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Rochester Hills

Minutes

City Council Regular Meeting

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

Monday, March 31, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:31 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
Chief Ron Crowell, Fire Chief/Emergency Management Director
Paul Davis, Water-Operations, City Engineer
Keith Depp, Public Improv. - Drains, Staff Engineer
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
Roger Moore, Public Improv. - Drains, Professional Surveyor
Roger Rousse, Director of D.P.S./Engineering
John Staran, City Attorney
Richard Yoon, Youth Council Representative*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Ambrozaitis, seconded by Webber, to Approve the Agenda as Amended to Add under NOMINATIONS/APPOINTMENTS Legislative File 2008-0146 Request to Confirm the Mayor's reappointment of Michael Powning for a six (6) year term to expire March 31, 2014, the appointment of Tim Jacobson for a six (6) year term to expire March 31, 2014, and the appointment of Dan Casey to fill the vacancy created by C. Neall Schroeder with a term ending December 31, 2009 all to the Economic Development Corp (EDC)

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

PUBLIC COMMENT

Melinda Hill, 1481 Mill Race, reported that the Historic Districts Commission (HDC) had held an Open House Workshop a year prior for owners of properties that were designated historic. She stated that the workshop covered a number of topics and was very well received at that time. She informed Council and the residents that the HDC conducted a survey and learned that residents/property owners were interested in further workshops. She announced that earlier this month, the HDC held a General Maintenance Workshop for owners of historic designated properties. She announced that on April 10, 2008 in the City Hall Auditorium at 7:00 p.m., the HDC will host a Tax Credit Workshop for owners of designated historic properties. She shared that the Mayor had attended the Open House the previous year and the Tax Credit Workshop, and due to popular demand, the HDC is holding it again and encouraged Council Members as well as residents to attend.

Paul Funk, 2176 Rochelle Park, spoke on behalf of The Rochester/Auburn Hills Community Coalition. He announced that on March 6, 2008, this organization held a very successful Youth Dialogue Day and invited City Council and residents of the community to come Tuesday, April 8, 2008 at 7:00 PM at the 52nd 3rd District Court Building for their monthly meeting which will focus on the results of the Youth Dialogue Day. He stated that the analyzed results of the youth and the adult leaders will be shared at that time.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett announced that April 1 marks the beginning of Severe Weather Awareness month and the City will begin testing the tornado sirens on the first Saturday of the month. He stated that there will be some other awareness activities to prepare residents that our City is entering tornado season. He suggested staying tuned to Channels 55 and 10 and the City's Web site for educational tips on being prepared.

Richard Yoon, Rochester Hills Government Youth Council Representative, gave an update on the Youth activities. He announced that this Wednesday, the Youth will be attending Michigan Municipal League (MML) in Lansing and holding a mock council meeting regarding a City's Dress Code. He also stated that they are planning a bowl-a-thon for Relay For Life as well as holding the City's first ever Youth Summit. He thanked the key speakers Mayor Barnett and Copper Rizzo for making time to participate in the Youth Summit. He thanked all of the Directors of the City Departments for actively participating in the project. He also extended thanks to all of the local businesses for their

sponsorship and donations for this event.

Mr. Webber, announced that he and Council Member Yalamanchi will be attending the MML Conference in Lansing. He stated that it will be a great opportunity to talk to the City's neighboring municipal communities and from all over Michigan. He shared that he was looking forward to the networking and sharing of ideas and would report back to Council the following week.

Mr. Pixley, congratulated the recipients of The Statesman Award: Matthew Boyd and Melissa Megerian of Rochester Adams High School and Keriann Ford of Rochester High School as well as The Diplomat Award: Joseph Waltenbaugh and James Hadel both from Rochester Adams High School. He acknowledged the City's District Court Judges for their hard work and support of the individuals who need the extra help with the successful Sobriety Court, thus providing an extra level of protection for the community.

ATTORNEY MATTERS

2008-0149 Adoption of Resolution to Adjourn to Closed Session immediately following the adjournment of the Regular Meeting held Monday, March 31, 2008 at 7:30 p.m. for the purpose of discussing pending arbitration with a collective bargaining agreement, specifically IAFF Local 3472; and to discuss relevant benefit issues.

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

A motion was made by Yalamanchi, seconded by Pixley, 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: RES0065-2008

Resolved that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCLA 15.268, on Monday, March 31, 2008 immediately following the adjournment of the Regular Meeting held at 7:30 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan. The purpose of the Closed Session is to discuss pending arbitration with a collective bargaining agreement, specifically IAFF Local 3472; and to discuss relevant benefit issues.

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.

2008-0147 Approval of Minutes - Special City Council Work Session - August 23, 2007

Attachments: [082307 CC Min Special WS.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0069-2008

Resolved that the Minutes of a Special Rochester Hills City Council Work Session held on August 23, 2007 be approved as presented.

2008-0096 Request for Acceptance of a Watermain Easement granted by The Marketplace of Rochester Hills Parcel G LLC, for Adams Marketplace South-Sanitary and Watermain Extension.

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0070-2008

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by The Marketplace of Rochester Hills Parcel G LLC. 28470 Thirteen Mile Road, Suite 220, Farmington Hills, Michigan 48334, 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. #15-30-302-031.

