



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

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

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

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Monday, February 4, 2008

7:30 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:30 p.m. Michigan Time.*

## ROLL CALL

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

## Others Present:

*Bryan Barnett, Mayor  
Dan Casey, Manager of Economic Development  
Derek Delacourt, Deputy Director of Planning  
Bob Grace, Director of MIS  
Diane Keller, Accountant  
Jane Leslie, City Clerk  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Erik Ambrozaitis, seconded by Ravi Yalamanchi, to Approve the Agenda as Presented. The motion CARRIED by the following vote:**

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

## PUBLIC COMMENT

**Lee Zendel**, 1575 Dutton, referenced the Team Building Workshop at Oakland University that identified that Council may deal with Police, Roads and Trash Hauling this year. He stated his concern that the only sources for funding additional officers will be to close parks, or to ask voters for a new millage. Noting his concern, regarding reconstruction and repair, he pointed out that voters in this community have already defeated four millage requests over the past twelve years. He stated that an alternative funding method would be for subdivisions to approve an SAD tax.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mayor Barnett** made the following announcements:

- Community Outlook Luncheon, sponsored by the Greater Rochester Chamber of Commerce, on February 7, 2008, at noon at LaSala's
- County Executive L. Brooks Patterson will be giving his State of the County address on February 7, 2008
- State of the City address will be held on February 28, 2008, at the new DPS Building.
- He reported that today was moving day into the DPS facility.
- A Ribbon-Breaking Ceremony will be held on February 20, 2008.

**Mayor Barnett** also shared that he received a letter from a resident regarding exemplary work done by Ed Leafdale.

**Sarah Bachleda**, Rochester Hills Government Youth Council representative, reported on the Youth Council's Summit scheduled for April 26, 2008 at City Hall. The Summit will feature a guest speaker, activities and sessions for attendees, and a mock council. She noted that the Youth Council is looking for donations for this event. Ms. Bachleda also announced that the Youth Council will be attending the Michigan Municipal League's Capital Conference Youth Day on April 2, 2008, in Lansing.

**Mr. Webber** announced that he was appointed to the Michigan Municipal League Energy and Technology Committee. That committee will be looking at State and Federal legislation that affects the City, cable franchise fees, etc.

**Mr. Rosen** announced that the Capital Improvement Project (CIP) plan process is beginning. He encouraged residents to contact the appropriate department at the City with any suggestions.

**Mr. Pixley** commented on the inter-City football game between Rochester Hills and Rochester last Saturday, noting that the "good" team won.

**Mr. Brennan** reported that he attended the Fairview Farms Homeowner's Association meeting. Paul Shumejko, City Transportation Engineer, and a couple of representatives from the Environmental Education Center attended and discussed problems with deer and traffic on Tienken Road.

**President Hooper** reported on the football game between Rochester Hills' City Council and the City of Rochester's Council on Saturday stating that the game was played for a good cause and was a good way to get to know the Council

*members of Rochester Hills' Sister City of Rochester.*

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## RECOGNITIONS

**2008-0039** Proclamation in Recognition of the Rochester High School 2007 Girls Cross Country State Champions

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

*Coach Larry Adams and Assistant Coach Keith Szymkiw were present from the Rochester High School 2007 Girls Cross Country Team, along with team members to receive congratulations in winning the 2007 Michigan State Championship.*

### Presented

WHEREAS, the Rochester High School Girls Cross Country Team captured the 2007 Michigan State Championship; and

WHEREAS, the team consists of 23 members including eight State Meet Champions, and is under the direction of two outstanding coaches.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Rochester Hills hereby express our community's admiration for the teamwork, commitment, cooperation and talent of the Rochester High School 2007 Girls Cross Country State Champions, and express our thanks for the dedication of their coaching staff; and

BE IT FURTHER RESOLVED, that on behalf of the Citizens of Rochester Hills, we express our pride in the accomplishments of the following athletes and coaches:

STATE MEET TEAM	TEAM	
Tiffany Abrahamian	Jackie Blakely	Jessica Lucas
Kaitlin Baarck	Michelle Chavdar	Tanya Malusev
Megan Goethals	Jennifer Goulet	Alex Mitchell
Brook Handler	Samantha Goulet	Courtney Mueller
Allison Pavloff	Grace Herbert	Catie Robinson
Mollie Pozolo	Lauren Hetrick	Lauren Secord
Kim Secord	Tanja Hortig	Ryann Thomas
Amy Tranchida	Martha Koch	
COACH	ASSISTANT COACH	
Larry Adams	Keith Szymkiw	

## 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.

**2007-0801** Request for Approval of Traffic Control Order SS-138, Streets within Auburn Highlands Subdivision, Section #30: Waterview Drive STOP for Leach Road.

