

**Ms. Hill** questioned the need for a traffic-calming device.

**Mr. Paul Davis**, City Engineer, explained that a traffic-calming device may be installed if the intersection is more than 500 feet. This intersection does not meet that qualification.

Resolution A0623–2004–R0506

**MOTION** by Hill, seconded by Raschke,

**Resolved** that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Northbrooke Meadows, City File No. 02-006, a 58-unit site condominium development located on 21.36 acres, identified as Parcel Nos. 15-33-128-003 & -004 and zoned R-4, One Family Residential, based on plans dated received by the Planning Department on January 6, 2004, with the following findings and subject to the following conditions.



Findings:

1. The Final Plan is in substantial compliance with the previously approved Preliminary Plan and lot layout.
2. Upon compliance with the following conditions, the Final Plan meets all applicable requirements of the Zoning Ordinances and the One-Family Residential Detached Condominiums Ordinance.
3. Adequate utilities are currently available to properly service the proposed development.
4. The Final Plan represents a reasonable and acceptable plan for developing the property.
5. The Final Plan represents a reasonable street layout, as well as a reasonable lot layout and orientation. In addition, all lots have access to the interior local street.
6. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. That all remaining engineering issues be addressed and approved by the City's Engineering Services Department prior to approval of Construction Plans.
2. That the proposed Gilsam Street be changed to Gilsam Ave. to be reviewed and approved by staff prior to Final Approval.
3. Submission of a landscaping performance and maintenance guarantee for a period of two growing seasons in the amount of \$31,965, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
4. That the applicant receive a soil erosion permit prior to issuance of a Land Improvement Permit.
5. That the applicant adjusts all landscaping plantings in accordance with Parks and Forestry memo dated September 30, 2003, prior to Final Approval by Staff.
6. That the Samuel extension be removed from the plan as an improved access.
7. That there be a traffic calming mechanism installed on Mildred, between Alsdorf and Gilsam Ave., as approved by Staff.

Ayes: Duistermars, Hill, Holder, Raschke

Nays: Dalton, Barnett

Absent: Robbins

**MOTION CARRIED**

*(Recess 8:32 p.m. – 8:50 p.m.)*

**1415. REPORTS AND COMMUNICATIONS**

- 14a15a. Nominations/Appointment of Citizen Representative to Administration and Information Services Committee** to fill one (1) three-year term ending December 31, 2006 (Members received a copy of a City Council Regular Meeting

Summary Sheet dated January 14, 2004 from Susan Galeczka, City Council Liaison, with attachments)

**Ms. Holder** nominated Stephan Kirksey.

**Ms. Hill** nominated Susan deCaussin.

**Mr. Stephan Kirksey**, 1337 North Acre Drive, noted his qualifications for the position.

City Council will vote on the nominees at their next regular meeting.

**14b15b.**     **Nominations/Appointment to Historic Districts Study Committee** to fill one (1) unexpired term vacated by Council Member Raschke; term to expire December 31, 2004 (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 15, 2004 from Susan Galeczka, City Council Liaison, with attachments)

Resolution A0509-2004-R0507

**MOTION** by Hill,

**Resolved** that the Rochester Hills City Council appoints Shawn Grant as a Member of the Historic Districts Study Committee, to fill Linda Raschke’s unexpired term ending December 31, 2004.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**14e15c.**     **Introduction of Amendments to City Council Rules of Procedure** (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 15, 2004 from Susan Galeczka, City Council Liaison, with attachments)

**Ms. Susan Galeczka**, City Council Liaison, explained that the City Council agenda currently has approximately twenty-six (26) different categories. She briefly explained that, due to the inception of Legistar, it is necessary to build numerous data tables associated with each category. She stressed that now is an opportune time to condense and/or eliminate some categories to stream line this process and improve the flow of meetings. She also noted a suggestion by President Dalton to change the Consent Agenda portion of the agenda to no longer list all Consent items together, but rather to leave each item within its appropriate category.

**President Dalton** clarified that the use of Legistar will benefit Council with regards to researching specific items, noting that information will be more quickly and easily attainable through this data base.

Council members reached a consensus of the new order and categories of the agenda. President Dalton withdrew his suggestion regarding the Consent Agenda.

**Ms. Galeczka** also noted that a change was needed regarding the order of roll call due to the implementation of the new remote camera system, noting that the Vice President should be called following the President, as this is the order in which Council members are seated on the dais.

Council consented to this change as well.

**Ms. Galeczka** requested, again due to the implementation of Legistar, that the Council's rules be changed regarding the assignment of resolution/enactment numbers. She explained that currently a resolution/enactment number is assigned after each vote on a specific item. Within the Legistar system, this would close the file. However, occasionally, more than one vote is necessary on some files. Therefore, Ms. Galeczka asked that the rule be changed to assign a resolution/enactment number only when the file is complete.

Council concurred with this request and Ms. Galeczka noted that these rule changes would be brought back before Council at their next regular meeting for their vote.