2008-0097 Request for Acceptance of a Sanitary Sewer Easement granted by The Marketplace of Rochester Hills Parcel A LLC, The Marketplace of Rochester Hills Parcel B LLC, and The Marketplace of Rochester Hills Parcel G LLC, for Adams Marketplace South - Sanitary and Watermain Extension.

Attachments: [Agenda Summary.pdf](#)
[Sanitary Sewer Easement.pdf](#)
[Map.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0071-2008

Resolved that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a Sanitary Sewer Easement granted by The Marketplace of Rochester Hills Parcel A LLC, The Marketplace of Rochester Hills Parcel B LLC, and The Marketplace of Rochester Hills Parcel G LLC, for the construction, operation, maintenance, repair and/or replacement of a Sanitary Sewer Easement over, on, under, through and across land more particularly described as Parcel Nos. 15-30-326-013,

15-30-326-015 and 15-30-302-031.

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

- 2008-0143** Request to Authorize the permit application from the Road Commission for Oakland County (RCOC) for the Memorial Day Parade to be held on Monday, May 26, 2008

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0072-2008

Whereas, the Cities of Rochester Hills and Rochester jointly host the 2008 Greater Rochester Memorial Day Parade, conducted under the sponsorship of various associated veteran organizations; and

Whereas, the parade route begins at 10:00 a.m.; Mt. Avon Cemetery within the City of Rochester and run along First Street, then southerly along Castell Street, then westerly along Harding Road to Livernois Road, and finally Livernois Road southerly to Veterans Pointe Park in the City of Rochester Hills; and

Whereas, staging this event requires closing certain County routes and using others for posted detour routes; and

Whereas, the two Cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Livernois Road and Avon Road.

Be It Resolved that the Rochester Hills City Council authorizes the Mayor or his/her agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures; and

Be It Further Resolved that the parade route be scheduled for Monday, May 26, 2008, starting at 10:00 a.m. on Harding and Livernois Roads; and

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

Be It Further Resolved that a certified copy of this resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan.

- 2008-0144** Request for Purchase Authorization - FIRE: Blanket Purchase Order for Emergency Medical Supplies in the amount not-to-exceed \$64,000.00; J & B Medical Supply Company, Wixom, MI.

Attachments: [Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Discounts Off List.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0073-2008

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to J & B Medical Supply Company, Wixom, Michigan for the purchase of Emergency Medical Supplies in the amount not-to-exceed \$64,000.00 through March 1, 2010.

Passed the Consent Agenda

A motion was made by Webber, seconded by Brennan, 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

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

2008-0015 Request to Amend GSAB *Bylaws and Rules of Procedure*

Attachments: [Agenda Summary.pdf](#)
[022608 Bylaw amendmts - Draft 2.pdf](#)
[Resolution.pdf](#)
011708 Memo re amendmts.pdf
011708 Bylaw amendmts - Draft 1.pdf

Mr. Webber expressed his support for this item. He stated that discussion was needed because of the change from a seven-member board to a nine-member board. He requested that the Chairman of Green Space walk Council through this item to clarify the changes.

Mr. William Windscheif, Chairman, asked if Mr. Webber could be more specific regarding his questions.

Mr. Webber responded that the areas he is requesting additional explanation and clarification are:

- The language in red ink contained in the Green Space Advisory Board (GSAB) Bylaws and Rules of Procedure
- The GSAB's legislative intent
- Further explanation of the objectives in Article 3
- General update of the proposed revisions

Mr. Windscheif explained that as the GSAB was expanded from seven to nine members, the Board discovered some other language revisions and

adjustments were necessary in the Bylaws and the Rules of Procedure to bring these documents in line with the scope and activities of the Board for the last two years. He further explained that no major legislative changes have been made.

***Mr. Paul Funk**, Vice Chair of GSAB, stated that the proposed changes are merely an update and ensuring that the Bylaws are succinct with due process from City Council. He added that previously the Board had not recognized the Youth Council Representative and their valuable contribution as an ad hoc member and revised that as well.*

A motion was made by Webber, seconded by 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: RES0074-2008

Whereas, the Rochester Hills City Council expanded the Green Space Advisory Board (GSAB) from seven (7) to nine (9) voting members at the City Council meeting dated January 7, 2008;

Whereas, the GSAB recommends that City Council stagger the nine (9) member terms so that three (3) members are appointed in a given year for better uniformity;

Whereas, the GSAB Bylaws and Rules of Procedure should be amended in appropriate Articles to reflect the increased members as well as other articles that contain suggested changes;

Now Therefore Be It Resolved, that GSAB recommends that City Council approve the proposed amendments in the GSAB Bylaws and Rules of Procedure as presented.