**Attachments:** [Agenda Summary.pdf](#)  
[TCO SS-138.pdf](#)  
[Map.pdf](#)  
[Traffic Study 113007.pdf](#)  
[AT&S Draft Minutes 121107.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0022-2008

Whereas, Traffic Control Order No. SS-138 has been issued by the City Traffic Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98; and

Whereas, said Traffic Control Order covers:

SS-138.1 Waterview Drive STOP for Leach Road

Whereas, said Traffic Control Order shall not be effective after the expiration of 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;

Now, Therefore, Be It Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order No. SS-138 to be in effect until rescinded or superseded by subsequent order; and

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

**2008-0027** Request for Acceptance of a Highway Easement granted by Han-Bit Korean Reformed Church.

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

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

Enactment No: RES0023-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills hereby accepts a Highway Easement granted by Han-Bit Korean Reformed Church, of 1849 Livernois Road, Rochester Hills, MI 48307, for Han Bit Korean Church, over, on, under, through and across land more particularly described as Parcel No. #15-22-351-012.

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

- 2008-0030** Request for Acceptance of a Watermain Easement granted by Faith Evangelical Presbyterian Church.

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

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

Enactment No: RES0024-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain Easement granted by Faith Evangelical Presbyterian Church, 160 Hamlin Road, Rochester Hills, Michigan 48307, 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. #15-22-451-034.

- 2008-0031** Request for Approval of the Storm Water Detention System Maintenance Agreement between the City of Rochester Hills and Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc.

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

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

Enactment No: RES0025-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby approves the Storm Water Detention System, relative to the details of the development and use, repair and maintenance of the storm water system, for Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc., for City File #05-039, between the City of Rochester Hills and Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc., 375 East 2nd Street, Suite 200, Rochester, Michigan 48307.

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

- 2008-0034** Request for Acceptance of a Highway Easement granted by Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc.

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

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

Enactment No: RES0026-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a highway easement granted by Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc., of 160 Hamlin Road, Rochester Hills, Michigan 48307, over, on, under, through and across land more particularly described as Parcel No. #15-22-451-034.

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

**2008-0035** Request for Acceptance of the Pedestrian-Bicycle Pathway Easement granted by Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc.

**Attachments:** [Agenda Summary.pdf](#)  
[Pedestrian Bicycle Pathway Easement.pdf](#)  
[Exhibit.pdf](#)  
[Resolution.pdf](#)

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

Enactment No: RES0027-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a pedestrian-bicycle pathway easement granted by Faith Evangelical Presbyterian Church of Rochester, Michigan, Inc., of 160 Hamlin Road, Rochester Hills, Michigan 48307, for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway easement over, on, under, through and across land more particularly described as Parcel No. #15-22-451-034.

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

## **Passed the Consent Agenda**

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

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

## **NEW BUSINESS**

**2008-0029** Request for Purchase Authorization - DPS/FLEET: Purchase Order for Six (6) New Vehicles in the amount of \$115,055.00; Red Holman Pontiac GMC Toyota, Westland, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Cars Trucks for 2008.pdf](#)  
[Specs 2500 4x4 Pickup 08.pdf](#)  
[Specs CargoVan 08.pdf](#)  
[Specs Eng 1500 4x4 Pickup 08.pdf](#)  
[Resolution.pdf](#)

**Roger Rousse**, Director of DPS/Engineering, summarized the request for six new vehicles and stated that there would be a corresponding sale of six vehicles. Vehicles are disposed of through the Michigan Inter-Governmental Trade Network Online Auctions. All proposed new vehicle purchases are 2008.

**Mr. Rousse** indicated the vehicles to be purchased and its replacement vehicle:

Vehicle	Dept.	Replaces Veh.#, Yr., Make, Mod.	Mileage	Disposition
GMC Sierra 4x4 Pickup	DPS	39--32, 02 GMC 4X4 Pickup	27,100	Auction
GMC Sierra 4x4 Pickup	DPS	39-112, 01 GMC 4x4 Pickup	11,300	Bump older spare
GMC Savanna Van	DPS	39-114, 99 GMC Van	21,102	Keep for stake outs
GMC Sierra 4x4 Pickup	DPS	39-128, 01 GMC 4x4 Pickup	51,611	Auction
GMC Sierra 4x4 Pickup	Parks	39-132, 01 GMC 4x2 Pickup	27,727	Bump older spare
GMC Sierra 4x4 Pickup	Parks	39-136, 01 GMC 4x2 Pickup	36,081	Bump older spare

**Mr. Brennan** asked for clarification on the resale time and process.

**Mr. Rousse** stated the City used the online auction service through the Michigan Inter-Governmental Trade Network. A photo of the vehicle will be taken, and some of the maintenance records for the vehicle will be submitted online. Members of this network can bid on the vehicles; it is available to anyone who wishes to subscribe to the service. There is a ten-day bid period and in all cases, the vehicles have been disposed of when the City has advertised in this manner.