**14d15d.**      **Amendments to City Council Communication Committees Bylaws and Rules of Procedure** (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 15, 2004 from Susan Galeczka, City Council Liaison, with attachments)

**14d15d.i**      Administration and Information Services Committee

**Ms. Susan Galeczka**, City Council Liaison, noted that the issues with Council's agendas apply to the Communication Committee agendas as well and requested that similar changes be made.

**Ms. Hill** requested that Approval of Agenda be removed from Committee agendas, noting that these meetings are of a more informal nature.

Council reached a consensus on the changes to the Committee agenda categories.

Resolution A0530–2004–R0508

**MOTION** by Raschke, seconded by Barnett,

**Resolved** That the Rochester Hills City Council hereby amends the **Administration & Information Services Committee Bylaws and Rules of Procedure** as follows:

**ARTICLE VI:            ORDER OF BUSINESS**

**Section 1.**

The order of business for meetings shall be:

1. Call to Order
2. Roll Call
- ~~3. Determination of a Quorum~~
- ~~4. Approval of Agenda~~
5. 3. Approval of Minutes
6. 4. Communications
7. 5. Unfinished Business (~~unfinished or pending matters~~)
8. 6. New ~~and Miscellaneous~~ Business
9. 7. Any Other Business
8. Next Meeting Date
- ~~10. 9. Adjournment~~

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

## **MOTION CARRIED**

### **14d.ii** Community Development and Viability Committee

Resolution A0531–2004–R0509

**MOTION** by Raschke, seconded by Barnett,

***Resolved*** That the Rochester Hills City Council hereby amends the **Community Development and Viability Committee Bylaws and Rules of Procedure** as follows:

## **ARTICLE VI: ORDER OF BUSINESS**

### **Section 1.**

The order of business for meetings shall be:

1. Call to Order
2. Roll Call
- ~~3. Determination of a Quorum~~
- ~~4. Approval of Agenda~~
5. 3. Approval of Minutes
6. 4. Communications
7. 5. Unfinished Business (~~unfinished or pending matters~~)
8. 6. New ~~and Miscellaneous~~ Business
9. 7. Any Other Business
8. Next Meeting Date
- ~~10. 9. Adjournment~~

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke  
Nays: None  
Absent: Robbins

**MOTION CARRIED**

**14d15d.iii** Financial Services Committee

Resolution A0532–2004–R0510

**MOTION** by Raschke, seconded by Barnett,

**Resolved** That the Rochester Hills City Council hereby amends the **Financial Services Committee Bylaws and Rules of Procedure** as follows:

**ARTICLE VI: ORDER OF BUSINESS**

**Section 1.**

The order of business for meetings shall be:

1. Call to Order
2. Roll Call
- ~~3. Determination of a Quorum~~
- ~~4. Approval of Agenda~~
3. Approval of Minutes
4. Communications
5. Unfinished Business (~~unfinished or pending matters~~)
6. New and Miscellaneous Business
7. Any Other Business
8. Next Meeting Date
- ~~10.~~ 9. Adjournment

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke  
Nays: None  
Absent: Robbins

**MOTION CARRIED**

**14d15d.iv** Leisure Activities Committee

Resolution A0533–2004–R0511

**MOTION** by Raschke, seconded by Barnett,

**Resolved** That the Rochester Hills City Council hereby amends the **Leisure Activities Committee Bylaws and Rules of Procedure** as follows:

**ARTICLE VI: ORDER OF BUSINESS**

**Section 1.**

The order of business for meetings shall be:

1. Call to Order
2. Roll Call
- ~~3. Determination of a Quorum~~
- ~~4. Approval of Agenda~~
- ~~5.~~ 3. Approval of Minutes
6. 4. Communications
- ~~7.~~ 5. Unfinished Business (~~unfinished or pending matters~~)
- ~~8.~~ 6. New and Miscellaneous Business
- ~~9.~~ 7. Any Other Business
8. Next Meeting Date
- ~~10.~~ 9. Adjournment

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**1415.v** Public Safety Committee

Resolution A0534–2004–R0512

**MOTION** by Raschke, seconded by Barnett,

**Resolved** That the Rochester Hills City Council hereby amends the **Public Safety Committee Bylaws and Rules of Procedure** as follows:

**ARTICLE VI: ORDER OF BUSINESS**

**Section 1.**

The order of business for meetings shall be:

1. Call to Order
2. Roll Call
- ~~3. Determination of a Quorum~~
- ~~4. Approval of Agenda~~

- ~~5.~~ 3. Approval of Minutes
6. 4. Communications
7. 5. Unfinished Business (~~unfinished or pending matters~~)
- ~~8.~~ 6. New and Miscellaneous Business
- ~~9.~~ 7. Any Other Business
8. Next Meeting Date
- ~~10.~~ 9. Adjournment

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

## MOTION CARRIED

### **1516.** ADMINISTRATION

**15a16a.** Request for Approval of proposed elective changes to the Non-Union Employee City's Retiree Health Savings (RHS) Plan (Members received a copy of a City Council Regular Meeting Summary Sheet dated January 7, 2004 from Pamela Lee, Director of Human Resources, with attachments)

**Ms. Pamela Lee**, Director of Human Resources, explained that the changes to the Retiree Health Savings Plan do not impact the City financially, rather they are intended to “allow employees more flexibility for making additional contributions” based on earnings, annual leave or vacation leave.