2008-0148 Request for Approval of Michigan Department of Environmental Quality Canada Goose Nest Destruction and Canada Goose Round-up for Heatherwood

Attachments: [Agenda Summary.pdf](#)
[Request from HOA.pdf](#)
[DNR Letter.pdf](#)
[Nest Destruction Application.pdf](#)
[Round Up Application.pdf](#)
[Resolution.pdf](#)

***Mr. Ambrozaitis** disclosed to the public that this is his subdivision. He urged the importance of this program to solve a severe problem.*

PUBLIC COMMENT:

***Colin McCoy**, 409 Bolinger, offered to explain any areas of this program, if necessary.*

***Mr. Rosen** inquired about the portion of the language that stated nest destruction and round-up, if necessary. He asked who the deciding group is and what is the criteria.*

***Mr. McCoy** responded that the nests are not destroyed and the eggs are*

simply removed. This makes most geese believe there is a predator and they will leave their nests. If the geese do not leave, then the next step is to implement a geese round-up. He is requesting to have this program in their subdivision. The residents would decide as a whole, if after the removal of the eggs and the geese have not vacated their nests, to implement the geese round-up.

Mr. Rosen further inquired about the time frames of these decisions.

Mr. McCoy explained that a geese round-up permit cannot be applied for until June 1st. This is a new process and because the residents are not sure how successful all of this will work, they would like to keep the geese round-up option open. The consultants advised that the egg removal is usually very successful.

Mr. Rosen expressed his concern about the geese round-up.

Mr. McCoy ensured Mr. Rosen that the geese round-up would be the last resort.

Mayor Barnett gave an example of this occurring in the City's past, in 2005. A call was made to that subdivision to inquire if the program had been successful and the leadership of that subdivision expressed the success of this program over the past three years.

A motion was made by Ambrozaitis, seconded by Brennan, 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: RES0075-2008

Resolved that the City of Rochester Hills requests the Michigan Department of Environmental Quality (MDEQA) to allow Heatherwood Village Homeowners Association to conduct a program of Canada Goose Nest Destruction and Canada Goose Round-up for a period of five (5) years.

NOMINATIONS/APPOINTMENTS

2008-0145 Request to Confirm the Mayor's appointments of Gary Nicks and Paul Corneliusen to the Construction/Fire Board of Appeals. Gary Nicks will fill the vacancy of Mark Walterhouse for a three (3) year term to expire December 31, 2009 and Paul Corneliusen will serve a three (3) year term to expire on December 31, 2010.

Attachments: [Agenda Summary.pdf](#)
[Nicks C.Q.pdf](#)
[Corneliusen CQ.pdf](#)
[Resolution.pdf](#)

A motion was made by Pixley, seconded by Webber, that Gary Nicks and Paul Corneliusen be Appointed. The motion CARRIED by the following vote:

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

Enactment No: RES0076-2008

Resolved that the Rochester Hills City Council hereby confirms the Mayor's appointments of Gary Nicks and Paul Corneliusen to the Construction/Fire Board of Appeals. Gary Nicks will fill the vacancy of Mark Waltherhouse for a three (3) year term to expire December 31, 2009 and Paul Corneliusen will serve a three (3) year term to expire on December 31, 2010.

2008-0091 Nomination/Appointment of four (4) Citizen Representatives to the Police and Road Funding Technical Review Committee each for a term to expire December 2008.

Attachments: [Agenda Summary.pdf](#)
[Police and Road Funding TRC Appt Form.pdf](#)
[William Bidwell C.Q.pdf](#)
[Don Cline C.Q.pdf](#)
[John Dalton C.Q.pdf](#)
[Paul Funk C.Q.pdf](#)
[Dale Hetrick C.Q.pdf](#)
[Tim Jacobson C.Q.pdf](#)
[Walter Johnson C.Q.pdf](#)
[Jennifer Stein C.Q.pdf](#)
[David Kibby C.Q.pdf](#)
[Gerald Robbins C.Q.pdf](#)
[Beth Tilove C.Q.pdf](#)
[031708 Agenda Summary.pdf](#)
[031708 Nomination Form.pdf](#)
[Thomas Blackstone C.Q.pdf](#)
[Thomas Neveau C.Q.pdf](#)
[031708 Resolution.pdf](#)
[031008 Agenda Summary.pdf](#)
[031008 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper announced that David Kibby requested to be removed for consideration from this Committee.

Vote #1:

William Bidwell - Mr. Ambrozaitis, Mr. Rosen, Mr. Yalamanchi

Don Cline - Mr. Yalamanchi

John Dalton - Mr. Brennan, Mr. Ambrozaitis, Mr. Pixley, Mr. Rosen, Mr. Webber, President Hooper

Paul Funk - Mr. Brennan, Mr. Ambrozaitis, Mr. Pixley, Mr. Rosen, Mr. Webber, President Hooper

Dale Hetrick - Mr. Pixley, Mr. Rosen, Mr. Webber, President Hooper

Tim Jacobson - Mr. Yalamanchi

Walter Johnson - Mr. Yalamanchi, President Hooper

Gerald Robbins - Mr. Brennan

Jennifer Stein - Mr. Brennan, Mr. Ambrozaitis

Beth Tilove - Mr. Pixley, Mr. Webber

Vote #2:

William Bidwell - Mr. Ambrozaitis, Mr. Rosen, Mr. Yalamanchi

Walter Johnson - President Hooper

Jennifer Stein - Mr. Brennan

Beth Tilove - Mr. Pixley, Mr. Webber

Vote #3:

William Bidwell - Mr. Rosen, Mr. Yalamanchi, Mr. Ambrozaitis

Beth Tilove - Mr. Pixley, Mr. Webber, President Hooper, Mr. Brennan

Mr. Rosen made a quick announcement that the next meeting for the Road and Police Fund will be Thursday, April 3, 2008 at 5:30 p.m. in conference room.