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

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

**Nay** 1 - Ambrozaitis

Enactment No: RES0016-2008

Resolved, that the Rochester Hills City Council hereby authorizes a Purchase Order to Red Holman Pontiac GMC Toyota, Westland Michigan for the purchase of six (6) new vehicles in the amount of \$115,055.00.

**2008-0032** Request for Purchase Authorization - CLERK/ACCOUNTING: Blanket Purchase Order for design, printing and distribution services for City of Rochester Hills Water and Sewer Bills in the amount not-to-exceed \$138,950.00; Utilitec, Troy, MI

**Attachments:** [Agenda Summary.pdf](#)  
[RFP Tabulations.pdf](#)  
[Suppl Cost Proposals.pdf](#)  
[RFP Costs SS.pdf](#)  
[Resolution.pdf](#)

***Diane Keller**, Accountant, commented that this is a two year blanket, with an optional three years, based on satisfaction of work. She explained that an evaluation team reviewed the responses received from the RFP, which resulted in five vendors being interviewed and Utilitec being selected as the most qualified to meet the City's needs. Ms. Keller reported that Utilitec works exclusively with water, gas and utility customers and during the interview, emphasized the quality and accuracy of their work and offered ideas for potential savings in the City's processes.*

***Mr. Yalamanchi** inquired about the breakdown in the budget for operating supplies and contractural services and questioned if at some point in time a budget amendment might be requested to move the budget line item from operating supplies to contractural services.*

***Ms. Keller** responded yes.*

***Mr. Pixley** commended Ms. Keller and her Department for their efforts and due diligence in the bid process. He asked what CASS certification was.*

***Ms. Keller** explained that CASS is the Coding Accuracy Support System, which is a certified software that does update for Zip+4.*

***President Hooper** pointed out that Utilitec was the lowest responsible responsive bidder, not necessarily the lowest bidder.*

***Mr. Brennan** asked if the bid included postage, and was it a bulk rate.*

***Ms. Keller** responded that postage was included in the two-year blanket, and it was the Zip+4 rate, which right now is running 31.4 or 31.7 cents. She stated that the City will be able to transmit their file to the company and they will be able to tell ahead of time what the postage will be.*

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

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

Enactment No: RES0017-2008

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Utilitec, Troy, Michigan for design, printing and distribution services for City of Rochester Hills Water and Sewer Bills in the amount not-to-exceed \$138,950.00 through



March 31, 2010 and further authorizes the Mayor to execute a contract on behalf of the City.

**2008-0036** Request to Consider Opting out of a Tax Exemption of Personal Property for Energy Conversion Devices.

**Attachments:** [Agenda Summary.pdf](#)  
[Taxes Paid ECD and Ovonic.pdf](#)  
[MNEA Packet.pdf](#)  
[Exhibit B.pdf](#)  
[Letter Dawson 012408.pdf](#)  
[Resolution.pdf](#)

**Dan Casey**, Manager for Economic Development, indicated that this is the fourth year the City has received these requests. There are three companies in Rochester Hills that are Certified Alternative Energy Companies by the Next Energy Authority at the State of Michigan. As such, they are eligible for tax exemptions on personal property that they acquire on an annual basis. They submit a list in the fall of the equipment they have purchased for that year to the Next Energy Authority. The Authority then certifies that equipment, which is research and development related, and that list of equipment is eligible for 100 percent tax abatement on all personal property taxes levied in the State of Michigan, including the School Education taxes. Communities, however, as well as the school districts, have the ability to opt-out of the exemption. The schools act separately. There is a 60-day period from notification for the City to make that determination to opt-out. The City makes the decision on behalf of itself, the County, as well as Oakland Community College.

Mr. Casey explained that to "Opt-Out" means that the City has decided that it wishes to collect the taxes on the equipment. The company automatically gets the School Education tax exempted regardless of the City's decision. Under the new Michigan Business Tax, the school's portion of the personal property is going to be exempted anyway, so Mr. Casey does not believe the schools will be opting out.

*Financial Analysis to determine the Impact:*

Energy Conversion Devices (ECD):

Equipment certified for 2007 - \$650,868.52

Exemption will abate - \$27,848.00 from local jurisdictions excluding the school district during the life of the exemption, which would expire in 2014 (7 year exemption).

City portion of the exemption, should Council choose to waive it - \$12,704.00

Averages approximately \$1,800.00 in forgiven taxes per year.

Both Energy Conversion Devices and Ovonic combined pay \$479,240.00 in annual taxes to all the taxing jurisdictions for both real and personal property.

City portion of that tax is just under 25 percent of the total - Approximately \$117,000.00.

