

\$15.00 per push in trailer parks
\$20.00 per push for other properties

to the extent that CDBG funds are available, not-to-exceed \$26,555.00 through July 1, 2004; and authorize the Mayor to execute a contract on behalf of the City.

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

MOTION CARRIED

10. PUBLIC COMMENTS

Ms. Linda Ball, 1083 North Livernois, wanted to make the Council aware that she and her husband adamantly oppose the possible historic designation of their property. They believe this designation will negatively impact their property value.

Mr. Lee Zendel, 1575 Dutton Road, cited an *ABC News* broadcast that estimated that the United States' infrastructure improvements would cost one (1) trillion dollars, thus, the City will likely have to pay for any local road improvements/enhancements. He then quoted from a literary review of a book about former President Ronald Regan published in the *Wall Street Journal*.

Rev. Dr. Pamela Whateley, 1600 North Livernois Road, voiced her disagreement with President Dalton's decision to separate the issues of finance and procedure during the previous Work Session's discussion of the solid waste issue, and her belief that notice of this separation was not properly conveyed to the public.

Council Member Brian Barnett read into the record two (2) e-mails from residents:

Ms. Kathryn Hertz, 55 Eastlawn, expressed her opposition to a citywide single waste hauler, noting that she currently disposes of her trash for free through a business dumpster and does not wish to incur the additional tax the switch to a single hauler would impose.

Mr. Bob and Ms. Marty Peters [no address provided] expressed their support for a single solid waste hauler noting there would be fewer trucks damaging local roads, trash would be at the curb only one (1) day per week, and all residents would benefit from reduced fees.

11. LEGISLATIVE / ADMINISTRATIVE RESPONSE

Hearing none, Council moved on to the next agenda item.

12. PUBLIC HEARING

12a. PUD Pre-application Review - City Place, approximately 29 acres on three parcels, located east off Rochester Road, between Avon and Hamlin Roads, including 1585 S. Rochester Road, a designated historic property, zoned R-4, One Family Residential; G &

V Investments, Applicant (Members received a copy of a City Council Regular Meeting Summary Sheet dated August 5, 2003 from Derek Delacourt, Planning Department)

Mr. Derek Delacourt, Planner II, provided a brief overview of the project under consideration.

Mr. Joseph Galvin, Miller, Canfield et al, 150 West Jefferson, Detroit, stated that the preliminary plans for the project meet the criteria under the master plan for mixed use development and had been approved by the Planning Commission. He requested that they be allowed to move on to the next step of the designing process.

Mr. Mark Abanatha, Alexander V. Bogaerts & Associates, P.C., 2445 Franklin Road, Bloomfield Hills, displaying a rendering of one of the proposed buildings, noted that the development would create a “nice streetscape” and described many of its design features.

Mr. Galvin reiterated that he felt the development met all of the criteria for mixed-use development.

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, expressed his concern that the contract provided by the developer would primarily benefit the developer and not necessarily the city.

Mr. Paul Schira, 227 Parkland, indicated he lives in the neighborhood across from the proposed development and fears it will result in increased noise and traffic. He urged Council to take measures to maintain the natural beauty of the area.

COUNCIL DISCUSSION:

Mr. Delacourt assured Council that the contract was a preliminary document and that any final language would be at the discretion of Council and the Planning Department, followed by review by the City Attorney.

Ms. Golden acknowledged that often residents do not have access to the information presented to Council and assured them that all concerns and details will be addressed. She then quoted the last line of the resolution stating this is not final PUD approval.

Mr. Barnett agreed that while the preliminary plan does meet the PUD criteria, there are many areas of concern: 1) historic district, 2) traffic, and 3) neighborhood considerations. He then asked for an update regarding the traffic light situation.

Mr. Delacourt noted that he did not have any further information at that time.

Mr. Barnett, with regard to the proposed relocation of the historic home on the site, questioned whether denial of approval for that move would result in a complete redesign of the

development. He suggested that, if that were the case, approval should be sought before more effort was expended in the process.

Mr. Delacourt noted that the next step after appearing before Council would be to return to the Historic Districts Committee (HDC).

Mr. Bill Gilbert, G&V Investments, LLC, 2565 South Rochester Road, noted that the HDC was the first committee to review the plans, noting that the majority of members were supportive and positive.

Ms. Hill agreed that the meeting at HDC went well. She expressed her belief the development meets PUD requirements and suggested that, while she too had issues of concern, she saw no reason to delay the process.

Ms. Holder asked Mr. Delacourt if the State of Michigan has to approve the proposed Rochester Road curb cuts.

Mr. Delacourt noted that the Michigan Department of Transportation (MDOT) would have to provide that approval.

Ms. Holder asked if there was any indication that the height of the development may be reduced.

Mr. Gilbert stated that the Planning Commission, which he had met with three (3) times, determined that the height was needed for the architectural style. He noted they are in the process of getting detailed landscape plans that will show how existing homes will be visually impacted by the development and meetings will be scheduled with those homeowners. In addition, a traffic engineer will examine the plans and determine the possible impact of rezoning and dividing the area into separate parcels, and how that will influence the number of curb cuts.

Resolution A0689–2003–R0290

MOTION by Hill, seconded by Golden,

Whereas, the Planning Commission and the City Council met on September 24, 2002 for a pre-application workshop and;

Whereas, the Planning Commission met on July 15, 2003 for a preliminary review of a conceptual plan and outline of a Planned Unit Development (PUD) agreement, identified major issues associated with the project, provided the applicant with preliminary direction and determined that the concept plan and the PUD outline generally qualify for PUD rezoning;

Resolved that the Rochester Hills City Council hereby concurs with the Planning Commission's determination that the concept plan generally qualifies for review and processing as a PUD zoning project in the matter of City File No. 02-027 (City Place),

located east off Rochester Road between Avon and Hamlin Roads and identified as parcel numbers 15-23-301-002, 15-23-301-035 and 15-23-152-002.

It is further Resolved that this determination is made pursuant to City Code Subsection 138-1004(3), and does not constitute, nor should it be construed as, approval of the PUD proposal.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill
Nays: Holder
Absent: Robbins

MOTION CARRIED

(Recess 8:40 p.m. – 8:51 p.m.)

13. ORDINANCE ADOPTION

- 13a. Adoption Acceptance for Second Reading and Adoption** an Ordinance to amend Section 58-58 of Chapter 58, Fire Prevention and Protection, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify open burning regulations, repeal conflicting ordinances and prescribe a penalty for violations (Members received a copy of a City Council Regular Meeting Summary Sheet dated August 1, 2003 from Susan Galeczka, City Council Liaison)

PUBLIC COMMENT:

Ms. Theresa Wilson, 182 Vreeland, admonished the City for not providing solutions to the leaf removal issue. She noted that a shortened burning season would not be adequate and described her experience paying for spring yard service, noting she could not afford to pay for fall service as well. She assured Council that if she is forced to choose between cutting down her trees or bagging leaves, she will cut down her trees.

COUNCIL DISCUSSION:

Ms. Holder suggested that perhaps the City could work with the court system to include yard cleanup and leaf bagging as a possible community service assignment.

Mayor Somerville described a program run by a City deputy who organizes local youths to provide free leaf removal service for senior citizens.

Mr. Alex Kiwior, 1860 Crestline Road, as Chairman of the ad hoc committee that studied the open burning issue, thanked the Council for their decision and presented Member Barnett with a Distinguished Service Award for his involvement as “liaison” between the Community Development & Viability (CDV) committee and the City Council.

Resolution A0672–2003–R0291

MOTION by Barnett, seconded by Hill,