A motion was made by Webber, seconded by Yalamanchi, that John Dalton, Paul Funk, Dale Hetrick and Beth Tilove be Appointed. The motion CARRIED by the following vote:

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

Resolved, that the Rochester Hills City Council appoints John Dalton, Paul Funk, Dale Hetrick and Beth Tilove to the Police and Road Funding Technical Review Committee to serve a term to expire December 2008.

2008-0092 Nomination/Appointment of four (4) Citizen Representatives to the Charter Non-Structural Technical Review Committee each for a term to expire December 2008.

Attachments: [Agenda Summary.pdf](#)
[Charter NonStructural TRC Appt Form.pdf](#)
[Paul Funk C.Q.pdf](#)
[Melinda Hill C.Q.pdf](#)
[Darlene Janulis C.Q.pdf](#)
[Beverly Jasinski C.Q.pdf](#)
[Thomas Neveau C.Q.pdf](#)
[Jennifer Stein C.Q.pdf](#)
[Eric Sturgis C.Q.pdf](#)
[Lee Zendel C.Q.pdf](#)
[Resolution.pdf](#)
[031708 Agenda Summary.pdf](#)
[031708 Nomination Form.pdf](#)
[031708 Resolution.pdf](#)
[031008 Agenda Summary.pdf](#)
[031008 Resolution.pdf](#)

Paul Funk - Mr. Rosen, Mr. Yalamanchi, Mr. Ambrozaitis

Melinda Hill - Mr. Rosen, Mr. Yalamanchi, President Hooper, Mr. Ambrozaitis, Mr. Brennan, Mr. Pixley

Darlene Janulis - Mr. Webber, Mr. Yalamanchi, President Hooper, Mr. Pixley

Beverly Jasinski - Mr. Rosen, Mr. Webber, Mr. Yalamanchi, President Hooper, Mr. Brennan, Mr. Pixley

Thomas Neveau - Mr. Ambrozaitis

Jennifer Stein - Mr. Ambrozaitis

Eric Sturgis - Mr. Webber, President Hooper, Mr. Brennan, Mr. Pixley

Lee Zendel - Mr. Rosen, Mr. Webber, Mr. Brennan

A motion was made by Yalamanchi, seconded by Webber, that Melinda Hill, Darlene Janulis, Beverly Jasinski and Eric Sturgis be Appointed. The motion CARRIED by the following vote:

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

Resolved, that the Rochester Hills City Council appoints Melinda Hill, Darlene Janulis, Beverly Jasinski and Eric Sturgis to the Charter Non-Structural Technical Review Committee to serve a term to expire December 2008.

- 2008-0146** Request to Confirm the Mayor's reappointment of Michael Powning for a six (6) year term to expire March 31, 2014, the appointment of Tim Jacobson for a six (6) year term to expire March 31, 2014, and the appointment of Dan Casey to fill the vacancy created by C. Neall Schroeder with a term ending December 31, 2009 all to the Economic Development Corp (EDC).

Attachments: [Agenda Summary EDC.pdf](#)
[Tim Jacobson CQ.pdf](#)
[Powning C.Q.pdf](#)
[Resolution.pdf](#)

Mr. Yalamanchi inquired about Dan Casey being a staff person and heading the Economic Development Corp (EDC) and questioned if Council and the department should consider bringing another citizen representative to be a member.

Mayor Barnett responded that it is not a requirement referring to the minutes dating back to 1970, the EDC member was always a member of this committee up until the last five years. He further stated that the committee has not met in the last three years; it meets when required and has not been necessary in the past thirty-six months. He explained that the Mayor and the Township Supervisor used to sit on the committee but stated that it was his opinion that Mr. Casey would be appropriate to be a member of this committee. He stated that there is precedence for this, but it is not a requirement.

Mr. Yalamanchi clarified that his concern was for a conflict of interest with Mr.

Casey as a Manager and also being a member of the committee.

Mayor Barnett responded that he had considered that possibility but did not think it would be an issue with the infrequency of the meetings.

A motion was made by Webber, seconded by Pixley, that Michael Powning, Tim Jacobson and Dan Casey be Appointed. The motion CARRIED by the following vote:

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

Enactment No: RES0078-2008

Resolved that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Michael Powning for a six (6) year term to expire March 31, 2014, the appointment of Tim Jacobson for a six (6) year term to expire March 31, 2014, and the appointment of Dan Casey to fill the vacancy created by C. Neall Schroeder with a term ending December 31, 2009 all to the Economic Development Corp (EDC).

NEW BUSINESS

2008-0142 Request for Purchase Authorization - DPS/ENG: Contract for construction engineering services for the East Ferry Drain and John R Road Improvements, Michelson Pump Station and Spencer Park Improvements in the amount of \$547,608.00; Hubbell, Roth & Clark, Inc., Pontiac, MI.