**Mr. Casey** stated that based on these amounts, Energy Conversion Devices and Ovonic is a significant taxpayer in the community.

*He further stated that this is a critical year for the City in terms of the future of Energy Conversion Devices and Ovonics in Rochester Hills. Their leases on three of their four buildings, including the headquarters, are all scheduled to expire in 2010, and this is the year in which they will begin evaluating their next move. Next year they will begin doing the site search, or renewing the leases in their buildings. If they so decide, 2010 would be the year that they would move. Mr. Casey noted that in the previous three years, City Council chose to opt-out twice (collect the tax) and chose once not to opt-out and exempt the tax.*

**Mr. Yalamanchi** asked whether this exemption was being requested on new property. He requested clarification on the dates, noting that the tax schedule shows up to 2014, but a memo supplied indicates 2013.

**Mr. Casey** explained that the term goes through 2013 in terms of the assessment, but the final year of impact would be 2014.

**Mr. Ambrozaitis** asked if Mr. Casey supported that the City not Opt-Out.

**Mr. Casey** stated that was correct.

**Mr. Webber** wanted to know, from a historical perspective in looking at the previous three years which years the City granted the exemption, versus the year the City did not.

**Mr. Casey** indicated that the first year, Council chose to opt-out. At that point, the program was brand new and it was the first time it had been brought to Council. Many communities opted out in that first year. The second year, they felt that the exemption was more significant to the company because their investment was so much higher. Last year, Council chose to opt-out and he recalls that it was because the investment in equipment that year was fairly insignificant and it was not a big impact to either company.

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

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

**Nay** 1 - Rosen

Enactment No: RES0018-2008

Whereas, on December 16, 2003 the Michigan NextEnergy Authority (MNEA) certified Energy Conversion Devices, Inc. as an Alternative Energy Technology Business as permitted by Public Act 549 of 2002, and

Whereas, on December 18, 2007 the MNEA certified a list of equipment (See Exhibit A - MNEA Packet for list of equipment) as Alternative Energy Personal property (the "property") making it exempt from taxes levied before January 1, 2013 as permitted by Public Act 549 of 2002, and

Whereas, notice of this action was received by the City of Rochester Hills Assessing Department on January 18, 2008, and

Whereas, the City Assessor has made the following determinations regarding the certified property (See Exhibit C):

1. It is property classified as personal rather than real property
  2. It has not been previously subject to taxation under the general property tax act, and
  3. It has not previously been exempted from taxes under the general property tax act
- and,

Whereas, exemption of the property will not impede the City's ability to provide service or have a detrimental impact on its fiscal stability.

Resolved, that the City of Rochester Hills is not opting-out of the exemption of the alternative energy personal property from local personal property taxes of Energy Conversion Devices, a certified Alternative Energy Technology Business, as permitted by Public Act 549 of 2002, and

Be It Further Resolved, that the City Clerk should forward a certified copy of this Resolution to the Michigan NextEnergy Authority no later than Friday, February 29, 2008.

**2008-0037** Request to Consider Opting out of a Tax Exemption of Personal Property for Ovonic Battery Company

**Attachments:** [Agenda Summary.pdf](#)  
[Taxes Paid.pdf](#)  
[MNEA Packet.pdf](#)  
[Exhibit B.pdf](#)  
[Letter Dawson 012408.pdf](#)  
[Resolution.pdf](#)

***Also refer to Legislative File 2008-0036.***

***President Hooper indicated that the amount in question for this item was \$738.00 in tax over seven years. He indicated that the discussion points were the same as the previous item.***

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

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

**Nay** 1 - Rosen

Enactment No: RES0019-2008

Whereas, on December 16, 2003 the Michigan NextEnergy Authority (MNEA) certified Ovonic Battery Company as an Alternative Energy Technology Business as permitted by Public Act 549 of 2002, and

Whereas, on December 18, 2007 the MNEA certified a list of equipment (See Exhibit A - MNEA Packet for list of equipment) as Alternative Energy Personal property (the "property") making it exempt from taxes levied before January 1, 2013 as permitted by Public Act 549 of 2002, and

Whereas, notice of this action was received by the City of Rochester Hills Assessing Department on January 18, 2008, and

Whereas, the City Assessor has made the following determinations regarding the certified property (See Exhibit C):

1. It is property classified as personal rather than real property
2. It has not been previously subject to taxation under the general property tax act, and
3. It has not previously been exempted from taxes under the general property tax act and,

Whereas, exemption of the property will not impede the City's ability to provide service or have a detrimental impact on its fiscal stability.

Resolved, that the City of Rochester Hills is not opting-out of the exemption of the alternative energy personal property from local personal property taxes of Ovonic Battery Company, a certified Alternative Energy Technology Business, as permitted by Public Act 549 of 2002, and

Be It Further Resolved, that the City Clerk should forward a certified copy of this Resolution to the Michigan NextEnergy Authority no later than Friday, February 29, 2008.