**Ms. Holder** expressed her concern that the plan lacks fairness, stating that the City's contribution should be a “base amount” rather than a percentage of the employee's income.

**Ms. Hill** clarified that the plan had not changed with regard to the percentage-based aspect and, thus, that aspect was not up for debate. Rather, Council was to make a decision based on the new flexibility aspects of the plan as they relate to IRS guidelines.

**Ms. Holder** noted that her comments were not meant for debate, but were to express her “personal feelings regarding this policy.”

Resolution A0719–2004–R0513

**MOTION** by Hill, seconded by Duistermars,

**Whereas**, ICMA-RC has instituted both mandatory and elective changes in its Retiree Health Savings (RHS) Plan features and

**Whereas**, more flexibility is now available in the plan design in order to allow for greater contribution levels to assist employees in meeting future costs associated with retirement health insurance.

**Resolved** that the proposed adoption agreement modifying the current RHS Plan for non-union employees, including department directors, is hereby approved.

ROLL CALL VOTE:

Ayes: Barnett, Duistermars, Hill, Dalton

Nays: Holder, Raschke

Absent: Robbins

**MOTION CARRIED**

**15b16b.**      **Request for Purchase Authorization** – PARKS AND FORESTRY: 2004 Gypsy Moth Suppression – Aerial Spraying, blanket purchase order not-to-exceed \$77,880.00; Oakland County Gypsy Moth Suppression Program, Pontiac, MI (Members received a copy of a City Council Regular Meeting Summary Sheet dated December 29, 2003 from Gerald Lee, Forestry Operations Manager, with attachments)

**Mr. Mike Hartner**, Parks and Forestry Director, introduced **Mr. Gerald Lee**, Forestry Operations Manager, and **Mr. Tom Fink**, Forestry Ranger II, as well as **Ms. Carol Lenchek**, Environmental Programs Coordinator for Oakland County, Michigan.

**Mr. Lee** explained the increase in the gypsy moth population and the suppression spraying process. He noted that the material used in spraying is a naturally occurring bacteria that is highly specific against the gypsy moth and is the least toxic. He indicated that this would be the fourth year the City participated with Oakland County in this suppression program, stressing that they were unsure of the exact cost per acre, but had estimated it at \$44 per acre.

**Ms. Lenchek** noted that, while spraying has not been necessary since 2001, the gypsy moth is increasing and enough communities have offered spray proposals to make spraying economical. However, she stressed that the costs of spraying since 2001 have increased, thus warranting an estimated cost of approximately \$50 per acre.

**Ms. Hill**, acknowledging the discrepancy between the City’s proposal and the County’s estimated cost, stated that she feels “it’s very worthwhile that we attempt to combat this.”

**Mr. Hartner** suggested that the proposal be amended to state that the program will cost \$50 per acre at a total cost of \$88,500.

**Ms. Lenchek** praised the City’s Forestry Department stating that “they do the best job of any community in this County.”

**President Dalton** stated that “we’re very proud of our parks and forestry.”



Resolution A0769–2004–R0514

**MOTION** by Hill, seconded by Raschke,

**Resolved** that the Rochester Hills City Council authorizes the Mayor and City Clerk to execute the Joint Operating Agreement to the Oakland County Gypsy Moth Coordinator, indicating the intention of the City to participate in the Oakland County Gypsy Moth Suppression Program in 2004.

**Resolved** that the Rochester Hills City Council authorizes an amount not-to-exceed \$88,500 (1,770 acres x \$50) to Oakland County Gypsy Moth Suppression Program for gypsy moth management services for 2004.

Ayes: Dalton, Barnett, Duistermars, Hill, Holder, Raschke

Nays: None

Absent: Robbins

**MOTION CARRIED**

**1617. COUNCIL COMMITTEE REPORTS**

**Ms. Hill** requested that a discussion of the Council’s goals and objectives for the 2005 budget year be added to an agenda prior to the end of February.

**President Dalton** assured Council that it would be added as requested.

**Mr. Duistermars** noted that the Leisure Committee’s next meeting had been rescheduled from January 19th to January 26th. He stated that at the recent Public Safety meeting he had been elected Chairperson and Ms. Raschke had been elected Vice Chairperson. He then described a resolution passed by the Public Safety Committee recommending that discussion of the pursuit of a Narcotics Enforcement Team grant be added to an upcoming Council agenda.

**President Dalton** stated that he had not yet seen the resolution Mr. Duistermars mentioned, but it would be added to a future agenda.

**Mr. Barnett** announced that the Community Development & Viability Committee would be meeting January 22nd at 5:30 p.m.

**1718. ANY OTHER BUSINESS**

None.

**1819. NEXT MEETING DATE – Wednesday, January 28, 2004 – 7:30 PM – Regular Work Session**

**1920. ADJOURNMENT**

There being no further business to discuss before Council, President Dalton adjourned the meeting at 10:15 p.m.

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**JOHN L. DALTON, President**  
Rochester Hills City Council

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

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**BEVERLY A. JASINSKI, Clerk**  
City of Rochester Hills