Attachments: [Agenda Summary.pdf](#)
[HRC CE Proposal.pdf](#)
[Resolution.pdf](#)

Paul Davis, City Engineer, introduced the proposal from Hubbell, Roth & Clark, Inc., to supplement the services on the John R road project which includes the Michelson Pump Station, work at Spencer Park, pathways and the watermain. He stated that as a follow-up to the previous meeting he is bringing the consultant's proposal forward to implement inspection on the project for the various work items.

President Hooper inquired if the project would be handled within the City or subcontracted.

Mr. Davis responded that the majority of this work will need to be done through the consultant. He explained further that there are other projects in the near future that had been scheduled for the City's inspectors. He emphasized that his department would like to retain as much of this project in house as possible. He stated that he expects to come before Council with the concrete slab replacement, asphalt road repaving projects and pathway work. He described that his department has three inspectors and expects that they will be very busy with other projects along with this project.

Mr. Yalamanchi inquired if the firm that prepared the drawings for this project, also prepared the initial design work.

Mr. Davis answered that this company was the Design Engineer for this project and also prepared the right-of-way acquisition on the project.

Mr. Yalamanchi further questioned if it was more advantageous to the City to continue to have this firm do the inspection work.

Mr. Davis responded that part of this work will include survey work to lay out the facilities and to ensure that the utilities are installed in the proper places. He went on to explain that there will be survey staking necessary and the benefits of the company doing the layout work being the design company as well.

A motion was made by Yalamanchi, seconded by 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: RES0077-2008

Resolved that the Rochester Hills City Council hereby authorizes a contract to Hubbell, Roth & Clark, Inc., Pontiac, Michigan for construction engineering services for the East Ferry Drain and John R Road Improvements, Michelson Pump Station and Spencer Park Improvements in the amount not-to-exceed \$547,608.00 and authorizes the Mayor to execute the contract on behalf of the City.

2008-0125 Request for Approval of the Floodplain Use Permit for 1345 New Love Lane.

Attachments: [Agenda Summary.pdf](#)
[Site Plan 1.pdf](#)
[Site Plan 2.pdf](#)
[Consent Judgment.pdf](#)
[Floodland Use Permit Application.pdf](#)
[MDEQ Permit.pdf](#)
[FEMA Letter 011008.pdf](#)
[Nowak & Fraus Letter 012108.pdf](#)
[Resolution.pdf](#)

Mr. Paul Davis, City Engineer, requested to speak about Legislative File Numbers 2008-0125, 2008-0126 and 2008-0127 collectively, even though these files are itemized on the Agenda separately. He gave some brief history on this project as having begun in August 2005. He stated that it was brought to his department's attention that some filling was being done on some of the properties on New Love Lane. He further explained that New Love Lane is a short street north of Walton Road and west of Livernois and has approximately six or seven lots that have evolved from what was originally platted. He further stated that the filling that was being done was not being done with issuance from a land improvement permit from his department. He explained that the City does make allowances for some minor landscaping to be completed by homeowners without permits, but this was a significant amount of filling brought in by trailer loads of material being deposited on the property. He described the departments follow-up process including documentation of some of the fill that was occurring, a survey crew was deployed and tried to make an estimate of how much fill was deposited onto the properties. He continued that approximately a year later, one of the owners of the property submitted a plot plan to the Building Department and because the Building Department had been on notice about the fill issue, the request was not processed. He described that a series of meetings ensued thereafter which followed in two directions:

- The fill to be removed from the properties.
- Obtain after the fact, all of the permits that should have been obtained previous to the fill being deposited onto the properties.

Mr. Davis explained that this resulted in three separate consent judgments. He referred to City Attorney Staran's work on the consent judgments with the applicants. He reported on the three properties following on a similar track even though the amounts of fill deposited on the properties was not the same. He further reported that when the applicant followed up with permit applications, these properties were reviewed collectively. He pointed out that the filling operation involved filling in of a floodplain of Sargent Creek which was unapproved, and filling and destruction of an existing wetland that had been previously mitigated by the Department of Environmental Quality (DEQ) back in 1990. He further stated that the floodplain use would normally require a permit from City Council and this is what has been presented before Council this evening. He explained that Mr. Joe Gruits representing Lots 20 and 21 and also Lots 17 and 18A; Mr. Ronald Radcliffe and his wife Mrs. Patricia Radcliffe are here to answer any questions, as well as the Engineer, Mr. Jeffrey J. Huhta from Nowak & Fraus who had prepared their plans. He further explained that during the process of the permit applications, the owners had obtained their conditional letter, a MAC revision from FEMA and had obtained the Michigan Department Environmental Quality permit to allow the various cuts and fills on the property. He described how his department generally waits for the permits to be in hand before they take action and talked about how Mr. and Mrs. Radcliffe have obtained a soil erosion permit from the County and stated that they are on their way to satisfying the needs for issuance of a land improvement permit, which is ultimately going to be needed on the properties.