- 2008-0006** Request for Conditional Land Use Approval - Senior Living Center, a proposed 72,270 square-foot senior residence on six vacant parcels located near the northeast corner of Crooks and South Boulevard, Zoned SP, Special Purpose; MJMS, LLC, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Site Plans.pdf](#)  
[Staff Report 012208.pdf](#)  
[Application CR-O-1.pdf](#)  
[Application CR SP.pdf](#)  
[Minutes PC 012208.pdf](#)  
[Minutes PC 103007.pdf](#)  
[Minutes PC 030607.pdf](#)  
[Resolution.pdf](#)

**John Gaber**, Attorney, Williams Williams Rattner & Plunkett, P.C., introduced the project and indicated that the presentation and discussion would cover both this agenda item and the next. Mr. Gaber introduced his team: Joe Paluzzi, Developer and Owner of half the project, and contract purchaser of half of the project; Mr. Ralph Nunez, RLA, ASLA, President/Design Principal of Design Team Limited, Land Planner for the project; W. Allan Tuomaala, Executive Vice President of Siegal/Tuomaala Associates, Architects and Planners Inc.; and Darren Pionk, Atwell-Hicks, Civil Engineer. He indicated that the Chase Bank representatives were unable to attend due to fog in Indianapolis.

**Mr. Derek Delacourt**, Deputy Director of Planning, provided the following overview. Approximately one year ago, City Council granted conditional rezoning of both sites. The Planning Department believes this is a great project for the City and that it will provide a gateway feature for those entering from Troy. The Department also believes the economic development generated by this site is substantial to the City. The investment will be in the area of \$10 million. Property tax revenue will jump from the current \$7,200 per year to over \$250,000 per year, a 35-fold increase. The City wanted to encourage development on this corner which would be consistent with the Master Plan, and feels that this project has done so. The corner is designated Flex Use-1, affording a bank the perfect type of use for that designation. The northern portion, which was master planned for residential with a mixed residential overlay, would be a good fit for the senior facility. Mixed residential allows for senior facilities when City Council deems it appropriate. They

conditionally rezoned these sites for O-1 for the corner, and SP for the Senior Living Facility. This was done for two purposes: One was to ensure that the design standards in the Master Plan for the corner parcel were satisfied, as these standards do not exist in the current Zoning Ordinance. The second reason is that this will be an interconnective and cohesive site and will be aesthetically pleasing from the City's perspective.

**Mr. Nunez**, RLA, ASLA, President/Design Principal of Design Team Limited, indicated that the developers have worked with both the Oakland County Road Commission and the Fire Chief to address the safety factors. The first phase of the project will be the Chase Bank and the second phase the Senior Living facility. He identified the following features of the sites:

- There are 140 trees proposed to be on this site.
- Along the northeast side, there is the beginning of a rain garden bio-swale (bio-retention) to gather stormwater. The design meets the 10-year stormwater requirement on the surface and 100-year storm event for underground facilities.
- The building materials will be identical for the Chase building and for the Senior Living facility; brick and ornamental stone, a fascia treatment, as well as asphalt shingled roofs.
- The Design Team met with several of the adjacent neighbors and tried to satisfy their issues for buffers, screening and lighting, as well as building placement.
- The design exceeds all setback requirements.

**Mr. Paluzzi**, developer and part-owner, passed out the approval letters he obtained from several of the neighbors to the proposed development. He indicated that seven neighbors were consulted to address their concerns. Three have supported the project in writing, one is neutral, and three are non-supportive, but not committing in a negative fashion.

**Mr. Delacourt** stated that the Planning Commission has approved the site plan and recommends approval of the Conditional Land Use associated with the Senior Living portion of the site with the following two conditions:

1. Addition of timers for the parking lot lighting, levels and time to be agreed upon by Staff and the applicant, prior to Final Approval by Staff.
2. Any land balancing or clearing of land shall be prohibited until Permits are issued for construction for each phase of the development.

**Mr. Delacourt** stated the applicant has agreed to both conditions, and has addressed the concerns for the original plan on the height and stormwater quality on the site. He noted that originally only underground retention was proposed, but this is now addressed with the addition of a bio-swale. He stated that the site plan has been reviewed by all applicable City departments and was either recommended for approval, or recommended for approval with conditions.

**PUBLIC COMMENT:**

**Melinda Hill**, 1481 Mill Race, stated that part of this property rates as a Tier Three Priority in the City's Natural Features Inventory (NFI) and questioned why this was not referenced or discussed in relation to this development. She expressed concern regarding the mass and size of the proposed three-story senior housing and requested the initial plantings be larger or taller. Her final comment was regarding the location of the trash dumpster abutting the residential neighborhood; she feels the facility should have a trash compaction system.

**COUNCIL DISCUSSION:**

**President Hooper** asked Mr. Delacourt to elaborate on the Natural Features Inventory and woodlands.

**Mr. Delacourt** responded that the fact that this property is in the NFI was discussed at the Planning Commission and brought up at the conditional rezoning. He commented that this site is a Priority Three site, which is the lowest level in the Inventory. He explained that this study was a catalyst for conditions attached to the rezoning for best management practices for stormwater. Mr. Delacourt stated that with any development it would be very difficult to preserve this non-regulated wetland as the road project has had a negative impact on the quality of the wetland. He also pointed out that this site is not regulated by the Tree Conservation Ordinance, therefore, they are not obligated to replace any of the trees removed from the site, nor do they require a tree removal permit. He noted that even if the tree ordinance did apply to the site, as a non-single-family residential site, the applicant would still be allowed to remove all regulated trees from the site, but would be required to replace them on a credit-system. He identified that based on what is being removed, the additional buffer trees being planted would be fairly close to meeting the requirement of the credit-system based on their size and spacing.

**President Hooper** indicated the plan called for three-and-a-half inch caliper trees and asked for clarification of the initial planting height.

**Mr. Nunez** indicated the initial planting height would be in the range of 16-18 foot in height. The graphic shows these as 20 foot in two years. There are 140 trees of this height planned. The arborvitaes are proposed at six foot, per the requirement for six foot screening; 379 are proposed along the east and north side of the site. Eventually those will continue to grow to approximately 30 foot in height. They grow about one foot per year. The deciduous trees will show stunted growth for the first year, and will show approximately one-and-a-half foot of growth by the second year. They will use fertilization or a root hormone to get them established and will have an irrigation system.

**President Hooper** questioned the location of the trash dumpster and the possibility of having an internal system for trash disposal.

**Mr. Tuomaala**, Executive Vice President of Siegal/Tuomaala Associates, Architects and Planners, Inc., discussed the position of the trash dumpster and its impact on the seven adjacent homes. He stated it was approximately 340 feet

from House Number 5. He stated this was the most obscure location on the site for the location of the dumpster and the area will be screened with a six-foot high brick wall that has gates. There will be no food service here so there will not be perishables going into the trash. The location must be accessible to trucks. He indicated that if the trash facility needed to be moved closer to the building, they would lose an additional unit.

**Mr. Nunez** shared his experience working with Sunrise and stated that none of those buildings have a trash compacting unit.

**Mr. Paluzzi** indicated that a facility of this size does not have enough trash to warrant a compacting type trash system.

**President Hooper** mentioned that reducing the size of the Senior Facility from three-stories to two-stories was a point of discussion at the Planning Commission.

**Mr. Paluzzi** commented that for an independent-type living facility, this building is fairly small. He stated that because this is only a 78-unit facility, by using the combined site plan approach, economies can be brought to the project that allow it to move forward. He explained that the developers were able to take advantage of the rolling contours and elevations of the property and because of this from the rear they are very close to a two to two-and-a-half story structure as opposed to three stories.

**Mr. Gaber** indicated that there are senior facilities in the City of Rochester Hills that have been approved that are similar in size. He cited Mercy Bellbrook and American House on Adams Road.

**Mr. Yalamanchi** questioned the size of the units proposed.

**Mr. Paluzzi** indicated the breakdown: Two units are proposed at 555 square feet, and this was due to being in a location where there was an elevator and machine room cutout. The typical one-bedroom units are 602 square feet, of which 56 are proposed. Two one-bedroom units of 651 square feet are proposed. Two studio units at 440 square feet are proposed. Four larger 901 square foot two-bedroom units are proposed. Twelve two-bedroom, two-bath units at 954 square feet are proposed. He indicated that when one evaluates the different types of facilities, a review of the services being offered is necessary. This is set up for independent living with no medical services and limited staff support. There will be some grooming services but no health care support. The size of these units are of average size to other typical independent type living units.

**Mr. Nunez** explained that this cannot be compared to other facilities because rather than having in-unit kitchen facilities, they have community kitchen facilities.

**Mr. Yalamanchi** questioned if the two-bedroom units would need two parking spaces.

**Mr. Tuomaala** indicated that his firm has designed over 4,000 units in the metropolitan area, including Waltonwood at Adams and the All Seasons development at M-59 and Rochester Road. He found in their designing experience that it runs one-half to three-quarters of a car per unit. There will be a private bus in this development to serve the residents.