Mr. Davis explained that all of these properties are hoping to obtain flood use permits this evening because of the collective nature and the reviews received by the City and the DEQ. He pointed out that the 1331 New Love Lane, on Lots 20 and 21, included two drawings, very similar in plan view appearance but also indicate a proposed building addition to an existing home. He also indicated the floodway line that is identified on the drawing. He described a floodplain as a larger area which would be used for storing water from the one hundred year design storm. He further explained that the floodway line is the traveling water that is carrying out the design event. He stated that although there were flood use permits to fill in, it is not generally part of the moving flow during the design event and noticed that a proposed corner of the building is right on the floodway line. The existing home is pretty close to it in his opinion but the proposed addition is not only bringing it closer, but bringing the proposed corner of the home on the floodway. He explained that this is the basis for his denial of the floodplain use permit on that property. It is his understanding that Mr. Gruits' plan is to begin with Lots 17 and 18A and eventually build this addition on Lots 20 and 21. He clarified that the Engineering Department in no way supports and does not want to indicate any agreement with the intent of the future home addition on Lots 20 and 21 being brought closer to the floodway line.

COUNCIL DISCUSSION:

Mr. Brennan commented that it seemed like the City was on quite an odyssey with this whole experience. He requested further explanation of the environmental cost of this development.

Mr. Roger Rouse, Director of D.P.S./Engineering responded that he assesses this in two areas, the economic cost and the environmental cost. He further explained that these costs are high because the staff has spent hundreds of hours collecting data, examining the area, meeting with the residents, meeting with the code enforcement; all unrecoverable costs. This was done to reach an agreement to correct some filling that was placed in the floodplain because the capacity of the floodplain had been compromised. He further indicated that all efforts since the beginning were to get compliance with the ordinance, and all state and federal regulations. He described this as a very small development and percentage of land with very few residents on it. He listed some of the unrecoverable costs of the type of property and explained that there is always a drainage issue in floodplain areas. He explained that the road was planned to be replaced back in 2002 and the residents were concerned about the cost. He mentioned this property is the perfect example of why not to build on or near wetlands.

Mr. Brennan asked if any of the residents in this area have complained regarding the drainage problems.

Mr. Rouse further described that this property is almost a bowl shape and described that all the surrounding properties seem to drain into this area and there are always ongoing drainage issues.

PUBLIC COMMENT:

Mr. Jeff Huhta, Engineer, Nowak & Fraus, stated that his firm became involved after the City of Rochester Hills put this project into a consent judgment. He described the diligent work with the owners and City staff to develop a program that would accomplish everyone's goals in rectifying the conditions from the situation that occurred on this property. He described going through the appropriate permitting process and obtaining the MDEQ permit; and also obtaining the conditional letter of map revision through FEMA. He further stated some ongoing issues with this project within the drainage district itself and as it relates to 1345 New Love Lane, which is at the end of the block. He commented that it is in conjunction with the restoration of what the property originally was, including the reestablishment of wetland boundaries. He stated a wetland mitigation plan is also included in this project.

COUNCIL DISCUSSION:

Mr. Rosen recalled his memories of New Love Lane and the drainage problems going back to his very first orientation session on the Planning Commission around 1990. He referred to the old adage that it is easier to ask forgiveness than to get permission. He is concerned that after years of frustration, the fill was done improperly and forced the City into a position of having to compromise. He also stated that he is not inclined to look favorably on the two

approvals even though they are part of the consent judgment. He inquired if the consent judgment ever came before City Council.

City Attorney Staran clarified that the consent judgments are from District Court and the result of the tickets issued. He further stated that this was how it was resolved that the site would be brought into compliance and did not arise from litigation that had been filed against the City.

President Hooper then asked if the City is achieving what it would have achieved if the applicant had followed proper procedure from day one.

Mr. Davis concurred with Mr. Rosen's comment regarding asking for forgiveness rather than for permission. He stated that the City would like to encourage the residents to follow the ordinances and procedures. He stated that these properties are now following the process that should have been done in the first place. He further stated that there were no guaranties that MDEQ and FEMA were going to grant these permits.

Mr. Yalamanchi inquired about the erosion issues since then.

Mr. Davis stated that an erosion permit had been obtained and silt vents installed. He explained that he believes the sites have had time to settle and establish themselves with vegetation.

Mr. Yalamanchi asked when the filling was done.

Mr. Davis stated that the filling was done in August of 2005.

Mr. Yalamanchi questioned if the applicant of the project with the proposed addition were to change their mind and not do the addition, would the department reconsider the denial.

Mr. Davis responded that this would be the very least that he would expect. He stated that his concern is that the floodplain work and the wetland reestablishment be done right away. He further elaborated that this needs to occur on all three parcels before anything else can be done or considered. He explained that regarding the building addition, that there is not implied approval associated with that addition. He stated that the projects are obligated to go through other review steps including recommendation which could be conditioned upon the following milestone dates:

- The cut and fill for the wetlands.
- Putting a sunset date on the homes.

Mr. Yalamanchi expressed concern about the City's future liability regarding the building of homes on these properties.

City Attorney Staran said there is no required approval by City Council.

Mr. Yalamanchi directed Mr. Davis that if these projects should move forward, that he would like to see the two conditions that Mr. Davis had articulated to be part

of the resolution. He then questioned if the City asks if property owners in a floodplain zone and if they are carrying the proper floodplain insurance.

Mr. Rousse stated that this mandate is by FEMA and if there are any buildings in those floodplain designated areas, then the FEMA provisions permit has the flood insurance requirements but not until the buildings are completed.