**Mr. Delacourt** added that initially more parking was proposed, but with the above-ground stormwater retention being a necessity, the parking spaces were reduced to the minimum to accommodate this. He also indicated that actually only 76 parking spaces would be constructed initially. There were two more parking spaces that can be added in the future, if necessary, but currently that area was being dedicated to more green space. He also indicated that because this project is in the second phase, it would not be unusual to see an amended site plan at some point be brought forward if there is an issue based on use.

**President Hooper** questioned if they knew who the eventual operator of this independent living facility would be.

**Mr. Paluzzi** indicated they have no specific company yet, however, they did want to stress that Chase is on board with the project. He indicated that once City Council recommends approval, they would be able to aggressively take this to market to solicit a company for the facility. They project a great need in Oakland County for this type of facility for the next 20 years.

**Mr. Pixley** complimented the presenters on the plan, the architectural treatments used, and the process and presentation. He felt that there was an appropriate amount of discussion with the neighboring properties as well. He did feel that with the amount of discussion on the height of the building, adding a couple of feet to the planting height would assist in a quicker resolution of the screening. He also questioned whether there was consideration to the safety of the intersection, given that there will be a significant number of seniors moving into this area.

**Mr. Delacourt** indicated that there was extensive research into crosswalks, driveways, and curb requirements for ADA. He is confident that pedestrian safety has been adequately addressed.

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

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

Enactment No: RES0020-2008

Resolved, that the Rochester Hills City Council hereby approves a Conditional Land Use for Senior Living Center, City File 02-028, a 72,270 square-foot senior housing facility located near the northeast corner of Crooks and South Boulevard on Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and part of -019, zoned SP, Special Purpose, based on plans dated received by the Planning and Development Department on January 9, 2008, with the following findings.

Findings:



1. The parcels were Conditionally Rezoned to SP by City Council on May 9, 2007 to allow senior housing.
2. The project consists of different types of living units constructed pursuant to the conditions of the Conditional Rezoning.
3. The development will be located near the northeast corner of Crooks and South Boulevard; all the corners are commercial or office.
4. Additional accessory and support facilities will be located in a commons area for future residents of the subject site.
5. The proposed development is required to provide 10,530 square feet of ancillary facilities and has provided 19,150 square feet.
6. The proposed development is required to provide 2,730 square feet of common facilities and has provided 2,894 square feet.
7. All proposed buildings are at maximum three stories in height, as allowed under Section 138-933 (e) of the Zoning Ordinance.
8. The smallest one-bedroom living unit contains 400 square feet exclusive of the kitchen and bathroom facilities.
9. The smallest two-bedroom living unit contains a minimum of 500 square feet exclusive of the kitchen and bathroom facilities.
10. The site is required to be at least 1.8 acres in size and is actually 3.76 acres in area.
11. The proposed development is required to provide 15,600 square feet of contiguous open space and has provided 19,962 square feet.
12. 78 parking spaces are required and 78 are being proposed.
13. The maximum building length does not exceed 180 feet along any one side of the building or 250 feet in the total length of multiple sides.
14. The provision of housing for the elderly is consistent with the intent and purpose of the Zoning Ordinance in general and of Section 138-933(9) in particular.
15. The development has been designed and will be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.
16. The development is or can be adequately served by essential public facilities and services.
17. The development will not be detrimental, hazardous, or disturbing to existing land uses, persons, property, or the public welfare.
18. 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.

**2007-0163** Request for Site Plan Approval - Senior Living Center/Chase Bank, a proposed 72,270 square-foot senior living center and a 4,300 square-foot bank located at the northeast corner of Crooks and South Boulevard, Zoned SP, Special Purpose and O-1, Office Business; MJMS, LLC applicant.

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

**Also refer to Legislative File 2008-0006.**

**President Hooper** questioned whether there needed to be any discussion on raising the height of the trees on the northern boundary.

**Mr. Paluzzi** indicated that he deferred to Mr. Nunez for his expertise on the overall planting. It is proposed they post a \$250,000 bond for the landscaping.

**Mr. Nunez** stated Arborvitaes will be difficult to find at this intense planting density. The City also requires an irrigation system. He is of the opinion that the six foot will be adequate based on the irrigation and fertilizing.

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

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

Enactment No: RES0021-2008

Resolved, that the Rochester Hills City Council hereby approves the Site Plan for Senior Living Center/Chase Bank, a 72,270 square-foot senior living complex and a 4,300 square-foot bank, located at the northeast corner of Crooks and South Boulevard, zoned SP, Special Purpose and O-1, Office Business, Parcel Nos. 15-33-351-003, -004, -005, -006, -007, -008, -009, -010 and -019, based on plans dated received by the Planning Department on January 9, 2008 with the following findings and subject to the following conditions.