Mr. Huhta stated it was his opinion that the hold up in the agreement is the proposed building addition shown on the plot plan. He stated that the picture of the building addition was merely in support of obtaining the necessary permits from the MDEQ and the letter of map revision. He reiterated that at this time there is no plan to construct a building addition or plans being developed.

Mr. Pixley commended the Department in the handling of this matter. He stated that he is familiar with the property. He shared his concurrence with the denial of the 1331 New Love Lane property because of the flooding issue and the proximity of the wetland.

Mr. Webber commended the staff for their hard work. He stated that he is also inclined to support the recommendations. He inquired about the procedure or process if there is a denial.

Mr. Davis apologized for not making it clear. He explained that had the home located at 1331 New Love Lane had been shown without the proposed addition, he would have very likely recommended approval. He stated that he reviewed the information that was submitted and because the proposed addition was included, he further stated that he wanted to make it perfectly clear that the home addition would not be approved. He explained that the proposed addition is too close to the floodway line. He made it clear that the Engineering Department does not support the building addition.

Mr. Rosen asked Mr. Davis and Mr. Rousse if floodplain fill permission has ever been applied for at the City or State level in the past for these properties.

Mr. Davis responded that in the past, Mr. Gruits went through the approval process, obtained around 1990 for a home existing on the cul-de-sac, mitigated wetland, in order to fill some of the floodplain and to replace some of the wetland.

Mr. Rosen inquired if the end result with FEMA and MDEQ would have been the same if the floodplains had not been filled.

Mr. Davis asked for clarification.

Mr. Rosen clarified absent any fill would these properties have gotten wetland permits or alternatively, because of the fill, did they receive permits they might not have gotten.

Mr. Davis stated that the proposed plan requires for the re-establishment of the wetland and is not to permit any additional wetland to be mitigated or destroyed.

President Hooper stated that there are MDEQ permits and a letter of map

revision on the first two lots.

Mr. Davis stated that as Mr. Huhta presented, this is a platted subdivision and the expectation is to be able to construct a home on a platted lot.

A motion was made by Yalamanchi, seconded by Webber, 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: RES0066-2008

Whereas, the property owner at 1345 New Love Lane, Patricia Radcliffe, is the applicant for a Floodplain Use Permit and;

Whereas, the Department of Public Service/Engineering Services has recommended approval of the Floodplain Use Permit application as submitted and;

Now Therefore Be It Resolved, that the Rochester Hills City Council finds, after reviewing supporting documentation, that the recommendation of the Department of Public Services, and all the factors outlined for consideration in Chapter 114, Article III, Division 2, Section 114 - 159, as submitted by Patricia Radcliffe, for approval of the permit application is consistent with the public's health, safety, and welfare, and authorizes the Mayor to issue the permit on behalf of the City of Rochester Hills with one condition as the establishment of floodplain, wetland limits and vegetation shall be by November 15, 2008.

2008-0126 Request for Approval of the Floodplain Use Permit for 1359 New Love Lane.

Attachments: [Agenda Summary.pdf](#)
[Site Plan 1.pdf](#)
[Site Plan 2.pdf](#)
[Davis Memo 011607.pdf](#)
[Floodland Use Permit Application.pdf](#)
[MDEQ Permit.pdf](#)
[Nowak & Fraus Letter 012108.pdf](#)
[FEMA Letter 021408.pdf](#)
[Resolution.pdf](#)

A motion was made by Yalamanchi, seconded by Webber, 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: RES0067-2008

Whereas, the property owner at 1359 New Love Lane, Joe Gruits, is the applicant for a Floodplain Use Permit and;

Whereas, the Department of Public Service/Engineering Services has recommended approval of the Floodplain Use Permit application as submitted and;

Now Therefore Be It Resolved, that the Rochester Hills City Council finds, after reviewing

supporting documentation, that the recommendation of the Department of Public Services, and all the factors outlined for consideration in Chapter 114, Article III, Division 2, Section 114 - 159, as submitted by Joe Gruits, for approval of the permit application is consistent with the public's health, safety, and welfare, and authorizes the Mayor to issue the permit on behalf of the City of Rochester Hills with one condition as the establishment of flood plain, wetland limits and vegetation shall be by November 15, 2008.

2008-0127 Request for Denial of the Floodplain Use Permit for 1331 New Love Lane.

Attachments: [Agenda Summary.pdf](#)
[Site Plan 1.pdf](#)
[Site Plan 2.pdf](#)
[Consent Judgment.pdf](#)
[Floodway Use Permit Application.pdf](#)
[MDEQ Permit.pdf](#)
[Nowak & Fraus Letter 012108.pdf](#)
[FEMA Letter 021408.pdf](#)
[Resolution.pdf](#)

PUBLIC COMMENTS:

Mr. Jeff Huhta, Engineer, Nowak & Fraus, spoke regarding the request for approval because of the re-establishment of the floodplain and wetlands would be rectified and handled along with the previous two properties.

Mr. Gruits, 1350 New Love Lane, stated that he is not intending to take up City Council time and if it is denied, he will bring it before City Council again. He spoke about the existing house and explained that there were no problems until Great Oaks was developed. He stated his intent is to clarify the floodplain boundary. He explained that the residence did have a couple of feet of water but he does have floodplain insurance. He further explained that the requirement is to be two feet above the flood plain elevation. He stated that he would modify the plan to show the possible addition in a different configuration with a specific line for the flood plain so it does not have to be addressed again in the future.

Mr. Rousse stated his concern about the environmentally sensitive area and requested that Mr. Gruits come back with his verbal changes in writing.

A motion was made by Rosen, seconded by Pixley, 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: RES0068-2008

Whereas, the property owner at 1331 New Love Lane, Joe Gruits, is the applicant for a Floodplain Use Permit and;

Whereas, the Department of Public Service/Engineering Services has recommended denial of the Floodplain Use Permit application as submitted and;

Now Therefore Be It Resolved, that the Rochester Hills City Council finds, after reviewing supporting documentation, that the recommendation of the Department of Public Services, and all the factors outlined for consideration in Chapter 114, Article III, Division 2, Section 114 - 159, as submitted by Joe Gruits, issues denial of the permit application.

(RECESS AT 9:06 P.M. TO 9:16 P.M.)

2008-0141 Request to Adopt the Amended Engineering Design Standards and Detail Sheets.

Attachments: [Agenda Summary.pdf](#)
[Agg Base Letter 4-08.pdf](#)
[CC Questions.pdf](#)
[Hooper Comments.pdf](#)
[Webber Comments.pdf](#)
[Resolution.pdf](#)
[Eng Stds Cover.pdf](#)
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[Eng Stds Chap 10.pdf](#)
[Eng Stds Chap 11.pdf](#)
[Watermain 1.pdf](#)
[Watermain 2.pdf](#)
[Sanitary 1.pdf](#)
[Sanitary 2.pdf](#)
[Storm 1.pdf](#)
[033108 Agenda Summary.pdf](#)
[033108 Resolution.pdf](#)

Mr. Paul Davis, City Engineer, gave a Powerpoint presentation to explain the proposed amendment to the Stormwater Management Standards as follows:

- Stormwater is the water that runs off of our rooftops, roads, parking lots, driveways, sidewalks and lawns. Typically this runoff enters our lakes and streams without treatment.

Stormwater creates the following problems:

- Pollutants such as dirt, oils, metals, salts, animal waste, fertilizers, pesticides and dirt from construction sites fall on paved surfaces and lawns
- This runoff enters the storm drain
- Storm drain discharges to waterway resulting in water quality problems and impairment of aesthetic and recreational values

The reasons for the changes proposed to the existing standards are as follows:

- The EPA's NPDES Phase II program requires us to improve the quality of the nations streams, rivers, and lakes by managing stormwater runoff
- To better protect our natural resources

The proposed changes are as follows:

- Volume reduction - means reducing the volume of runoff generated from impervious surfaces by infiltrating or reusing a portion of the stormwater - we propose that all storms up to half inch be captured and utilized on-site
- Water quality - means removing a portion of pollutants from stormwater - we propose that all storms up to half inch be treated to remove eighty percent of sediment
- Channel protection - means discharging smaller storms over a longer period of time to protect receiving streams from erosion related problems - we propose that the one year, twenty-four hour storm be detained for not less than twenty-four nor more than forty-eight hours
- Flood control - means protecting city residents and neighboring communities from flooding - we propose to modify our existing standards from the ten year volume to the twenty-five year volume

In Conclusion:

- All the proposed changes meet a component of the EPA's Phase II rule
- We would like to have another presentation to further describe the Phase II rule
- If adopted, these standards are one section (stormwater management) within the engineering standards

It was the general consensus of Council to postpone adoption of this resolution until they obtain a better understanding, in part because Mr. Davis stated that the department is updating its standards.

President Hooper concluded the presentation with Council Members submitting their questions to Mr. Davis and that approval of this item be postponed to a later date.

This matter was Discussed

Whereas, the Rochester Hills City Council adopted the existing engineering design standards and specifications in February 2003. Materials and installation methods have since changed; and

Whereas, the Storm Water Management standards were completely rewritten in order to comply with the National Pollutant Discharge Elimination System (NPDES) Phase II rule; and

Whereas, other engineering design sections were reviewed and changes are proposed per the Engineering staff; and

Whereas, if a site plan is currently under review and is technically compliant, it will be grandfathered into the previously approved Design Standards; and

Whereas, future site plan submissions will be expected to follow the updated standards immediately after formal acceptance by City Council; and

Whereas, the Department of Public Service recommends that the Rochester Hills City

Council adopt the proposed amendment of Engineering Design Standards and Detail Sheets; and

Now Therefore Be It Resolved that the Rochester Hills City Council adopts the Engineering Design Standards and Detail Sheets to become effective immediately.

COUNCIL COMMITTEE REPORTS

ZONING/SIGN BOARD OF APPEALS

Mr. Brennan reported on the Technical Rewriting for the Zoning Ordinances. He stated they met for three and a half hours the other night and noted that some improvements are being made.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

- Monday, April 7, 2008, 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:35 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*CHRISTINE A. WISSBRUN
Administrative Secretary
City Clerk's Office*

Approved as presented at the June 9, 2008 Regular City Council Meeting.