Findings:

1. The Site Plan and supporting documents demonstrate that all applicable requirements of the Rochester Hills Zoning Ordinance can be met, subject to the conditions noted below.
2. The location and design of the driveways providing vehicular ingress to and egress from the site have been designed to promote safety and convenience of both vehicular and pedestrian traffic, both within the site and on access and adjoining streets.
3. Parking areas have been designed to avoid common traffic problems and promote safety.
4. The development will provide a transition from the commercial corner at Crooks and South Boulevard to the existing residential neighborhood to the north.
5. The two developments shall share common storm water detention facilities to the extent permitted by the Oakland County Drain Commission, the City Engineer and any other applicable governmental authority with jurisdiction over the parcels.
6. The landscaping, materials and architecture for both properties is complimentary and

compatible.

7. Cross easements will be granted for vehicular and pedestrian access between the developments.

Conditions:

1. That City Council approves the Conditional Land Use and Site Plan.
2. That the applicant obtains a Soil Erosion Permit from the Oakland County Drain Commissioner prior to Construction Plan Approval.
3. That the applicant obtains written approval from the Oakland County Drain Commissioner for the proposed storm water detention system, prior to Construction Plan Approval.
4. That a Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.
5. The applicant shall submit a Landscape Performance and Maintenance Guarantee in the amount of \$256,397.25 for a period of two growing seasons, as adjusted by Staff if necessary, for all landscaping and trees, prior to issuance of a Land Improvement Permit.
6. Landscape Plans must be revised per the additional recommendations in the City's Landscape Architect's memo of January 15, 2008, prior to Final Approval by Staff.
7. Tree Protection Fencing, as required for the northern and eastern perimeter of the site, must be installed, inspected and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.
8. Correct discrepancy between Sheet SP-100 (Floor Plan) and Site Plans at northwest wall of the bank building per Building Department memo dated January 10, 2008.
9. Permits for work in the Crooks Road and South Boulevard right-of-ways must be obtained prior to Construction Plan Approval and issuance of a Land Improvement Permit.
10. Addition of timers for the parking lot lighting, levels and time to be agreed upon by Staff and the applicant, prior to Final Approval by Staff.
11. Any land balancing or clearing of land shall be prohibited until Permits are issued for construction for each phase of the development.

*Mr. Yalamanchi stated he is impressed by the diligence of the members of the Planning Commission. When he reads the information they provide, most of the time his questions are taken care of. He would like to thank the Commission for what they do.*

*President Hooper echoed the same comments. He feels it is an excellent Board of fellow-residents that take a real interest in the community. He said it is a pleasure serving on this Board.*

**CITY COUNCIL**

**2008-0043** Discussion regarding the charge of the Strategic Planning and Policy Review Technical Review Committee

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

**President Hooper** questioned which City staff would be assigned to this committee.

**Mayor Barnett** responded that he assumed the same individuals that were previously on this committee would continue. He noted that if an additional administrative staff member is desired, Council just needs to let him know and it will be done.

**Mr. Rosen** stated that he reviewed the spreadsheets that were put together from the Team Building Sessions. He suggested that he, Mr. Webber and Mr. Yalamanchi sit down with the Clerk's Office and sort through this information, figure out what needs to be done, and then proceed with the committee. He commented that it would be nice if three to four members of the public would participate. He believes at least a couple of meetings with the committee will be necessary; possibly up to four.

**President Hooper** identified several ways to solicit public input and participation:

- Place it as a discussion item on a City Council Agenda
- Hold a Town Hall meeting
- Send flyers to the Presidents of Homeowners' Associations

Discussion took place amongst the Council members as to the best way to get the public involved. It was the consensus of Council that the committee would meet and then bring a recommendation to Council. Once Council as a whole was in agreement with what the committee submitted, a meeting would be scheduled in order to obtain public input.

**Mr. Yalamanchi** indicated that the committee would set the end of April as their target date for this process to be completed.

**President Hooper** suggested that Council, at their next meeting, have discussion on the nineteen specific item requests that were ranked by priority and time frame. He requested that Council review these items, paying close attention to the top five, and come prepared to discuss them at their next meeting.

**Mr. Rosen** requested that the Strategic Planning Committee meet to go through these nineteen specific item requests in order to ensure that the process of rating and prioritizing is internally consistent.

**President Hooper** responded that if the committee can meet this week, it would be very helpful. He commented that he wanted to tackle this item next week in order to reach a consensus as to how Council will spend their time.

**Melinda Hill**, 1481 Mill Race, questioned if Council was looking for public input on the strategic plan for the City, or goals and objectives for the budget. She

*inquired whether there were minutes from these Team Building sessions.*

***President Hooper** stated these sessions were for team building and data gathering. The information gathered has been put into a report form which Council has and this same information will be shared with the public.*

**This Matter was Discussed.**

## **ANY OTHER BUSINESS**

*None*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, February 11, 2008 at 7:30 p.m.*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 9:51 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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

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